

Biological Diversity Act of 2002

The Biological Diversity Act, 2002 was passed by the parliament of India to protect biodiversity and facilitate the sustainable management of biological resources with the local communities.

The Act was enacted to meet the requirements stipulated by the [United Nations Convention on Biological Diversity](#) (CBD), to which India is a party.

This article will give further details about the Biological Diversity Act 2002 within the context of the [IAS Exam](#)

Overview of the Biological Diversity Act 2002

The Act's main objective is to ensure the **conservation of biological diversity, sustainable use of its components and fair usage of its resources** in order to prevent overuse or eventual destruction of [biodiversity](#).

Since India is one of the most biologically diverse nations in the world, this act is a necessity to protect its biological heritage.

The salient features of the Biological Diversity Act are as follows.

- Regulation of access to biological resources of the country
- Conservation and sustainability of biological diversity
- Protecting the knowledge of local communities regarding biodiversity
- Secure sharing of benefits with local people as conservers of biological resources and holders of knowledge and information relating to the use of biological resources
- Protection and rehabilitation of threatened species
- Involvement of institutions of state governments in the broad scheme of the implementations of the Biological Diversity Act through the establishment of dedicated committees.

Any offense under this Act is non-bailable and cognizable

- Any grievances related to the determination of benefit sharing or order of the National Biodiversity Authority or a State Biodiversity Board under this Act shall be taken to the [National Green Tribunal \(NGT\)](#).

Find the [list of Important Acts in India](#) by visiting the linked article.

Exemptions from the Biological Diversity Act

- The Act excludes Indian biological resources that are normally traded as commodities.
 - Such exemption holds only so far the biological resources are used as commodities and for no other purpose.

- The act also excludes traditional uses of Indian biological resources and associated knowledge and when they are used in collaborative research projects between Indian and foreign institutions with the approval of the central government.
- Uses by cultivators and breeds, e.g. farmers, livestock keepers and beekeepers and traditional healers e.g. vaidas and hakims are also exempted.

National Biodiversity Authority

In order to carry out the provisions of the act, the National Biodiversity Authority (NBA) had been set up under the Ministry of Environment and Forest by the Government of India in 2003. The NBA is a statutory, autonomous body headquartered in Chennai. State Biodiversity Boards (SBB) were also created in the 29 states along with Biological management committees for each local body.

Under this act, the Central Government in consultation with the NBA:

- Shall notify threatened species and prohibit or regulate their collection, rehabilitation, and conservation. Check out the [IUCN Red list](#) to know more about endangered species.
- Designate institutions as repositories for different categories of biological resources

The **functions of the National Biodiversity Authority** are as follows

- Monitoring and prevention of actions prohibited under the Act.
- Providing advice to the government on how best to [conserve biodiversity](#) in India.
- Prepare a report on how the government can select biological heritage sites.
- Make concrete steps to prevent the grant of intellectual property rights regarding locally used biological resources or allied traditional knowledge.

Structure of the NBA

The National Biodiversity Authority consists of the following members to be appointed by the central government, namely:

- A Chairperson.
- Three ex officio members, one representing the Ministry dealing with Tribal Affairs and two representing the Ministry dealing with Environment and Forests.
- Seven ex-officio members to represent respectively the Ministries of the Central Government dealing with:
 - Agricultural Research and Education
 - Biotechnology
 - Ocean Development
 - Agriculture and Cooperation
 - Indian Systems of Medicine and Homoeopathy
 - Science and Technology
 - Scientific and Industrial Research;

Should any Foreign individuals or corporate body seek to obtain knowledge or allied resources for the purpose of research, survey, and commercial utilization, then they need to take permission from the

NBA. Indian citizens or corporates seeking to the same need to take permission from their respective State Biodiversity Boards.

The outcome of research that had utilized biological resources from India cannot be given to a foreigner or a foreign company without the consent of the NBA. But such approval is not required for the publication of the research in a journal done by institutions that affiliated with the Central Government or approved by it.

State Biodiversity Boards (SBBs)

The SBBs are established by the State Governments in accordance with Section 22 of the Act and deal with all matters relating to access by Indians for commercial purposes.

Functions of SBBs

- Advising the State Government on matters of biodiversity and its equitable distribution or on matters relating to the conservation, sustainable use or sharing equitable benefits.
- Regulate granting of approvals or otherwise requests for commercial utilization or bio-survey and bio-utilization of any biological resource by people.

Structure of SSBs

The State Biodiversity Board consists of the following members:

- A Chairperson
- Not more than five ex officio members to represent the concerned Departments of the State Government
- Not more than five members 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.
- All the members of the SBB are appointed by the respective State Governments.

Biodiversity Management Committees (BMCs)

According to Section 41 of the Act, every local body shall constitute the BMC within its area for the purpose of promoting conservation, sustainable use and documentation of biological diversity including:

- Preservation of habitats
- Conservation of Landraces
- Folk varieties and cultivars
- Domesticated stocks and breeds of animals
- Microorganisms and Chronicling of Knowledge Relating to Biological Diversity

Functions of BMC

- To prepare the **People's Biodiversity Register** in consultation with the local people.

What is People's Biodiversity Registers (PBR)

- The PBRs focus on participatory documentation of local biodiversity, traditional knowledge and practices. They are seen as key legal documents in ascertaining the rights of local people over the biological resources and associated traditional knowledge.
- The register shall contain comprehensive information on the availability and knowledge of local biological resources, their medicinal or any other use or any other traditional knowledge associated with them.

- To provide education and awareness on Biodiversity building
- Eco-restoration of the local biodiversity
- Providing feedback to the SBB in the matter of IPR, Traditional Knowledge and local Biodiversity issues, wherever feasible and essential feedback to be provided to the NBA.
- Conservation of traditional varieties/breeds of economically important plants/animals.
- Management of Heritage Sites including Heritage Trees, Animals/ Microorganisms, etc., and Sacred Groves and Sacred Waterbodies. Check out the [list of UNESCO world heritage sites in India](#) on the linked page.

Structure

- A chairperson and not more than 6 persons nominated by the local body.
 - Out of total members of a BMC, not less than one third should be women and not less than 18% should belong to the Scheduled Castes/ Scheduled Tribes.
- The Chairperson of the BMC 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.

Frequently asked Questions about Biological Diversity Act 2002

How is the Biological Diversity Act 2002 useful in environmental protection?

The money is used in the management and conservation of heritage sites; compensating or rehabilitating any section of the people economically affected when an area is declared Biodiversity Heritage Sites; and conservation and promotion of biological resources.

How is the Biological Diversity Act 2002 helpful in the conservation of flora and fauna?

It is helpful in the conservation of flora and fauna as there are provisions for setting up the National Biodiversity Authority, State Biodiversity Board, and Biodiversity Management Committee for proper management of biological resources.