



सत्यमेव जयते



जहाँ है हरियाली ।  
वहाँ है खुशहाली ॥



**H.P. State Biodiversity Board**  
**UNEP-GEF MoEFCC ABS Project**

PROCEEDINGS ON:

*“One day Training workshop on Biological Diversity Act, 2002,  
and its Access and Benefit Sharing Provisions”*

---

11th July, 2017  
At: FTI, Sundernagar, Mandi H.P.

Himachal Pradesh State Biodiversity Board (HPSBB) in coordination with the National Biodiversity Authority (NBA), Chennai is implementing a project, sponsored by UNEP/GEF MoEFCC (GoI) on “Strengthening the implementation of Biological Diversity Act, 2002 with focus on its Access and Benefit Sharing (ABS) provisions” under the Act. The Ministry of Environment & Forests is primarily concerned with planning, promotion, coordination and overseeing the implementation of the various environmental and forestry policies and programmes. The Ministry also serves as the nodal agency in the country for the United Nations Environment Programme (UNEP) and is also entrusted with the issues relating to multilateral bodies such as the Commission on Sustainable Development (CSD) and Global Environment Facility (GEF) on matters pertaining to Environment. Out of the many mandates and objectives of the Ministry, Conservation and Protection of environment, assistance to organizations implementing environmental and forestry programmes, promotion of environmental and forestry research, extension, education and training and creation of environmental awareness among all sectors of the country’s population, are in relation with Biological Diversity Act 2002, which is being implemented in various States of the Country.

The need to spread Biodiversity awareness is enormous in the context of successfully addressing Biodiversity Conservation problems, Biological Diversity Act 2002 and rules 2004 address the same. It is also linked to biodiversity education for conservation so as to sustainably use and protect valuable bioresources. On the one hand, awareness on Biological Diversity Act, 2002 creates greater awareness in individuals and communities with respect to putting environmental resources to use even while conserving them. On the other hand, greater the awareness increases especially within the line departments of the government, the scope of sustainable use and conservation practices for protecting our valuable biodiversity also increases. In order to conserve and sustain biodiversity of the State and to implement programmes and strategies related with biodiversity conservation at the state and national level it was realized that the line departments of the state should be made aware about the provisions, scopes and role of Biological Diversity Act, 2002 and also highlighting responsibilities and duties of the associated Line departments in implementation of Biological Diversity Act, 2002. Protecting biodiversity on the sustainable principle has been a strategic approach in worldwide conservation plans and management as a result it was decided by HP State Biodiversity Board to make line departments aware about the role and scope of Biological Diversity Act, 2002. In this connection a training workshop for officials of HP Forest Department was organized at Forest Training Institute, Sundernagar, Mandi on 11th July, 2017, under supervision of Sh. Kunal Satyarthi, Joint Member Secretary, Himachal Pradesh State Biodiversity Board.



Sh. H.S. Dogra (APCCF, R&T) was the Chief Guest and participatory officials in the “One day Training workshop for Forest Officials on Biological Diversity Act, 2002, and its Access and Benefit Sharing Provisions” included Divisional Forest Officers (DFOs), Assistant Conservator Forests (ACFs) and Range Forest Officers (ROs) from Kullu circle, Mandi circle, Bilaspur circle and Wildlife Circle Great Himalayan National Park (GHNP). Scientists and Officials from Himachal Pradesh State Biodiversity Board (HPSBB) were also present during this one day workshop.



Sh. Kunal Satyarthi, Joint Member Secretary, HP State Biodiversity Board delegated and started his presentation informing and by imparting knowledge related to Biological Diversity Act, 2002, and its Access and Benefit Sharing Provisions to all participants from Divisional Forest Officers (DFOs), Assistant Conservator Forests (ACFs) and Range Forest Officers (ROs) from Kullu circle, Mandi circle, Bilaspur circle and Wildlife Circle Great Himalayan National Park (GHNP). During the informative presentation cum lecture, Sh. Kunal Satyarthi interactively presented many cases related to BD Act by showing news clipping from Times of India newspaper in which it was mentioned that in August 2012, two Czech nationals were arrested “for stealing insects” near the Singalila National Park in Darjeeling. In September, the two Prague-based entomologist Petr Svacha and his colleague Emil Kucera were convicted by a local court under provisions of Biological Diversity Act, 2002. Next in his presentation he showed some pictures of different varieties of brinjal, rajmah (pulse) and rice that was once found in the State and showed his concern that today out of many varieties found once now only very few are available, which shows the loss that biodiversity of the State has faced.



During the informative presentation cum lecture, Sh. Kunal Satyarthi interactively presented many cases related to BD Act by showing news clipping from Times of India newspaper in which it was mentioned that in August 2012, two Czech nationals were arrested “for stealing insects” near the Singalila National Park in Darjeeling. In September, the two Prague-based entomologist Petr Svacha and his colleague Emil Kucera were convicted by a local court under provisions of Biological Diversity Act, 2002. Next in his presentation he showed some pictures of different varieties of brinjal, rajmah (pulse) and rice that was once found in the State and showed his concern that today out of many varieties found once now only very few are available, which shows the loss that biodiversity of the State has faced.



Brinjal varieties



Rajmah Varieties



Rice Varieties

By giving these examples he explained that biodiversity is not just associated with medicinal plants and herbs found in wild but it covers everything except Normally Traded Commodities (NTC's) and other

agriculture produce till the time some value addition is done e.g. cultivation of apple is not applicable under BD Act, 2002 but if someone or some industry or firm is engaged in value addition by making some commercial product like jam or wine from apple then they do come under BD Act, 2002. By giving these examples Sh. Kunal Satyarthi showed the scope, provision and power of Biological Diversity Act, 2002 and these examples also acted as the foundation of the whole presentation for better understanding of the topic for HP Forest Officials.

Next he briefed about the status of global biodiversity and also told about the alarming rate (150 varieties of different species being lost every day) at which biodiversity is being wiped off from the face of earth. Next he brought everybody's focus on Biological Diversity Act, 2002 and its provision. Next he briefed about the inception of the BD Act how it came into force he mentioned that in 1987, the World



Commission on Environment and Development enunciated the principle of “sustainable development” in its landmark report titled “Our Common Future” in which it observed that “humanity has the ability to make development sustainable to ensure that it meets the needs of the present generation without compromising the ability of the future generations to meet

their own needs”. “Sustainable development” became the theme of the United Nations Conference on Environment and Development (UNCED), held at Rio de Janeiro in June 1992. In November 1990, the United Nations Environment Programme (UNEP) began the first of seven negotiating sessions whose objective was to produce an international treaty on the conservation of biological diversity. The CBD was presented at the Earth Summit in Rio de Janeiro in June 1992, where it was signed by 153 nations including India. The CBD came into force from the 29th of December 1993.

The objectives of the Act were described next by Sh. Kunal Satyarthi which were:

1. Conservation of Biological diversity
2. Sustainable use of its components
3. Fair and equitable sharing of the benefits arising out of utilization of biological resources.

He told that the Biological Diversity Act of 2002, and the Biological Diversity Rules, 2004 are implemented by National Biodiversity Authority (NBA) at the national level, State Biological Board (SBB) at state level and Biodiversity Management Committees (BMC's) at local levels. To assist NBA at centre and to advise them on matters exclusive and of particular interest to the biodiversity of the State, similar Boards have been established in States under Section 22 of the said Act. The powers and functions

of the State Biodiversity Boards have been listed down in Section 24 and Section 23 of the Act. Some of the major functions of these authorities were discussed which are as follows:

- To regulate activities of, approve and advise the Government of India on matters relating to the conservation of biodiversity, sustainable use of its components and equitable sharing of benefits.
- To grant approval under Sections 3,4 and 6 of Biodiversity Act,2002
- To notify areas of biodiversity importance as biodiversity heritage sites under this act and perform other functions as may be necessary to carry out the provisions of the Act.
- To take measures to protect biodiversity of the country as well as to oppose the grant of intellectual property rights to any country outside or any biological resources obtained from India.

It was told that the National Biodiversity authority (NBA) deals with the requests for access to the biological resources as well as transfer of information of traditional knowledge to foreign nationals, institutions and companies. Through this way piracy of Intellectual Property Rights in and around India is prevented and it also saves the indigenous people from exploitation. Next Sh. Kunal Satyarthi explained everyone about the role and functions of Himachal Pradesh State Biodiversity Board (HPSBB). He said that HPSBB was constituted in the year 2006 and its administrative body consists of a Chairman, 5 ex-officio members, 5 expert members and secretarial staff. Next role and functions of Biodiversity Management Committee (BMC) was discussed. He described the role of BMC's which is also to conserve Biological diversity, ensure sustainable use of its components and lastly there should be fair and equitable sharing of the benefits arising out of utilization of biological resources. In the following presentation he went on describing about need and importance of Peoples Biodiversity Register (PBR); which are legal documents and database on biodiversity of any given area and he also described about Local Biodiversity Funds (LBFs). He described how PBRs as a legal document could play an important role in maintaining records on biodiversity related to a specific area and he also mentioned how LBFs would help in motivating and channelizing the whole process of making of PBRs. Next Biodiversity Heritage Site provision under the Biological Diversity Act, 2002, was discussed and how this would be able to help locals conserve their heritage site which they already have been doing from generations (Sacred Grooves) or they were not able to because of lack of initiative or incentive. Certain exemptions under Biological Diversity Act, 2002 and normally Traded Commodities (NTCs) were also discussed and explained.

Penalties related to breach to Biological Diversity Act, 2002, were discussed next and it was stated that: Firstly whoever contravenes or attempts to contravene or abets the contravention of the provisions of section 3 or section 4 or section 6 shall be punishable with imprisonment for a term which may extend to five years, or with fine which may extend to ten lakhs rupees and where the damage caused exceeds ten lakhs rupees such fine may commensurate with the damage caused, or with both. And secondly whoever

contravenes or attempts to contravene or abets the contravention of the provisions of section 7 or any order made under sub-section (2) of section 24 shall be punishable with imprisonment for a term which may extend to three years, or with fine which may extend to five lakhs rupees, or with both. In addition it was told that the offences under this Act shall be cognizable and non-bailable. This clause stipulates that the Central Government may give directions to the State Governments for execution any of the provisions of this Act. In the last part of presentation questions were taken up by Sh. Kunal Satyarthi which were asked by Forest officials. During this discussion cognizance of offence was elaborately discussed and forest officials were made aware about their powers to make an arrest without a warrant and to start an investigation with or without the permission of a court under certain provision and section of Indian Forest Act, 1927.

Dr. Murari Lal Thakur from State Biodiversity Board gave presentation on Access and Benefit Sharing (ABS) mechanism and its relevance in Himachal Pradesh. Conception and enactment of the Biological



Diversity Act, 2002 was initially discussed. CBD its objective and objectives of the BD Act, 2002 were informed to the participants. Nagoya Protocol on ABS was discussed which is based on the fundamental principles of prior informed

consent (PIC), Mutually agreed terms (MAT), official checkpoint. Benefit-sharing obligations were discussed which were:

- Domestic-level benefit-sharing measures will provide for the fair and equitable sharing of benefits arising from the utilization of genetic resources, as well as subsequent applications and commercialization, with the contracting Party providing genetic resources.
- Utilization includes research and development on the genetic or biochemical composition of genetic resources.
- Sharing is subject to mutually agreed terms.
- Benefits may be monetary or non-monetary such as royalties and the sharing of research results

Traditional knowledge associated with genetic resources with provisions on access, benefit sharing and compliance were also discussed. Next in the presentation information on ABS provisions under BD Act,

2002 were discussed. Afterwards Benefit Sharing Options and Economic Importance of Bioresources present in the State of Himachal Pradesh were informed to the participants. A brief information regarding Bio-resource based industries and their global market share was discussed. Next determination of benefit sharing, PIC & MAT options, certain activities or persons exempted from approval of NBA or SBB, Fair and equitable benefit sharing options and non-monetary benefits of ABS provisions were discussed. In the final part of presentation some examples of ABS from India were discussed.

Dr. Pankaj Sharma from State Biodiversity Board presented his presentation on Biodiversity Management Committees (BMCs), its role and responsibilities in implementation of Biological Diversity Act, 2002 in Himachal Pradesh. In his presentation Constitution of Biodiversity Management Committees was discussed first and it was told that The Biodiversity Management Committee is constituted as per the Sub-rule (1) and it shall consist of Chairperson and not more than 6 persons nominated by the Local Self Government, of whom not less than one third should be women and not less than 18% should belong to the Scheduled Caste/Scheduled Tribes. Time period for Operationalization, Office of the BMC and Tenure of BMCs were discussed. Mandate of BMC's were discussed followed by role, duties and functions of the BMCs.

Lastly Dr. Dinesh Gupta from State Biodiversity Board gave his very interactive presentation on People's Biodiversity Registers (PBRs). He started his presentation by telling everyone about the need and scope of PBRs followed by examples of many valuable bio-resources specific to the state of Himachal Pradesh. He also provided information on documentation and conservation of Traditional Knowledge associated with these bioresources, he also signified the importance of preparing a document such as PBR. Next he gave example of Turmeric and how India had to fight for its patent on global arena. Next Dr. Dinesh elaborated on the main functions of the BMC in order to prepare People's Biodiversity Registers in consultation with local people and it was also told that the Peoples Biodiversity Register shall contain comprehensive information on availability and knowledge of local biological resources, their medicinal or any other use or any other traditional knowledge associated with them. In the final segment of his presentation he gave general description on the 32 different formats of PBR and it was told that it is a mandate of BMC to maintain and validate PBR.



## Glimpses of Event:



