

FUNCTIONS OF BMC

- Prepare, maintain and validate People's Biodiversity Register (PBR) in consultation with local people.
- The BMC is to maintain a Register giving information about the details of the access to biological resources and traditional knowledge granted, details of the collection fee imposed and details of the benefits derived and the mode of their sharing.
- Advise on any matter referred to it by the State Biodiversity Board or NBA for granting approval, to maintain data about the local practitioners using the biological resources.

BIODIVERSITY FUND

National, State and Local level biodiversity funds, for channeling benefits to benefits claimers, conservation and promotion of biological resources or knowledge associated and socio economic development of these areas, are respectively established under Sections 27, 32 and 43 of the Act.

ROLE OF CENTRAL AND STATE GOVERNMENTS

- Develop national strategies, plans, programmes for the conservation and promotion and sustainable use of biological diversity.
- Issue directives to the concerned State Government to take immediate ameliorative measures for protection of biodiversity rich habitats threatened by overuse, abuse or neglect.
- Integration of the conservation, promotion and sustainable use of biological diversity: into relevant sectoral or cross sectoral plans, programmes and policies Endeavour to respect and protect the knowledge of local people relating to biological diversity, as recommended by the National Biodiversity Authority.
- Assess the impact of projects on environment and biodiversity regulate, manage or control the risks or adverse impact of use and release of living modified organisms on conservation and sustainable use of biological diversity and human health.
- Central Government may, in consultation with National Biodiversity Authority; a) notify threatened species and prohibit or regulate their collection, rehabilitation and conservation, b) designate institutions as repositories for different categories of biological resources and c) exempt certain biological resources as normally traded Commodities.
- State Government in consultation with the local bodies, notify biodiversity heritage sites, and frame rules, for management and conservation of all the heritage sites (in consultation with. Central Government) and launch schemes for compensation/rehabilitation of affected people.

EXEMPTIONS PROVIDED IN THE ACT

- The Biological Diversity Act, 2002 provides for the following exemptions.
- Exemption to local people and community of the area of free access to use Biological resources within India for domestic/livelihood purpose.
 - Exemptions to growers and cultivators of biodiversity and to Vaidas and Hakims to use biological resources.

- Exemption to notified Normally Traded Commodities (NTC) from the purview of the Act.
- Exemption for collaborative research through government sponsored or government approved institutions subject to over all policy guidelines and approval of the Central Government.

PEOPLE'S BIODIVERSITY REGISTERS (PBRs)

- The main task of a BMC is to document the biodiversity and the associated traditional knowledge available under their jurisdiction in the form of PBR. It helps preserve the biodiversity related knowledge of people for the posterity through its codification and recording. The PBR is considered as an important base document in the legal arena and an evidence of prior knowledge. This document will be a very useful tool in the management and sustainable use of bio resources.

The PBR will serve the following objectives:

- Community regulation of access to biological resources, ensuring sustainable harvests,
- Conserving valuable bio resources and the value addition to biological resources.
- Promoting knowledge based sustainable management of agriculture; livestock, fish, forest and public health so as to enhance the quality of life of the community members,
- Opportunities to generate funds through the imposition of collection fees for access to biological resources.
- Help people access information of significance in management of their crops and livestock, availability of seeds of various traditional crop cultivars, and special properties of these cultivars.
- Help people share their special knowledge on the management and use of biological resources, provides information on prevalent prices and quantities of that species which in turn will help estimating the level of commercial demand for the species.
- Help continuation of traditional practices of conservation and sustainable use of biodiversity by facilitating their recognition and incorporation in the Biodiversity Management plans of local Biodiversity Management Committees.
- The PBR document will be a very useful teaching tool for teaching environmental studies at schools, colleges and university level.
- The document shall be periodically updated with additional and new information as and when generated.

Contact Address:

Secretary
Meghalaya Biodiversity Board, Sylvan House,
Lower Lachumiere
Shillong - 793001.
Email: Secretarymbb@gmail.com
☎ : (0364) 2500222
Website: megbiodiversity.nic.in



BIOLOGICAL DIVERSITY ACT IN A NUTSHELL



MEGHALAYA BIODIVERSITY BOARD

BIOLOGICAL DIVERSITY ACT IN A NUTSHELL

Increased concerns about dwindling biological resources across the globe led to the Convention on Biological Diversity (CBD). The CBD was negotiated and signed by nations at the UNCED Earth Summit at Rio de Janeiro, Brazil in June 1992. The Convention came into force on December 29, 1993. India became a Party to the Convention in 1994. At present, there are 175 Parties to this Convention. This international convention, for the first time, recognized the sovereign rights of the nations over their biological resources and emphasized that access to genetic resources should be only for environmentally sound purposes and should be subject to national legislations.

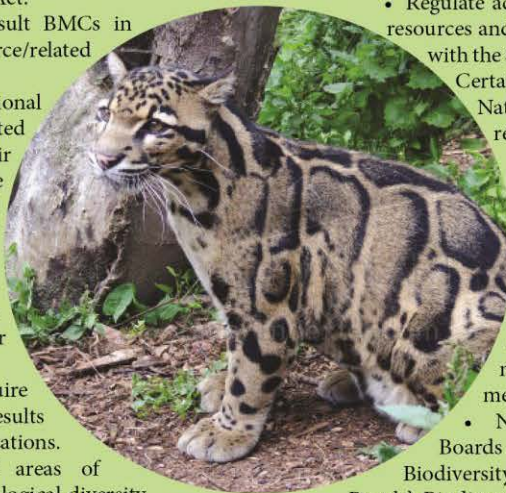
The main objectives of the Convention are:

- Conservation of biological diversity.
- Sustainable use of the components of biodiversity.
- Fair and equitable sharing of benefits arising out of the utilization of genetic resources.

Upon signing this convention, India had a commitment of putting in place enabling national legal instruments to achieve the above mentioned objectives of CBD. In fulfilment of this commitment, the Government of India enacted the Biological Diversity Act, 2002 and followed it up with the Biological Diversity Rules, 2004.

Salient features of the Biological Diversity Act-2002:

- The Biological Diversity Act, 2002 was enacted after an extensive consultation process involving the stakeholders.
- It aims to achieve 3 objectives: 1) Conservation of biological diversity; 2) Sustainable use of its components and 3) Fair and equitable sharing of benefits arising out of the use of biological resources and the associated traditional knowledge.
- Setting up of National Biodiversity Authority (NBA), State Biodiversity Boards (SBB) and Biodiversity Management Committees (BMC) to implement the Act.
- NBA and SBB are required to consult BMCs in decisions relating to Bioresource/related knowledge within their jurisdiction.
- Respecting and protecting the traditional knowledge of local communities related to biodiversity and ensuring that a fair share of benefits (arising out of the use of biological resources) reach the real custodians of biological resources/holders of traditional knowledge.
- All foreign nationals/organizations require prior approval of NBA for obtaining biological resources and/or associated knowledge for use.
- Indian scientists/individuals require approval of NBA for transferring the results of research to foreign nationals/organizations.
- Conservation and development of areas of importance from the standpoint of biological diversity by declaring them as Biodiversity Heritage Sites.
- Protecting India's rich biodiversity and associated knowledge against their use by foreign individuals and organizations without sharing benefits arising out of such use and checking Biopiracy.



- Indian industries need to get prior approval from SBB to obtain bio-resources for commercial use. SBB has right to restrict if the proposed access is found to be violating aspects of conservation, sustainable use and equitable benefit sharing.

BIODIVERSITY ADMINISTRATION

In order to implement the provisions of the Act in a decentralised manner, a three tiered (non-hierarchical) structure has been constituted as per the provisions of the Act. At the national level, National Biodiversity Authority (NBA) was established under Section 8 of the Act by the Government of India in October, 2003 with its headquarters at Chennai (Tamil Nadu). The State Biodiversity Boards (SBB) are established by the respective State Governments and the Biodiversity Management Committees (BMC) are constituted by the Local Bodies. All the above are thus statutory bodies.

MEMBERS OF AUTHORITY

The National Biodiversity Authority is headed by a Chairperson, who is an eminent person having knowledge and experience in sustainable management of biodiversity. He is equivalent in rank to the Secretary to Government of India. The NBA consists of ten ex-officio members from related Ministries of Government of India, and five non-official members who are experts in different aspects of biodiversity management.

FUNCTIONS OF NBA

- Advise Government of India on matters relating to conservation of biodiversity, sustainable use of its components and equitable sharing of benefits arising out of utilization of biological resources.
- Regulate activities and issue guidelines for access to biological resources and for fair and equitable benefit sharing in accordance with the Section 3, 4 and 6 of the Biological Diversity Act, 2002.
- Certain individuals/organizations require prior approval of National Biodiversity Authority for obtaining biological resources and/or associated knowledge for use.
 - Take measures necessary to oppose the grant of intellectual property rights in any country outside India on any biological resource/the associated traditional knowledge obtained from India, if the same was not accessed as per the legal framework provided under the BD Act.
 - Advise the State Governments in the selection of areas of biodiversity importance to be notified as Biodiversity Heritage Sites and suggest measures for their management.
 - National Biodiversity Authority and State Biodiversity Boards provide guidance and technical support to Biodiversity Management Committee (BMC) for preparing People's Biodiversity Registers (PBR).
- Perform such other functions as may be necessary to carry out the provisions of this Act.

STATE BIODIVERSITY BOARD

The State Biodiversity Boards are established by the respective State Governments by gazette notification in accordance with Section 22 of the BD Act. For the seven union territories, National Biodiversity Authority or authority body exercises the powers and functions of State Biodiversity Board.

MEMBERS OF STATE BIODIVERSITY BOARD

The State Biodiversity Board consists of a Chairperson, five ex-officio members representing the concerned Government departments, and five non-official members appointed by the State Government, from among the 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.

FUNCTIONS

- Advise the State Government, subject to guidelines issued by the Central Government, on matters relating to conservation of biodiversity, sustainable use of its components and equitable sharing of benefits arising out of utilization of biological resources.
- Regulate by granting of approvals or otherwise requests for commercial utilization or bio-survey and bio-utilization of any biological resource by Indians.
- Perform such other functions as necessary to carry out the provisions of this Act or as prescribed by the State Government.

BIODIVERSITY MANAGEMENT COMMITTEES (BMC)

Local bodies constitute Biodiversity Management Committee in accordance with Section 41 of the BD Act, within their area of jurisdiction 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 stocks and breeds of animals and microorganisms and chronicling of knowledge relating to biological diversity.

In Meghalaya, BMCs are constituted by the traditional local body at the village level, as per the 2015 amendment to the Meghalaya Biological Diversity Rules, 2010 (MBDR). At present 97 village level BMCs have been constituted in the State. As per MBDR, the local body at the 'Elaka' and 'Municipality' level can also constitute BMCs.

MEMBERS OF BMC

Biodiversity Management Committee is constituted under section 41 of BD Act and in accordance with Rule 22 of the Biological Diversity Rules, 2004. It consists of a chairperson and six persons nominated by the local body, of whom one third are women and 18% are scheduled castes/scheduled tribes.

In Meghalaya, the Chairperson and the members including women member are nominated by the local body. A staff of the Forest Department is nominated as the Ex-officio Secretary of the BMC. The Chairperson and the Ex-officio Secretary of BMC are jointly responsible for the operation of BMC funds (called as 'Local Biodiversity Fund') and the BMC accounts.

