

Five-year Plan of the Meghalaya Biodiversity Board (MBB)

for the
Biodiversity Management Committees (BMC),
Peoples' Biodiversity Registers (PBR) and
Biodiversity Heritage Sites (BHS)

(2015-2016 to 2019-2020)



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1. INTRODUCTION

1.1. The Earth's biological resources are vital to humanity's economic and social development. As a result, biological diversity has been recognized as a global asset of tremendous value to present and future generations. At the same time, the threat to species and ecosystems has been increasing every day. To address the issue of declining biodiversity, the United Nations Environment Programme (UNEP) convened the Ad Hoc Working Group of Experts on Biological Diversity in November 1988 to explore the need for an international convention on biological diversity. In May 1989 the Ad Hoc Working Group of Technical and Legal Experts (later known as the Intergovernmental Negotiating Committee) was formed to prepare an international legal instrument for the conservation and sustainable use of biological diversity. Its work culminated on 22 May 1992 with the Nairobi Conference for the Adoption of the Agreed Text of the Convention on Biological Diversity.

1.2. The **Convention on Biological Diversity (CBD)** was opened for signature on 5 June 1992 at the **United Nations Conference on Environment and Development (UNCED; the Rio "Earth Summit")**. It remained open for signature until 4 June 1993, by which time it had received 168 signatures. The Convention entered into force on 29 December 1993, which was 90 days after the 30th ratification.

1.3. The **Convention on Biological Diversity** was inspired by the world community's growing commitment to sustainable development. It represents a dramatic step forward in the conservation of biological diversity, the sustainable use of its components, and the fair and equitable sharing of benefits arising from the use of genetic resources.

1.4. The **Biological Diversity Act, 2002** was born out of India's attempt to realize the objectives enshrined in the United Nations Convention on Biological Diversity (CBD) 1992 which recognizes the sovereign rights of states over their own Biological Resources. The Act aims at conservation of biological resources and associated knowledge as well as facilitating access to them in a sustainable manner and through a just process. Thus, the three objectives that the BDA seeks to achieve are **conservation of biological diversity, sustainable use its components and fair and equitable sharing of benefits** arising out of use of biological resources.

1.5. The Ministry of Environment and Forests, Government of India, notified the **Biological Diversity Rules** in 2004 u/s 62 of the BD Act. The Government of Meghalaya notified the **Meghalaya Biological Diversity Rules, 2010 (MBDR)** on 30-08-2010.

1.6. In the year 2002, the Johannesburg World Summit on sustainable development called for developing an international regime to advance the 3rd objective of the CBD, i.e. to ensure fair and equitable distribution of benefits out of the use of biological resources. The Conference of Parties (COP), the governing body of the CBD, in their 10th meeting at Nagoya, Japan finalised and adopted that regime on 29.10.2010, which is known as the '**Nagoya Protocol**'. Thus, Nagoya Protocol is an

international agreement which aims at sharing the benefits arising from the utilization of genetic resources in a fair and equitable way, including by appropriate access to genetic resources and by appropriate transfer of relevant technologies, taking into account all rights over those resources and to technologies, and by appropriate funding, thereby contributing to the conservation of biological diversity and the sustainable use of its components. As a follow up in India, the Ministry of Environment, Forests & Climate Change, notified the **ABS (Access and Benefit Sharing) Guidelines** in 2014.

2. Biodiversity Administration in India:

For implementation of the Biological Diversity Act, a three tier institutional structure has been in place in India whereby the **National Biodiversity Authority (NBA)**, created in the year 2003 u/s 8 of the Biological Diversity Act with its headquarter at Chennai, occupies the apex position and implements the provisions of BDA at the national level. The **State Biodiversity Boards (SBB)**, created u/s 22 of the Biological Diversity Act, occupy the 2nd tier in terms of its operation at the state level. The **Biodiversity Management Committees (BMCs)** that are formed at the local level (village/ elaka/ syiemship / doloiship / sirdharship / akhing, etc), as per sec-41 of the Act and Rule-23 of the Meghalaya Biological Diversity Rules 2010 as amended in 2015, occupy the third tier. All these are thus **statutory bodies**.

3. Meghalaya Biodiversity Board:

3.1. The **Meghalaya Biodiversity Board (MBB)** was established in 2010. The Board is headed by the **Chairman** who is appointed by the State Government as per Rule 3 & 4 of the Meghalaya Biological Diversity Rules (MBDR), 2010. Generally the Additional Chief Secretary or the Principal Secretary, Forests & Environment, Govt. of Meghalaya, functions as ex-officio Chairman of the Board. The **Secretary** to the MBB is appointed by the Govt. of Meghalaya under Rule 11 of the MBDR, 2010. Generally a serving forest officer holds this ex-officio position. In addition, five (5) non-official members and five (5) ex-officio members from Govt. Departments are nominated by the Govt. as **Members** of the Board. The five ex-officio members are

1. Chief Wildlife Warden, Forests & Environment Department.
2. Director, Agriculture Department.
3. Director, Veterinary Department
4. Director Fisheries Department and
5. Director, Education Department.

They hold their position as Members of MBB as long as they occupy their posts as above (Rule 9 of MBDR, 2010). The non-official members shall hold office for a term not exceeding 3 years at a time (Rule 6 of MBDR, 2010) from the date of their nomination.

3.2. At the State level, in order to assist the MBB in various matters connected with the Biological Diversity Act, the following 6 Expert Committees have been constituted by the Board:

1. Legal matters connected with Biodiversity Act, IPR issues, Access and Benefit Sharing (6 members):
2. Agro & Horticulture Biodiversity (4 members)
3. Animal Resources and Fisheries (6 members)
4. Traditional Knowledge, IPR & Documentation (8 members)
5. Identification & Conservation of biodiversity rich areas & Biodiversity Heritage Sites (9 members).
6. Content development for the Meghalaya Biodiversity Board website/Portal (6 members)

4. Biodiversity Management Committees (BMCs):

4.1. These are statutory bodies that are to be created by the “Local Bodies” as per Section 41 of the Biodiversity Act.

4.2. **Section 41 (i)** of the BD Act, 2002 states that: ‘Every “Local Body” shall constitute a BMC within its area for the purpose of promoting conservation, sustainable use and documentation of Biological Diversity including preservation of habitats, conservation of land races, folk varieties and cultivars & domesticated stock and breeds of animals and micro organisms and chronicling of knowledge relating to Biological Diversity’.

4.3. **Section 2 (h)** of the BDA Act, 2002 states that ‘local bodies’ means Panchayats and Municipalities, by whatever name called, within the meaning of Clause (1) of the Article 243 (b) and clause (1) of Article 243 (q) of the Constitution and in the absence of any panchayats or municipalities, institutions of self-government constituted under any other provision of the Constitution or any Central Act or State Act’.

4.4. The Govt. of Meghalaya enacted the Meghalaya Biological Diversity Rules in 2010 in exercise of its powers under Section 63 (i) of the Biological Diversity Act 2002. **Rule 23 (i) of Meghalaya Biodiversity Rules, 2010** states that ‘Local Body shall constitute a BMC within its area of jurisdiction’. Accordingly, BMCs have to be constituted at the Elaka, Syiemship, Dolloiship, Sirdarship, Aking or any other similar bodies recognized by the KHADC, JHADC and GHADC as well as at Municipality and Municipal corporation level’.

4.5. Rule 23 (i) of MBDA 2010, was amended by the Govt. of Meghalaya vide Notification No.FOR.57/2002/Vol.II/569 dated 23.3.2015 as per which the phrase ‘or any other similar bodies recognized by the KHADC, JHADC and GHADC as well as at Municipalities and Municipal corporation level’ was substituted with phrase ‘or at the village level, recognized by the Govt. of Meghalaya or the Autonomous District Councils in the State as well as at the Municipality and Municipal Corporation level’.

4.6. In Meghalaya, till 2015, 97 BMCs have been constituted through the village durbars or equivalent bodies. Attempts are being made to constitute BMCs at Elaka/Municipality level too.

4.7. In Meghalaya, the Chairman and the Members of the village level BMC are nominated by the village durbars or equivalent bodies. The ex-officio Secretary of the BMC is nominated by the Forest Department. The Chairman and the ex-officio Secretary shall jointly operate the funds of the BMC based

on BMC resolutions duly recorded. The ex-officio Secretary of the BMC is responsible for maintenance of the BMC accounts. Nomination of ex-officio Secretary to each BMC was done in the year 2015 in compliance to the guidelines issued by the NBA for operationalising the BMCs.

5. ROLE OF BMCs:

5.1. BMCs are expected to function as vital statutory bodies operating at the grass-root level to achieve the objectives of the Biodiversity Act. As per the Biodiversity Act and Rules, the first responsibility of these BMCs is to create a database of the biological resources available in their villages and related traditional knowledge, in the form of 'People's Biodiversity Register' (PBR). Funds for constitution of BMCs and preparation of PBRs may be released by the State Governments or the NBA. BMCs are also expected to monitor and control access to biological resources under their jurisdiction. In this regard, they are legally empowered to levy access fees also. They are expected to offer advices to the NBA and SBB on matters of access, biodiversity conservation and sustainable use. They are expected to take steps in protecting the biodiversity in their jurisdiction.

5.2. The BMCs shall participate in ensuring the following:

- Conservation and sustainable utilization of biological resources
- Eco-restoration of the local biodiversity
- Proper 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.
- Management of Heritage Sites including Heritage Trees, Animals/ Microorganisms etc., and Sacred Groves and Sacred Water bodies.
- Regulation of access to the biological resources and/ or associated Traditional Knowledge, for commercial and research purposes.
- Sharing of usufructs arising out of commercial use of bio- resources
- Conservation of traditional varieties/breeds of economically important plants/animals.
- Biodiversity Education and Awareness building.
- Documentation, enable procedure to develop bio-cultural protocols
- Sustainable Use and Benefit Sharing.
- Protection of Traditional Knowledge recorded in PBR

5.3. For technically assisting the BMCs in their functioning and to monitor / advise them, **Technical Support Groups (TSG)** have been notified for each District by the Government vide No. FOR.57 /2002/ VOL-1/ 531, dated 29.09.2014. These TSGs have been constituted by including district level officers of the line departments, representatives from BSI, ZSI, and MBDA besides two civil society representatives/ eminent persons/conservationists who are nominated by the Deputy Commissioner of the respective District. Subsequently on the basis of this notification, One Divisional Forest Officer has been nominated per district as a member of the TSG who shall also function as the **District Nodal Officer cum Convener of the TSG**, by the PCCF & HoFF, vide O.O no.269 dated 12.11.2014.

5.4. These BMCs are to be activated, trained to build capacity, and financially enabled so that they can effectively discharge the duties assigned to them under the Biodiversity Act at the local level, under the guidance of the 'Nodal officers'/ 'Technical Support Groups (TSG)' and the MBB. Once a BMC has starts functioning on its own and has its members properly trained, it is expected to prepare an Action Plan/ Management Plan for Biodiversity Conservation, with guidance from Technical Support Group (TSG) and the district level Nodal Officers. It is hoped that, in future, in this manner, the BMCs will be in a position to scientifically manage the local biodiversity.

6. Financial support to BMCs:

6.1. Start-up Funds for the BMCs are provided by the National Biodiversity Authority (NBA) or the State Governments. At present, NBA provides a financial assistance of Rs. 60,000/- as start-up Fund. The Meghalaya Biodiversity Board has been releasing this fund to those BMCs who have submitted their Bank Account details and for which the District Nodal Officer has nominated an ex-officio Secretary. Funds meant for the BMCs are released directly to the Chairman & Ex-officio Secretary by the MBB with intimation to the District Nodal Officers.

6.2. While the BMCs are constituted at 'Panchayat' level in other states covering few villages, it is being formed at individual villages in Meghalaya. In view of this, granting the same amount of Start-up fund to the village level BMC was reviewed in the meeting of the Meghalaya Biodiversity Board held on 27-11-2015, wherein it was decided that, henceforth, an amount of Rs. 20,000/- only shall be released as start-up fund to these village level BMCs. NBA will be approached for grant of start-up funds for constituting these BMCs.

7. Five-year plan for BMCs:

7.1. Meghalaya has about 7000 villages. It also has very rich forest cover of about 77 percent. Many of the villages are in the fringes of forests and are rich in biodiversity. In addition there are villages, which are rich in aquatic as well as other components of biodiversity. However, it would be an impossible task to constitute BMCs in every single village within a short span of time. Taking into consideration the staff strength of the MBB, the willingness or otherwise of the communities towards formation of BMCs and the financial constraints in supporting all such BMCs, it is deemed proper to set a viable target which can be realistically achieved in the next five years.

7.2. In Meghalaya, we have 11 Districts and in every District, one DFO level Officer has been nominated as District Nodal Officer for the purposes of Biodiversity Act 2002. They are expected to constitute the BMCs, facilitate their capacity building and monitor their functioning. Besides this the Chief Forest Officers serving under the three Autonomous District Councils have been requested to form BMCs under their respective jurisdiction.

7.3. In the meeting of the Meghalaya Biodiversity Board held on 27-11-2015, it was decided that in the next 5 years, BMCs shall be formed representing all the Gram Sevak Level Units (GSUs) in the State. In Meghalaya, there are 15 Gram Sevak Units under 32 Community & Rural Development (C&RD) Blocks

and 10 Gram Sevak Units under the remaining 7 C & RD Blocks i.e a total of 550 GSUs. It was decided to set a target of constituting 2 BMCs under each of the GSUs in the next 5 years, whereby we will have 1100 BMCs in total. This also means constitution of 220 BMCs every year, which is 20 BMCs in each of the 11 districts every year.

8. Preparation of PBRs:

8.1. As per the Biodiversity Act and Rules, the first responsibility of these BMCs is to create a database of the biological resources available in their villages and related traditional knowledge, in the form of 'Peoples' Biodiversity Register' (PBR). PBR is a vital document which may be helpful in proving the existence of bio-resources or traditional knowledge on the use of Bio-resources available in an area, in a legally acceptable way. PBR is expected to serve as a tool to prevent bio-piracy. They are expected to serve as a tool for access control and benefit sharing. Hence, PBR has to be prepared in a scientific way. Funds for preparation of PBRs can be sourced from the National Biodiversity Authority (NBA) or the respective State Governments. NBA provides a financial assistance of Rs. 1,15,000/- for each 'village level' PBR and Rs. 1,50,000/- for each 'Block level' PBR.

8.2. In Meghalaya, at present PBRs are prepared at village level covering the jurisdiction of the village level BMCs. At present 25 PBRs are under preparation covering 25 village level BMCs with financial assistance from NBA of Rs. 1,15,000/- per PBR. A multi-disciplinary team comprising of experts from various fields has been engaged for this purpose.

8.3. It would be an enormous task to prepare PBR for each of the village level BMCs constituted in Meghalaya. It calls for huge funds, manpower and efforts from various stakeholders. Moreover, since the biodiversity available in adjacent villages are generally similar, preparation of PBRs for every village would amount to doing a simple thing in a complex way and duplication of work. An ideal way could be to make PBRs for each of the Eco-regions in the State. Moreover, an approach, which is based on definite, widely used territorial boundaries, is considered to be easy to adopt and the PBRs so prepared can be easily integrated into planning. Keeping this in mind, the Meghalaya Biodiversity Board in its meeting dated 27-11-2015 decided that, henceforth, PBRs shall be prepared for each of the 'Gram Sevak Units' (GSU) in the State and the present exercise of preparing village level PBRs will be stopped after the completion of the ongoing village level PBRs.

8.4. It is noted that the jurisdiction of Gram Sevak Unit could be easily recognised, understood and mapped on the ground. Meghalaya has 39 Community & Rural development (C&RD) blocks and 550 Gram Sevak Units that need to be covered with PBRs.

8.5. As far as the 5-year target is concerned, the Meghalaya Biodiversity Board has decided to cover all Gram Sevak Level units in the state, i.e. 550. In order to achieve the above target within 5 years, it was also decided to assign the task of PBR preparation to capable institutions like BSI, ZSI, NEHU, ICAR, etc., and also capable NGOs. The NBA will be approached to provide an enhanced financial assistance for preparing the PBRs at GSU level on a 'cluster based approach', since this approach will cover a larger area under each PBR comprising about 12-15 villages. Thus, at the end of the 5-year period, with the preparation of 550 GSU level PBRs, the whole State will stand covered.

9. Biodiversity Heritage Site (BHS):

9.1. According to NBA, "Biodiversity Heritage Sites" (BHS) are well defined areas that are unique, ecologically fragile ecosystems - terrestrial, coastal and inland waters and, marine having rich biodiversity comprising of any one or more of the following components: richness of wild as well as domesticated species or intra-specific categories, high endemism, presence of rare and threatened species, keystone species, species of evolutionary significance, wild ancestors of domestic/cultivated species or their varieties, past pre-eminence of biological components represented by fossil beds and having significant cultural, ethical or aesthetic values and are important for the maintenance of cultural diversity, with or without a long history of human association with them.

9.2. Under Section 37 of Biological Diversity Act, 2002 (BDA) the State Government in consultation with local bodies may notify in the official gazette, areas of biodiversity importance as Biodiversity Heritage Sites (BHS). Under sub section (2) of Section 37, the State Government in consultation with the Central Government may frame rules for the management and conservation of BHS. Under sub section (3) of Section 37, the State Governments shall frame schemes for compensating or rehabilitating any person or section of people economically affected by such notification.

9.3. The BHS may be identified in accordance with the definition mentioned above. Accordingly areas having any of the following characteristics may qualify for inclusion as BHS, in the context of Meghalaya:

- a) Areas that contain a mosaic of natural, semi-natural, and manmade habitats, which together contain a significant diversity of life forms.
- b) Areas that contain significant domesticated biodiversity component and /or representative agro-ecosystems with ongoing agricultural practices that sustain this diversity.
- c) Areas that are significant from a biodiversity point of view as also are important cultural spaces such as sacred groves/trees and sites, or other large community conserved areas.
- d) Areas including very small ones that offer refuge or corridors for threatened and endemic fauna and flora, such as community conserved areas or urban greens and wetlands.
- e) All kinds of legal land uses whether government, community or private land could be considered under the above categories.
- f) As far as possible those sites may be considered which are not covered under Protected Area network under the Wildlife Protection Act 1972 as amended.
- g) Areas that provide habitats, aquatic or terrestrial, for seasonal migrant species for feeding and breeding.
- h) Areas that are maintained as preservation plots by the research wing of Forest department.
- i) Medicinal Plant Conservation Areas.

9.4. As per the above criteria, Meghalaya has great potential in declaring a number of BHS and thereby expanding the reach of conservation. There are more than 100 sacred groves and plenty of 'Law

Adongs', which are prime candidate sites. The Fish Sanctuaries formed in Garo Hills and the Jaintia Hills can also be declared as BHS. The living root bridges which stand testimony to the rich traditional knowledge of the local people and for the sustainable use of bio resources, can be declared as BHS. Unique habitats having rich endemic flora, medicinal plants, etc. can be considered for declaration as BHS. The small habitat supporting a vital population of *Nymphae tetragona* (water lily) can be a candidate site similar to the sites where rare orchids are aplenty.

9.5. Meghalaya is a Sixth Schedule State wherein the District Councils as well as the State Government co-exist. The local people and communities own their land. The land under the control of the Government is minimal. The local communities here have been traditionally inclined to protect and conserve the biodiversity. The existing 'law Kyntang' and 'law Adong' are perfect examples of community based conservation initiatives witnessed in the State for many centuries. While the people are doing their bid for conservation on their own, any such initiatives on the part of the Government that relates to their land is viewed with suspicion and fear that in the process, their ownership over the land and resources thereon may get compromised. This is the major factor which has to be overcome through suitable awareness programmes and other confidence building measures based on frequent interaction, in order to achieve success in BHS declaration. It shall be clearly conveyed to the people that declaration as BHS, will not, in any way, change the land ownership.

9.6. In this regard, considering the practical difficulties as mentioned above, it is decided to achieve a modest target of declaring 10 suitable sites in Meghalaya as BHS in the next five years.

10. Synopsis of the 5-year Targets set:

As explained in detail in the preceding pages, the following targets are set by the MBB in connection with BMC constitution, PBR preparation and BHS declaration.

10.1. BMC constitution:

At least 2 village level BMCs shall be constituted in the next 5 years, in each of the Gram Sevak Units (GSU) in the State. It may be noted that each GSU has 12- 15 villages. There are 550 GSUs in the State. So, the target for the next 5 years is constitution of at least 2 village level BMCs per GSU x 550 GSUs = about 1100 village level BMCs.

In other words, this will mean constitution of about 220 village level BMCs every year or 20 village level BMCs under each of the 11 districts every year.

In addition, elaka level BMC and Municipality level BMCs will be constituted wherever possible.

10.2. PBR Preparation:

The present exercise of preparing village level PBRs will be stopped after the completion of the ongoing village level PBRs.

PBRs will be prepared for each of the Gram Sevak Units (GSU) having a cluster of 12- 15 villages each, within the next 5 years. The 39 C&RD blocks in the State have 550 GSU Units. Hence 550 GSU level PBRs have to be prepared in the next 5 years. This will cover the whole State. This means preparation of 50 GSU level PBRs in each of the 11 Districts in the next 5 years or 10 GSU level PBRs per District every year.

These GSU level PBRs will be endorsed and shared by about 12-15 villages that form the GSU. Any additional information can be added to the PBR as and when the need arises, making it a dynamic document.

10.3. Declaration of BHS:

A modest target of 2 BHS per year is set for the next 5 years resulting in about 10 BHS. No District level target is set.



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