

# Biodiversity Act 2002

The law is imperative to safeguard India's biological legacy. The Biodiversity Act 2002 protects and conserves biological diversity and utilizes and controls the resources. This article puts emphasis on the Biodiversity Act 2002 and its salient features.

## What is Biodiversity Act 2002?

Biodiversity is an important natural resource that supports all life forms on Earth. It is vital for agriculture and forestry (for example, through pollination), fisheries, pharmaceuticals, and ecotourism industries. Thus biodiversity is a critically important resource for sustaining human societies worldwide.

The main goal of the Biodiversity Act 2002 is to ensure the conservation of biological diversity and the sustainable use of its components. In addition, this Act makes sure the fair usage of its resources to prevent overuse or destruction of biodiversity. India is one of the most biologically diverse countries in the world; thus Biological Diversity Act 2002 is vital to protect biological heritage.

## Salient Features of Biodiversity Act 2002

The salient features of the Biological Diversity Act 2002 are as follows:

- Regulation of the biological resources in the country.
- Notify the threatened species and control or restrict their restoration, collection, and conservation.
- The Biodiversity Act 2002 also protects the knowledge of local communities regards to biodiversity.
- Sustainability and conservation of biological diversity.
- Offences mentioned by the statute are defined as non-bailable and cognizable.
- To carry out the study involving biological resources of the nation.

## Exemptions from Biodiversity Act 2002

- This act excludes the biological resources of India that are sold as commodities.
- The Biodiversity Act 2002 also excludes the traditional uses of biological resources in India when they are used for research purposes in India or foreign institutions with the approval of the central government.
- Other exemptions are breeds and cultivators, beekeepers, livestock keepers, and traditional healers, e.g., Hakims and Vaid.

## Objectives of Biodiversity Act 2002

The act envisages establishment at national and state levels. The objectives of the Biological Diversity Act 2002 are mentioned below.

- Conserve biodiversity, use it sustainably and promote its equitable sharing as a common heritage of humankind.
- Provide for conservation of bio-geographical classification; establishment and regulation of National Biodiversity Authority, State Biodiversity Boards; setting up Biodiversity Management Committees;
- Preparation of People's Biodiversity Registers by such committees;
- Laying down procedures for access to biological resources and associated knowledge by foreign citizens or companies;
- Establishing an effective mechanism for collecting and sharing benefits arising from using biological resources, knowledge, etc.; laying down penalties for infringement, etc.

## Framework of Biodiversity Act 2002

To control the access to biological resources, a three-tiered framework was envisioned by the legislation:

- The Biodiversity Management Committees (BMCs)
- The National Biodiversity Authority (NBA)
- The State Biodiversity Boards (SBBs)

### Biodiversity Management Committees (BMCs)

There must be a BMC or Biodiversity Management Committee in every local body as per the Section 41 of the Biodiversity Act 2002 for further protection, and recording of biological variety such as conservations of landraces, preservation of habitats, Domesticated stocks And breeds of animals, Folk varieties and cultivars, Microorganisms And Chronicling Of Knowledge Relating To Biological Diversity.

### National Biodiversity Authority (NBA)

To carry out the provisions of the Biodiversity Act 2002, the National Biodiversity Authority was established under the Ministry of Environments and Forest by the Government of India in 2003.

- NBA monitors and prevents the actions prohibited under the Biodiversity Act 2002.
- It also gives advice on how the government on conservation of biodiversity in India.
- NBA prepares a report on how the government should proceed with choosing biological heritage sites.
- It shall notify the threatened species.

## State Biodiversity Boards (SBBs)

State Biodiversity Boards were established in accordance with Section 22 of the Biodiversity Act 2002. It deals with matters relating to access to biological resources for commercial purposes. It advises the state government on matters relating to conservation and sharing equitable benefits. SBB also regulates granting of approval for the commercial use of any biological resources by people.

## Provisions of Biodiversity Act 2002

The Biological Diversity Act 2002 has provisions for

- Establish National Biodiversity Authority (NBA) and State Biodiversity Boards (SBB) to implement the provisions.
- Regulation of access to biological resources, including prior informed consent, benefit-sharing, and submission of bio-survey reports.
- Punishment for offenses under the Biodiversity Act 2002
- Establish People's Biodiversity Registers (PBRs) at the local level by SBBs to document knowledge about local biodiversity and associated customary sustainable practices.
- Intent to use traditional knowledge for commercial purposes.
- Publication or exhibit of traditional knowledge without prior consent.

Hence, it requests all the members of this esteemed Network to kindly disseminate information about the Biodiversity Act 2002 in their respective states/UTs and encourage stakeholders to submit proposals for obtaining access to biological resources and associated knowledge wherever needed. It also urges them to take the necessary steps to establish State Biodiversity Boards at their end to ensure effective implementation of the Biological Diversity Act 2002.