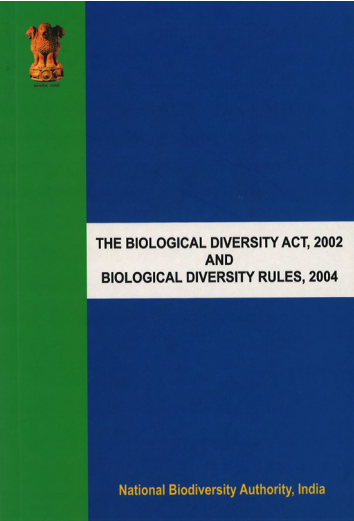


Biological Diversity Act, 2002

The BD Act was enacted to implement three fold objectives of the CBD namely;

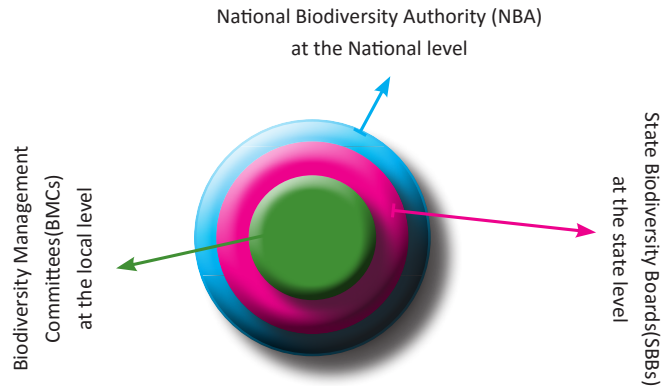
- Conservation of biological diversity
- Sustainable use of its components
- Fair and equitable sharing of benefits arising from use of biological resources and the associated knowledge

In order to implement the provisions of the Act, National Biodiversity Authority (NBA) was established in October 2003, at Chennai as per Section 8 of the Act.



Institutional Structure to Implement the Act

The Act envisages a decentralized three tier system for its implementation.



For Further details

The Secretary

National Biodiversity Authority
5th Floor, Tidel Biopark, CSIR Road,
Taramani, Chennai – 600 113
Tel: 044-2254 2777/1075
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Institutional Structure

Under the Biological Diversity Act, 2002



Convention on Biological Diversity

CBD is the first attempt by the international community to address biological diversity as a whole at the global level.

The Convention on Biological Diversity (CBD) is an universally accepted international agreement that entered into force on 29 December 1993.

CBD in Article 15 suggests that the countries could facilitate access to genetic resources and recommends that countries make appropriate legal, administrative and other provisions to provide access to genetic resources based on prior informed consent (PIC) and Mutually agreed terms (MAT).

Nagoya Protocol

Nagoya Protocol is a supplementary agreement to CBD that further advances the implementation of one of the third objective of the CBD i.e., fair and equitable sharing of benefits arising from utilization of genetic resources.

This Protocol on Access to Genetic Resources and Fair and Equitable Sharing of Benefits Arising from their Utilization was adopted on 29th October 2010 in Nagoya Japan, at the 10th COP meeting.

Nagoya Protocol stands for greater legal certainty and transparency by mandating more predictable conditions for access to genetic resources and associated traditional knowledge, benefit sharing and compliance.

National Biodiversity Authority (NBA)

About NBA

NBA is an autonomous and statutory body under the Ministry of Environment, Forests and Climate Change, performing facilitative, regulatory and advisory roles in accordance with the provisions of the Act.

Functions of NBA

To grant prior approvals for;

- Access to biological resources and knowledge associated thereto
- Transfer of research results relating to biological resources occurring in or obtained from India
- Intellectual Property Rights (IPR) based on any research or information on biological resources obtained from India
- To take measures necessary to oppose grant of IPR in any other country outside India on biological resource or knowledge associated thereto, obtained from India
- To advise Central Government on biodiversity related matters
- To advise State Governments in certain matters under the Act



State Biodiversity Boards (SBBs)

Functions of SBBs

To regulate the access of biological resources by Indians for commercial utilisation or bio-survey and bioutilisation for commercial utilisation within their jurisdiction.

- Regulation is facilitated through the mandate of prior intimation to concerned SBB about such access.

To prohibit or restrict any activity which is detrimental to the objectives of the Act.

To advice state government on matters related to objectives of the Act.



Biodiversity Management Committees (BMCs)



Functions of BMCs

BMCs are institutional structures constituted at every local level for promoting conservation, sustainable use and documentation of biological diversity.

BMCs may levy charges by way of collecting fees from any person accessing the biological resource for commercial purposes from their territorial jurisdiction.

BMC ought to be consulted by NBA & SBB, while granting approvals for obtaining biological resources or associated knowledge.

ABS guidelines

In exercise of the powers conferred to NBA under the Act, the guidelines titled **Access to Biological Resources and Associated Knowledge and Benefit Sharing Regulations** has been issued on 21.11.2014.



BMC Operational Toolkit

The NBA, after a consultative process involving a diverse set of stakeholders, issued guidelines for BMCs in March 2013 to help these institutions function effectively at local level.

This tool kit is an attempt by NBA to increase the awareness about BMC's and to operationlise the guidelines.

