

**GOVERNMENT OF INDIA
MINISTRY OF AYUSH
LOK SABHA
STARRED QUESTION NO. 118
TO BE ANSWERED ON 9th February, 2024**

“Traditional Knowledge and Resources of Medicinal Plants”

118. SHRI CHANDRA SEKHAR BELLANA:

Will the Minister of AYUSH be pleased to state:

- (a) the details of the steps taken by the Government to protect the local communities involved in the benefit-sharing of traditional knowledge and resources regarding Ayurveda and herbal plants with AYUSH manufacturing companies and traders;
- (b) whether the Government has looked into the problems regarding the implementation of Biodiversity Act, as pointed out by the Centre for Science and Environment (CSE), which includes lack of available data on the money received from companies and traders for access and benefit-sharing of this knowledge and resources;
- (c) if so, the steps taken/proposed to be taken by the Government to ensure adequate information in this regard;
- (d) whether the Government has also looked into the cases where local communities claim that the companies did not pay them for their services; and
- (e) if so, the steps taken/proposed to be taken by the Government to prevent such cases/incidents?

**ANSWER
THE MINISTER OF AYUSH
(SHRI SARBANANDA SONOWAL)**

(a) to (e) A statement is laid on the Table of the House.

THE STATEMENT REFERRED TO IN REPLY TO LOK SABHA STARRED QUESTION NO. 118 FOR 9th February, 2024

(a) The benefit sharing of traditional knowledge and resources comes under the purview of Biodiversity Act 2002. National Biodiversity Authority (NBA) is an autonomous and statutory body established for the implementation of the provisions of the Biological Diversity Act, 2002. It facilitates and regulates the activities pertaining to access of biological resources & associated knowledge and sharing of benefits arising out of the use of biological resources. Besides, the Authority performs an advisory role on matters related to conservation, sustainable use & access to biological resources and benefit sharing with the local communities. The Biological Diversity Act 2002 provides for conservation and sustainable use of biological resource and/ or associated knowledge, and fair and equitable sharing of benefits arising out of the use of biological resources and knowledge associated thereto including the medicinal plants.

As per the provisions of the Biological Diversity Act 2002 for access to traditional knowledge and Medicinal plants by companies and traders for commercial utilization has to obtain prior approval from the National Biodiversity Authority / State Biodiversity Boards, as the case may be. National Biodiversity Authority (NBA) / State Biodiversity Board (SBB) before granting approval shall consult the Biodiversity Management Committee through State Biodiversity Boards (SBBs) for seeking their consent for access to bio resources and/ or traditional knowledge from the local peoples.

Further, National Biodiversity Authority (NBA) / State Biodiversity Board (SBB) would grant approval in the form of agreement which comprise the terms and conditions including benefit sharing amount payable to NBA by the applicant. Upon receipt of benefit sharing amount from the applicants, the same will be ploughed back to the

beneficiaries who have provided the resources/ traditional knowledge viz individual/ communities/ BMCs, etc.

As per the biodiversity (Amendment) Act 2023 (10 of 2023), the provisions of the section 7 of this act shall not apply to the codified traditional knowledge, cultivated medicinal plants and its products, local people and communities of the area, including growers and cultivators of biodiversity and to *vaid*s, *hakim*s and registered AYUSH practitioners only who have been practising indigenous medicines, including Indian systems of medicine as profession for sustenance and livelihood. Government of India vide Gazette notification no S.O. 295(E) stated that the biodiversity (Amendment) Act 2023 (10 of 2023) will come into force from 1st April 2024.

(b) and (c) Yes. NBA is maintaining the data about the Access Benefit Sharing (ABS) money received from the different companies/ traders and ABS money released to the different beneficiaries as per the provisions of the BD Act. Further, NBA had also streamlined the procedure for granting approval. The applications are received and processed online. The NBA has constituted an Expert Committee on ABS for examining ABS applications. It is approved by the Authority. There is a regular internal and external auditing for monitoring the process.

(d) and (e) No such complaints received. As per the provisions of the BD Act, approval of National Biodiversity Authority (NBA) / State Biodiversity Board (SBB)/ Union Territory Biodiversity Councils (UTBCs) will be granted in the form of agreement duly signed by the National Biodiversity Authority (NBA) / State Biodiversity Board (SBB)/ Union Territory Biodiversity Councils (UTBCs) and applicant which comprise the terms and conditions including benefit sharing amount payable to NBA/SBB/UTBCs annually by the applicant.

The applicant has obligated to submit the status report to National Biodiversity Authority (NBA) / State Biodiversity Board (SBB)/ Union Territory Biodiversity Councils (UTBCs) annually as per the terms and conditions agreed upon. In the event of applicant had commercialized the products and gained benefits out of it, the applicant has to pay the benefits sharing amount to NBA/SBB/UTBCs.

National Biodiversity Authority (NBA) / State Biodiversity Board (SBB)/ Union Territory Biodiversity Councils (UTBCs) issues reminders and notices to the applicants to make them abide the law. There is a legal provision in the Act to prosecute the defaulters.
