



BIODIVERSITY ACT 2002

ADV PRIYANKA BANGARI



Where did it come from??

The United Nations Conference on Environment and Development, also known as the Rio Conference or the **Earth Summit**, was held in Rio de Janeiro from June 3 to June 14, **1992**.

This global conference, held on the occasion of the 20th anniversary of the first Human Environment Conference in Stockholm, Sweden, in 1972, brought together political leaders, diplomats, scientists, representatives of the media and non-governmental organizations (NGOs) from **179 countries for a massive effort to focus on the impact of human socio-economic activities on the environment.**

Convention on Biodiversity was passed in the Earth Summit, India was one of the signatories, which led to formulation/notification of **Biodiversity Act, 2002 in India.**

Biodiversity Act, 2002- Preamble/ aims and objectives

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.

IMPT DEFINITIONS

Sec 2 (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;

Sec 2 (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;

WHY IMPORTANT?

Protection of knowledge of local communities : Eg: use of tulsi, haldi, etc

Protection of biological sites: Eg: the sites that is a house to species that require protection, etc

3 tier structure: Cen-State-Local

- 1- National Biodiversity Authority
- 2- State Biodiversity Board
- 3- Biodiversity Management Committees

NBA

1- National Biodiversity Authority [NBA]

It is a body formulated by Central Government.

Formulated for implementation of Act across the country.

It consists of 1 Chairperson, & 7 ex off members and 5 non off members

[Appointed by Central Government, Chairperson can be removed only Central Government, Ex off members are expert in various field such as Bio Technology, Ocean Development, Science & Tech, Agriculture, etc, non off members are ones who have knowledge of Biodiversity]

NBA- objectives

If any foreign national wants to Import biodiversity from India it would require permission of NBA.

If any Indian resident wants to sell or give/ export biodiversity it would require NBA permission.

Eg: Pharma Co. wants to import any animal or its part for research, etc.

This helps in regulation of illegal trade and share of equitable profit derived from resource, knowledge, material, research, IPR, etc | Eg: haldi used to make med and foreign individual and tries to patent haldi for 20 years.

State biodiversity board [SBB]

Its function is to advise Central Government to conserve Biodiversity

SBB regulate commercial trade of biodiversity in the State: allowed to sell, partly allowed not allowed

UT are governed by NBA and any dispute between BDA and SBB will be appealed to Central Government.

Biodiversity Management Committees

Its function is to conserve , protect, sustainable use of biodiversity.

To document biodiversity of the area-plants, animals, traditional knowledge, etc.

This is done through People Biodiversity Register.

Provision for funds

National Biodiversity Fund:-

Collected by way of fees, fines, grants etc. It is used to conserve biodiversity.

State Biodiversity Fund:-

Given by NBF as loan or grant, fees, fines, etc.

It is used to conserve and protect heritage sites, etc. [Biodiversity heritage Sites declared by CG]

Issues-

BMC just on paper.

Since BMC is not documenting Biodiversity:

Unable to protect endangered species.

Environment is being exploited/deforestation/ immense construction in forest areas.

EIA not being implemented in true letter and spirit and its provisions are being circumvented

Local's are being exploited and traditional wealth is exploited

Sacrifice of unknown biodiversity



THANK YOU

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

