

GOVERNMENT OF INDIA
MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

RAJYA SABHA
UNSTARRED QUESTION NO. 2594
TO BE ANSWERED ON 23.03.2023

Concerns about weak implementation of BD Act, 2002

2594. SHRI ANEEL PRASAD HEGDE:

Will the Minister of ENVIRONMENT, FOREST AND CLIMATE CHANGE be pleased to state:

- (a) whether Government is aware that grave concerns were raised by Parliamentary Committee about the weak implementation of provisions of the Biological Diversity Act, 2002 relating to accessing sovereign bio-resources of India, and knowledge associated with it (including traditional knowledge).
- (b) whether attention has also been drawn in the report towards failure of instituting regulatory procedures by National Biodiversity Authority (NBA) and its State Boards which resulted in unregulated/ illegal access to and extraction of bio-resources/associated traditional knowledge of India by Indian and foreign corporations/institutions; and
- (c) if so, the steps since taken to address this failure?

ANSWER

MINISTER OF STATE IN THE MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE
(SHRI ASHWINI KUMAR CHOUBEY)

- (a) to (c) The Government of India enacted the Biological Diversity Act, 2002 (BD Act) to fulfill the obligations under the Convention on Biological Diversity and achieve the objectives of conservation of biological diversity, sustainable use of biodiversity, and fair and equitable sharing of benefits among beneficiaries. BD Act is implemented through a three-tier institutional mechanism, with the National Biodiversity Authority (NBA) at the national level, State Biodiversity Boards (SBBs) at the State level and the Union Territory Biodiversity Councils (UTBCs) at the Union Territory level and Biodiversity Management Committees (BMCs) at the local level.

While 28 SBBs and 08 UTBCs have been established at the state/UT level, 2,77,329 BMCs have been constituted at the local body level to promote conservation, sustainable use and documentation of biological diversity within respective areas. These BMCs have prepared 2,67,608 People's Biodiversity Registers documenting local biodiversity.

In order to give effect to the provision of Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization (Nagoya Protocol), the "Guidelines on Access to Biological resources

and Associated knowledge and benefit sharing regulations” were issued notified 2014. NBA regulates the activities of access to biological resources and / or associated traditional knowledge for the following purpose and separate application forms have been prescribed in the Biological Diversity Rules, 2004, which are at Annexure. Since inception, NBA has received 6855 applications from different stakeholders and NBA has conveyed its decision to 5264 applicants.

As per the provisions of BD Act, benefit sharing amounts received by the NBA/SBBs are shared with the conservers/custodians of the biological resource / holders of the knowledge from where the biological resources were accessed. The benefit sharing component is used for conservation and sustainable management of the biological resources and knowledge associated thereto, improvement of their livelihood, and socio-economic development of areas in consultation with the local bodies concerned. Till date, NBA has realized a sum of Rs. 180.00 crores as benefit sharing amount, of which around Rs. 58.00 crore has been released to 22 SBBs and one UTBC covering beneficiaries viz., 10,313 BMCs, 51 institutions and supported research projects for conservation of biological resources.

In accordance with Section 38 of the BD Act, this Ministry, in consultation with the State Government concerned, notified threatened species in 16 States and two Union Territories. This notification confers power to the SBBs for regulating access to the notified species and to take measures to preserve those species.

India was the first country to upload permits issued by Competent National Authority on Access and Benefit Sharing - Clearing House, to constitute the Internationally Recognized Certificate of Compliance (IRCC) under per Article 17 of the Nagoya Protocol. Out of a total of 4568 IRCCs issued globally, 3283 has been issued by India (71.86% of total IRCCs).

Annexure:

Form no.	Purpose of application
I	Access of biological resources and/or associated traditional Knowledge for research, commercial utilization, bio-survey or bio-utilization.
II	Transfer the results of research
III	Obtaining prior approval for applying any Intellectual Property Rights in or outside India.
IV	Transfer of biological resources/knowledge already accessed, to a third party.
B	Conducting non-commercial research or research for emergency purpose outside India by Indian researchers/government institutions using the biological resources.