



सत्यमेव जयते



COMPENDIUM OF

Biological Diversity Act, 2002
Biological Diversity Rules, 2004
Tamil Nadu Biological Diversity
Rules, 2017 and
Other Notifications



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The Biological Diversity Act, 2002



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**EXTRAORDINARY
PART II - SECTION 1
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**MINISTRY OF LAW AND JUSTICE
(Legislative Department)**

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

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

THE BIOLOGICAL DIVERSITY ACT, 2002

No. 18 of 2003

[5th February, 2003]

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

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

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

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

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

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

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

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

CHAPTER - I PRELIMINARY

Short title, extent and commencement

1. (1) This Act may be called the Biological Diversity Act, 2002.
(2) It extends to the whole of India.
(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint:

Provided that different dates may be appointed for different provisions of this Act and any reference in any such provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.

Definitions

2. In this Act, unless the context otherwise requires,-
 - (a) "benefit claimers" means the conservers of biological resources, their byproducts, creators and holders of knowledge and information relating to the use of such biological resources, innovations and practices associated with such use and application;
 - (b) "biological diversity" means the variability among living organisms from all sources and the ecological complexes of which they are part and includes diversity within species or between species and of eco-systems;
 - (c) "biological resources" means plants, animals and micro-organisms or parts thereof, their genetic material and by-products (excluding value added products) with actual or potential use or value, but does not include human genetic material;

- (d) “bio-survey and bio-utilization” means survey or collection of species, subspecies, genes, components and extracts of biological resource for any purpose and includes characterisation, inventorisation and bioassay;
- (e) “Chairperson” means the Chairperson of the National Biodiversity Authority or, as the case may be, of the State Biodiversity Board;
- (f) “commercial utilization” means end uses of biological resources for commercial utilization such as drugs, industrial enzymes, food flavours, fragrance, cosmetics, emulsifiers, oleoresins, colours, extracts and genes used for improving crops and livestock through genetic intervention, but does not include conventional breeding or traditional practices in use in any agriculture, horticulture, poultry, dairy farming, animal husbandry or bee keeping;
- (g) “fair and equitable benefit sharing” means sharing of benefits as determined by the National Biodiversity Authority under section 21;
- (h) “local bodies” means Panchayats and Municipalities, by whatever name called, within the meaning of clause (1) of article 243B and clause (1) of article 243Q of the Constitution and in the absence of any Panchayats or Municipalities, institutions of self- government constituted under any other provision of the Constitution or any Central Act or State Act;
- (i) “member” means a member of the National Biodiversity Authority or a State Biodiversity Board and includes the Chairperson;
- (j) “National Biodiversity Authority” means the National Biodiversity Authority established under section 8;
- (k) “prescribed” means prescribed by rules made under this Act;
- (l) “regulations” means regulations made under this Act;
- (m) “research” means study or systematic investigation of any biological resource or technological application, that uses biological systems, living organisms or derivatives thereof to make or modify products or processes for any use;
- (n) “State Biodiversity Board” means the State Biodiversity Board established under section 22;
- (o) “sustainable use” means the use of components of biological diversity in such manner and at such rate that does not lead to the long-term decline of the biological diversity thereby maintaining its

potential to meet the needs and aspirations of present and future generations;

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

CHAPTER - II REGULATION OF ACCESS TO BIOLOGICAL DIVERSITY

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

43 of 1961

3. (1) No person referred to in sub-section (2) shall, without previous approval of the National Biodiversity Authority, obtain any biological resource occurring in India or knowledge associated thereto for research or for commercial utilization or for bio-survey and bio-utilization.
- (2) The persons who shall be required to take the approval of the National Biodiversity Authority under sub-section (1) are the following, namely:-
- (a) a person who is not a citizen of India;
 - (b) a citizen of India, who is a non-resident as defined in clause (30) of section 2 of the Income-tax Act, 1961;
 - (c) a body corporate, association or organization-
 - (i) not incorporated or registered in India; or
 - (ii) incorporated or registered in India under any law for the time being in force which has any non-Indian participation in its share capital or management.

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

43 of 1961

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.
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

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

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

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 vaidas 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 Homeopathy;
 - (vi) Science and Technology;
 - (vii) Scientific and Industrial Research;
- (d) five non-official members to be appointed from amongst specialists and scientists having special knowledge of, or experience in, matters relating to conservation of biological diversity, sustainable use of biological resources and equitable sharing of benefits arising out of the use of biological resources, representatives of industry, conservers, creators and knowledge-holders of biological resources.
9. The term of office and conditions of service of the Chairperson and the other members other than ex officio members of the National Biodiversity Authority shall be such as may be prescribed by the Central Government.
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.
11. The Central Government may remove from the National Biodiversity Authority any member who, in its opinion, has –
- (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.

**Conditions
of service of
Chairperson
and members**

**Chairperson to be
Chief executive of
National Biodiversity
Authority**

**Removal of
members**

**Meetings
of National
Biodiversity
Authority**

12. (1) The National Biodiversity Authority shall meet at such time and place and shall observe such rules of procedure in regard to the transaction of business at its meetings (including the quorum at its meetings) as may be prescribed.
- (2) The Chairperson of the National Biodiversity Authority shall preside at the meetings of the National Biodiversity Authority.
- (3) If for any reason the Chairperson is unable to attend any meeting of the National Biodiversity Authority, any member of the National Biodiversity Authority chosen by the members present at the meeting shall preside at the meeting.
- (4) All questions which come before any meeting of the National Biodiversity Authority shall be decided by a majority of votes of the members present and voting and in the event of equality of votes, the Chairperson or, in his absence, the person presiding, shall have and exercise a second or casting vote.
- (5) Every member who is in any way, whether directly, indirectly or personally, concerned or interested in a matter to be decided at the meeting shall disclose the nature of his concern or interest and after such disclosure, the member concerned or interested shall not attend that meeting.
- (6) No act or proceeding of the National Biodiversity Authority shall be invalidated merely by reason of :-
- (a) any vacancy in, or any defect in the constitution of, the National Biodiversity Authority; or
 - (b) any defect in the appointment of a person acting as a member; or
 - (c) any irregularity in the procedure of the National Biodiversity Authority not affecting the merits of the case.

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

Officers and employees of National Biodiversity Authority

Authentication of orders and decisions of National Biodiversity Authority

Delegation of powers

Expenses of National Biodiversity Authority to 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 utilization of biological resources;
 - (b) advise the State Governments in the selection of areas of biodiversity importance to be notified under sub-section (1) of section 37 as heritage sites and measures for the management of such heritage sites;
 - (c) perform such other functions as may be necessary to carry out the provisions of this Act.
- (4) The National Biodiversity Authority may, on behalf of the Central Government, take any measures necessary to oppose the grant of intellectual property rights in any country outside India on any biological resource obtained from India or knowledge associated with such biological resource which is derived from India.

CHAPTER - V

APPROVAL BY THE NATIONAL BIODIVERSITY AUTHORITY

Approval by National Biodiversity Authority for undertaking certain activities

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

- (2) Any person who intends to apply for a patent or any other form of intellectual property protection whether in India or outside India referred to in sub-section (1) of section 6, may make an application in such form and in such manner as may be prescribed to the National Biodiversity Authority.
 - (3) On receipt of an application under sub-section (1) or sub-section (2), the National Biodiversity Authority may, after making such enquiries as it may deem fit and if necessary after consulting an expert committee constituted for this purpose, by order, grant approval subject to any regulations made in this behalf and subject to such terms and conditions as it may deem fit, including the imposition of charges by way of royalty or for reasons to be recorded in writing, reject the application:
Provided that no such order for rejection shall be made without giving an opportunity of being heard to the person affected.
 - (4) The National Biodiversity Authority shall give public notice of every approval granted by it under this section.
20. (1) No person who has been granted approval under section 19 shall transfer any biological resource or knowledge associated thereto which is the subject matter of the said approval except with the permission of the National Biodiversity Authority.
- (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.

**Transfer of
biological
resource or
knowledge**

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-utilization;
 - (e) setting up of venture capital fund for aiding the cause of benefit claimers;
 - (f) payment of monetary compensation and other non-monetary benefits to the benefit claimers as the National Biodiversity Authority may deem fit.
- (3) Where any amount of money is ordered by way of benefit sharing, the National Biodiversity Authority may direct the amount to be deposited in the National Biodiversity Fund:
Provided that where biological resource or knowledge was a result of access from specific individual or group of individuals or organisations, the National Biodiversity Authority may direct that the amount shall be paid directly to such individual or group of individuals or organisations in accordance with the terms of any agreement and in such manner as it deems fit.
- (4) For the purposes of this section, the National Biodiversity Authority shall, in consultation with the Central Government, by regulations, frame guidelines.

CHAPTER - VI

STATE BIODIVERSITY BOARD

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.

**Functions
of State
Biodiversity
Board**

23. The functions of the State Biodiversity Board shall be to-
- (a) advise the State Government, subject to any guidelines issued by the Central Government, on matters relating to the conservation of biodiversity, sustainable use of its components and equitable sharing of the benefits arising out of the utilisation of biological resources;
 - (b) regulate by granting of approvals or otherwise requests for commercial utilization or bio-survey and bio-utilization of any biological resource by Indians;
 - (c) perform such other functions as may be necessary to carry out the provisions of this Act or as may be prescribed by the State Government.

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

24. (1) Any citizen of India or a body corporate, organization or association registered in India intending to undertake any activity referred to in section 7 shall give prior intimation in such form as may be prescribed by the State Government to the State Biodiversity Board.
- (2) On receipt of an intimation under sub-section (1), the State Biodiversity Board may, in consultation with the local bodies concerned and after making such enquires as it may deem fit, by order, prohibit or restrict any such activity if it is of opinion that such activity is detrimental or contrary to the objectives of conservation and sustainable use of biodiversity or equitable sharing of benefits arising out of such activity:
Provided that no such order shall be made without giving an opportunity of being heard to the person affected.
- (3) Any information given in the form referred to in sub-section (1) for prior intimation shall be kept confidential and shall not be disclosed, either intentionally or unintentionally, to any person not concerned thereto.

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

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:-
- (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

26. The Central Government may, after due appropriation made by Parliament by law in this behalf, pay to the National Biodiversity Authority by way of grants or loans such sums of money as the Central Government may think fit for being utilized for the purposes of this Act.
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.
28. The National Biodiversity Authority shall prepare, in such form and at such time each financial year as may be prescribed, its annual report, giving a full account of its activities during the previous financial year and furnish, to the Central Government, before such date as may be prescribed, its audited copy of accounts together with auditor's report thereon.
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

Grants or loans by the Central Government

Constitution of National Biodiversity Fund

Annual report of National Biodiversity Authority

Budget, accounts and audit

with such audit shall be payable by the National Biodiversity Authority to the Comptroller and Auditor-General of India.

- (3) The Comptroller and Auditor-General of India and any other person appointed by him in connection with the audit of the accounts of the National Biodiversity Authority shall have the same rights and privileges and authority in connection with such audit as the Comptroller and Auditor-General generally has in connection with the audit of the Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the National Biodiversity Authority .
- (4) The accounts of the National Biodiversity Authority as certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf together with the audit report thereon shall be forwarded annually to the Central Government.

**Annual report to
be laid before
Parliament**

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

CHAPTER - VIII FINANCE, ACCOUNTS AND AUDIT OF STATE BIODIVERSITY BOARD

**Grants of
money by State
Government to
State Biodiversity
Board**

31. The State Government may, after due appropriation made by the State Legislature by law in this behalf, pay to the State Biodiversity Board by way of grants or loans such sums of money as the State Government may think fit for being utilized for the purposes of this Act.

**Constitution
of State
Biodiversity
Fund**

32. (1) There shall be constituted a Fund to be called the State Biodiversity Fund and there shall be credited thereto-
 - (a) any grants and loans made to the State Biodiversity Board under section 31 ;
 - (b) any grants or loans made by the National Biodiversity Authority;
 - (c) all sums received by the State Biodiversity Board from such other sources as may be decided upon by the State Government.
- (2) The State Biodiversity Fund shall be applied for –
 - (a) the management and conservation of heritage sites;

- (b) compensating or rehabilitating any section of the people economically affected by notification under sub-section (1) of section 37;
 - (c) conservation and promotion of biological resources;
 - (d) socio-economic development of areas from where such biological resources or knowledge associated thereto has been accessed subject to any order made under section 24, in consultation with the local bodies concerned;
 - (e) meeting the expenses incurred for the purposes authorised by this Act.
33. The State Biodiversity Board shall prepare, in such form and at such time in each financial year as may be prescribed, its annual report, giving a full account of its activities during the previous financial year, and submit a copy thereof to the State Government.
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 .
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**

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

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

CHAPTER - IX

DUTIES OF THE CENTRAL AND THE STATE GOVERNMENTS

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

36. (1) The Central Government shall develop national strategies, plans, programmes for the conservation and promotion and sustainable use of biological diversity including measures for identification and monitoring of areas rich in biological resources, promotion of in situ, and ex situ, conservation of biological resources, incentives for research, training and public education to increase awareness with respect to biodiversity .
- (2) Where the Central Government has reason to believe that any area rich in biological diversity, biological resources and their habitats is being threatened by overuse, abuse or neglect, it shall issue directives to the concerned State Government to take immediate ameliorative measures, offering such State Government any technical and other assistance that is possible to be provided or needed.
- (3) The Central Government shall, as far as practicable wherever it deems appropriate, integrate the conservation, promotion and sustainable use of biological diversity into relevant sectoral or cross-sectoral plans, programmes and policies.
- (4) The Central Government shall undertake measures,—
- (i) wherever necessary, for assessment of environmental impact of that project which is likely to have adverse effect on biological diversity, with a view to avoid or minimize such effects and where appropriate provide for public participation in such assessment;
 - (ii) to regulate, manage or control the risks associated with the use and release of living modified organisms resulting from biotechnology likely to have adverse impact on the conservation and sustainable use of biological diversity and human health.
- (5) The Central Government shall endeavour to respect and protect the knowledge of local people relating to biological diversity, as recommended by the National Biodiversity Authority through such measures, which may include registration of such knowledge at the local, State or national levels, and other measures for protection, including sui generis system.

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

- (a) “ex situ conservation” means the conservation of components of biological diversity outside their natural habitats;

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

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.

Biodiversity heritage sites

(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.

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 notify threatened species

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.

Power of Central Government to designate repositories

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

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

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

Power of Central Government to exempt certain biological resources

CHAPTER - X

BIODIVERSITY MANAGEMENT COMMITTEES

Constitution of Biodiversity Management Committees

41. (1) Every local body shall constitute a Biodiversity Management Committee within its area for the purpose of promoting conservation, sustainable use and documentation of biological diversity including preservation of habitats, conservation of land races, folk varieties and cultivars, domesticated stocks and breeds of animals and microorganisms and chronicling of knowledge relating to biological diversity.

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

Grants to Local Biodiversity Fund

42. The State Government may, after due appropriation made by State Legislature by law in this behalf, pay to the Local Biodiversity Funds by way of grants or loans such sums of money as the State Government may think fit for being utilized for the purposes of this Act.
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-

- (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.

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

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

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.

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.

Constitution of Local Biodiversity Fund

Application of Local Biodiversity Fund

Annual Report of Biodiversity Management Committees

Audit of accounts of Biodiversity Management Committees

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

CHAPTER - XII MISCELLANEOUS

National Biodiversity Authority to be bound by the directions given by Central Government

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

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

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

Power of State Government to give directions

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

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

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

Settlement of disputes between State Biodiversity Boards

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

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

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

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

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

- (5) While adjudicating any dispute under sub-section (4), the National Biodiversity Authority shall be guided by the principles of natural

justice and shall follow such procedure as may be prescribed by the Central Government.

- (6) The National Biodiversity Authority shall have, for the purposes of discharging its functions under this section, the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 in respect of the following matters, namely:—
- (a) summoning and enforcing the attendance of any person and examining him on oath;
 - (b) requiring the discovery and production of documents;
 - (c) receiving evidence on affidavits;
 - (d) issuing commissions for the examination of witnesses or documents;
 - (e) reviewing its decisions; 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.

5 of 1908

- (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 XXV1 of the Code of Criminal Procedure, 1973.

45 of 1860

2 of 1974

51. All members, officers and other employees of the National Biodiversity Authority or the State Biodiversity Board shall be deemed, when acting or purporting to act in pursuance of any of the provisions of this Act, to be public servants within the meaning of section 21 of the Indian Penal Code.

45 of 1860

**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:

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.

Appeal

¹[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.

Appeal to National Green Tribunal

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

Execution of determination or order

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.

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

Protection of action taken in good faith

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.

Penalties

55. (1) Whoever contravenes or attempts to contravene or abets the contravention of the provisions of section 3 or section 4 or section 6 shall be punishable with imprisonment for a term which may extend

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

to five years, or with fine which may extend to ten lakh rupees and where the damage caused exceeds ten lakh rupees such fine may commensurate with the damage caused, or with both.

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

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.

Penalty for contravention of directions or orders of Central Government, State Government, National Biodiversity Authority and State Biodiversity Boards

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:

Offences by Companies

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,—

Offences to be cognizable and non-bailable

- (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.

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.

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

Power of State Government to make rules

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

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

- (a) terms and conditions of service of the Chairperson and members under section 9;
- (b) powers and duties of the Chairperson under section 10;
- (c) procedure under sub-section (1) of section 12 in regard to transaction of business at meetings;
- (d) form of application and payment of fees for undertaking certain activities under sub-section (1) of section 19;
- (e) the form and manner of making an application under sub-section (2) of section 19;
- (f) form of application and the manner for transfer of biological resource or knowledge under sub-section (2) of section 20;
- (g) form in which, and the time of each financial year at which, the annual report of the National Biodiversity Authority shall be prepared and the date before which its audited copy of

accounts together with auditor's report thereon shall be furnished under section 28;

- (h) form in which the annual statement of account shall be prepared under subsection (1) of section 29;
 - (i) the time within which and the form in which, an appeal may be preferred, the procedure for disposing of an appeal and the procedure for adjudication, under section 50;
 - (j) the additional matter in which the National Biodiversity Authority may exercise powers of the civil court under clause (h) of sub-section (6) of section 50;
 - (k) the manner of giving notice under clause (b) of section 61;
 - (l) any other matter which is to be, or may be, prescribed, or in respect of which provision is to be made, by rules.
- (3) Every rule made under this section and every regulation made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or regulation or both Houses agree that the rule or regulation should not be made, the rule or regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation.
63. (1) The State Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.
- (2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:
- (a) the other functions to be performed by the State Biodiversity Board under clause (c) of section 23;
 - (b) the form in which the prior intimation shall be given under sub-section (1) of section 24;
 - (c) the form in which, and the time of each financial year at which, the annual report shall be prepared under section 33;
 - (d) the manner of maintaining and auditing the accounts of the State Biodiversity Board and the date before which its audited

Power of Central Government to make rules

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

Secretary to the Government of India

The Biological Diversity Rules, 2004

MINISTRY OF ENVIRONMENT AND FORESTS

NOTIFICATION

New Delhi, the 15th April, 2004

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

1. Short title and commencement

(1) These rules may be called the Biological Diversity Rules, 2004.

(2) Thus shall come into force on 15th April, 2004.

2. Definitions

In these rules, unless the context otherwise requires, -

- (a) "Act" means the Biological Diversity Act 2002 (18 of 2003);
- (b) "Authority" means the National Biodiversity Authority established under sub-section (1) of Section 8,
- (c) "Biodiversity Management Committee" means a Biodiversity Management Committee established by a local body under sub-section (1) of Section 41;
- (d) "Chairperson" means the chairperson of the National Biodiversity Authority or as the case may be, of the State Biodiversity Board.
- (e) "fee" means any fee stipulated in the Schedule;
- (f) "Form" means form annexed to these rules;
- (g) " Member" means a member of the National Biodiversity Authority or a State Biodiversity Board and includes the chairperson as the case may be;
- (h) "section " means a section of the Act;
- (i) "Secretary" means the full time Secretary of the Authority.
- (j) words and expressions used but not defined in these rules and defined in the Act shall have the meaning respectively assigned to them in the Act.

3. Manner of selection and appointment of the Chairperson

(1) The Chairperson of the Authority shall be appointed by the Central Government.

(2) Every appointment of Chairperson under sub-section (1) shall be made either on deputation basis or by selection from outside the Central Government. In case the

appointment is through deputation, the applicant should not be below the rank of Additional Secretary to the Government of India.

4. Term of Office of the Chairperson

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

5. Pay and Allowances of Chairperson :__

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

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

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

7. Filling up of vacancies of non- official members

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

8. Removal of the members of the Authority.

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

9. Secretary of the Authority

- (1) The Authority shall appoint a Secretary to it.
- (2) The terms and conditions of the appointment of the Secretary shall be determined by the Authority by regulation.
- (3) The Secretary shall be responsible for co-ordinating and convening the meetings of the Authority, maintenance of the records of the proceedings of the Authority and such other matters as may be assigned to him by the Authority.

10. Meetings of the Authority

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

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

- (1) The Authority may constitute any number of Committees for such purposes as it may deem fit consisting wholly of members or wholly of other persons or partly of members or partly of other persons.

- (2) The members of the Committee other than the members of the Authority shall be paid such fees and allowances for attending the meetings as the Authority may deem fit.

12. General functions of the Authority

The Authority may perform the following functions; namely:-

- (i) lay down the procedure and guidelines to govern the activities provided under sections 3, 4 and 6;
- (ii) advise the Central Government on any matter concerning conservation of bio diversity, sustainable use of its components and fair and equitable sharing of benefits arising out of the use of biological resource and knowledge;
- (iii) coordinate the activities of the State Bio-diversity Boards;
- (iv) provide technical assistance and guidance to the State Bio-diversity Boards;
- (v) commission studies and sponsor investigations and research;
- (vi) engage consultants, for a specific period, not exceeding three years, for providing technical assistance to the Authority in the effective discharge of its functions :
Provided that if it is necessary and expedient to engage any consultant beyond the period of three years, the Authority shall seek prior approval of the Central Government for such an engagement.
- (vii) collect, compile and publish technical and statistical data, manuals, codes or guides relating to conservation of bio diversity, sustainable use of its components and fair and equitable sharing of benefits arising out of the use of biological resource and knowledge;
- (viii) organise through mass media a comprehensive programme regarding conservation of bio-diversity, sustainable use of its components and fair and equitable sharing of benefits arising out of the use of biological resource and knowledge.
- (ix) plan and organise training of personnel engaged or likely to be engaged in programmes for the conservation of bio-diversity and sustainable use of its components;
- (x) prepare the annual Budget of the Authority incorporating its own receipts as also the devaluation from the Central Government provided that the allocation by the Central Government shall be operated in accordance with the budget provisions approved by the Central Government;
- (xi) recommend creation of posts to the Central Government, for effective discharge of the functions by the Authority and to create such posts, provided that no such post whether permanent / temporary or of any nature, would be created without prior approval of the Central Government;
- (xii) approve the method of recruitment to the officers and servants of the Authority;

- (xiii) take steps to build up data base and to create information and documentation system for biological resources and associated traditional knowledge through bio-diversity registers and electronics data bases, to ensure effective management, promotion and sustainable uses ;
- (xiv) give directions to State Bio-diversity Boards and the Bio-diversity Management Committees in writing for effective implementation of the Act;
- (xv) report to the Central Government about the functioning of the Authority and implementation of the Act;
- (xvi) recommend, modify, collection of benefit sharing fee under sub section (1) of Section 6 or Changes of royalties under sub-section (2) of section 19 in respect of biological resources from time to time;
- (xvii) sanction grants – in – aid and grants to the State Bio-diversity Board and Bio-diversity Management Committees for specific purposes;
- (xviii) undertake physical inspection of any area in connection with the implementation of the Act;
- (xix) take necessary measures including appointment of legal experts to oppose grant of intellectual property right in any country outside India on any biological resource and associated knowledge obtained from India in an illegal manner;
- (xx) do such other functions as may be assigned or directed by the Central Government from time to time.

13. Powers and duties of Chairperson

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

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

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

- (1) Any person seeking approval of the Authority for access to biological resources and associated knowledge for research or for commercial utilization shall make an application in Form I
- (2) Every application under sub- rule (1) shall be accompanied by a fee of ten thousand rupees in the form of a cheque or demand draft drawn in favour of the Authority.
- (3) The Authority shall after consultation with the concerned local bodies and collecting such additional information from the applicant and other sources, as it may deem necessary, dispose of the application, as far as possible, within a period of six months from the date of its receipts .
- (4) On being satisfied with the merit of the application, the Authority may grant the approval for access to biological resources and associated knowledge subject to such term and conditions as it may deem fit to impose.
- (5) The approval to access shall be in the form of a written agreement duly signed by an authorized officer of the Authority and the applicant.
- (6) The form of the agreement referred to in sub-rule (5) shall be laid down by the Authority and shall include the following; namely:-
 - (i) general objectives and purpose of the application for seeking approval ;
 - (ii) description of the biological resources and traditional knowledge including accompanying information;
 - (iii) intended uses of the biological resources (research, breeding, commercial utilization etc.)
 - (iv) conditions under which the applicant may seek intellectual property rights;
 - (v) quantum of monetary and other incidental benefits. If need be, a commitment to enter into a fresh agreement particularly in case if the biological material is taken for research purposes and later on sought to be used for commercial purposes, and also in case of any other change in use thereof subsequently.
 - (vi) restriction to transfer the accessed biological resources and the traditional knowledge to any third party without prior approval of Authority ;
 - (vii) to adhere to a limit set by the Authority on the quantity and specification of the quality of the biological resources for which the applicant is seeking access;

- (viii) guarantee to deposit a reference sample of the biological material sought to be accessed with the repositories identified in Section 39;
 - (ix) submitting to the Authority a regular status report of research and other developments;
 - (x) commitment to abide with the provisions of Act and rules and other related legislations in force in the country;
 - (xi) commitment to facilitate measures for conservation and sustainable use of biological resources accessed;
 - (xii) commitment to minimize environmental impacts of collecting activities;
 - (xiii) legal provisions such as duration of the agreement, notice to terminate the agreement, independent enforceability of individual clauses, provision to the extent that obligations in benefit sharing clauses survive the termination of the agreement, events limiting liability (natural calamities), arbitration, any confidentiality clause.
- (7) The conditions for access may specifically provide measures for conservation and protection of biological resources to which the access is being granted.
 - (8) The Authority may for reasons to be recorded in writing reject an application if it considers that the request cannot be acceded to.
 - (9) No application shall be rejected unless the applicant is given a reasonable opportunity of being heard.
 - (10) The Authority shall take steps to widely publicize the approvals granted, through print or electronic media and shall periodically monitor compliance of conditions on which the approval was accorded.

15. Revocation of access or approval:-

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

- (iii) on failure to comply with any of the conditions of access granted;
 - (iv) on account of overriding public interest or for protection of environment and conservation of biological diversity;
- (2) The Authority shall send a copy of every order of revocation issued by it to the concerned State Biodiversity Board and the Biodiversity Management Committees for prohibiting the access and also to assess the damage, if any, caused and take steps to recover the damage.

16. Restriction on activities related to access to biological resources

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

17. Procedure for seeking approval for transferring results of research

- (1) Any person desirous of transferring results of research relating to biological resources obtained from India for monetary consideration to foreign nationals, companies and Non Resident Indians (NRIs), shall make an application to the Authority in the Form II.
- (2) Every application under sub-rule (1) shall be accompanied by a fee of five thousand rupees in the form of a Bank draft or Cheque drawn in favour of the Authority.
- (3) Every application under sub-rule (1) shall be decided upon by the Authority, as far as possible within a period of three months from the receipt of the same.
- (4) On being satisfied that the applicant has fulfilled all the requirements, the Authority may grant the approval for transferring the results of research subject to such terms and conditions as it may deem fit to impose in each case.
- (5) The approval for transfer shall be granted in the form of a written agreement duly signed by an authorized officer of the Authority and the applicant. The form of the agreement shall be such as may be decided by the Authority.

- (5) The Authority may for reasons to be recorded in writing reject an application if it considers that the application cannot be allowed; Provided that the application shall be rejected unless the applicant has been given a reasonable opportunity of being heard.

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

- (1) Any person desirous of applying for a patent or any other intellectual property based on research on biological material and knowledge obtained from India shall make an application in Form III.
- (2) Every application under sub- rule (1) shall be accompanied by paying a fee of five hundred rupees.
- (3) The Authority after due appraisal of the application and after collecting any additional information, on the basis of merit shall decide on the application, as far as possible within a period of three months of receipt of the same.
- (4) On being satisfied that the applicant has fulfilled all the necessary requirements, the Authority may grant approval for applying for a patent or any other IPR subject to such terms and conditions as it may deem fit to impose in each case.
- (5) The approval shall be granted in the form of a written agreement duly signed by an authorized officer of the Authority and the applicant. The form of the agreement may be decided by the Authority.
- (6) The Authority may reject the application if it considers that the request cannot be acceded to after recording the reasons. Before passing order of rejection, the applicant shall be given an opportunity of hearing.

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

- (1) The persons who have been granted approval for access to biological resources and associated knowledge, intend to transfer the accessed biological resource or knowledge to any other person or organization shall make an application to the Authority in Form IV
- (2) Every application under sub- rule (1) shall be accompanied by a fee of ten thousand rupees in the form of Bank draft or cheque drawn in favour of the Authority.
- (3) The Authority shall after collecting any additional information, decide upon the application as far as possible within a period of six months of receipt of the same.
- (4) On being satisfied that the applicant has fulfilled all the necessary requirements, the Authority may grant approval for third party transfer subject to such terms and conditions it may deem fit to impose in each case.
- (5) The approval as may be granted under sub-rule (4) in the form of a written agreement duly signed by an authorized officer of the Authority and the applicant. The form of the agreement shall be such as may be decided by the Authority.

- (6) The Authority may for reasons to be recorded in writing reject the application if it considers that the request cannot be acceded to provided that no application shall be rejected unless the applicant has been given an opportunity of being heard.

20. Criteria for equitable benefit sharing (Section 21)

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

21. Application of National Biodiversity Fund. -

- (1) The National Biodiversity Fund shall be operated by the Chairperson or by such other officer of the Authority as may be authorized in this regard

- (2) The National Biodiversity Fund shall have two separate heads of accounts, one relating to the receipts from the Central Government and the other concerning the fee, licence fee, royalty and other receipts of the Authority.

22. Constitution of Biodiversity Management Committees

- (1) Every local body shall constitute a Biodiversity Management Committee (BMCs) within its area of jurisdiction.
- (2) The Biodiversity Management Committee as constituted under Sub- rule (1) shall consist of a Chairperson and not more than six persons nominated by the local body, of whom not less than one third should be women and not less than 18% should belong to the Scheduled Castes/ Scheduled Tribes.
- (3) The Chairperson of the Biodiversity Management Committee shall be elected from amongst the members of the committee in a meeting to be chaired by the Chairperson of the local body. The Chairperson of the local body shall have the casting votes in case of a tie.
- (4) The Chairperson of the Biodiversity Management Committee shall have a tenure of three years.
- (5) The local Member of Legislative Assembly/Member of Legislative Council and Member of Parliament would be special invitees to the meetings of the Committee.
- (6) The main function of the BMC is to prepare People's Biodiversity Register in consultation with local people. The Register shall contain comprehensive information on availability and knowledge of local biological resources, their medicinal or any other use or any other traditional knowledge associated with them.
- (7) The other functions of the BMC are to advise on any matter referred to it by the State Biodiversity Board or Authority for granting approval, to maintain data about the local vairs and practitioners using the biological resources.
- (8) The Authority shall take steps to specify the form of the People's Biodiversity Registers, and the particulars it shall contain and the format for electronic database.
- (9) The Authority and the State Biodiversity Boards shall provide guidance and technical support to the Biodiversity Management Committees for preparing People's Biodiversity Registers.
- (10) The People's Biodiversity Registers shall be maintained and validated by the Biodiversity Management Committees.
- (11) The Committee shall also maintain a Register giving information about the details of the access to biological resources and traditional knowledge granted, details of the collection fee imposed and details of the benefits derived and the mode of their sharing.

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

- (1) If a dispute arises between the Authority or a State Biodiversity Board or between one Board and other Board(s) on account of implementation of any order or direction or on any issue of policy decision, either of the aggrieved parties i.e., Authority or the Board, as the case may be, prefer an appeal to the Central Government under section 50, in Form V to the Secretary, Ministry of Environment and Forests, Government of India.
- (2) In case the dispute arises between a State Biodiversity Board and another state Biodiversity Board or Boards, the aggrieved Board or Boards, shall prefer the point or points of dispute to the Central Government which shall refer the same to the Authority.
- (3) The memorandum of appeal shall state the facts of the case, the grounds relied upon by the appellant, for preferring the appeal and the relief sought for.
- (4) The memorandum of appeal shall be accompanied by an authenticated copy of the order, direction or policy decision, as the case may be, by which the appellant is aggrieved and shall be duly signed by the authorized representative of the appellant.
- (5) The memorandum of appeal shall be submitted in quadruplicate, either in person or through a registered post with Acknowledgement due, within 30 days from the date of the orders, direction or policy decision, impugned provided that if the Central Government is satisfied that there was good and sufficient reason for the delay in preferring the appeal, it may, for reason to be recorded in writing, allow the appeal to be preferred after the expiry of the aforesaid period of 30 days but before the expiry of 45 days from the date of the orders impugned, direction or policy decision, as the case may be.
- (6) The notice for hearing of the appeal shall be given in Form VI by a registered post with an acknowledgement due.
- (7) The Central Government shall, after hearing the appellant and the other parties, dispose of the appeal.
- (8) In disposing of an appeal it may vary or modify or cancel impugned order, direction or policy, as the case may be.
- (9) In adjudicating a dispute, the Authority shall be guided by the principles of natural justice and as far as practicable, follow the same procedure which the Central Government is required to follow under this rule.

24. Manner of giving notice under Section 61

- (1) The manner of giving notice, under clause (b) of section 61, shall be as follows namely:
 - (i) The notice shall be in writing in Form VII
 - (ii) The person giving the notice may send it to,-

- (a) If the alleged offence has taken place in a Union territory, to the Chairperson of the National Bio-diversity Authority; and
 - (b) If the alleged offence has taken place in a State, to the Chairperson of the State Bio-diversity Board
- (2) The notice referred to in sub – rule (1) shall be sent by registered post acknowledgement due; and
- (3) The period of thirty days mentioned in clause (b) of section 61 shall be reckoned from the date, the notice is received by the Authorities mentioned in sub – rule (1).

FORM I

(see rule 14)

1. 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-geographical location from where the biological resources used in the invention are collected .
5. Details of any traditional knowledge used in the invention and any identified individual/ community holding the traditional knowledge.
6. Details of institution where Research and Development activities carried out.
7. Details of economic, biotechnological, scientific or any other benefits that are intended, or may accrue to the applicant due commercialization of the invention.

Declaration

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

Signed _____
Name _____
Title _____

Place
Date

FORM IV

(See rule 19)

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

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

Declaration

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

Signed _____

Name _____

Title _____

Place

Date

FORM V

(See rule –23 (1))

Form of Memorandum of Appeal

BEFORE THE _____ MINISTRY OF ENVIRONMENT AND FORESTS, NEW DELHI

OR

NATIONAL BIODIVERSITY AUTHORITY

(as the case may be)

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

Appeal No. _____ of 200

..... Appellant (s)

Vs.

.....Respondent (s)

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

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

1. FACTS:

(Here briefly mention the facts of the case):

2. GROUND :

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

- i.)
- ii.)
- iii.)

3. RELIEF SOUGHT

- i.)
- ii.)
- iii.)

4. PRAYER:

- (a) In the light of what is stated above, the appellant respectfully prays that the order / decision of the respondent be quashed / set-aside.
- (b) The policy / guidelines / regulation framed by the Respondent be quashed / modified / annulled to the extent _____

- c) _____

Place: _____

Signature of the appellant with seal

Dated: _____

Address:

VERIFICATION

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

Verified on _____ day of _____

Signature of the appellant with seal

Address

Signature of the Authorised representative of the appellant

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

FORM VI

(See rule 23 (6))

BEFORE THE _____ MINISTRY OF ENVIRONMENT AND FORESTS, NEW DELHI

OR

NATIONAL BIODIVERSITY AUTHORITY
(as the case may be)

Appeal No. _____ of 200

Between:

..... Appellant (s)

Vs.

... Respondents (s)

NOTICE

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

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

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

Authorised signatory on behalf of the Appellate Authority (Seal)

Date: _____

Place: _____

FORM VII

FORM OF NOTICE
(See rule 24(1))

By Registered Post / Acknowledgement due

From,

Shri _____

To,

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

1. Whereas an offence under the Biological Diversity Act, 2002 has been committed/is being committed by _____
2. I/ we hereby give notice of 30 days under Section 61(b) of the Biological Diversity Act, 2002 of my / our intention to file a complaint in the Court against _____
_____ for violation of the provisions of the Biological Diversity Act, 2002.
3. In support of my /our notice, I am / we are enclosing herewith the following documents as evidence of proof.

Place: _____

Date: _____

Signature

EXPLANATION:

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

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

DESH DEEPAK VERMA, Jt. Secy.

**The Tamil Nadu
Biological Diversity
Rules, 2017**



[No. 49]

CHENNAI, WEDNESDAY, DECEMBER 6, 2017
Karthigai 20, Hevilambi, Thiruvalluvar Aandu – 2048

Part III – Section 1(a)

General Statutory Rules, Notifications, Orders, Regulations, etc.,
issued by Secretariat Departments.

NOTIFICATIONS BY GOVERNMENT

ENVIRONMENT AND FORESTS DEPARTMENT **Framing of Tamil Nadu Biological Diversity Rules, 2017**

[G.O. Ms. No. 137, Environment and Forests (FR. 5), 9th November 2017, ஐப்பசி 23,
ஹேவிளம்பி, திருவள்ளுவர் ஆண்டு-2048.]

No. SRO A-54/2017.

In exercise of the powers conferred by sub-sections (1) and (2) of Section 63 of the Biological Diversity Act, 2002 (central Act 18 of 2003), the Governor of Tamil Nadu hereby makes the following rules:-

Rules

1. **Short title, extent and commencement.**-(1) These rules may be called the Tamil Nadu Biological Diversity Rules, 2017.
(2) These rules shall extend to the whole of the State of Tamil Nadu.

(3) These rules shall come into force on the date of their publication in the Tamil Nadu Government Gazette.

2. **Definitions.-** In these rules, unless the context otherwise requires, -

- (a) **“Act”** means the Biological Diversity Act, 2002 (central Act 18 of 2003);
- (b) **“Biodiversity Management Committee”** means a Biodiversity management committee constituted by a local body under sub-section (1) of Section 41 of the Act;
- (c) **“Board”** means the Tamil Nadu Biodiversity Board established under sub-section (1) of Section 22 of the Act;
- (d) **“Chairperson”** means the Chairperson of the Board;
- (e) **“Fee”** means any fee stipulated in these rules;
- (f) **“Form”** means form appended to these rules;
- (g) **“Government”** means the Government of Tamil Nadu;
- (h) **“Member”** means a member of the Tamil Nadu Biodiversity Board and includes the chairperson;
- (i) **“Nodal Officer”** means such officer designated under clause (x) of rule 20 of these rules;
- (j) **“Section”** means section of the Act;
- (k) **“Secretary”** means the Secretary of the Board;
- (l) **“Trekking service providers”** includes the porters, pack animal operators, cooks, guides, their assistants and all other trekking support staff;
- (m) words and expressions used but not defined in these rules and defined in the Act and in the Biological Diversity Rules, 2004, shall have the same meaning respectively assigned to them in the said Act and Rules.

3. **Manner of selection and appointment of the Chairperson.-** (1) The chairperson shall be appointed by the Government in terms of clause (a) of sub-section (4) of Section 22 of the Act either on deputation of a person not below the rank of Principal Secretary to the Government or by selection from outside the Government.

(2) The appointment under sub-rule (1) shall be done on the recommendation of a three member Search committee constituted for the purpose headed by the Chief Secretary.

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 of his appointment and be eligible for re-appointment;

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

5. **Pay and Allowances of Chairperson.-** (1) The Chairperson shall be entitled to a fixed pay of Rs.80,000/- per month. In case, retired person is appointed as Chairperson, his

pay shall be fixed in accordance with the order of the Government as applicable to such person;

(2) The chairperson shall be entitled to such allowances, leave, residential accommodation and other perquisites etc., as may be determined by the Government from time to time.

6. **Term of office and allowances of non-official members.-** (1) Every non-official member of the Board appointed in terms of clause (c) of sub-section (4) of Section 22 of the Act, shall hold office for a term of three years from the date of his appointment and be eligible for re-appointment :

Provided that no non-official member shall hold office as such after he attains the age of sixty five years.

(2) Every non-official member shall be entitled to travelling allowance, daily allowance and to such other allowances as may be fixed by the Government for attending the meeting of the Board.

7. **Filling up of vacancies of non-official members.-** (1) A non-official member of the Board may resign his office at any time by giving in writing under his hand addressed to the Government and the seat of that member in the Board shall become vacant from the date of such resignation.

(2) A casual vacancy in the Board shall be filled up by a fresh appointment and the person so appointed to fill such vacancy shall hold office only for the remainder of the term of the member in whose place he was appointed.

8. **Removal of the member of the board.-** No member of the Board shall be removed from his office on any ground specified in Section 11 of the Act, without a due and proper enquiry by an officer not below the rank of Principal Secretary to Government appointed by the Government and without giving such member a reasonable opportunity of being heard.

9. **Head Office of the Board.-** The Head Office of the Board shall be at Chennai.

10. **Secretary of the board.-** (1) The Board shall appoint a Secretary to it by deputation of an officer not below the rank of the chief conservator of forests.

(2) The terms and conditions of the service of the Secretary shall be determined by the Board by regulation.

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

11. **Meetings of the board.**- (1) The Board shall meet at least two times in a year, but six months shall not intervene between any two meetings, at the Head Office of the Board 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 or upon a direction of the Government, call a special meeting of the Board.
 - (3) The members shall be given at least fifteen days notice for holding an ordinary meeting and at least three days notice for holding a special meeting, specifying the purpose, the time and the place at which such meeting is to be held.
 - (4) Every meeting shall be presided over by the Chairperson and in his absence, by a Presiding Officer to be elected by the members present from among themselves.
 - (5) The quorum at every meeting of the Board shall be five.
 - (6) Each member shall have one vote.
 - (7) The decision of the Board 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.
 - (8) No member shall be entitled to bring forward for the consideration of a meeting any matter of which he has not given fifteen 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 the address given by him or his last known place of residence or business or in such other manner as the Secretary may, in the circumstances of the case, think fit.
12. **Appointment of expert committee by the board and their entitlements.**- (1) The Board 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 such committee other than the members of the Board shall be paid such fees and allowances for attending the meetings, as the Board may deem fit.
 - (3) The Board may invite any person, whose assistance or advice is considered useful for performing any of its functions, to participate in the deliberations of any of its meeting. Such invitee shall be entitled to get allowances as determined by the Board from time to time.
13. **General functions of the Board.**- In particular and without prejudice to the generality of the provisions of the Act, the Board shall perform the following functions, namely:-
- (i) lay down the procedure and guidelines to regulate the activities provided under Section 7 of the Act;
 - (ii) advise the Government, subject to any guidelines issued by the Central Government, on any matter concerning conservation of biodiversity, sustainable

use of its components and fair and equitable sharing of benefits arising out of the use of biological resource and knowledge;

- (iii) provide livelihood support to those villagers, who have shifted or are in the process of shifting from unsustainable livelihoods to sustainable livelihoods or as Trekking Service Providers;
- (iv) promote and strengthen individuals and institutions who are already working towards conservation, sustainable use and equitable benefit sharing of biological resources;
- (v) provide technical assistance and guidance to various departments of the Government in connection with implementation of provisions of the Act;
- (vi) regulate by granting of approvals or otherwise requests for commercial utilisation or bio-survey and bio-utilisation of any biological resources under the Act by Indians;
- (vii) facilitate updating and implementation of State Biodiversity Strategy and Action Plan;
- (viii) commission studies and sponsor investigations and research; ,
- (ix) engage consultants, for specific period, not exceeding three years, for providing technical assistance to the Board in the effective discharge of its functions;
- (x) collect, compile and publish technical and statistical data, manuals, codes or 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;
- (xi) organise 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 resources and knowledge;
- (xii) plan and organise training of personnel engaged or likely to be engaged in programmes for the conservation of biological diversity and sustainable use of its components;
- (xiii) prepare the annual budget of the Board incorporating its own receipts and also the funds or grants from the Central Government, State Government and National Biodiversity Authority:
Provided that such allocation by the Central Government or State Government or National Biodiversity Authority shall be operated in accordance with the budget provisions approved by the Central Government or State Government or National Biodiversity Authority, as the case may be;
- (xiv) approve the en-bloc sanction of the annual budget and work programme;
- (xv) recommend to the Government, for creation of posts of the officers and employees of the Board for effective discharge of the functions by the Board and to create such posts, provided that no such post whether permanent, temporary or of any nature, shall be created without prior approval of the Government;
- (xvi) approve the method of recruitment to the officers and employees of the Board;

- (xvii) take steps to build up data base and to create information and documentation system for biological resources and associated traditional knowledge through biodiversity registers and electronic databases, to ensure effective management, promotion and sustainable use;
- (xviii) give advice and directions to the local bodies, Biodiversity management committees in writing for effective implementation of the Act and to facilitate their meaningful participation in all measures relating to conservation, sustainable use and equitable benefit sharing;
- (xix) report to the Government about the functioning of the Board and implementation of the Act and the rules made thereunder;
- (xx) 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 Registers;
- (xxi) sanction grants-in-aid and grants to Biodiversity Management Committees for specific purposes;
- (xxii) undertake physical inspection of any activity or work to check whether it is in accordance with the provisions of the Act;
- (xxiii) 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 to conservation and sustainable use;
- (xxiv) award individually or as a group, or both for innovation and contribution in the biodiversity sector of the State;
- (xxv) formulate guidelines to the settlement of disputes between the Biodiversity Management Committees and to evaluate the performance of the Biodiversity Management Committees and annually reward the best performing Biodiversity Management Committee at each level in the State;
- (xxvi) recommend in consultation with the local bodies for notifying the areas of biodiversity importance as biodiversity heritage sites under sub-section (1) of Section 37 of the Act and for the management and conservation of the heritage sites;
- (xxvii) perform such other functions as may be necessary to carry out the provisions of the Act or as may be assigned or directed by the Government from time to time.

14. Powers and Duties 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 thereunder.

(2) The Chairperson shall have the powers of general superintendence over the officers and employees of the Board and he may issue necessary directions for the conduct and management of the affairs of the Board.

- (3) The Chairperson shall convene and preside over all the meetings of the Board and shall ensure that all decisions taken by the Board are implemented in a proper manner.
 - (4) 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.
 - (5) The Chairperson shall exercise all administrative and financial powers of the Board, subject to the approval or ratification by the Board in the subsequent meeting.
15. **Procedure for access to or collection of biological resources.**- (1) Any 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 any biological resources for commercial utilisation or bio-survey and bio-utilisation for commercial utilisation, shall make an application to the Board in Form I. Every application shall be accompanied by a fee of Rs.10,000/-(Rupees ten thousand only) in the form of demand draft drawn in favour of the Tamil Nadu Biodiversity Board or as may be directed by the Board.
- (2) The Board after due appraisal of the application and after consultation with the Biodiversity management Committees concerned and, after collecting such additional information, as it may deem fit and if necessary, after consulting an expert committee constituted for this purpose, shall pass orders on the application, as far as possible within a period of three months of receipt of the same. In this context, the word “consult” for the purposes of this rule includes the following steps, namely, (a) issuing of public notice in local languages, of the proposal for access or collection; (b) discussion with the general assembly of the local body about the proposal and its implications for conservation and livelihoods.
 - (3) On being satisfied with the merit of the application, the Board may issue order (permissive, restrictive or prohibitive), subject to such terms and conditions as it may deem necessary to impose or restrict any such activity if it is of the 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.
 - (4) Such order shall be in the form of agreement duly signed by the Secretary of the Board and the applicant and it shall govern the access and benefit sharing. The form of the agreement and the terms and conditions of such agreement shall be decided by the Board.
 - (5) The terms and conditions for such order may specifically provide measures for conservation and protection of biological resources to which the access is being granted.
 - (6) The Board may reject the application if it considers that the request cannot be acceded to, after recording the reasons. Before passing an order of rejection, the applicant shall be given a reasonable opportunity of being heard.

- (7) Any information given in the Form referred to in the sub-rule (1) shall be kept confidential and shall not be disclosed, either intentionally or unintentionally, to any person not concerned thereto.
- (8) The Guidelines on Access to Biological Resources and Associated Knowledge and Benefit Sharing Regulation, 2014 with subsequent modifications or amendments thereof, if any, shall be adopted as procedure in processing such cases by the Board.
- 16. Revocation of access or approval.-** (1) The Board may, either on the basis of any complaint or suo motu, withdraw the order passed under rule 15 or revoke or restrict or modify the said order in the following circumstances, namely:-
- (i) on the basis of reasonable belief that the person accessing the said bio-resource has violated any of the provisions of the Act or the condition on which the said order was issued;
 - (ii) when the person has failed to comply with the terms of the agreement;
 - (iii) on failure to comply with any of the terms and conditions of access granted;
 - (iv) on account of overriding public interest or for protection of environment and conservation of biological diversity, or of protection of the rights, livelihood and knowledge of local communities.
- (2) No order of such revocation, restriction or modification, as the case may be, shall be made without making such inquires in this regard and without giving the person so affected an opportunity of being heard.
- (3) The Board shall send a copy of such order of revocation, restriction or modification issued by it to the Biodiversity management committee concerned, for prohibiting the access and also to assess the damage, if any, caused and take steps to recover the damage;
- 17. Restriction on activities related to access to biological resources.-** (1) The Board, if it deems necessary and appropriate, shall take steps to restrict or regulate or prohibit the request for access to biological resources for the following reasons, namely:-
- (i) the request for access is for any threatened taxa, or taxa that is likely to become threatened due to such access;
 - (ii) the request for access is for any endemic and rare species;
 - (iii) the request for access may likely result in adverse effect on the livelihood, culture, or indigenous knowledge of the local people;
 - (iv) the request for 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; or

- (vi) the request for access may be for use of resources for purposes contrary to national interest and other related international agreements entered into by the country.
 - (2) No order of restriction under sub-rule (1) shall be made without making inquiries in this regard, consulting the local bodies and Biodiversity management committees concerned and without giving the person so affected an opportunity of being heard.
- 18. Operation of State Biodiversity Fund.-** (1) The Board shall have bank accounts in a Nationalised Bank, which shall be operated by the Secretary or by such other officer of the Board as may be authorised in this regard by the Board.
- (2) The State Biodiversity Fund shall have two separate heads of accounts, one relating to receipts (grants and loans) from the Central Government, National Biodiversity Authority and State Government including receipts from such sources as decided by the Government and the other head of account concerning the fee of other nature such as collection fee and other receipts of the Board.
 - (3) The Board shall have power to receive the funds from national donor agencies or individuals in accordance With law.
 - (4) The Board may frame guidelines on ways to ensure that decisions regarding the management and use of the fund are transparent and accountable to the public.
- 19. Annual report and annual statement of accounts.-** (1) The Board shall prepare its annual report and the annual statement of accounts for each financial year giving detailed account of its activities, achievements and such other details as it may consider appropriate and necessary in Form-II and submit a copy of the same to the government within the period specified under sub-rule (3).
- (2) The Board shall lay down the procedure for maintaining the accounts. The accounts of the Board shall be audited annually by the comptroller and Auditor general of India. Expenditure towards this shall be payable by the Board. Board has the power to conduct audit at anytime.
 - (3) The Board shall submit the annual report together with the audited statement of accounts for each financial year to the Government by September of each year so as to enable the Government to lay the annual report and auditor's report before the Legislative Assembly.
 - (4) The accounts of the Board shall be audited by an auditor duly qualified to act as an auditor of companies under section 141 of the companies Act 2013.
 - (5) The said auditor shall be appointed by the State Government on the advice of the Comptroller and Auditor General of India.
 - (6) Every auditor appointed to audit the accounts of the Board under this Act 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 Board.

- (7) Every such auditor shall send a copy of his report together with an audit copy of the accounts to the Comptroller and Auditor General of India for comments.
- (8) After the receipt of the comments from the Comptroller and Auditor General of India, it is to be placed before the Annual General Meeting of the Board. The annual report together with the audited statement of accounts for each financial year shall be furnished to the Government by September of each year so as to enable the Government to lay the annual report and auditor's report before the Legislative Assembly.

20. **Constitution of Biodiversity Management Committees (BMCs).**- Subject to the provisions of rules prescribed by the central government and the guidelines issued by the National Biodiversity Authority on this subject,-

- (1) Every local body shall constitute a Biodiversity management committee within its areas for the purposes specified in Section 41 of the Act;
- (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 Scheduled Castes I Scheduled Tribes. The persons to be nominated should be the residents within the local limits of the local body and their name should be in the latest voters' list, published by the Election Commission of India;
- (3) The Biodiversity Management Committee shall have a tenure co-terminus with the tenure of the local body. However, the Biodiversity Management Committee will continue to operate, until a new committee is constituted;
- (4) The Chairperson of the local body shall be the ex-officio member of the Biodiversity Management Committee. The chairperson of the Biodiversity management committee shall be elected from amongst the members of the said committee in a meeting to be chaired by the Chairperson of the local body. The Chairperson of the local body shall have the casting vote in case of a tie. In case of absence or vacancy of the Chairperson of the local body, the authority who delivers the functions of such Chairperson, shall act as the Chairperson of the Biodiversity Management Committee for such action;
- (5) The Chairperson of the Biodiversity Management Committee shall have a tenure of three years;
- (6) The local body may nominate six special invitees from the Government Departments, such as, Forest, Agriculture, Horticulture, Animal Husbandry, Rural Development, Education etc.;
- (7) The member of the Legislative Assembly and Member of Parliament of the area would be special invitees to the meetings of the Biodiversity Management Committee;

- (8) The Biodiversity Management Committee shall meet at least four times in a year and meet at least once in 3 months. The meeting shall be chaired by the chairperson of the Biodiversity management committee and in his absence by a Presiding Officer to be elected by the members present from among themselves. The quorum at every meeting shall be three including the Chairperson and excluding official members. Minutes or proceedings of the Biodiversity Management Committee meeting will be drawn and submitted to the Nodal Officer concerned;
- (9) The Government, on the recommendation of the Board shall designate an officer as the Secretary of the Biodiversity Management Committee;
- (10) The Government, on the recommendation of the Board may designate nodal officer for each District to oversee the various matters of the Biodiversity Management Committees (BMC) within the district;
- (11) The Biodiversity Management Committee shall function from the office premises provided by the local body.

21. **Role and Responsibilities of biodiversity Management Committees.-** The role and responsibilities of Biodiversity Management Committee shall be,-

- (i) Preparation of the People's Biodiversity Register (PBR);
- (ii) Conservation and sustainable utilization of biological resources outside forest areas;
- (iii) Eco-restoration of the local biodiversity outside forest areas;
- (iv) Proper feedback to the Board and National Biodiversity Authority in the matter of Intellectual Property Rights (IPR), Traditional Knowledge (TK) and local biodiversity issues;
- (v) Management of Biodiversity Heritage Sites (BHS) including heritage trees, animals, micro organisms, sacred groves and sacred water bodies;
- (vi) Regulation of access to the biological resources and associated Traditional Knowledge (TK) for commercial purpose;
- (vii) Sharing of usufructs arising out of commercial use of bio-resources in accordance with the provisions of the Act;
- (viii) Conservation of traditional varieties and breeds of economically important plants and animals;
- (ix) Biodiversity education and awareness building;
- (x) Documentation, enabling development of procedure to develop bio-cultural protocols;
- (xi) Ensure sustainable use of bio-resources.

22. **People's Biodiversity Register and method of preparation.-** (1) Preparation of People's Biodiversity Register is mandated under the sub-rule (6) of rule 22 of Biological Diversity Rules, 2004 and is the main function of the Biodiversity Management Committee. The

People's Biodiversity Register shall contain comprehensive information on availability and knowledge of local biological resources (flora and fauna) their medicinal or any other use or any other traditional knowledge associated with them.

- (2) The People's Biodiversity Register shall be maintained and validated by the Biodiversity Management Committee and it shall be kept in safe custody and protected against the misuse and appropriation by the outsiders, with careful consideration of the value of the resource.
- (3) The Biodiversity Management Committee shall also maintain a register giving information about the details of access to biological resources and traditional knowledge granted, collection fee imposed, benefits derived and the mode of their sharing.

23. **Local Biodiversity Fund (LBF).**- (1) Local Biodiversity Fund (LBF) shall be constituted in every area notified by the Government where any institution of self- government is functioning, under sub-section (1) of Section 43 of the Biological Diversity Act. The Local Biodiversity Fund shall be credited with fees and charges levied by the Biodiversity Management Committee and grants from the State Government, Board and National Biodiversity Authority.

- (2) The Local Biodiversity Fund shall be operated jointly by the Chairperson and Secretary of the Biodiversity Management Committee. Cheques shall be signed by the Chairperson and Secretary of the Biodiversity Management Committee. The Secretary of the Biodiversity Management Committee shall maintain the accounts of the Biodiversity Management Committee and this task shall be treated as an additional charge. Honorarium shall be paid to the Secretary of the Biodiversity Management Committee for the said Service rendered as fixed by the Government on the recommendation of the Board.
- (3) The Local Biodiversity Fund shall be used for the purposes specified in sub-section (2) of Section 44 of the Act and also be specifically used to provide livelihood support to those villagers who have shifted out or are in the process of shifting from unsustainable livelihoods to sustainable ones;
- (4) The Biodiversity Management Committee shall be the custodian of the Local Biodiversity fund.
- (5) Managing and Monitoring Local Biodiversity Fund:
The Biodiversity management committee shall prepare the annual report for each year giving detailed accounts of its activities. The annual report shall invariably contain.-
 - I. (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.
- II. The account of the Local Biodiversity Fund shall be audited by a Chartered Accountant or the Examiner of Local Fund Audit.
 - III. The Biodiversity Management Committee shall submit the annual report together with the audited statement of accounts in Form III to the District Collector through the local Body by the 30th of September to enable the District Collector to submit to the Board.

APPENDIX

FORM I

[see rule 15(1)]

Application for providing prior intimation for access to biological resources for commercial utilisation and associated traditional knowledge and bio-survey and bio-utilisation for commercial utilisation

PART A

1. Full particulars of the applicant :-
 - (a) Name:
 - (b) Permanent address:
 - (c) Address of the contact person / agent, if any:
 - (d) Profile of the organisation (personal profile in case the applicant is an individual).
Please attach relevant documents of authentication:
 - (e) Nature of business:
 - (f) Turnover of the organisation in Rupees :
2. Details and specific information about nature of access sought for and biological material and or associated knowledge to be accessed :-
 - (a) Identification (scientific name) of biological resource and its traditional use :
 - (b) Geographical location (including where applicable, sub-division and district) of proposed collection :
 - (c) Description nature of traditional knowledge and its existing manifestations and uses (oral documented) :
 - (d) Any identified individual family community holding the traditional knowledge :
 - (e) Quantity of biological resource to be collected (give the schedule):
 - (f) Time span within which the biological resources are proposed to be collected:
 - (g) Name and number of persons authorised by the company for making the collection:
 - (h) The purpose for which the access is requested including the type and extent of bio survey and bioutilisation for commercial use being derived and expected to be derived from it:
 - (i) 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 bio-resources and traditional knowledge:
4. Any other information:

PART B

Declaration

I/we undertake that _____

- collection and use of proposed, biological resources shall not adversely affect the sustainability of the resources;
- collection and use of proposed biological resources shall not entail any environmental impact;
- collection and use of proposed biological resources shall not pose any risk to biodiversity including eco-systems, species and genetic diversity;
- collection and use of proposed biological resources shall not adversely affect the local communities.

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

Place:

Signature of the Applicant

Date:

FORM-II

[See rule 19 (1)]

Tamil Nadu biodiversity board

Annual Report for the Financial year April -20 to march 20

1. Introductory
2. Constitution for the Board including changes therein
3. Constitution of the Expert committees by Board and meeting of the committees constituted by it
4. Meetings of the Board
5. Activities of the Board including the various functions performed under section 23 of the Act
6. Prosecutions launched and convictions secured
7. Finance and Accounts of the Board
8. Chairperson's Report
9. Statutory Auditors Report
10. Visits to the Board by experts, Important persons etc.
11. Any other important matter dealt with by the Board.

FORM -III

[see rule 23 (5)]

Gram Panchayat/Town Panchayat/Municipality/
Corporation Biodiversity Management Committee

Annual Report for the financial year April 20__ to March 20

1. Introductory
2. Constitution of the Biodiversity Management Committee including changes therein
3. Meetings of the Biodiversity Management Committee
4. Activities of the Biodiversity Management Committee including the various functions performed under section 41 of the Act
5. Prosecutions launched and convictions secured
6. Finance and Accounts of the Biodiversity Management Committee
7. The Management Committee Report
8. Visits to the Biodiversity Management Committee by experts, Important persons etc.
9. Any other important matter dealt with by the Biodiversity Management Committee.

Md. NASIMUDDIN,
Principal Secretary to Government.

**Guidelines on Access to
Biological Resources and
Associated Knowledge
and Benefits Sharing
Regulations, 2014**



भारत का राजपत्र The Gazette of India

EXTRAORDINARY
PART II-Section 3-Sub-section (i)
PUBLISHED BY AUTHORITY

No. 612] NEW DELHI, FRIDAY, NOVEMBER 21, 2014/KARTIKA 30, 1936

**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 I 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 vaidas 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.

**Notification on Normally
Traded As Commodities
under Section 40 of Biological
Diversity Act, 2002**



भारत का राजपत्र The Gazette of India

EXTRAORDINARY
PART II—Section 3—Sub-section (ii)
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**MINISTRY OF ENVIRONMENT, FOREST AND
CLIMATE CHANGE**

NOTIFICATION

New Delhi, the 7th April, 2016

S.O. 1352(E).— In exercise of the powers conferred by section 40 of the Biological Diversity Act, 2002 (18 of 2003) and in supersession of the notification number S.O.2726(E), dated the 26th October 2009, the Central Government, in consultation with the National Biodiversity Authority, hereby declares that the provisions of this Act shall not apply to the biological resources specified in column (3) of the Table below, having the illustrative trade or common name as mentioned in column (4) of the said Table, with plant part as specified in column (5) of the aforesaid Table and having the Source as mentioned in column (6) of the aforesaid Table, provided the said biological resources are normally traded as commodities subject to the terms enumerated in the Notes given below the said Table, namely:-

Sl. No.	Items	Biological resources	Illustrative trade or common name	Plant part	Source: (cultivated=C; wild= W; cultivated plus wild=Mixed-M)
(1)	(2)	(3)	(4)	(5)	(6)
	I. Cereals				
1.a		Hordeum vulgare	Barley	Grain	C
1.b		Hordeum vulgare	Barley	Whole Plant	C
2.a		Oryza sativa	Paddy	Grain	C
2.b		Oryza sativa	Paddy	Whole Plant	C
3.a		Secale cereale	Rye	Grain	C
3.b		Secale cereale	Rye	Whole Plant	C
4.a		Triticum aestivum	Wheat	Grain	C
4.b		Triticum aestivum	Wheat	Whole Plant	C
5.a		Triticum durum	Macaroni wheat	Grain	C
5.b		Triticum durum	Macaroni wheat	Whole Plant	C
6.a		Zea mays	Maize	Grain	C
6.b		Zea mays	Maize	Whole Plant	C
	II. Millets				
7.a		Echinochloa colona	Barnyard millet	Grain,	C
7.b		Echinochloa colona	Barnyard millet	Whole Plant	C
8.a		Eleusine coracana	Finger millet /Ragi	Grain	C
8.b		Eleusine coracana	Finger millet /Ragi	Whole Plant	C
9.a		Panicum miliaceum	Common millet	Grain	C
9.b		Panicum miliaceum	Common millet	Whole Plant	C
10.a		Panicum sumatrense	Little millet	Grain	C
10.b		Panicum sumatrense	Little millet	Whole Plant	C
11.a		Paspalum scrobiculatum	Kodo millet	Grain	C
11.b		Paspalum scrobiculatum	Kodo millet	Whole Plant	C
12.a		Pennisetum glaucum	Pearl millet /Bajra	Grain	C
12.b		Pennisetum glaucum	Pearl millet /Bajra	Whole Plant	C
13.a		Setaria italica	Italian millet	Grain	C
13.b		Setaria italica	Italian millet	Whole Plant	C
14.a		Sorghum bicolor	Sorghum /Jawar	Grain	C
14.b		Sorghum bicolor	Sorghum /Jawar	Whole Plant	C
	III. Pulses				
15.a		Cajanus cajan	Pigeon pea /Arhar	Seed	C
15.b		Cajanus cajan	Pigeon pea /Arhar	Pod	C
16.a		Cicer arietinum	Bengal gram	Seed	C
16.b		Cicer arietinum	Bengal gram	Pod	C
17.a		Lablab purpureus	Lablab bean	Seed	C

Sl. No.	Items	Biological resources	Illustrative trade or common name	Plant part	Source: (cultivated=C; wild= W; cultivated plus wild=Mixed-M)
17.b		Lablab purpureus	Lablab bean	Pod	C
18.a		Lathyrus sativus	Khesari /Chickling vetch	Seed	C
18.b		Lathyrus sativus	Khesari /Chickling vetch	Pod	C
19.a		Lens culinaris	Lentil	Seed	C
19.b		Lens culinaris	Lentil	Pod	C
20.a		Macrotyloma uniflorum	Horse gram	Seed	C
20.b		Macrotyloma uniflorum	Horse gram	Pod	C
21.a		Pisum sativum var. arvense	Field Pea	Seed	C
21.b		Pisum sativum var. arvense	Field Pea	Pod	C
22.a		Vicia crassa	Cow pea	Seed	C
22.b		Vicia crassa	Cow pea	Pod	C
23.a		Vicia faba	Field bean	Seed	C
23.b		Vicia faba	Field bean	Pod	C
24.a		Vicia sativa	Common vetch	Seed	C
24.b		Vicia sativa	Common vetch	Pod	C
25.a		Vigna aconitifolia	Moth Bean/Kidney bean	Seed	C
25.b		Vigna aconitifolia	Moth Bean/Kidney bean	Pod	C
26.a		Vigna angularis	Adzuki bean	Seed	C
26.b		Vigna angularis	Adzuki bean	Pod	C
27.a		Vigna mungo	Black gram	Seed	C
27.b		Vigna mungo	Black gram	Pod	C
28.a		Vigna radiata	Green gram	Seed	C
28.b		Vigna radiata	Green gram	Pod	C
29.a		Vigna umbellata	Rice bean	Bean	C
29.b		Vigna umbellata	Rice bean	Pod	C
	IV. Oil Seeds				
30.a		Arachis hypogaea	Ground nut	Seed	C
30.b		Arachis hypogaea	Ground nut	Pod	C
31.a		Brassica campestris var. Yellow sarson	Indian rape seed / Mustard	Seed	C
31.b		Brassica campestris var. Yellow sarson	Indian rape seed / Mustard	Pod	C

Sl. No.	Items	Biological resources	Illustrative trade or common name	Plant part	Source: (cultivated=C; wild= W; cultivated plus wild=Mixed-M)
32.a		Brassica campestris var. Brown sarson	Indian rape seed / Mustard	Seed	C
32.b		Brassica campestris var. Brown sarson	Indian rape seed / Mustard	Pod	C
33.a		Brassica juncea	Indian rape seed / Mustard	Seed	C
33.b		Brassica juncea	Indian rape seed / Mustard	Pod	C
34.a		Brassica napus	Indian rape seed / Mustard	Seed	C
34.b		Brassica napus	Indian rape seed / Mustard	Pod	C
35.a		Brassica rapa	Indian rape seed / Mustard	Seed	C
35.b		Brassica rapa	Indian rape seed / Mustard	Pod	C
36.		Carthamus tinctorius	Safflower	Seed	C
37.a		Eruca sativa subsp. sativa	Rocket salad / Taramira	Seed	C
37.b		Eruca sativa subsp. sativa	Rocket salad / Taramira	Leaf	C
38.a		Glycine max	Soybean	Seed	C
38.b		Glycine max	Soybean	Pod	C
39.		Guizotia abyssinica	Niger	Seed	C
40.a		Helianthus annuus	Sunflower	Seed	C
40.b		Helianthus annuus	Sunflower	Kernel	C
41.a		Linum usitatissimum	Linseed	Seed	C
41.b		Linum usitatissimum	Linseed	Pod	C
42.a		Ricinus communis	Castor	Seed	C
42.b		Ricinus communis	Castor	Pod	C
43.a		Sesamum indicum	Sesame	Seed	C
43.b		Sesamum indicum	Sesame	Pod	C
	V. Fibre Crops				
44.a		Corchorus capsularis	White Jute	Seed	C
44.b		Corchorus capsularis	White Jute	Whole Plant	C
44.c		Corchorus capsularis	White Jute	Fiber	C
44.d		Corchorus capsularis	White Jute	Stem	C
45.a		Corchorus olitorius	Tossa Jute	Seed	C
45.b		Corchorus olitorius	Tossa Jute	Whole Plant	C

Sl. No.	Items	Biological resources	Illustrative trade or common name	Plant part	Source: (cultivated=C; wild= W; cultivated plus wild=Mixed-M)
45.c		Corchorus olitorius	Tossa Jute	Fiber	C
45.d		Corchorus olitorius	Tossa Jute	Stem	C
46.a		Gossypium arboreum	Tree cotton	Fiber	C
46.b		Gossypium arboreum	Tree cotton	Seed capsule	C
47.a		Gossypium barbadense	Cotton	Fiber	C
47.b		Gossypium barbadense	Cotton	Seed Capsule	C
47.c		Gossypium barbadense	Cotton	Whole Plant	C
48.a		Gossypium herbaceum	Cotton	Fiber	C
48.b		Gossypium herbaceum	Cotton	Seed Capsule	C
48.c		Gossypium herbaceum	Cotton	Whole Plant	C
49.a		Gossypium hirsutum	Cotton	Fiber	C
49.b		Gossypium hirsutum	Cotton	Seed Capsule	C
49.c		Gossypium hirsutum	Cotton	Whole Plant	C
50.a		Hibiscus sabdariffa	Red sorrel	Stem	C
50.b		Hibiscus sabdariffa	Red sorrel	Fiber	C
50.c		Hibiscus sabdariffa	Red sorrel	Whole Plant	C
50.d		Hibiscus sabdariffa	Red sorrel	Seed	C
	VI. Forage Crops				
51.a		Avena sativa	Oats	Whole Plant	C
51.b		Avena sativa	Oats	Grain	C
52.a		Cenchrus ciliaris	Buffel grass	Whole Plant	C
52.b		Cenchrus ciliaris	Buffel grass	Grain	C
53.a		Cenchrus setigerus	Birdwood grass	Whole Plant	C
53.b		Cenchrus setigerus	Birdwood grass	Grain	C
54.a		Chrysopogon fulvus	Dharaf grass	Whole Plant	C
54.b		Chrysopogon fulvus	Dharaf grass	Grain	C
55.a		Dichanthium annulatum	Marvel grass	Whole Plant	C
55.b		Dichanthium annulatum	Marvel grass	Grain	C
56.a		Euchlaena mexicana	Teosinte	Whole Plant	C
56.b		Euchlaena mexicana	Teosinte	Grain	C
57.a		Fagopyrum esculentum	Buck wheat	Whole Plant	C
57.b		Fagopyrum esculentum	Buck wheat	Seed	C
58.a		Festuca spp.	Fescue	Whole Plant	C

Sl. No.	Items	Biological resources	Illustrative trade or common name	Plant part	Source: (cultivated=C; wild= W; cultivated plus wild=Mixed-M)
58.b		Festuca spp.	Fescue	Seed	C
59.a		Medicago sativa	Lucerne	Whole Plant	C
59.b		Medicago sativa	Lucerne	Seed	C
59.c		Medicago sativa	Lucerne	Pod	C
60.a		Melilotus indicus	Sweet clover /senji	Whole Plant	C
60.b		Melilotus indicus	Sweet clover /senji	Bean	C
60.c		Melilotus indicus	Sweet clover /senji	Pod	C
61.a		Panicum maximum	Guinea grass	Whole Plant	C
61.b		Panicum maximum	Guinea grass	Grain	C
62.a		Pennisetum pedicellatum	Dinanath grass	Whole Plant	C
62.b		Pennisetum pedicellatum	Dinanath grass	Grain	C
63.a		Pennisetum purpureum	Napier grass	Whole Plant	C
63.b		Pennisetum purpureum	Napier grass	Grain	C
64.		Setaria sphacelata	Golden bristle grass	Whole Plant	C
65.a		Sorghum bicolor subsp. drummondii	Forage sorghum (incl. sudan grass)	Whole Plant	C
65.b		Sorghum bicolor subsp. drummondii	Forage sorghum (incl. sudan grass)	Grain	C
66.a		Stylosanthes guyanensis	Stylo/Tropical lucerne	Whole Plant	C
66.b		Stylosanthes guyanensis	Stylo/Tropical lucerne	Grain	C
67.a		Trifolium alexandrium	Berseem/Egyptian clover	Whole Plant	C
67.b		Trifolium alexandrium	Berseem/ Egyptian clover	Grain	C
	VII. Green Manures				
68.a		Crotolaria juncea	Sunhemp	Whole Plant	C
68.b		Crotolaria juncea	Sunhemp	Seed	C
69.a		Hibiscus cannabinus	Mesta	Whole Plant	C
69.b		Hibiscus cannabinus	Mesta	Seed	C
70.a		Sesbania aculeata	Dhaincha	Whole Plant	C
70.b		Sesbania aculeata	Dhaincha	Seed	C
70.c		Sesbania aculeata	Dhaincha	Pod	C
	VIII. Sugar Crops				
71.a		Saccharum officinarum	Sugar cane	Stem	C
71.b		Saccharum officinarum	Sugar cane	Whole Plant	C

Sl. No.	Items	Biological resources	Illustrative trade or common name	Plant part	Source: (cultivated=C; wild= W; cultivated plus wild=Mixed-M)
	IX. Narcotics				
72.a		Nicotiana tabacum	Tobacco	Leaf	C
72.b		Nicotiana tabacum	Tobacco	Whole Plant	C
	X. Cucurbits				
73.a		Benincasa hispida	White Gourd/Petta	Leaf	C
73.b		Benincasa hispida	White Gourd/Petta	Fruit	C
73.c		Benincasa hispida	White Gourd/Petta	Flower	C
74.a		Citrullus lanatus	Watermelon	Fruit	C
74.b		Citrullus lanatus	Watermelon	Rind	C
75.a		Coccinia grandis	Gherkin/Ivy Gourd	Root	C
75.b		Coccinia grandis	Gherkin-Ivy Gourd	Fruit	C
76.a		Cucumis callosus	Melon/Bitter Cucumber	Fruit	C
76.b		Cucumis callosus	Melon/Bitter Cucumber	Seed	C
77.a		Cucumis melo	Muskmelon	Fruit	C
77.b		Cucumis melo	Muskmelon	Seed	C
78.		Cucumis melo var. momordica	Cantaloupe/ Mushmelon	Fruit	C
79.a		Cucumis melo var. utilissimus	Snake Cucumber/ Kakri	Root tubers	C
79.b		Cucumis melo var. utilissimus	Snake Cucumber/ Kakri	Fruit	C
80.a		Cucumis sativus	Cucumber/Keera	Fruit	C
80.b		Cucumis sativus	Cucumber/Keera	Root tubers	C
81.		Cucurbita maxima	Indian squash	Fruit	C
82.a		Cucurbita moschata	Pumpkin	Flower	C
82.b		Cucurbita moschata	Pumpkin	Stem	C
82.c		Cucurbita moschata	Pumpkin	Fruit	C
83.a		Cucurbita pepo	Field Pumpkin	Fruit	C
83.b		Cucurbita pepo	Field Pumpkin	Flower	C
83.c		Cucurbita pepo	Field Pumpkin	Leaf	C
83.d		Cucurbita pepo	Field Pumpkin	Seed	C
84.		Lagenaria siceraria	Bottle Gourd/Giya/ Lauki	Fruit	C
85.a		Luffa acutangula	Angled Luffa/Toria	Root	C
85.b		Luffa acutangula	Angled Luffa/Toria	Fruit	C

Sl. No.	Items	Biological resources	Illustrative trade or common name	Plant part	Source: (cultivated=C; wild= W; cultivated plus wild=Mixed-M)
86.a		<i>Luffa cylindrica</i>	Sponge Gourds	Fruit	C
86.b		<i>Luffa cylindrica</i>	Sponge Gourds	Seed	C
87.a		<i>Momordica charantia</i>	Bitter Gourd/Karela	Fruit	C
87.b		<i>Momordica charantia</i>	Bitter Gourd/Karela	Seed	C
87.c		<i>Momordica charantia</i>	Bitter Gourd/Karela	Root	C
88.a		<i>Praecitrullus fistulosus</i>	Tinda	Fruit	C
88.b		<i>Praecitrullus fistulosus</i>	Tinda	Root	C
88.c		<i>Praecitrullus fistulosus</i>	Tinda	Seed	C
89.a		<i>Sechium edule</i>	Chow-chow	Fruit	C
89.b		<i>Sechium edule</i>	Chow-chow	Tuber	C
89.c		<i>Sechium edule</i>	Chow-chow	Leaf	C
90.a		<i>Trichosanthes cucumerina</i>	Snake Gourd/ Chachinda	Leaf	C
90.b		<i>Trichosanthes cucumerina</i>	Snake Gourd/ Chachinda	Stem	C
90.c		<i>Trichosanthes cucumerina</i>	Snake Gourd/ Chachinda	Seed	C
90.d		<i>Trichosanthes cucumerina</i>	Snake Gourd/ Chachinda	Tuber	C
90.e		<i>Trichosanthes cucumerina</i>	Snake Gourd/ Chachinda	Fruit	C
91.a		<i>Trichosanthes dioica</i>	Parwal/Pointed Gourd	Root	C
91.b		<i>Trichosanthes dioica</i>	Parwal/Pointed Gourd	Fruit	C
	XI. Cole Crops				
92.a		<i>Brassica rapa</i> subsp. <i>chinensis</i>	Chinese cabbage	Leaf	C
92.b		<i>Brassica rapa</i> subsp. <i>chinensis</i>	Chinese cabbage	Whole Plant	C
93.a		<i>Brassica rapa</i> subsp. <i>pekinensis</i>	Chinese cabbage	Leaf	C
93.b		<i>Brassica rapa</i> subsp. <i>pekinensis</i>	Chinese cabbage	Whole Plant	C
	XII. Green/ Leafy vegetables				
94.		<i>Abelmoschus esculentus</i>	Lady's Fingers/ Bhindi/Okra	Fruit	C
95.		<i>Allium ampeloprasum</i>	Leek	Whole Plant	C

Sl. No.	Items	Biological resources	Illustrative trade or common name	Plant part	Source: (cultivated=C; wild= W; cultivated plus wild=Mixed-M)
96.a		Amaranthus blitum	Amaranth/chauli	Leaf	C
96.b		Amaranthus blitum	Amaranth/chauli	Whole Plant	C
97.a		Amaranthus cruentus	Amaranth/grain	Grain	C
97.b		Amaranthus cruentus	Amaranth/grain	Leaf	C
98.a		Amaranthus tricolor	Amaranth /tender	Leaf	C
98.b		Amaranthus tricolor	Amaranth /tender	Whole Plant	C
99.a		Apium graveolens var. dulce	Celery	Leaf	C
99.b		Apium graveolens var. dulce	Celery	Whole Plant	C
100.a		Asparagus officinalis	Asparagus	Shoot	C
100.b		Asparagus officinalis	Asparagus	Whole Plant	C
101.a		Beta vulgaris	Beet Root	Root	C
101.b		Beta vulgaris	Beet Root	Leaf	C
102.a		Beta vulgaris var. bengalensis	Beet (Sea beet)	Leaf	C
102.b		Beta vulgaris var. bengalensis	Beet (Sea beet)	Flower	C
102.c		Beta vulgaris var. bengalensis	Beet (Sea beet)	Root	C
103.a		Beta vulgaris var. flavescens	Spinach beet	Leaf	C
103.b		Beta vulgaris var. flavescens	Spinach beet	Whole Plant	C
104.		Brassica oleracea var. botrytis	Cauliflower	Flower Bud	C
105.		Brassica oleracea var. capitata	Cabbage	Leaf	C
106.a		Brassica oleracea var. gemmifera	Brussels Sprouts/ Cabbage	Leaf	C
106.b		Brassica oleracea var. gemmifera	Brussels Sprouts/ Cabbage	Bud	C
107.a		Brassica oleracea var. gongylodes	Kohlrabi	Tuberous stem	C
107.b		Brassica oleracea var. gongylodes	Kohlrabi	Leaf	C
108.a		Brassica oleracea var. italica	Broccoli	Flower Bud	C
108.b		Brassica oleracea var. italica	Broccoli	Seed pod	C

Sl. No.	Items	Biological resources	Illustrative trade or common name	Plant part	Source: (cultivated=C; wild= W; cultivated plus wild=Mixed-M)
109.a		Cyamopsis tetragonoloba	Guar Bean	Pod	C
109.b		Cyamopsis tetragonoloba	Guar Bean	Seed	C
110.		Cynara cardunculus var. scolymus	Artichokes	Whole Plant	C
111.a		Daucus carota	Carrot (Wild)	Root	C
111.b		Daucus carota	Carrot (Wild)	Flower	C
112.a		Lablab purpureus (Syn. Dolichos lablab)	Lablab/Sem	Pod	C
112.b		Lablab purpureus (Syn. Dolichos lablab)	Lablab/Sem	Seed	C
113.a		Lactuca sativa	Lettuce	Leaf	C
113.b		Lactuca sativa	Lettuce	Seed	C
114.		Lycopersicon esculentum	Tomato	Fruit	C
115.a		Moringa oleifera	Drumstick tree	Fruit	C
115.b		Moringa oleifera	Drumstick tree	Leaf	C
115.c		Moringa oleifera	Drumstick tree	Seed	C
115.d		Moringa oleifera	Drumstick tree	Root	C
116.a		Petroselinum crispum	Parsley/Biennian Plant	Leaf	C
116.b		Petroselinum crispum	Parsley/Biennian Plant	Root	C
116.c		Petroselinum crispum	Parsley /Biennian Plant	Seed	C
117.a		Phaseolus vulgaris	Kidney Bean/ Rajmah	Leaf	C
117.b		Phaseolus vulgaris	Kidney Bean/ Rajmah	Bean	C
117.c		Phaseolus vulgaris	Kidney Bean/ Rajmah	Seed	C
118.a		Pisum sativum	Pea/Garden Pea	Pod	C
118.b		Pisum sativum	Pea/Garden Pea	Seed	C
119.a		Raphanus sativus	Radish/Mooli	Leaf	C
119.b		Raphanus sativus	Radish/Mooli	Seed	C
119.c		Raphanus sativus	Radish/Mooli	Root	C
120.a		Sesbania grandiflora	Agati/ Gaach-Munga	Flower	C
120.b		Sesbania grandiflora	Agati/ Gaach-Munga	Pod	C
121.		Solanum melongena	Brinjal/Eggplant	Fruit	C

Sl. No.	Items	Biological resources	Illustrative trade or common name	Plant part	Source: (cultivated=C; wild= W; cultivated plus wild=Mixed-M)
122.		Spinacia oleracea	Spinach	Leaf	C
123.a		Trigonella corniculata	Fenugreek/kasuri methi	Seed	C
123.b		Trigonella corniculata	Fenugreek/kasuri methi	Whole Plant	C
124.a		Vigna unguiculata	Cowpea/Lobia	Leaf	C
124.b		Vigna unguiculata	Cowpea/Lobia	Seed	C
124.c		Vigna unguiculata	Cowpea/Lobia	Pod	C
	XIII. Cruciferous Vegetable				
125.a		Raphanus caudatus	Rat-tail Radish	Pod	C
125.b		Raphanus caudatus	Rat-tail Radish	Seed	C
	XIV. Bulb Crops				
126.a		Allium cepa var. aggregatum	Multiplier onion / Potato onion	Bulb	C
126.b		Allium cepa var. aggregatum	Multiplier onion / Potato onion	Whole Plant	C
	XV. Tubers, Rhizomes and Pith				
127.		Allium cepa	Onions	Bulb	C
128.		Allium sativum	Garlic	Bulb	C
129.		Amorphophallus paeoniifolius	Elephant foot yam/ Jimikand	Root	C
130.a		Armoracia rusticiana	Horse radish	Tuber	C
130.b		Armoracia rusticiana	Horse radish	Whole tuber	C
131.a		Colocasia esculenta	Taro (Arvi)	Corm	C
131.b		Colocasia esculenta	Taro (Arvi)	Rhizome	C
132.		Dioscorea alata	Guyana arrowroot/ Ratalu/ Violet Yam	Tuber	C
133.		Dioscorea cayennensis subsp. rotundata	Guinea Yam	Tuber	C
134.		Dioscorea esculenta	Lesser Yam	Tuber	C
135.		Ipomoea batatas	Sweet Potato/ Shakarkand	Tuberous Root	C
136.a		Manihot esculenta	Tapioca/Cassava	Tuberous Root	C
136.b		Manihot esculenta	Tapioca/Cassava	Stem	C
137.		Maranta arundinacea	Arrowroot	Root tuber	C

Sl. No.	Items	Biological resources	Illustrative trade or common name	Plant part	Source: (cultivated=C; wild= W; cultivated plus wild=Mixed-M)
138.		Metroxylon sagu	Sago	Pith	C
139.		Pachyrhizus erosus	Jicama/ Mishrikand	Root	C
140.		Plectranthus rotundifolius	Hausa Potato, Coleus potato, Country potato	Root tuber	C
141.		Solanum tuberosum	Potato	Tuberous stem	C
	XVI. Root Crops				
142.a		Apium graveolens var. rapeceum	Celeriac	Root bulb	C
142.b		Apium graveolens var. rapeceum	Celeriac	Whole Plant	C
143.a		Beta vulgaris var. rubra	Garden beet	Root Tuber	C
143.b		Beta vulgaris var. rubra	Garden beet	Whole Plant	C
	XVII. Fruit Crops				
144.		Actinidia chinensis	Kiwi Fruit	Fruit	C
145.		Ananas comosus	Pineapple	Fruit	C
146.a		Annona reticulata	Custard Apple/ Ramphal	Fruit	C
146.b		Annona reticulata	Custard Apple/ Ramphal	Bark	C
146.c		Annona reticulata	Custard Apple/ Ramphal	Leaf	C
147.		Annona squamosa	Custard apple	Fruit	C
148.a		Artocarpus heterophyllus	Jackfruit/Kathal	Fruit	C
148.b		Artocarpus heterophyllus	Jackfruit/Kathal	Seed	C
148.c		Artocarpus heterophyllus	Jackfruit/Kathal	Leaf	C
148.d		Artocarpus heterophyllus	Jackfruit/Kathal	Pulp	C
149.a		Artocarpus incisus	Breadfruit	Fruit	C
149.b		Artocarpus incisus	Breadfruit	Seed	C
150.		Averrhoa carambola	Carambola/ Star Fruit	Fruit	C
151.a		Carica papaya	Papaya	Fruit	C
151.b		Carica papaya	Papaya	Seed	C
152.a		Carissa carandas	Karanda/Currants	Fruit	M
152.b		Carissa carandas	Karanda/Currants	Seed	M
153.a		Carya illinoensis	Pecan nut	Nut	C
153.b		Carya illinoensis	Pecan nut	Seed	C

Sl. No.	Items	Biological resources	Illustrative trade or common name	Plant part	Source: (cultivated=C; wild= W; cultivated plus wild=Mixed-M)
154.		Citrus aurantiifolia	Lime	Fruit	C
155.		Citrus latifolia	Leemo/Tahiti Lime	Fruit	C
156.		Citrus limon	Lemon	Fruit	C
157.		Citrus nobilis	Kinnow	Fruit	C
158.		Citrus reticulata	Mandarin	Fruit	C
159.		Citrus sinensis	Sweet orange	Fruit	C
160.a		Corylus colurna	Hazel nut	Fruit	C
160.b		Corylus colurna	Hazel nut	Nut	C
161.		Cydonia oblonga	Quinces	Fruit	C
162.		Durio zibethinus	Durian	Fruit	C
163.a		Eleocharis dulcis	Singoda	Fruit	C
163.b		Eleocharis dulcis	Singoda	Nut	C
164.		Eriobotrya japonica	Loquat/Japonica	Fruit	C
165.a		Ficus carica	Common fig/Angir	Fruit	C
165.b		Ficus carica	Common fig/Angir	Leaf	C
166.		Fragaria ananassa	Strawberry	Fruit	C
167.a		Garcinia mangostana	Mangosteen	Fruit	C
167.b		Garcinia mangostana	Mangosteen	Seed	C
168.a		Grewia asiatica	Phalsa	Fruit	M
168.b		Grewia asiatica	Phalsa	Leaf	C
168.c		Grewia asiatica	Phalsa	Root	C
168.d		Grewia asiatica	Phalsa	Bark	C
168.e		Grewia asiatica	Phalsa	Seed	M
169.a		Juglans regia	Walnut	Leaf	C
169.b		Juglans regia	Walnut	Seed	C
169.c		Juglans regia	Walnut	Fruit	C
170.		Litchi chinensis	Lichee/Litchi	Fruit	C
171.		Malus domestica	Apple	Fruit	C
172.		Mangifera indica	Mango	Fruit	C
173.		Manilkara zapota	Cheeku/Sapote	Fruit	C
174.a		Musa paradisiaca	Banana	Fruit	C
174.b		Musa paradisiaca	Banana	Leaf	C
174.c		Musa paradisiaca	Banana	Root Tuber	C
174.d		Musa paradisiaca	Banana	Whole Plant	C
175.a		Nephelium lappaceum	Rambutan/Lichi	Fruit	C
175.b		Nephelium lappaceum	Rambutan/Lichi	Shoot	C

Sl. No.	Items	Biological resources	Illustrative trade or common name	Plant part	Source: (cultivated=C; wild= W; cultivated plus wild=Mixed-M)
175.c		<i>Nephelium lappaceum</i>	Rambutan/Lichi	Bark	C
175.d		<i>Nephelium lappaceum</i>	Rambutan/Lichi	Root	C
176.		<i>Olea europaea</i>	Olive	Fruit	C
177.		<i>Passiflora edulis</i>	Passion Fruit	Fruit	C
178.		<i>Persea americana</i>	Avacado/Pear	Fruit	C
179.		<i>Phoenix dactylifera</i>	Dates	Fruit	C
180.		<i>Phyllanthus emblica</i>	Amla	Fruit	M
181.		<i>Prunus amygdalus</i>	Almonds	Seed/Kernel	C
182.a		<i>Prunus armeniaca</i>	Apricot/ Khubani	Fruit	C
182.b		<i>Prunus armeniaca</i>	Apricot/ Khubani	Kernel/Seed	C
183.		<i>Prunus avium</i>	Cherry	Fruit	C
184.		<i>Prunus domestica</i>	Plum	Fruit	C
185.		<i>Prunus persica</i>	Peaches	Fruit	C
186.		<i>Prunus salicina</i>	Plum	Fruit	C
187.		<i>Psidium guajava</i>	Amrud/Guava	Fruit	C
188.a		<i>Punica granatum</i>	Anar/Pomegranate	Fruit	C
188.b		<i>Punica granatum</i>	Anar/Pomegranate	Seed	C
189.		<i>Pyrus communis</i>	Common Pear	Fruit	C
190.		<i>Ribes spp.</i>	Currant	Fruit	C
191.		<i>Rubus spp.</i>	Raspberry	Fruit	C
192.a		<i>Syzygium cumini</i>	Jambul/Jamun	Fruit	M
192.b		<i>Syzygium cumini</i>	Jambul/Jamun	Seed	M
193.		<i>Syzygium jambos</i>	Malabar Plum	Fruit	C
194.		<i>Vaccinium spp.</i>	Cranberry	Fruit	C
195.		<i>Vitis vinifera</i>	Grapes	Fruit	C
196.		<i>Ziziphus mauritiana</i>	Jujube/Ber	Fruit	M
	XVIII. Flower crops & Ornamentals				
197.		<i>Alpinia purpurata</i>	Red ginger	Flower head	C
198.a		<i>Anthurium spp.</i>	Anthurium	Flower head	C
198.b		<i>Anthurium spp.</i>	Anthurium	Seed	C
199.a		<i>Antirrhinum spp.</i>	Snapdragon	Flower head	C
199.b		<i>Antirrhinum spp.</i>	Snapdragon	Whole Plant	C
200.a		<i>Calendula officinalis</i>	Calendula	Flower	C
200.b		<i>Calendula officinalis</i>	Calendula	Seed	C

Sl. No.	Items	Biological resources	Illustrative trade or common name	Plant part	Source: (cultivated=C; wild= W; cultivated plus wild=Mixed-M)
201.a		Chrysanthemum indicum	Annual chrysanthemum	Flower Head	C
201.b		Chrysanthemum indicum	Annual chrysanthemum	Root	C
201.c		Chrysanthemum indicum	Annual chrysanthemum	Whole Plant	C
202.		Codiaeum variegatum	Croton	Whole Plant	C
203.a		Coreopsis lanceolata	Coreopsis	Flower	C
203.b		Coreopsis lanceolata	Coreopsis	Seed	C
204.a		Coreopsis tinctoria	Coreopsis	Flower	C
204.b		Coreopsis tinctoria	Coreopsis	Seed	C
205.a		Cosmos bipinnatus	Cosmos	Flower	C
205.b		Cosmos bipinnatus	Cosmos	Seed	C
206.a		Crossandra spp.	Crossandra	Flower	C
206.b		Crossandra spp.	Crossandra	Seed	C
207.		Dieffenbachia spp.	Diffenbachia	Whole Plant	C
208.a		Dimorphotheca orientale	African daisy	Flower	C
208.b		Dimorphotheca orientale	African daisy	Seed	C
209.a		Eschscholzia californica	Californica poppy	Flower	C
209.b		Eschscholzia californica	Californica poppy	Seed	C
210.a		Gazania splendens	Gazania	Flower	C
210.b		Gazania splendens	Gazania	Seed	C
211.a		Gerbera spp.	Gerbera	Flower head	C
211.b		Gerbera spp.	Gerbera	Seed	C
212.a		Gladiolus spp.	Gladiolus	Flower head	C
212.b		Gladiolus spp.	Gladiolus	Whole Plant	C
213.a		Helianthus spp.	Ornamental sunflower	Flower head	C
213.b		Helianthus spp.	Ornamental sunflower	Seed	C
214.		Heliconia spp.	Heliconia	Flower head	C
215.a		Helichrysum bracteatum	Paper flower	Flower	C
215.b		Helichrysum bracteatum	Paper flower	Seed	C
216.a		Jasminum spp.	Jasmine	Flower	C
216.b		Jasminum spp.	Jasmine	Petal	C
217.		Kalanchoe spp.	Kalanchoe	Whole Plant	C
218.		Lilium asiaticum	Asiatic Lily	Flower	C
219.		Lilium longiflorum	Easter Lily	Flower	C

Sl. No.	Items	Biological resources	Illustrative trade or common name	Plant part	Source: (cultivated=C; wild= W; cultivated plus wild=Mixed-M)
220.a		Mesembryanthemum spp.	Ice Plant	Flower	C
220.b		Mesembryanthemum spp.	Ice Plant	Seed	C
221.a		Papaver rhoeas	Corn poppy	Flower	C
221.b		Papaver rhoeas	Corn poppy	Seed	C
222.a		Petunia hybrid	Petunia	Flower	C
222.b		Petunia hybrid	Petunia	Seed	C
223.a		Petunia spp.	Petunia	Flower Head	C
223.b		Petunia spp.	Petunia	Whole Plant	C
224.a		Phlox drumondii	Phlox	Flower	C
224.b		Phlox drumondii	Phlox	Seed	C
225.a		Rosa damascena	Damask Rose	Flower	C
225.b		Rosa damascena	Damask Rose	Petals	C
226.a		Rosa hybrid	Rose	Flower	C
226.b		Rosa hybrid	Rose	Petals	C
227.		Tagetes spp.	Marigold	Flower head	C
228.a		Tropaeolum majus	Nasturtium	Flower	C
228.b		Tropaeolum majus	Nasturtium	Seed	C
229.a		Strelitzia spp.	Bird of paradise	Flower	C
229.b		Strelitzia spp.	Bird of paradise	Whole Plant	C
230.a		Verbena hybrida	Verbena	Flower	C
230.b		Verbena hybrida	Verbena	Seed	C
231.a		Polianthes tuberosa	Tuberose/ Rajnigandha	Flower	C
231.b		Polianthes tuberosa	Tuberose/ Rajnigandha	Seed	C
232.		Dianthus caryophyllus	Carnation/ Clove Pink	Flower	C
233.a		Callistephus chinensis	Aster/ China Aster	Flower	C
233.b		Callistephus chinensis	Aster/ China Aster	Seed	C
	XIX. Medicinal Plants (incl. medicinal crops and aromatic plants)				
234		Abelmoschus moschatus	Mushkdana	Seed	C
235.a		Acacia nilotica	Babul	Leaf	M

Sl. No.	Items	Biological resources	Illustrative trade or common name	Plant part	Source: (cultivated=C; wild= W; cultivated plus wild=Mixed-M)
235.b		Acacia nilotica	Babul	Gum	M
235.c		Acacia nilotica	Babul	Bark	C
236.a		Achyranthes aspera	Apamarga	Whole Plant	M
236.b		Achyranthes aspera	Apamarga	Fruit	M
236.c		Achyranthes aspera	Apamarga	Root	M
237.		Acorus calamus	Vach	Rhizome	C
238.		Aloe vera	Aloe	Leaf	C
239.		Alpinia calcarata	Aratha	Rhizome	C
240.a		Alternanthera sessilis	Matsyakshi	Aerial part	M
240.b		Alternanthera sessilis	Matsyakshi	Whole Plant	C
241.		Ammi majus	Bishop's weed	Fruit	C
242.a		Artemisia annua	Afsanteen	Aerial part	C
242.b		Artemisia annua	Afsanteen	Whole Plant	C
243.a		Artemisia nilgirica	Davana	Flower	C
243.b		Artemisia nilgirica	Davana	Whole Plant	C
244.a		Artemisia pallens	Dhavanam	Leaf	C
244.b		Artemisia pallens	Dhavanam	Flower	C
245.a		Atropa belladonna	Belladonna	Leaf	C
245.b		Atropa belladonna	Belladonna	Root	C
246.a		Azadirachta indica	Neem	Leaf	C
246.b		Azadirachta indica	Neem	Fruit	M
247.		Bacopa monnieri	Nirbrahmi	Whole Plant	M
248.		Basella alba	Indian saag	Leaf	C
249.a		Boerhavia diffusa	Punarnava	Root	M
249.b		Boerhavia diffusa	Punarnava	Whole Plant	M
250.		Brassica nigra	Sarso	Seed	C
251.		Caesalpinia sappan	Pathimukham	Heart wood	C
252.		Calotropis gigantea	Akh phool	Flower	M
253.a		Calotropis procera	Akh	Leaf	M
253.b		Calotropis procera	Akh	Latex	M
254.a		Cassia fistula	Amalthasphali	Flower	M
254.b		Cassia fistula	Amalthasphali	Fruit	M
254.c		Cassia fistula	Amalthasphali	Bark	C
255.a		Cassia tora	Chakoda Beeja	Fruit	M
255.b		Cassia tora	Chakoda Beeja	Seed	M
255.c		Cassia tora	Chakoda Beeja	Leaf	M

Sl. No.	Items	Biological resources	Illustrative trade or common name	Plant part	Source: (cultivated=C; wild= W; cultivated plus wild=Mixed-M)
256.a		<i>Catharanthus roseus</i>	Sadabahar	Root	C
256.b		<i>Catharanthus roseus</i>	Leaf	Leaf	C
257.a		<i>Centella asiatica</i>	Brahmi	Leaf	M
257.b		<i>Centella asiatica</i>	Brahmi	Whole Plant	M
258.a		<i>Cephalis ipecacuanha</i>	Ipecac	Root	C
258.b		<i>Cephalis ipecacuanha</i>	Ipecac	Rhizome	C
259.		<i>Cestrum diurnum</i>	Din ka raja	Leaf	C
260.		<i>Chlorophytum borivillianum</i>	Musali	Root tuber	C
261.		<i>Chrysanthemum parthenium</i>	Fewer few	Leaf	C
262.		<i>Chrysopogon zizanioides</i>	Khuskhus, Usira	Root	C
263.a		<i>Cichorium intybus</i>	Kasani	Seed	C
263.b		<i>Cichorium intybus</i>	Kasani	Flower	C
263.c		<i>Cichorium intybus</i>	Kasani	Leaf	C
264.		<i>Cissus quadrangularis</i>	Hathajodi	Stem	M
265.a		<i>Citrullus colocynthis</i>	Indrayan	Fruit	M
265.b		<i>Citrullus colocynthis</i>	Indrayan	Root	M
266.		<i>Croton tiglium</i>	Jamal Ghotra	Seed	C
267.		<i>Curcuma angustifolia</i>	Arrow Root/Tikhur	Rhizome	C
268.		<i>Curcuma zedoaria</i>	Kachur	Rhizome	C
269.		<i>Cuscuta reflexa</i>	Amar bel	Whole Plant	M
270.		<i>Cymbopogon citratus</i>	Lemongrass	Leaf	M
271.		<i>Cymbopogon flexuosus</i>	Lemon Grass/ Citronella/ Gavati Chaha	Whole Plant	C
272.a		<i>Cymbopogon martinii</i>	Palmarosa/ Gingergrass	Flower Head	C
272.b		<i>Cymbopogon martinii</i>	Palmarosa/ Gingergrass	Leaf	M
272.c		<i>Cymbopogon martinii</i>	Palmarosa/ Gingergrass	Stem	C
273.		<i>Cymbopogon winterianus</i>	Citronella	Leaf	C
274.		<i>Cyperus rotundus</i>	Nagarmotha	Root	M
275.		<i>Cyperus scariosus</i>	Nagarmotha	Root	M
276.a		<i>Digitalis lanata</i>	Foxglove/Hritapatari/ Austrian Digitalis	Pods	C
276.b		<i>Digitalis lanata</i>	Foxglove/Hritapatari/ Austrian Digitalis	Whole plant	C

Sl. No.	Items	Biological resources	Illustrative trade or common name	Plant part	Source: (cultivated=C; wild= W; cultivated plus wild=Mixed-M)
276.c		Digitalis lanata	Foxglove/Hritapatari/ Austrian Digitalis	Seed	C
277.		Dioscorea floribunda	Yam	Root	C
278		Eclipta prostrata	Bhringaraj	Whole Plant	M
279.a		Eucalyptus citriodora	Eucalyptus	Leaf	C
279.b		Eucalyptus citriodora	Eucalyptus	Wood	C
280.a		Eucalyptus globulus	Eucalyptus	Leaf	C
280.b		Eucalyptus globulus	Eucalyptus	Wood	C
281.		Evolvulus alsinoides	Sankhapushpi	Whole Plant	M
282.a		Glaucium flavum	Sea Poppy/ Horn Poppy	Leaf	C
282.b		Glaucium flavum	Sea Poppy/ Horn Poppy	Flower	C
282.c		Glaucium flavum	Sea Poppy/ Horn Poppy	Seed	C
283.a		Gloriosa superba	Kalihari	Root	C
283.b		Gloriosa superba	Kalihari	Seed	C
284.a		Glycyrrhiza glabra	Athimadhuram/ Mulathi/ Liquorice	Root	C
284.b		Glycyrrhiza glabra	Athimadhuram/ Mulathi/ Liquorice	Stem	C
285.		Hedychium coronarium	Kachur	Rhizome	C
286.		Hedychium spicatum	Kapurkachri	Rhizome	C
287.a		Hibiscus rosa-sinensis	Hibiscus	Flower	C
287.b		Hibiscus rosa-sinensis	Hibiscus	Root	C
288.		Hyoscyamus muticus	Henbane	Leaf	C
289.		Indigofera tinctoria	Black Henna/ Neel/ Amari	Leaf	C
290.		Inula racemosa	Pushkarmool	Root	C
291.		Jatropha curcas	Nepalam/ Ratanjot	Seed	C
292.		Justicia adhatoda (syn. Adhatoda zeylanica)	Vasaka	Leaf	C
293		Kaempferia galangal	Kachora	Rhizome	C
294.		Lawsonia inermis	Henna/Mehndi	Leaf	C
295.		Lepidium sativum	Chansar/ Aali	Seed	C
296.		Leptadenia reticulata	Dhoodabhel	Stems	C
297.		Leucas aspera	Drona pushpi	Whole Plant	M
298.		Mentha arvensis	Field Mint/Pudina	Leaf	C
299.		Mentha piperata	Mint	Leaves	C

Sl. No.	Items	Biological resources	Illustrative trade or common name	Plant part	Source: (cultivated=C; wild= W; cultivated plus wild=Mixed-M)
300.		<i>Mentha spicata</i>	Pudina/Spearmint	Leaf	C
301.		<i>Morus alba</i>	Mulberry	Leaves	C
302.a		<i>Nerium indicum</i>	Kaner	Leaf	M
302.b		<i>Nerium indicum</i>	Kaner	Root	C
302.c		<i>Nerium indicum</i>	Kaner	Bark	C
303.		<i>Ocimum basilicum</i>	Tulasi	Whole plant	C
304.a		<i>Ocimum tenuiflorum</i>	Black Tulasi	Leaf	C
304.b		<i>Ocimum tenuiflorum</i>	Black Tulasi	Aerial parts	C
305.a		<i>Oreganum majorana</i>	Marjoram	Leaf	C
305.b		<i>Oreganum majorana</i>	Marjoram	Whole Plant	C
306.		<i>Papaver somniferum</i>	Opium Poppy / Gasagase	Seed/ Seed coat	C
307.		<i>Pedaliium murex</i>	Bada gokhru	Fruit	M
308.a		<i>Pelargonium graveolens</i>	Geranium Rose	Leaf	C
308.b		<i>Pelargonium graveolens</i>	Geranium Rose	Flower	C
309.		<i>Phyllanthus amarus</i>	Bhumi amla	Whole Plant	M
310.		<i>Piper betel</i>	Betel Leaf	Leaf	C
311.a		<i>Piper longum</i>	Pippali / long pepper	Fruit	C
311.b		<i>Piper longum</i>	Pippali / long pepper	Root	C
311.c		<i>Piper longum</i>	Pippali / long pepper	Stem	C
312.a		<i>Plantago ovata</i>	Isabgul	Husk	C
312.b		<i>Plantago ovata</i>	Isabgul	Seed	C
313.a		<i>Plectranthus barbatus</i> (Syn. <i>Coleus forskohlii</i>)	Indian Coleus	Leaf	C
313.b		<i>Plectranthus barbatus</i> (Syn. <i>Coleus forskohlii</i>)	Indian Coleus	Root	C
314.		<i>Pogostemon cablin</i>	Patchouli	Whole plant	C
315.		<i>Pongamia pinnata</i>	Karanj	Seed	M
316.a		<i>Rosemarianus officinalis</i>	Rosemary	Leaf	C
316.b		<i>Rosemarianus officinalis</i>	Rosemary	Aerial parts	C
317.		<i>Salvodora persica</i>	Meswak	Stem	C
318.		<i>Senna alexandrina</i>	Senna	Leaf	C
319.a		<i>Sida cordifolia</i>	Bala	Root	M
319.b		<i>Sida cordifolia</i>	Bala	Fruit	M
319.c		<i>Sida cordifolia</i>	Bala	Seed	M
319.d		<i>Sida cordifolia</i>	Bala	Whole Plant	M
320.a		<i>Silybum marianum</i>	Milk Thistle	Leaf	C
320.b		<i>Silybum marianum</i>	Milk Thistle	Seed	M

Sl. No.	Items	Biological resources	Illustrative trade or common name	Plant part	Source: (cultivated=C; wild= W; cultivated plus wild=Mixed-M)
321.a		Simmondsia chinensis	Jojoba	Seed	C
321.b		Simmondsia chinensis	Jojoba	Seed	C
322.a		Solanum nigrum	Kakamachi	Fruit	M
322.b		Solanum nigrum	Kakamachi	Root	M
322.c		Solanum nigrum	Kakamachi	Whole Plant	M
323.a		Solanum laciniatum	Kangaroo apple	Leaf	C
323.b		Solanum laciniatum	Kangaroo apple	Flower	C
323.c		Solanum laciniatum	Kangaroo apple	Seed	C
324.a		Solanum pubescens	Sundai kaai	Leaf	M
324.b		Solanum pubescens	Sundai kaai	Fruit	M
325.a		Solanum viarum	Tropical Soda Apple	Root	C
325.b		Solanum viarum	Tropical Soda Apple	Flower	C
325.c		Solanum viarum	Tropical Soda Apple	Fruit	C
326.a		Solanum xanthocarpum	Kateli	Fruit	M
326.b		Solanum xanthocarpum	Kateli	Whole Plant	M
327.a		Sphaeranthus indicus	Gorak mundi	Whole Plant	M
327.b		Sphaeranthus indicus	Gorak mundi	Inflorescence	M
328.		Stevia rebaudiana	Stevia	Leaves	C
329.a		Tephrosia purpurea	Sarad foka	Leaf	M
329.b		Tephrosia purpurea	Sarad foka	Root	M
329.c		Tephrosia purpurea	Sarad foka	Seed	M
329.d		Tephrosia purpurea	Sarad foka	Fruit	M
330.a		Terminalia catappa	Jungli badam	Seed	M
330.b		Terminalia catappa	Jungli badam	Fruit	M
330.c		Terminalia catappa	Jungli badam	Leaf	M
331.a		Thespesia populnea	Parisha	Leaf	M
331.b		Thespesia populnea	Parisha	Fruit	M
332.a		Thymus vulgaris	Thyme /Ban Jawain	Leaf	C
332.b		Thymus vulgaris	Thyme /Ban Jawain	Seed	C
333.a		Tinospora cordifolia	Amirthavalli	Stem	C
333.b		Tinospora cordifolia	Amirthavalli	Whole Plant	C
334.		Trachyspermum ammi	Ajjwain	Seed	C
335.		Tribulus terrestris	Gokshura	Fruit	M
336.		Vinca minor	Periwinkle	Leaf	M
337.a		Vitex negundo	Karinochi/ Neergundi	Leaf	C

Sl. No.	Items	Biological resources	Illustrative trade or common name	Plant part	Source: (cultivated=C; wild= W; cultivated plus wild=Mixed-M)
337.b		Vitex negundo	Karinochi/ Neergundi	Seed	M
338.		Vitex trifolia	Nekki	Leaf	M
339.		Withania somnifera	Ashwagandha	Root	C
340.		Woodfordia fruticosa	Daiphool	Flower	M
341.		Ziziphus jujuba	Jujuba	Fruit	M
	XX. Spice crops				
342.		Alpinia galanga	Greater Galanga/ Kulanjan	Rhizome	C
343.		Amomum subulatum ilyachi	Cardamom (Large), Badi	Seed	C
344a.		Anethum graveolens	Dill/Sowa	Leaf	C
344b.		Anethum graveolens	Dill/Sowa	Seed	C
345.		Apium graveolens	Celery/Ajmod	Whole plant	C
346.		Capsicum annum	Capsicum/Chili peppers	Fruit	C
347.		Capsicum frutescens	Bird's Eye (Chilli)	Fruit	C
348.		Carum carvi	Caraway	Fruit	
349.		Cinnamomum cassia	Cassia	Bark	C
350.a		Cinnamomum tamala	Tejpat/Bay Leaf	Bark	C
350.b		Cinnamomum tamala	Tejpat/Bay Leaf	Leaf	C
351.		Cinnamomum verum	Cinnamon/ Dalchini	Bark	C
352.		Coriandrum sativum	Coriander/ Dhaniya	Whole plant	C
353.a		Crocus sativus	Saffron	Flower head	C
353.b		Crocus sativus	Saffron	Stigma	C
354.		Cuminum cyminum (Syn. Cuminum odorum)	Cumin/Jeera	Seed	C
355.		Curcuma longa	Turmeric/Haldi	Rhizome	C
356.a		Elettaria cardamomum	Cardamom (Small)/ Elachi	Fruit	C
356.b		Elettaria cardamomum	Cardamom (Small)/ Elachi	Seed	C
357.		Foeniculum vulgare	Fennel/ Badi/Moti Saunf	Fruit	C
358.		Murraya koenigii	Curry Tree/ CurryLeaves/ Karipatha	Leaf	C
359.a		Myristica fragrans	Nutmeg/Mace/ Jaibhal	Aril	C

Sl. No.	Items	Biological resources	Illustrative trade or common name	Plant part	Source: (cultivated=C; wild= W; cultivated plus wild=Mixed-M)
359.b		Myristica fragrans	Nutmeg/Mace/ Jaibhal	Fruit	C
360.		Nigella sativa	Black Cumin/ Mamgarail/ Kalonji	Seed	C
361.a		Pimenta dioica	Allspice/Pimento/ Jamaica Pepper	Fruit	C
361.b		Pimenta dioica	Allspice/Pimento/ Jamaica Pepper	Leaf	C
362.		Pimpinella anisum	Aniseed	Seed	C
363.		Piper nigrum	Kali Mirch/Black Pepper/ Mirch	Fruit	C
364.		Syzygium aromaticum	Clove/Laung	Flower bud	C
365.		Tamarindus indica	Tamarind/Imli	Fruit	C
366.		Trachyspermum ammi	Ajwain /Carum/ Ajowain	Seed	C
367.a		Trigonella foenum- graecum	Fenugreek/Methi	Leaf	C
367.b		Trigonella foenum- graecum	Fenugreek/Methi	Seed	C
368.a		Vanilla planifolia (Syn.Vanilla fragrans)	Vanilla	Pod	C
368.b		Vanilla planifolia (Syn.Vanilla fragrans)	Vanilla	Leaf	C
369.		Zingiber officinale	Ginger/ Adrak	Rhizome	C
	XXI. Plantation Crops				
370.a		Anacardium occidentale	Cashew	Fruit	C
370.b		Anacardium occidentale	Cashew	Nut(Seed)	C
371.		Areca catechu	Betel Tree/Supari	Arecanut	C
372.		Borassus flabellifer	Palmyra Palm/ Toddy Palm/tad	Fruit	C
373.		Camellia sinensis	Tea	Leaf	C
374.a		Cocos nucifera	Coconut Palm	Plant	C
374.b		Cocos nucifera	Coconut Palm	Fruit	C
374.c		Cocos nucifera	Coconut Palm	Root	C
375.a		Coffea arabica	Coffee	Seed	C
375.b		Coffea arabica	Coffee	Bean	C
376.a		Coffea canephora	Coffee	Seed	C
376.b		Coffea canephora	Coffee	Bean	C

Sl. No.	Items	Biological resources	Illustrative trade or common name	Plant part	Source: (cultivated=C; wild= W; cultivated plus wild=Mixed-M)
377.a		Elaeis guineensis	Palm	Fruit	C
377.b		Elaeis guineensis	Palm	Kernel	C
377.c		Elaeis guineensis	Palm	Seed	C
378.a		Hevea brasiliensis	Rubber	Latex	C
378.b		Hevea brasiliensis	Rubber	Seed	C
378.c		Hevea brasiliensis	Rubber	Wood	C
379.a		Theobroma cacao	Cocoa	Leaf	C
379.b		Theobroma cacao	Cocoa	Flower	C
379.c		Theobroma cacao	Cocoa	Fruit	C
379.d		Theobroma cacao	Cocoa	Seed	C
	XXII. Mushrooms				
380.		Agaricus bisporus	Button mushroom	Whole Plant	C
381.		Auricularia auricula-judae	Wood ear	Whole Plant	C
382		Auricularia polytricha	Hairy Wood ear	Whole Plant	C
383.		Pleurotus ostreatus	Dhingri	Whole Plant	C
384.		Tremella mesenterica	Golden Jelly	Whole Plant	C
385.		Tremella fuciformis	White Jelly	Whole Plant	C

Notes

1. This notification is to facilitate trade of items including biological resources which are normally traded as commodities and if any of these items is intended to be used for any other purpose, the relevant provisions of the aforesaid Act shall apply.
2. The products that are derived from the items listed in the Table above and traded as a matter of common practice shall also be treated as normally traded as commodities and in such cases, the onus of substantiation that the said products fall within common practice, shall lie on the claimant.
3. This notification shall not apply to the wild relatives of cultivated species (biological resources).
4. The source (S) of above mentioned biological resources shall be declared for cultivated or mixed category (cultivated+wild=M) by the manufacturer or exporting agency before the National Biodiversity Authority in the Form appended to this notification.
5. Categorisation of biological resources listed above as medicinal plants, fiber crops, forage crops and green manures are for illustrative purpose only and the biological resource mentioned under one use category may fall under other use category also.
6. For the purpose of application of this notification, the scientific names of the biological resources given in column (3) of the Table above shall be applicable.

Form

(See Note 4)

To

1. Goods consigned from (Exporters/Manufacturers - Business name and address, Registration No., PAN number, Mobile No., e-mail ID and IE Code)				6. For Official use	
2. Goods consigned to (Consignee's Name, Address, Country)					
3. Details of trade order received					
4. Means of transport and route(as far as known)					
5. Name of port (If exported) (a) In India (b) In importing country					
7. Indian Trade Classification-Harmonised System Code (ITC-HS) (where available)	8. Sl.No. Normally Traded as Commodities _____ in notification No. _____ dated _____ of Ministry of Environment, Forest and Climate change	9. Illustrative trade or common name.	10. Name of the biological resource preferably scientific name.	11. Plant part	12. End use (Medicinal/ Spices/ Horticultural/ Aromatic/ Food/ Others (please specify)

13. Number and kind of packages: description of commodities	14. Source {Cultivated or Cultivated+Wild= Mixed (M)}	15. Weight (in kgs)	16. Gross value (in Rs.)	17. Invoice number and date
<p>18. Declaration by the Exporter/Manufacturer</p> <p>The undersigned hereby declares that the above details and statements are correct. The said material/ biological resources were produced in/procured from (Place/Village/Tehsil/Mandal/District/State) and that they comply with the source requirements and are being exported to (Address of importing firm and country) </p> <p>I hereby solemnly affirm and declare that the information provided here is true and correct and I shall be liable for any misinformation provided herein.</p> <p>Place and date, signature of the Exporter/Manufacturer</p> <p>Copy to: National Biodiversity Authority, 5th Floor, TICEL Bio Park, CSIR Road, Taramani, Chennai - 600 113.</p>				

[F. No. 28-13/2008-CS-III (NBA) Vol. II]
Dr. SUJATA ARORA, Scientist 'G'/Adviser



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PART II—Section 3—Sub-section (ii)
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No. 3098] NEW DELHI, TUESDAY, NOVEMBER 07, 2017/KARTIKA 16, 1939

**MINISTRY OF ENVIRONMENT, FOREST AND
CLIMATE CHANGE**

NOTIFICATION

New Delhi, the 7th November, 2017

S.O. 3533(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 makes the following amendments in the notification of the Government of India in the Ministry of Environment, Forest and Climate Change vide number S.O. 1352(E) dated the 7th April, 2016, namely:—

In the said notification, in the Table, after serial number 385 and the entries relating thereto, the following serial numbers and entries shall be inserted, namely:—

Sl. No.	Items	Biological resources	Illustrative trade or common name	Plant part	Source: (cultivated=C)
(1)	(2)	(3)	(4)	(5)	(6)
	Pulpwood				
386		<i>Acacia auriculiformis</i>	Wattle	Wood	C
387		<i>Acacia dealbata</i>	Wattle	Wood	C
388		<i>Acacia mangium</i>	Wattle	Wood	C
389		<i>Ailanthus excelsa</i>	Tree of Heaven	Wood	C
390		<i>Anacardium occidentale</i>	Cashew	Wood	C
391		<i>Bambusa arundinacea</i>	Bamboo	Culm	C
392		<i>Bambusa nutans</i>	Bamboo	Culm	C
393		<i>Bambusa pallida</i>	Bamboo	Culm	C
394		<i>Bambusa polymorpha</i>	Bamboo	Culm	C
395		<i>Bambusa vulgaris</i>	Bamboo	Culm	C
396		<i>Dendrocalamus brandisii</i>	Bamboo	Culm	C
397		<i>Dendrocalamus hamiltonii</i>	Bamboo	Culm	C
398		<i>Dendrocalamus strictus</i>	Bamboo	Culm	C
399		<i>Melocanna bambusoides</i>	Bamboo	Culm	C
400		<i>Casuarina equisetifolia</i>	Casuarina	Wood	C
401		<i>Casuarina junghuhniana</i>	Casuarina	Wood	C
402		<i>Eucalyptus camaldulensis</i>	Eucalyptus	Wood	C
403		<i>Eucalyptus cloeziana</i>	Eucalyptus	Wood	C
404		<i>Eucalyptus deglupta</i>	Eucalyptus	Wood	C
405		<i>Eucalyptus grandis</i>	Eucalyptus	Wood	C
406		<i>Eucalyptus pellita</i>	Eucalyptus	Wood	C
407		<i>Eucalyptus tereticornis</i>	Eucalyptus	Wood	C
408		<i>Eucalyptus torelliana</i> / <i>Corymbia torelliana</i>	Eucalyptus	Wood	C
409		<i>Eucalyptus urophylla</i>	Eucalyptus	Wood	C
410		<i>Leucaena leucocephala</i>	Subabul	Wood	C
411		<i>Leucaena pallida</i>	Subabul	Wood	C
412		<i>Pinus caribaea</i>	Pine	Wood	C
413		<i>Pinus kesiya</i>	Pine	Wood	C
414		<i>Pinus oocarpa</i>	Pine	Wood	C

Sl. No.	Items	Biological resources	Illustrative trade or common name	Plant part	Source: (cultivated=C)
(1)	(2)	(3)	(4)	(5)	(6)
415		Pinus patula	Pine	Wood	C
416		Pinus radiata	Pine	Wood	C
417		Populus ciliata	Poplar	Wood	C
418		Populus deltoides	Poplar	Wood	C
419		Populus gamblei	Poplar	Wood	C
420		Prosopis juliflora	Mesquite	Wood	C
	Spice crop				
421		Garcinia indica	Kokum	Fruit	C”

[F. No. 28-13/2008-CS-III (NBA) Vol. II]

Dr. SUJATA ARORA, Scientist 'G'/Adviser

Note: The principal notification was published in the Gazette of India, Extraordinary vide Notification No. S.O. 1352(E), dated the 7th April 2016.

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RAKESH SUKUL

Date: 2017.11.09 22:39:42 +05'30'

**Species of plant and
animals that are on the
verge of extinction in
Tamil Nadu as notified under
Section 38 of The Biological
Diversity Act, 2002**



भारत का राजपत्र The Gazette of India

EXTRAORDINARY
PART – II SECTION 3 – Sub section (ii)

Published by Authority

NEW DELHI, THURSDAY, MARCH 3, 200/PHALUGUNA 12,1932

MINISTRY OF ENVIRONMENT, FORESTS NOTIFICATION

S.O.473(E). – In exercise of the power conferred by Section 38 of the Biological Diversity Act, 2001 (18 of 2003) the Central Government, in consultation with the Government of Tamil Nadu, hereby notifies of the species plants and animals which are on the verge of extinction, as listed in column (2) of the Table below, for the State of Tamil Nadu namely:–

TABLE

Sl. No.	Name of the plants
(1)	(2)
1.	Belosynapsis kewensis Hassk
2.	Brysohyllum tetrandrum (Bedd.) Hook.f. exBedd
3.	Chinnamomum walaiwarenese Kosterm
4.	Diyamocarpus Missionis Wall. ex. R. Br.
5.	Dimorphocalyx beddomei (Benth.) Airy Shaw
6.	Diospyros barberi Ramsaw.
7.	Disopyros humilis bourd

Sl. No.	Name of the plants
8.	<i>Drypetes porteri</i> (Gamble) Pax & Hoffin.
9.	<i>Elaeocarpus blascoi</i> Weible
10	<i>Elaeocarpus venuestus</i> Bedd.
11.	<i>Hoya kanykumariana</i> A.N. Henry & Swamin.
12.	<i>Impatiens auriculata</i> Wight
13.	<i>Janakia aryalpathra</i> Joseph & v. Chandras.
14.	<i>Memecylon sisparense</i> Gamble
15.	<i>Paphia pendilium druyi</i> (Bedd.) Pfitzer
16.	<i>Phyllanthus anamalayans</i> (Gamble) G.L. Webster [= <i>Pseudoglochidion anamalayanum</i> Gamble
17.	<i>Popowai beddomena</i> Hook.f. Thomson
18.	<i>Sonerila pulneyesis</i> Gamble
19.	<i>Symplocos oligandra</i> Bedd.
20.	<i>Syzyfium beddomi</i> (Duthie) Chithra
21.	<i>Syzygium courtallense</i> (Gamble) Alston
22.	<i>Svsvquium qambleanum</i> Rathar & Chihtra
23	<i>Toxcarpus beddomie</i> Gamble
	Name of Animals
1.	<i>Latidens Salimalli</i> , Thanglongya, 1974
2.	<i>Viverra civattina</i> , Blyth, 1862
3.	<i>Balaenopertra musculus</i> (Linnaeus, 1758)
4.	<i>Durgong dugon</i> (Muller, 1776)
5.	<i>Panthera tigris tigris</i> , Linnaeus, 1758
6.	<i>Gyps bengalesis</i> (Gmelin, 1788)
7.	<i>Gyps indicus</i> (Scopoli, 1786)
8.	<i>Democheuys coricea</i> (Vandelli, 1761)
9.	<i>Eretmochelys imbricata</i> (Linnaeus, 1766)
10.	<i>Kachunga Kanchuga</i> (Gray, 1831)
11.	<i>Fejevarya murti</i> Pillari, 1979
12.	<i>Indirana phrynoderma</i> (Boulenger, 1882)
13.	<i>Philautus chalaziodes</i> (Gunther, 1876)
14.	<i>Rhacophorus pseudomalabriocus</i> Vasdevan & Dutta, 200
15.	<i>Anoxypriestics cuspidata</i> (Latham, 1974)
16.	<i>Pristcs zijrom srom</i> Bleeker, 1851

- 2 The Collection Of the species of plants and animals listed in column (2) of the Table shall be prohibited, except with the approval of the Tamil Nadu state Biodiversity Board only for the purpose mentioned below, namely :–
 - (a) science research;
 - (b) herbarium and museum of scientific and academic institutions;
 - (c) propagation; and
 - (d) any other scientific investigation.

3. The Tamil Nadu State Biodiversity Board shall undertake :–
 - (i) studies on all aspects of the notified species for holistic understanding;
 - (ii) propagation of the notified species for the purpose of in situ and ex situ conservation and rehabilitation; and
 - (iii) awareness programmes and provide educational on the notified species for forest department personnel, Biodiversity Management Committees, ecotourism programmes, and forest dwellers and tribals.

[F. No. 28-12/2018-CS-III]

HEM PANDE, Jt. Secy.

**Officers authorized to file
complaints under 61(a) of
the Biological Diversity Act,
2002**



भारत का राजपत्र The Gazette of India

EXTRAORDINARY
PART – II Section 3 – Sub section (ii)

Published by Authority

NEW DELHI, NOVEMBER 21, 2008/KARTIKA 30, 1930

MINISTRY OF ENVIRONMENT, 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

Sl. No.	Officers authorised to file complaints under Section 61(a) of the Biological Diversity Act, 2002	Area of Jurisdiction
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.



भारत का राजपत्र The Gazette of India

EXTRAORDINARY
PART – II Section 3 – Sub section (ii)

Published by Authority

NEW DELHI, MONDAY, JANUARY 12, 2009/PAUSA 22, 1930

MINISTRY OF ENVIRONMENT, 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-111 (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.



भारत का राजपत्र The Gazette of India

EXTRAORDINARY
PART – II Section 3 – Sub section (ii)

Published by Authority

NEW DELHI, THURSDAY, JUNE 18, 2015/JYAISTHA 28, 1937

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.	Advisor (Law). National Biodiversity Authority, Chennai	Whole of India

[F. No. 28- I 4/2008-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.

Access and Benefit Sharing (ABS) Partnership Project

The ABS Partnership project is a technical cooperation between India and Germany and is commissioned by the Federal Ministry for Economic Cooperation and Development (BMZ) under the Indo-German Biodiversity Programme.

The project is implemented in partnership with the Ministry of Environment, Forests and Climate Change (MoEFCC), National Biodiversity Authority and Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH with three pilot State Biodiversity Boards namely, Maharashtra, Tamil Nadu and Uttarakhand.

Objective

The ABS Partnership Project aims at strengthening the capacities of the National Biodiversity Authority (NBA), the State Biodiversity Boards (SBBs), Biodiversity Management Committees (BMCs), as well as raising awareness and build the capacities of the commercial user groups of biological resources and associated knowledge for the effective implementation of ABS mechanisms under the Biological Diversity Act 2002, in keeping with India's commitments under the Nagoya Protocol on ABS.

Approach

To achieve the objective, the project works on the following approaches:

- Awareness raising, communication and stakeholder dialogues for creating better understanding of the Biological Diversity Act 2002, ABS Guidelines and Nagoya Protocol on ABS among different actors and stakeholder groups
- Development of good practices of benefit sharing of communities, based on utilisation of biological resources for commercial or research purposes
- Development of an IT enabled ABS monitoring system for the National Biodiversity Authority for effective monitoring of the use of biological resources in ABS processes

The project is implemented at the national level in partnership with the National Biodiversity Authority (NBA), the three State Biodiversity Boards (SBB) of Maharashtra, Tamil Nadu and Uttarakhand as well as the local Biodiversity Management Committees (BMCs).

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