

The Biological Diversity Act, 2002

18 of 2003 dated 5th February, 2003

As amended by

The Biological Diversity (Amendment) Act, 2023

(No. 10 of 2023, dated 3rd August, 2023)

The Biological Diversity Rules, 2024

Amended

Biological Diversity Rules, 2025

BD (ABS Regulations), 2025

THE BIOLOGICAL DIVERSITY ACT, 2002

(18 of 2003 dated 5th February, 2003)

(As amended by The Biological Diversity (Amendment) Act, 2023; No. 10 of 2023, dated 03rd August 2023)

THE BIOLOGICAL DIVERSITY RULES, 2024

(notified dated 22nd October, 2024)

Biological Diversity (Amendment) Rules, 2025.

(notified dated 6th May, 2025)

BIOLOGICAL DIVERSITY (ABS Regulations), 2025

(notified dated 29th April, 2025)

Disclaimer

This book is intended only for the internal circulation, while preparing the contents of the amended Act, due care has been taken. The amended provisions are highlighted with red colour fonts for easy understanding. For accuracy, it is recommended that the reader should refer to the provisions of the Amended Act as notified in the Government of India's Gazette (Notification No: CG-DL-E-03082023-247815 dated 03.08.2023 & Corrigendum-of-Biological-Diversity-Amendment-Act-2023 dated 09.08.2023 & Corrigendum-of-Biological-Diversity-Amendment-Act-2023 dated 29.02.2024). Available on NBA's website.

Contents	Page No
CHAPTER-I	2
CHAPTER -II	5
CHAPTER -III	9
CHAPTER –IV	13
CHAPTER -V	14
CHAPTER -VI	18
CHAPTER –VII	20
CHAPTER -VIII	22
CHAPTER -IX	24
CHAPTER-X	28
CHAPTER -XI	29
CHAPTER -XII	31
THE BIOLOGICAL DIVERSITY RULES, 2024	44
BIOLOGICAL DIVERSITY (ACCESS & BENEFIT SHARING REGULATIONS), 2025	113

THE BIOLOGICAL DIVERSITY ACT, 2002

(18 of 2003 dated 5th February, 2003)

(As amended by The Biological Diversity (Amendment) Act, 2023; No. 10 of 2023, dated 03rd August 2023)

An Act to provide for conservation of Biological Diversity, sustainable use of its components and fair and equitable sharing of the benefits arising out of the use of biological resources, knowledge and for matters connected therewith or incidental thereto.

WHEREAS India is rich in biological diversity and associated traditional and contemporary knowledge system relating thereto;

AND WHEREAS India is a Party to the United Nations Convention on Biological Diversity signed at Rio de Janeiro on the 5th day of June, 1992;

AND WHEREAS the said Convention came into force on the 29th December, 1993;

AND WHEREAS the said Convention reaffirms the sovereign rights of the States over their biological resources;

AND WHEREAS the said Convention has the main objective of conservation of biological diversity, sustainable use of its components and fair and equitable sharing of the benefits arising out of utilisation of genetic resources;

AND WHEREAS India is a Party to the Nagoya Protocol on access to genetic resources and the fair and equitable sharing of benefits arising from their utilisation to the convention on Biological Diversity which was adopted on the 29th October, 2010 in Nagoya, Japan;

AND WHEREAS it is considered necessary to provide for conservation, sustainable utilisation, fair and equitable sharing of the benefits arising out of utilisation of biological resources and also to give effect to the said Convention.

BE it enacted by Parliament in the Fifty-third year of the Republic of India as follows: -

CHAPTER-I

PRELIMINARY

1. **Short title, extent and commencement -**(1) This Act may be called the Biological Diversity Act, 2002.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint:

Provided that different dates may be appointed for different provisions of this Act and any reference in any such provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.

2. **Definitions-**In this Act, unless the context otherwise requires, -

(a) "access" means collecting, procuring or possessing any biological resource occurring in or obtained from India or traditional knowledge associated thereto, for the purposes of research or bio-survey or commercial utilisation;

(aa) "benefit claimers" means the conservers of biological resources, their by-products, creators or holders of traditional knowledge associated thereto (excluding codified traditional knowledge only for Indians) and information relating to the use of such biological resources, innovations and practices associated with such use and application;

(b) "biological diversity" or "biodiversity" means the variability among living organisms from all sources and the ecological complexes of which they are part and includes diversity within species or between species and of eco-systems;

(c) "biological resources" include plants, animals, micro-organisms or parts of their genetic material and derivatives (excluding value added products) with actual or potential use or value for humanity, but does not include human genetic material;

(d) "bio-survey and bio-utilisation" means survey or collection

of species, subspecies, genes, components and extracts of biological resource for any purpose and includes characterisation inventorisation and bioassay;

(e) "Chairperson" means the Chairperson of the National Biodiversity Authority or, as the case may be, of the State Biodiversity Board;

(ea) "codified traditional knowledge" means the knowledge derived from authoritative books specified in the First Schedule to the Drugs and Cosmetics Act, 1940;

(f) "commercial utilization" means end uses of biological resources for commercial utilization such as drugs, industrial enzymes, food flavours, fragrance, cosmetics, emulsifiers, oleoresins, colours, extracts and genes used for improving crops and livestock through genetic intervention, but does not include conventional breeding or traditional practices in use in any agriculture, horticulture, poultry, dairy farming, animal husbandry or bee keeping;

(fa) "derivative" means a naturally occurring biochemical compound or metabolism of biological resources, even if it does not contain functional units of heredity;

(g) "fair and equitable benefit sharing" means sharing of benefits as determined by the National Biodiversity Authority under section 21;

(ga) "folk variety" means a cultivated variety of plant that was developed, grown and exchanged informally among farmers;

(gb) "India" means the territory of India as referred to in Article 1 of the Constitution, its territorial waters, seabed and sub-soil underlying such waters, continental shelf, exclusive economic zone or any other maritime zone as referred to in the Territorial Waters, Continental Shelf, Exclusive Economic Zone and Other Maritime Zones Act, 1976, and the air space above its territory;

(gc) "landrace" means primitive cultivar that was grown by ancient farmers and their successors;

(h) "local bodies" means Panchayats and Municipalities, by whatever name called, within the meaning of clause (1) of article 243B and clause (1) of article 243Q 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;

(i) "member" means a member of the National Biodiversity Authority or a State Biodiversity Board and includes the Chairperson;

(ia) "Member-Secretary" means the full time Secretary of the National Biodiversity Authority, or of the State Biodiversity Board, as the case may be;

(j) "National Biodiversity Authority" means the National Biodiversity Authority established under section 8;

(k) "prescribed" means prescribed by rules made under this Act;

(l) "regulations" means regulations made under this Act;

(m) "research" means study or systematic investigation of any biological resource or technological application, that uses biological systems, living organisms or derivatives thereof to make or modify products or processes for any use;

(n) "State Biodiversity Board" means the State Biodiversity Board established under section 22;

(o) "sustainable use" means the use of components of biological diversity in such manner and at such rate that does not lead to the long-term decline of the biological diversity thereby maintaining its potential to meet the needs and aspirations of present and future generations;

(p) "value added products" means products which may contain portions or extracts of plants and animals in unrecognizable and physically inseparable form.

CHAPTER -II

REGULATION OF ACCESS TO BIOLOGICAL RESOURCES

3. **Certain persons not to undertake Biodiversity related activities without approval of National Biodiversity Authority**

(1) No person referred to in sub-section (2) shall, without previous approval of the National Biodiversity Authority, obtain any biological resource occurring in India or knowledge associated thereto for research or for commercial utilization or for bio-survey and bio-utilization.

(2) The persons who shall be required to take the approval of the National Biodiversity Authority under sub-section (1) are the following, namely: -

(a) a person who is not a citizen of India;

(b) a citizen of India, who is a non-resident as defined in clause (30) of section 2 of the Income-tax Act, 1961;

(c) a body corporate, association or organization-

(i) not incorporated or registered in India; or

(ii) incorporated or registered in India under any law for the time being in force, which is controlled by a foreigner within the meaning of clause (27) of Section 2 of the Companies Act, 2013.

4. **Results of research not to be transferred to certain persons without approval of National Biodiversity Authority**

No person or entity shall share or transfer any result of the research on any biological resource occurring in, or obtained or accessed from, India or traditional knowledge associated thereto, for monetary consideration or otherwise, to a person or body corporate referred to in sub-section (2) of section 3, without the prior written approval of the National Biodiversity Authority, except the codified traditional knowledge which is only for Indians:

Provided that the provision of this section shall not apply if publication of research papers or dissemination of knowledge in any seminar or workshop involving financial benefit is as per the guidelines issued by the Central Government:

Provided further that where the results of research are used for further research, then, the registration with National Biodiversity Authority shall be necessary:

Provided also that if the results of research are used for commercial utilisation or for obtaining any intellectual property rights, within or outside India, prior approval of the National Biodiversity Authority shall be required to be taken in accordance with the provisions of this Act.

5. Certain provisions not to apply to certain collaborative research projects. -

(1) The provisions of sections 3 shall not apply to collaborative research projects involving transfer or exchange of biological resource or traditional knowledge associated thereto between institutions, including Government sponsored institutions of India, and such institutions in other countries, if such collaborative research projects satisfy the conditions specified in sub-section (3).

(2) All collaborative research projects, other than those referred to in sub-section (1) which are based on agreements concluded before the commencement of this Act and in force shall, to the extent the provisions of agreement are inconsistent with the provisions of this Act or any guidelines issued under clause (a) of sub-section (3), be void.

(3) For the purposes of sub-section (1), collaborative research projects shall, -

(a) conform to the policy guidelines issued by the Central Government in this behalf;

(b) be approved by the Central Government.

6. **Application for intellectual property rights not to be made without approval of National Biodiversity Authority:**

1) Any person or entity covered under sub-section (2) of section 3 applying for an intellectual property right, by whatever name called, in or outside India, for any invention based on any research or information on a biological resource which is accessed from India, including those deposited in repositories outside India, or traditional knowledge associated thereto, shall obtain prior approval of the National Biodiversity Authority before grant of such intellectual property rights.

(1A) Any person covered under section 7 applying for any intellectual property right, by whatever name called, in or outside India, for any invention based on any research or information on a biological resource which is accessed from India, including those deposited in repositories outside India, or traditional knowledge associated thereto, shall register with the National Biodiversity Authority before grant of such intellectual property rights.

(1B) Any person covered under section 7 who has obtained intellectual property right, by whatever name called, in or outside India, for any invention based on any research or information on a biological resource which is accessed from India, including those deposited in repositories outside India, or traditional knowledge associated thereto, shall obtain prior approval of the National Biodiversity Authority at the time of commercialisation.

(2) The National Biodiversity Authority may, while granting the approval under this section, impose benefit sharing fee or royalty or both or impose conditions including the sharing of financial benefits arising out of the commercial utilisation of such rights.

(3) The provisions of this section shall not apply to any person making an application for any right under any law relating to protection of plant varieties.

(4) Where any right is granted under law referred to in sub-section (3), the concerned authority granting such right shall endorse a copy of such document granting the right to the National Biodiversity Authority.

7. **Prior Intimation to State Biodiversity Board for accessing biological resource for certain purposes-**

(1) No person, other than the person covered under sub-section (2) of section 3, shall access any biological resource and its associated knowledge for commercial utilisation, without giving prior intimation to the concerned State Biodiversity Board, but such access shall be subject to the provisions of clause (b) of section 23 and sub-section (2) of section 24:

Provided that the provisions of this section shall not apply to the codified traditional knowledge, cultivated medicinal plants and its products, local people and communities of the area, including growers and cultivators of biodiversity and to *vaids, hakims* and registered AYUSH practitioners only who have been practising indigenous medicines, including Indian systems of medicine as profession for sustenance and livelihood.

(2) In the case of cultivated medicinal plants, the exemption under sub-section (1) shall be available only if a certificate of origin is obtained from the Biodiversity Management Committee in such manner as may be prescribed.

(3) The Biodiversity Management Committee shall, on the basis of entries made in such books, maintained in such manner, issue the certificate of origin under sub-section (2) in such manner as may be prescribed.

CHAPTER -III

NATIONAL BIODIVERSITY AUTHORITY

8. **Establishment of National Biodiversity Authority**-(1) With effect from such date as the Central Government may, by notification in the Official Gazette, appoint, there shall be established by the Central Government for the purposes of this Act, a body to be called the National Biodiversity Authority.

(2) The National Biodiversity Authority shall be a body corporate by the name aforesaid, having perpetual succession and a common seal, with power to acquire, hold and dispose of property, both movable and immovable, and to contract, and shall by the said name sue and be sued.

(3) The Head Office of the National Biodiversity Authority shall be at Chennai and the Central Government may, by notification in the Official Gazette, establish regional offices in other places in India.

(4) The National Biodiversity Authority shall consist of the following members, namely: -

(a) a Chairperson, who shall be an eminent person having adequate knowledge, expertise and experience in the conservation and sustainable use of biological diversity and in matters relating to fair and equitable sharing of benefits, to be appointed by the Central Government;

(b) sixteen *ex officio* members to be appointed by the Central Government, representing the Ministries dealing with-

(i) Agricultural Research and Education;

(ii) Agriculture and Farmers Welfare;

(iii) Ayurveda, Unani, Siddha, Sowa Rigpa, Yoga and Naturopathy and Homeopathy;

(iv) Biotechnology;

(v) Environment and Climate Change;

(vi) Forests and Wildlife;

(vii) Indian Council of Forestry Research and Education;

(viii) Earth Sciences;

(ix) Panchayati Raj;

(x) Science and Technology;

(xi) Scientific and Industrial Research;

(xii) Tribal Affairs;

(c) four representatives from State Biodiversity Boards on rotational basis;

(d) five non-official members to be appointed from amongst experts including legal experts and scientists having special knowledge of, or experience in, matters relating to conservation of biological diversity, sustainable use of biological resources and fair and equitable sharing of benefits arising out of the use of biological resources, representatives of industry, conservers, creators and knowledge-holders of biological resources.

(e) a Member-Secretary, who shall have experience in matters relating to biodiversity conservation, to be appointed by the Central Government.

9. **Conditions of service of Chairperson, members** and Member-Secretary-The term of office and conditions of service of the Chairperson and the other members other than *ex officio* members of the National Biodiversity Authority and of Member-Secretary shall be such as may be prescribed by the Central Government.

10. **Chairperson to be Chief Executive of National Biodiversity Authority** -The Chairperson shall be the Chief Executive of the National Biodiversity Authority and shall exercise such powers and perform such duties, as may be prescribed.

10A. **Member-Secretary** - (1) The Member-Secretary shall be the chief coordinating officer and the convener of the National Biodiversity Authority and shall assist that Authority in the discharge of its functions under this Act.

(2) The Member-Secretary shall perform such other functions as may be prescribed.

11. **Removal of members-** The Central Government may remove from the National Biodiversity Authority any member who, in its opinion, has –

(a) been adjudged as an insolvent; or

(b) been convicted of an offence which involves moral turpitude; or

(c) become physically or mentally incapable of acting as a member; or

(d) so abused his position as to render his continuance in office detrimental to the public interest; or

(e) acquired such financial or other interest as is likely to affect prejudicially his functions as a member.

12. **Meetings of National Biodiversity Authority**-(1) The National Biodiversity Authority shall meet at such time and place and shall observe such rules of procedure in regard to the transaction of business at its meetings (including the quorum at its meetings) as may be prescribed.

(2) The Chairperson of the National Biodiversity Authority shall preside at the meetings of the National Biodiversity Authority.

(3) If for any reason the Chairperson is unable to attend any meeting of the National Biodiversity Authority, any member of the National Biodiversity Authority chosen by the members present at the meeting shall preside at the meeting.

(4) All questions which come before any meeting of the National Biodiversity Authority shall be decided by a majority of votes of the members present and voting and in the event of equality of votes, the Chairperson or, in his absence, the person presiding, shall have and exercise a second or casting vote.

(5) Every member who is in any way, whether directly, indirectly or personally, concerned or interested in a matter to be decided at the meeting shall disclose the nature of his concern or interest and after

such disclosure, the member concerned or interested shall not attend that meeting.

(6) No act or proceeding of the National Biodiversity Authority shall be invalidated merely by reason of: -

(a) any vacancy in, or any defect in the constitution of, the National Biodiversity Authority; or

(b) any defect in the appointment of a person acting as a member; or

(c) any irregularity in the procedure of the National Biodiversity Authority not affecting the merits of the case.

13. **Committees of National Biodiversity Authority** (1) The National Biodiversity Authority may constitute a committee to deal with agro-biodiversity.

Explanation _ For the purposes of this subsection, "agro-biodiversity" means biological diversity of agriculture related species and their wild relatives.

(2) The National Biodiversity Authority may also constitute such number of committees as it deems fit for the efficient discharge of its duties and performance of its functions under this Act.

(3) A committee constituted under this section shall co-opt such number of persons, who are not the members of the National Biodiversity Authority, as it may think fit and the persons so co-opted shall have the right to attend the meetings of the committee and take part in its proceedings but shall not have the right to vote.

(4) The persons appointed as members of the committee under sub-section (2) shall be entitled to receive such allowances or fees for attending the meetings of the committee as may be fixed by the Central Government.

14. **Officers and employees of National Biodiversity Authority** (1) The National Biodiversity Authority may appoint such officers and other employees as it considers necessary for the efficient discharge of its functions under this Act.

(2) The terms and conditions of service of such officers and other employees of the National Biodiversity Authority shall be such as may be specified by regulations.

15. **Authentication of orders and decisions of National Biodiversity Authority** - All orders and decisions of the National Biodiversity Authority shall be authenticated by the signature of the Chairperson or Member-Secretary or any other member authorized by the National Biodiversity Authority in this behalf and all other instruments executed by the National Biodiversity Authority shall be authenticated by the signature of Member-Secretary or an officer of the National Biodiversity Authority authorized by it in this behalf.

16. **Delegation of powers**-The National Biodiversity Authority may, by general or special order in writing, delegate to any member or Member-Secretary, officer of the National Biodiversity Authority or any other person subject to such conditions, if any, as may be specified in the order, such of the powers and functions under this Act (except the power to prefer an appeal under section 50 and the power to make regulations under section 64) as it may deem necessary.

17. **Expenses of National Biodiversity Authority to be defrayed out of the Consolidated Fund of India**-The salaries and allowances payable to the members and the administrative expenses of the National Biodiversity Authority including salaries, allowances and pension payable to, or in respect of, the officers and other employees of the National Biodiversity Authority shall be defrayed out of the Consolidated Fund of India.

CHAPTER –IV

FUNCTIONS AND POWERS OF THE NATIONAL BIODIVERSITY AUTHORITY

18. **Functions and powers of National Biodiversity Authority-**

(1) The National Biodiversity Authority shall, with the approval of the Central Government, make regulations to provide for access to biological resources and traditional knowledge associated thereto, and for determination of fair and equitable sharing of benefits.

(2) It shall be the duty of the National Biodiversity Authority to regulate any activity referred to in sections 3, 4 and 6 by granting or rejecting approvals;

(3) The National Biodiversity Authority may-

(a) advise the Central Government on matters relating to the conservation of biodiversity, sustainable use of its components and fair and equitable sharing of benefits arising out of the utilization of biological resources;

(b) advise the State Governments in the selection of areas of biodiversity importance to be notified under sub-section (1) of section 37 as biodiversity heritage sites and measures for the management of such heritage sites;

(ba) advise the State Biodiversity Boards on any matter relating to the implementation of the Act;

(c) perform such other functions as may be necessary to carry out the provisions of this Act.

(4) The National Biodiversity Authority may, on behalf of the Central Government, take any measures necessary to oppose the grant of intellectual property rights in any country outside India on any biological resource which is found in or brought from India, including those deposited in repositories outside India, or traditional knowledge associated thereto accessed.

CHAPTER -V

APPROVAL BY THE NATIONAL BIODIVERSITY AUTHORITY

19. **Approval by National Biodiversity Authority for undertaking certain activities. -**

(1) Any person referred to in sub-section (2) of section 3 who intends to obtain any biological resource occurring in India or knowledge associated thereto for research or for commercial utilization or for bio-survey and bio-utilization or transfer the results of any research relating

to biological resources occurring in, or obtained from India, shall make application in such form and payment of such fees as may be prescribed, to the National Biodiversity Authority.

(2) Any person referred to in sub-section (2) of section 3 who intends to apply for a patent or any other form of intellectual property rights, whether in India or outside India, referred to in subsection (1) of section 6, may make an application to the National Biodiversity Authority in such form, on payment of such fee, and in such manner, as may be prescribed.

(2A) Any person referred to in sub-section (1A) of section 6 shall register with National Biodiversity Authority at the time of making application under sub-section (2), and persons referred to in sub-section (1B) of section 6 shall obtain prior approval from the National Biodiversity Authority at the time of commercialisation.

(3) On receipt of an application under subsection (1) or sub-section (2), the National Biodiversity Authority may, after making such enquiries as it may deem fit and if necessary after consulting an expert committee constituted for this purpose, by order, grant approval subject to any regulations made in this behalf and subject to such terms and conditions as it may deem fit, including the imposition of charges by way of royalty or for reasons to be recorded in writing, reject the application:

Provided that no such order for rejection shall be made without giving an opportunity of being heard to the person affected.

(3A) The National Biodiversity Authority shall, while granting approval under this section, determine the benefit sharing in such manner as may be specified by regulations made in this behalf:

Provided that if the National Biodiversity Authority is of the opinion that such an activity is detrimental or contrary to the objectives of conservation and sustainable use of biodiversity or fair and equitable sharing of benefits arising out of such activity, it may, by order, for reasons to be recorded in writing, prohibit or restrict any such activity:

Provided further that no such order for rejection shall be made without giving an opportunity of being heard to the person concerned.

(4) The National Biodiversity Authority shall place in public domain details of every approval granted or rejected under this section.

20. **Transfer of results of research-**

(1) Any person or entity who intends to transfer the results of any research on biological resources, which are found in or brought from India, including those deposited in repositories outside India or traditional knowledge associated thereto, to persons referred to under sub-section (2) of section 3 for monetary consideration or otherwise, he shall make an application to the National Biodiversity Authority in such form, and on payment of such fee, as may be prescribed.

(2) Any person who intends to transfer the results of research referred to in sub-section (1) shall make an application in such form and in such manner as may be prescribed to the National Biodiversity Authority.

(3) On receipt of an application under sub-section (2), the National Biodiversity Authority may, after making such enquiries, as it deems fit, by order, grant approval, subject to such terms and conditions as it may deem fit, including benefit sharing or otherwise, as per the guidelines or for reasons to be recorded in writing, or reject the application:

Provided that no such order for rejection shall be made without giving an opportunity of being heard to the person concerned.

(4) The National Biodiversity Authority shall place in public domain the details of every approval granted or rejected under this section.

21. **Determination of fair and equitable benefit sharing by National Biodiversity Authority** (1) The National Biodiversity Authority shall, while determining benefit sharing for the approval granted under this Act, ensure that the terms and conditions subject to which the approval is granted secures fair and equitable sharing of benefits arising out of the use of accessed biological resources, their derivatives, innovations and practices associated with their use and applications and knowledge relating thereto in accordance with mutually agreed terms and conditions between the person applying for such approval, and the Biodiversity Management Committee represented by the National Biodiversity Authority.

(2) The National Biodiversity Authority shall, subject to any regulations made in this behalf, determine the benefit sharing which shall be given effect in all or any of the following manner, namely:

(a) grant of joint ownership of intellectual property rights to the National Biodiversity Authority, or where benefit claimers are identified, to such benefit claimers;

(b) transfer of technology;

(c) location of production, research and development units in such areas which will facilitate better living standards to the benefit claimers;

(d) association of Indian scientists, benefit claimers and the local people with research and development in biological resources and bio-survey and bio-utilization;

(e) setting up of venture capital fund for aiding the cause of benefit claimers;

(f) payment of monetary compensation and other non-monetary benefits to the benefit claimers as the National Biodiversity Authority may deem fit.

(3) Where any amount of money is ordered by way of benefit sharing, the National Biodiversity Authority may direct the amount to be deposited in the National Biodiversity Fund:

Provided that where biological resource or associated knowledge was a result of access from an individual or group of individuals or organisations, the National Biodiversity Authority may direct that the amount shall be paid directly to such benefit claimer or organisation in accordance with the terms of any agreement and in such manner as it deems fit.

(4) For the purposes of this section, the National Biodiversity Authority shall, in consultation with the Central Government, by regulations, frame guidelines.

CHAPTER -VI

STATE BIODIVERSITY BOARD

22. **Establishment of State Biodiversity Board** (1) With effect from such date as the State Government may, by notification in the Official Gazette, appoint in this behalf, there shall be established by that Government for the purposes of this Act, a Board for the State to be known as the…… (name of the State) Biodiversity Board.

(2) Notwithstanding anything contained in this section, no State Biodiversity Board shall be constituted for a Union territory and in relation to a Union territory, the National Biodiversity Authority shall exercise the powers and perform the functions of a State Biodiversity Board for that Union territory:

Provided that in relation to any Union territory, the National Biodiversity Authority may delegate all or any of its powers or functions under this sub-section to such person or group of persons or body as the Central Government may specify.

(3) The Board shall be a body corporate by the name aforesaid, having perpetual succession and a common seal, with power to acquire, hold and dispose of property, both movable and immovable, and to contract, and shall by the said name sue and be sued.

(4) The Board shall consist of the following members, namely: -

(a) a Chairperson, who shall be an eminent person having adequate knowledge, expertise and experience in the conservation and sustainable use of biological diversity and in matters relating to fair and equitable sharing of benefits, to be appointed by the State Government;

(b) not more than seven e*x officio* members to be appointed by the State Government to represent the concerned Departments of the State Government, including departments dealing Panchayati Raj and tribal affairs;

(c) not more than five non-official members to be appointed from amongst experts, including legal experts, scientists having special knowledge, expertise and work experience in matters relating to conservation of biological diversity, sustainable use of biological resources and fair and equitable sharing of benefits arising out of the use of biological resources.

(5) The head office of the State Biodiversity Board shall be at such place as the State Government may, by notification in the Official Gazette, specify.

23. **Functions of State Biodiversity Board**-The functions of the State Biodiversity Board shall be to-

(a) advise the State Government on matters relating to the conservation of biodiversity, sustainable use of its components and fair and equitable sharing of the benefits arising out of the utilisation of biological resources or traditional knowledge associated thereto, in conformity with the regulations or guidelines if any, issued by the Central Government or the National Biodiversity Authority;

(b) regulate any activity referred to in section 7 by granting or rejecting approvals;

(ba) determine the fair and equitable sharing of benefits as provided under the regulations made in this behalf by the National Biodiversity Authority while granting approvals;

(c) perform such other functions as may be necessary to carry out the provisions of this Act or as may be prescribed by the State Government.

24. **Power of State Biodiversity Board to restrict certain activities violating the objectives of conservation etc**. (1) Any person other than the person referred to in sub-section (2) of section 3**,** intending to undertake any activity covered under section 7, shall give prior intimation to the State Biodiversity Board, in such form as may be prescribed by the State Government.

(2) If the State Biodiversity Board is of the opinion that such activity is detrimental or contrary to the objectives of conservation and sustainable use of biodiversity of fair and equitable sharing of benefits arising out of such activity, it may by order, restrict or reject such activity:

Provided that no such order or rejection shall be made without giving an opportunity of being heard to the person concerned.

(3) The State Biodiversity Board shall place in public domain the details of every approval granted or rejected under this section.

25. **Provisions of sections 9 to 17 to apply with modifications to State Biodiversity Board.-** The provisions of sections 9 to 17 shall apply to a State Biodiversity Board and shall have effect subject to the following modifications, namely:-

(a) references to the Central Government shall be construed as references to the State Government;

(b) references to the National Biodiversity Authority shall be construed as references to the State Biodiversity Board;

(c) reference to the Consolidated Fund of India shall be construed as reference to the Consolidated Fund of the State.

CHAPTER –VII

FINANCE, ACCOUNTS AND AUDIT OF NATIONAL BIODIVERSITY AUTHORITY

26. **Grants or Loans by the Central Government-**The Central Government may, after due appropriation made by Parliament by law in this behalf, pay to the National Biodiversity Authority by way of grants or loans such sums of money as the Central Government may think fit for being utilized for the purposes of this Act.

27. **Constitution of National Biodiversity Fund**- (1) There shall be constituted a Fund to be called the National Biodiversity Fund and there shall be credited thereto

(a) any grants and loans made to the National Biodiversity Authority under section 26;

(b) all sums including charges and benefit sharing amount received by the National Biodiversity Authority;

(c) all sums received by the National Biodiversity Authority from such other sources as may be decided upon by the Central Government.

(2) The Fund shall be utilised for-

(a) channeling benefits to the benefit claimers;

(b) conservation, promotion and sustainable use of biological resources;

(c) socio-economic development of areas from where such biological resources or traditional knowledge associated thereto have been accessed in consultation with the Biodiversity Management Committee:

Provided that when it is not possible to identify the area from where the biological resources or traditional knowledge associated thereto have been accessed, the fund shall be utilised for socio-economic development of the area where such biological resources occur;

(d) activities to meet the purposes of the Act.

28. **Annual report of National Biodiversity Fund**- The National Biodiversity Authority shall prepare, in such form and at such time each financial year as may be prescribed, its annual report, giving a full account of its activities during the previous financial year and furnish, to the Central Government, before such date as may be prescribed, its audited copy of accounts together with auditor's report thereon.

29. **Budget, accounts and audit**-(1) The National Biodiversity Authority shall prepare a budget, maintain proper accounts and other relevant records (including the accounts and other relevant records of the National Biodiversity Fund) and prepare an annual statement of account in such form as may be prescribed by the Central Government in consultation with the Comptroller and Auditor General of India.

(2) The accounts of the National Biodiversity Authority shall be audited by the Comptroller and Auditor-General of India at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the National Biodiversity Authority to the Comptroller and Auditor-General of India.

(3) The Comptroller and Auditor-General of India and any other person appointed by him in connection with the audit of the accounts of the National Biodiversity Authority shall have the same rights and privileges and authority in connection with such audit as the Comptroller and Auditor-General generally has in connection with the audit of the Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the National Biodiversity Authority .

(4) The accounts of the National Biodiversity Authority as certified by the Comptroller and Auditor General of India or any other person appointed by him in this behalf together with the audit report thereon shall be forwarded annually to the Central Government.

30. **Annual report to be laid before Parliament**-The Central Government shall cause the annual report and auditor's report to be laid, as soon as may be after they are received, before each House of Parliament.

CHAPTER -VIII

FINANCE, ACCOUNTS AND AUDIT OF STATE BIODIVERSITY BOARD

31. **Grants of money by State Government to State Biodiversity Board** -The State Government may, after due appropriation made by the State Legislature by law in this behalf, pay to the State Biodiversity Board by way of grants or loans such sums of money as the State Government may think fit for being utilized for the purposes of this Act.

32. **Constitution of State Biodiversity Fund**. (1) There shall be constituted a Fund to be called the State Biodiversity Fund and there shall be credited thereto-

(a) any grants and loans made to the State Biodiversity Board under section 31;

(b) any grants or loans made by the National Biodiversity Authority;

(c) all sums including charges and benefit sharing amount received by the State Biodiversity Board and from such other sources as may be decided by the State Government;

(2) The State Biodiversity Fund shall be utilised for -

(a) the management and conservation of heritage sites;

(aa) channelling benefits to the benefit claimers;

(b) compensating or rehabilitating any section of the people economically affected by notification under sub-section (1) of section 37;

(c) conservation, promotion and sustainable use of biological resources;

(d) socio-economic development of areas from where such biological resources or traditional knowledge associated thereto have been accessed in consultation with the Biodiversity Management Committee or local body concerned:

Provided that when it is not possible to identify the area from where the biological resources or associated knowledge have been accessed, the fund shall be utilised for socio-economic development of the area where such biological resources occur;

(e) making grants or loans to the Biodiversity Management Committees;

(f) the activities to meet the purposes of the Act.

33. **Annual report of State Biodiversity Board-**The State Biodiversity Board shall prepare, in such form and at such time in each financial

year as may be prescribed, its annual report, giving a full account of its activities during the previous financial year, and submit a copy thereof to the State Government.

34. **Audit of accounts of State Biodiversity Board**- The accounts of the State Biodiversity Board shall be maintained and audited in such manner as may, in consultation with the Accountant-General of the State, be prescribed and the State Biodiversity Board shall furnish, to the State Government, before such date as may be prescribed, its audited copy of accounts together with auditor's report thereon.

35. **Annual report of State Biodiversity Board to be laid before State Legislature**-The State Government shall cause the annual report and auditor's report to be laid, as soon as may be after they are received, before the House of State Legislature.

CHAPTER -IX

DUTIES OF THE CENTRAL AND THE STATE GOVERNMENTS

36. **Central Government to develop national strategies and plans for conservation, promotion and sustainable use of biological diversity.**

(1) The Central Government shall in consultation with the State Government and Union territories develop national strategies, plans, programmes for the conservation and promotion and sustainable use of biological diversity including measures for identification and monitoring of areas rich in biological resources, promotion of *in situ*, and *ex situ*, conservation of biological resources, including cultivars, folk varieties and landraces, incentives for research, training and public education to increase awareness with respect to biodiversity.

(2) Where the Central Government has reason to believe that any area rich in biological diversity, biological resources and their habitats is being threatened by overuse, abuse or neglect, it shall issue directives to the concerned State Government to take immediate ameliorative measures,

offering such State Government any technical and other assistance that is possible to be provided or needed.

(3) The Central Government shall, as far as practicable wherever it deems appropriate, integrate the conservation, promotion and sustainable use of biological diversity into relevant sectoral policies or cross-sectoral plans, and programmes.

(4) The Central Government shall undertake measures, __

(i) wherever necessary, for assessment of environmental impact of that project which is likely to have adverse effect on biological diversity, with a view to avoid or minimize such effects and where appropriate provide for public participation in such assessment;

(ii) to regulate, manage or control the risks associated with the use and release of living modified organisms resulting from biotechnology likely to have adverse impact on the conservation and sustainable use of biological diversity and human health.

(5) The Central Government shall endeavour to respect and protect the knowledge of local people relating to biological diversity, as recommended by the National Biodiversity Authority through such measures, which may include registration of such knowledge at the local, State or national levels, and other measures for protection, including sui generis system.

(6) The Central Government shall involve the National Biodiversity Authority or State Biodiversity Boards to undertake measures for conservation and sustainable use of biological diversity or traditional knowledge associated thereto.

Explanation: -For the purposes of this section, -

(a) "ex situ conservation" means the conservation of components of biological diversity outside their natural habitats;

(b) "in situ conservation" means the conservation of ecosystems and natural habitats and the maintenance and recovery of viable populations of species in their natural surroundings and, in the

case of domesticated or cultivated species, in the surroundings where they have developed their distinctive properties.

36A. **Measures to be taken by National Biodiversity Authority**-The Central Government may authorise National Biodiversity Authority or any other organisation to take any measure necessary to monitor and regulate within the territory of India, the access and utilisation of biological resources obtained from a foreign country in order to meet the international obligations to which India is a signatory.

36B. **State Government to develop strategies and plans for conservation and sustainable use of biological diversity**- (1) The State Government shall develop strategies, plans, programmes for the conservation and promotion and sustainable use of biological diversity, including measures for identification and monitoring of areas rich in biological resources, promotion of *in situ*, and *ex situ,* conservation of biological resources, including cultivars, folk varieties and landraces, incentives for research, training and public education to increase awareness with respect to biodiversity, in conformity with the national strategies, plans and programmes.

(2) The State Government shall, as far as practicable, wherever it deems appropriate, integrate the conservation, promotion and sustainable use of biological diversity into relevant sectoral policies or cross-sectoral plans and programmes.

37. **Biodiversity Heritage Sites**-(1) Without prejudice to any other law for the time being in force, based on the recommendations of the State Biodiversity Board, the State Government may, from time to time, notify in the Official Gazette, areas of biodiversity importance as biodiversity heritage sites under this Act:

Provided that the State Biodiversity Board shall consult the local body and Biodiversity Management Committee concerned before making such recommendations.

(2) The State Government, in consultation with the Central Government, may frame rules for the management and conservation of all the biodiversity heritage sites.

(3) The State Government shall frame schemes for compensating or rehabilitating any person or section of people economically affected by such notification.

38. **Power of Central Government to notify threatened species -**Without prejudice to the provisions of any other law for the time being in force, the Central Government, in consultation with the concerned State Government, may from time to time notify any species which is on the verge of extinction or likely to become extinct in the near future as a threatened species and prohibit or regulate collection thereof for any purpose and take appropriate steps to rehabilitate and preserve those species.

Provided that the Central Government may delegate such power to the State Government:

Provided further that where such power is delegated to the State Government, it shall consult the National Biodiversity Authority before issuing any such notification.

39. **Power of Central Government to designate repositories -**(1) The Central Government may, in consultation with the National Biodiversity Authority, designate institutions as repositories under this Act for different categories of biological resources.

(2) The repositories shall keep in safe custody the biological material including voucher specimens deposited with them.

(3) Any new taxon discovered by any person shall be notified to the repositories or any institution designated for this purpose and he shall deposit the voucher specimens with such repository or institution.

40**. Provisions of this Act not to apply in certain cases.** Notwithstanding anything contained in this Act, the Central Government may, in consultation with the National Biodiversity Authority, by notification in the Official Gazette, declare that all or any of the provisions of this Act shall not apply to biological resources when normally traded as commodities or to the items derived from them, including agricultural wastes, as notified and cultivated medicinal plants and their products for

entities covered under section 7, registered as per the regulations made or as may be prescribed:

Provided that no exemption shall be made for the activities referred to in sub-sections (1) and (2) of section 6.

CHAPTER-X

BIODIVERSITY MANAGEMENT COMMITTEES

41. **Constitution of Biodiversity Management Committees**.

(1) Every local body at the Gram Panchayat level in the rural areas and at Nagar Panchayat or Municipal Committee at Municipal Corporation level in the urban areas shall constitute a Biodiversity Management Committee (by whatever name called) within its area for the purpose of promoting conservation, sustainable use and documentation of biological diversity including preservation of habitats, conservation of landraces, folk varieties, farmers' varieties, and cultivars, domesticated stocks and breeds of animals, living things in water bodies and microorganisms and chronicling of knowledge relating to biological diversity:

Provided that the State Government may constitute Biodiversity Management Committees at the intermediate or district Panchayat level for achieving the objectives of the Act.

(1A) The functions of Biodiversity Management Committee so constituted shall include conservation, sustainable use and documentation of biological diversity, including conservation of habitats, landraces, folk varieties, cultivars, domesticated breeds of animals, and microorganisms, and chronicling of traditional knowledge associated thereto relating to biological diversity.

(1B) The composition of the Biodiversity Management Committee shall be such as may be prescribed by the State Government:

Provided that the number of members of the said Committee shall not be less than seven and not exceeding eleven.

(2) The National Biodiversity Authority and the State Biodiversity Boards shall consult the Biodiversity Management Committees while taking any decision relating to the use of biological resources or traditional knowledge associated thereto occurring within the territorial jurisdiction of the Biodiversity Management Committee.

Explanation. - For the purposes of this section-

(a) "cultivar" means a variety of plant that has originated and persisted under cultivation or was specifically bred for the purpose of cultivation;

(b) "folk variety" means a cultivated variety of plant that was developed, grown and exchanged informally among farmers;

(c) "landrace" means primitive cultivar that was grown by ancient farmers and their successors;

(d) "farmers' variety" means a variety which-

(i) has been traditionally cultivated and evolved by the farmers in their field; or

(ii) is a wild relative or landrace of a variety about which the farmers possess the common knowledge

(3) The Biodiversity Management Committees may levy charges by way of collection fees from any person for accessing or collecting any biological resource for commercial purposes from areas falling within its territorial jurisdiction.

CHAPTER -XI

LOCAL BIODIVERSITY FUND

42. **Grants to Local Biodiversity Fund-**The State Government may, after due appropriation made by State Legislature by law in this behalf, pay to the Local Biodiversity Funds by way of grants or loans such sums of money as the State Government may think fit for being utilized for the purposes of this Act.

43. **Constitution of Local Biodiversity Fund** -(1) There shall be constituted a Fund to be called the Local Biodiversity Fund at every area notified by the State Government where any institution of self-government is functioning and there shall be credited thereto-

(a) any grants and loans made under section 42;

(b) any grants or loans made by the National Biodiversity Authority;

(c) any grants or loans made by the State Biodiversity Boards;

(d) fees referred to in sub-section (3) of section 41 received by the Biodiversity Management Committees;

(e) benefit sharing amount and all other sums received by the Local Biodiversity Fund from such other sources as may be decided by the State Government.

44. **Application of Local Biodiversity Fund.**

(1) The Local Biodiversity Fund shall be utilised in accordance with the regulations and the guidelines made in this behalf, for—

(a) the conservation and promotion of biodiversity including restoration of areas falling within the jurisdiction of concerned local body;

(b) the socio-economic development of the community without compromising the conservation concerns; and

(c) the administrative expenses of the Biodiversity Management Committee.

(2) The Fund shall be utilised in such manner as may be prescribed by the State Government.

45. **Annual statement of Biodiversity Management Committees-**The custodian of the Local Biodiversity Fund shall prepare, in such form and during each financial year at such time as may be prescribed by the State Government, its annual statement giving a full account of its activities during the previous financial year, and submit the same to the local body concerned with a copy to the State Biodiversity Board**.**

46. **Audit of accounts of Biodiversity Management Committees-**

(1) The Biodiversity Management Committee shall maintain the accounts which shall be audited in such manner as may be prescribed by the State Government.

(2) The Biodiversity Management Committee shall furnish to the local body concerned and to the State Biodiversity Board, before such date as may be prescribed by the State Government, its audited copy of accounts together with auditor's report thereon.

47. **Annual report etc., of the Biodiversity Management Committee to be submitted to District Magistrate**.

Every local body constituting a Biodiversity Management Committee under sub-section (1) of section 41, shall cause, the annual report and audited copy of accounts together with auditor's report thereon referred to in sections 45 and 46, respectively and relating to such Committee to be submitted to the District Magistrate having jurisdiction over the area of the local body.

CHAPTER -XII

MISCELLANEOUS

48. **National Biodiversity Authority to be bound by the directions given by Central Government**-(1) Without prejudice to the foregoing provisions of this Act, the National Biodiversity Authority shall, in the discharge of its functions and duties under this Act, be bound by such directions on questions of policy as the Central Government may give in writing to it from time to time:

Provided that the National Biodiversity Authority shall, as far as practicable, be given opportunity to express its views before any direction is given under this sub-section.

(2) The decision of the Central Government whether a question is one of policy or not shall be final.

49. **Power of State Government to give directions**- (1) Without prejudice to the foregoing provisions of this Act, the State Biodiversity

Board shall, in the discharge of its functions and duties under this Act, be bound by such directions on questions of policy as the State Government may give in writing to it from time to time:

Provided that the State Biodiversity Board shall, as far as practicable, be given an opportunity to express its views before any direction is given under this sub-section.

(2) The decision of the State Government whether a question is one of policy or not shall be final.

50. **Settlement of disputes:-** (1) If a dispute arises between the National Biodiversity Authority and a State Biodiversity Board, the said Authority or the Board, as the case may be, may prefer an appeal to the Central Government within such time as may be prescribed.

(2) Every appeal made under sub-section (1) shall be in such form as may be prescribed by the Central Government.

(3) The procedure for disposing of an appeal shall be such as may be prescribed by the Central Government:

Provided that before disposing of an appeal, the parties shall be given a reasonable opportunity of, being heard.

(4) If a dispute arises between the State Biodiversity Boards, the Central Government shall refer the same to the National Biodiversity Authority.

(5) While adjudicating any dispute under subsection (4), the National Biodiversity Authority shall be guided by the principles of natural justice and shall follow such procedure as may be prescribed by the Central Government.

(6) The National Biodiversity Authority shall have, for the purposes of discharging its functions under this section, the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 in respect of the following matters, namely: _

(a) summoning and enforcing the attendance of any person and examining him on oath;

(b) requiring the discovery and production of documents;

(c) receiving evidence on affidavits;

(d) issuing commissions for the examination of witnesses or documents;

(e) reviewing its decisions;

(f) dismissing an application for default or deciding it ex parte;

(g) setting aside any order of dismissal of any application for default or any order passed by it *ex parte*;

(h) any other matter which may be prescribed.

(7) Every proceeding before the National Biodiversity Authority shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228, and for the purpose of section 196, of the Indian Penal Code and the National Biodiversity Authority shall be deemed to be a civil court for all the purposes of section 195 and Chapter XXV1 of the Code of Criminal Procedure, 1973.

51. **Members, officers, etc., of National Biodiversity Authority and State Biodiversity Board deemed to be public servants**. -All members, officers and other employees of the National Biodiversity Authority or the State Biodiversity Board shall be deemed, when acting or purporting to act in pursuance of any of the provisions of this Act, to be public servants within the meaning of section 21 of the Indian Penal Code. (45 of 1860)

52. **Appeal-**Any person, aggrieved by any determination of fair and equitable sharing of benefits or order or direction of the National Biodiversity Authority or a State Biodiversity Board under this Act, may file an appeal to the High Court within thirty days from the date of communication to him, of the determination or order of the National Biodiversity Authority or the State Biodiversity Board, as the case may be:

Provided that the High Court may, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal-within the said period, allow it to be filed within a further period not exceeding sixty days.

Provided further that nothing contained in this section shall apply on and from the commencement of the National Green Tribunal Act, 2010.

Provided also that any appeal pending before the High Court, before the commencement of the National Green Tribunal Act, 2010, shall continue to be heard and disposed of by the High Court as if the National Green Tribunal had not been established under section 3 of the National Green Tribunal Act,2010.

52A. **Appeal to National Green Tribunal**

Any person aggrieved by any determination of benefit sharing or order of the National Biodiversity Authority or a State Biodiversity Board under this Act, on or after the commencement of the National Green Tribunal Act, 2010, may file an appeal to the National Green Tribunal established under section 3 of the National Green Tribunal Act, 2010, in accordance with the provisions of that Act.

53. **Execution of determination or order-**Every determination of fair and equitable sharing of benefits or order made by the National Biodiversity Authority or a State Biodiversity Board under this Act or the order made by the High Court or the National Green Tribunal in any appeal against any determination or order of the National Biodiversity Authority or a State Biodiversity Board shall, on a certificate issued by any officer of the National Biodiversity Authority or a State Biodiversity Board or the Registrar of the High Court or the Registrar of the National Green Tribunal, as the case may be, be deemed to be decree of the civil court and shall be executable in the same manner as a decree of that court.

Explanation. - For the purposes of this section and section 52, the expression "State Biodiversity Board" includes the person or group of persons or body to whom the powers or functions under sub-section (2) of section 22 have been delegated under the proviso to that subsection and the certificate relating to such person or group of persons or body under this section shall be issued by such person or group of persons or body, as the case may be.

54. **Protection of action taken in good faith**-No suit, prosecution or other legal proceedings shall lie against the Central Government or the State Government or any officer of the Central government or the State Government or any member, officer or employee of the National Biodiversity Authority or the State Biodiversity Board for anything which is in good faith done or intended to be done under this Act or the rules or regulations made thereunder.

55. **Penalties** -If any person or entity covered under sub-section (2) of section 3 or section 7 contravenes or attempts to contravene or abets the contravention of the provisions of section 3 or section 4 or section 6 or section 7, such person shall be liable to pay penalty which shall not be less than one lakh rupees, but which may extend to fifty lakh rupees, but where the damage caused exceeds the amount of penalty, such penalty shall be commensurate with the damage caused, and in case, the failure or contravention continues, an additional penalty may be imposed, which shall not exceed one crore rupees and such penalty shall be decided by the adjudicating officer appointed under section 55A.

55A. Adjudication of Penalties-

(1) For the purposes of determining the penalties under section 55, the Central Government may appoint an officer not below the rank of Joint Secretary to the Government of India or a Secretary to the State Government to be the adjudicating officer, to hold inquiry in the prescribed manner and to impose the penalty so determined:

Provided that the Central Government may appoint as many adjudicating officers as may be required.

(2) While holding an inquiry, the adjudicating officer shall have power to summon and enforce the attendance of any person acquainted with the facts and circumstances of the case to give evidence or to produce any document, which in the opinion of the adjudicating officer, may be useful for, or relevant to, the subject-matter of the inquiry and if, on such inquiry, he is satisfied that the person concerned has failed to comply with the provisions of section 3 or section 4 or section 6 or section 7, he may impose such penalty as he thinks fit in accordance with the provisions of section 55:

Provided that no such penalty shall be imposed without giving the person concerned an opportunity of being heard in the matter.

(3) Any person aggrieved by the order made by the adjudicating officer under sub-section (2) may prefer an appeal to the National Green Tribunal established under section 3 of the National Green Tribunal Act, 2010.

(4) Every appeal under sub-section (3) shall be filed within sixty days from the date on which the copy of the order made by the adjudicating officer is received by the aggrieved person.

(5) The National Green Tribunal may, after giving the parties to the appeal an opportunity of being heard, pass such order as it thinks fit, confirming, modifying or setting aside the order appealed against.

55B. Power to enter, inspect, survey etc. -Any authority or officer empowered by the Central Government may, for the purposes of carrying out inspection, survey or any such activity, have all or any of the following powers, namely: —

(a) the power to enter upon any land, vehicle, or premises and to inspect, investigate, survey and collect information and make a map of the same and seize the material and records;

(b) the powers of a civil court to compel the attendance of anyone, including witnesses and production of documents and material objects;

(c) the power to issue a search-warrant;

(d) the power to hold an inquiry and in the course of such inquiry, receive and record evidence;

(e) such other power as may be prescribed.

56. **Penalty for contravention of directions or orders of Central Government, State Government, National Biodiversity Authority and State Biodiversity Boards-** If any person contravenes any direction given or order made by the Central Government, the State Government, the National Biodiversity Authority or the State Biodiversity Board for which no punishment has been separately provided under this Act, he

shall be punished with a fine which may extend to one lakh rupees and in case of a second or subsequent offence, with fine which may extend to two lakh rupees and in the case of continuous contravention with additional fine which may extend to two lakh rupees every day during which the default continues.

57. **Offences by companies-**(1) Where an offence or contravention under this Act has been committed by a company, every person who at the time the offence or contravention was committed was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence or contravention and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence or contravention was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence or contravention.

(2) Notwithstanding anything contained in under this Act has been committed by a company and it is proved that the offence or contravention has been committed with the consent or connivance of, or is attributable to, any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of the offence or contravention and shall be liable to be proceeded against and punished accordingly.

Explanation. -For the purposes of this section,-

(a) "company" means any body corporate and includes a firm or other association of individuals; and

(b) "director", in relation to a firm, means a partner in the firm.

58**. [Omitted]**

59. **Act to have effect in addition to other Acts**. -The provisions of this Act shall be in addition to, and not in derogation of, the provisions in any other law, for the time being in force, relating to forests or wildlife.

59A. Act not to apply to certain persons — The provision of this Act shall not apply to any person who has been given any approval or granted any right under any law relating to protection of plant varieties enacted by Parliament to the extent that such approvals or rights given under that Act does not require similar approval under this Act.

60. **Power of Central Government to give directions to State Government. -**The Central Government may give directions to any State Government as to the carrying into execution in the State of any of the provisions of this Act or of any rule or regulation or order made thereunder.

61. **Cognizance of offences** -No Court shall take cognizance of any offence under this Act except on a written complaint made by _

(a) the Central Government or any authority or officer authorized in this behalf by that Government; or

(b) any person or a benefit claimer who has given notice of not less than thirty days in the prescribed manner, of such offence and of his intention to make a complaint, to the Central Government or the authority or officer authorized as aforesaid.

62.**Power of Central Government to make rules-** (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:

(a) the manner of obtaining the certificate of origin under sub-section (2) of section 7;

(aa) the books on the basis of which the certificate of origin to be issued, the manner of maintaining such books and the manner of issuing such certificate under sub-section (3) of section 7;

(ab) the terms and conditions of service of the Chairperson, Member-Secretary and other members under section 9;

(b) powers and duties of the Chairperson under section 10;

(ba) the other functions to be performed by the Member-Secretary;

(c) procedure under sub-section (1) of section 12 in regard to transaction of business at meetings;

(d) form of application and payment of fees for undertaking certain activities under sub-section (1) of section 19;

(e) the form and manner of making an application and payment of fees under sub-section (2) of section 19;

(ea) form of application and payment of fees under sub-section (1) of section 20;

(f) form of application and the manner for transfer of biological resource or knowledge under sub-section (2) of section 20;

(g) form in which, and the time of each financial year at which, the annual report of the National Biodiversity Authority shall be prepared and the date before which its audited copy of accounts together with auditor's report thereon shall be furnished under section 28;

(h) form in which the annual statement of account shall be prepared under subsection (1) of section 29;

(i) the time within which and the form in which, an appeal may be preferred, the procedure for disposing of an appeal and the procedure for adjudication, under section 50;

(j) the additional matter in which the National Biodiversity Authority may exercise powers of the civil court under clause (h) of sub-section (6) of section 50;

(ja) the manner of holding inquiry by the adjudicating officer under section 55A;

(jb) the other power under clause (e) of section 55B;

(k) the manner of giving notice under clause (b) of section 61;

(l) any other matter which is to be, or may be, prescribed, or in respect of which provision is to be made, by rules.

(3) Every rule made under this section and every regulation made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or regulation or both Houses agree that the rule or regulation should not be made, the rule or regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation.

63. **Power of State Government to make rules** (1) The State Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:

(a) the other functions to be performed by the State Biodiversity Board under clause (c) of section 23;

(b) the form in which the prior intimation shall be given under sub-section (1) of section 24;

(c) the form in which, and the time of each financial year at which, the annual report shall be prepared under section 33;

(d) the manner of maintaining and auditing the accounts of the State Biodiversity Board and the date before which its audited copy of the accounts together with auditor's report thereon shall be furnished under section 34;

(e) management and conservation of national heritage sites under section 37;

(ea) the composition of the Biodiversity Management Committee under sub-section (*1B*) of section 41;

(f) the manner of management and custody of the Local Biodiversity Fund and the purposes for which such Fund shall be utilised under sub-section (1) of section 44;

(g) the form of annual statement and the time at which such report shall be prepared during each financial year under section 45;

(h) the manner of maintaining and auditing the accounts of the Local Biodiversity Fund and the date before which its audited copy of the accounts together with auditor's report thereon shall be furnished under section 46;

(i) any other matter which is to be, or may be, specified.

(3) Every rule made by the State Government under this section shall be laid, as soon as may be after it is made, before each House of the State Legislature where it consists of two Houses, or where such Legislature consists of one House, before that House.

64. **Power to make regulations-** The National Biodiversity Authority shall, with the previous approval of the Central Government, by notification in the Official Gazette, make regulations for carrying out the purposes of this Act.

65. **Power to remove difficulties**-(1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, not inconsistent with the provisions of this Act, remove the difficulty:

Provided that no such order shall be made after the expiry of a period of two years from the commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be, after it is made, before each House of Parliament.

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Biological Diversity Rules, 2024

MINISTRY OF ENVIRONMENT,
FOREST AND CLIMATE CHANGE
NOTIFICATION
New Delhi, the 22nd October, 2024

G.S.R: 665(E).-: In exercise of the powers conferred by section 62 of the Biological Diversity Act, 2002 (18 of 2003) and in supersession of the Biological Diversity Rules, 2004, except as respects things done or omitted to be done before such supersession, the Central Government hereby makes the following rules, namely: -

1. Short title and commencement. – (1) These rules may be called the Biological Diversity Rules, 2024.

(2) They shall come into force on expiry of sixty days from the date of their notification in the Official Gazette.

2. Definitions. – (1) In these rules, unless the context otherwise requires, -

(a) "Act" means the Biological Diversity Act, 2002 (18 of 2003)**;**

(b) "Authority" means the National Biodiversity Authority established under sub-section (1) of section 8 of the Act;

(c) "Adjudicating Officer" means any officer appointed under section 55A of the Act;

(d) "Biodiversity Management Committee" means a Biodiversity Management Committee established under sub-section (1) of section 41 of the Act;

(e) "Chairperson" means the Chairperson of the Authority;

(f) "fee" means any fee as specified in the First Schedule to these rules;

(g) "Form" means a Form specified under the Second Schedule to these rules;

(h) "Member" means a member of the Authority and includes the Chairperson and the Member Secretary;

(i) "Member-Secretary" means a full time Secretary of the Authority, or of the State Biodiversity Board or of the Union territory Biodiversity Council, as the case may be.

(2) Words and expressions used but not defined in these rules and defined in the Act shall have the meanings respectively assigned to them in the Act.

3. Manner of selection and appointment of Chairperson. – (1) The Chairperson shall be appointed by the Central Government.

(2) Every appointment of Chairperson under sub-rule (1) shall be made either on deputation basis including short-term contract or by selection from outside the Government and incase, the appointment is through deputation from the Government or a short-term contract, the applicant shall not be below the rank of Additional Secretary to the Government of India.

4. Term of office of the Chairperson.– (1)The Chairperson shall hold office for a term of three years' from the date of publication of appointment and shall be eligible for re-appointment:

Provided that no Chairperson shall hold office as such after he attains the age of sixty-five years or his term of office expires whichever is earlier.

(2) The Chairperson may resign from the office by giving one-month notice in writing to the Central Government.

5. Pay and allowances.– (1) A Chairperson shall be entitled to a pay equivalent to that of a Secretary to the Government of India**.**

(2) In case, a retired person is appointed as Chairperson, pay shall be fixed in accordance with the extant orders of the Central Government as applicable to such persons.

(3) A Chairperson shall be entitled to such allowances, leave, pension, provident fund, medical facilities**,** rent free accommodation or house rent allowance, other perquisites, as are admissible to the officers of the Central Government of equivalent rank**.**

6. Term of office and allowances of non-official Members.– (1) Every non-official member shall hold office for a term not exceeding three years at a time from the date of publication of appointment of such member in the Official Gazette.

(2) Every non-official member attending the meeting of the Authority shall be entitled to sitting allowance, travelling expenses, daily allowance and such other allowances as are applicable to non-official member of Commissions and Committees of the Central Government attending the meetings of such Commission or Committee.

7. Filling of vacancies of non-official Members.- (1) A non–official member may resign from office at any time by giving one month notice in writing addressed to the Central Government under intimation to the Chairperson.

(2) On acceptance of the resignation by the Central Government or on the expiry of the period of notice**,** the seat of that member in the Authority shall become vacant.

(3) A casual vacancy of a non–official member shall be filled up by a fresh nomination and the person nominated to fill the vacancy shall hold office only for the remainder of the term of the member in whose place such member was nominated.

8. Removal of the Members.- No Member shall be removed from office on any ground specified in section 11 of the Act, without conducting an inquiry by the Central Government and without giving such member a reasonable opportunity of being heard.

9. Member-Secretary.- 1) The Central Government shall appoint a Member-Secretary to the Authority.

(2) The Member-Secretary shall be entitled to pay equivalent to that of a Joint Secretary to the Government of India.

(3) The terms and conditions of appointment of the Member-Secretary shall be determined by the Central Government.

(4) The Member-Secretary shall be responsible for convening the meetings of the Authority, maintenance of the records of the proceedings

of the Authority and such other matters as may be assigned to him by the Authority or by the Chairperson.

(5) The Member-Secretary shall be in-charge of all the papers and records of the Authority and shall be responsible for their safe custody.

(6) All directions, resolutions, orders and instructions issued by the Authority generally shall be under the seal and signature of the Member-Secretary or any other officer authorised by the Chairperson in this behalf.

10. Meetings of Authority. - (1) The Authority shall meet at least once in three months in a year at the Headquarters of the Authority or at such place as may be decided by the Chairperson.

(2) The Chairperson shall, upon a written request from not less than six members of the Authority or upon a direction of the Central Government, call a special meeting of the Authority.

(3) The members shall be given at least fifteen days' notice for holding an ordinary meeting and at least three days' notice for holding a special meeting specifying the purpose, the time and the place at which such meeting is to be held:

Provided that the Chairperson may authorise convening an emergency meeting of the Authority by giving a short notice to the members for considering and taking decisions on urgent matters.

(4) Every meeting shall be presided over by the Chairperson and in the absence of the Chairperson, a presiding officer to be elected in the presence of Member-Secretary from amongst the members present.

(5) The decisions of the Authority at a meeting shall, if necessary, be taken by a simple majority of the members present and voting and the Chairperson or in absence of the Chairperson, the member presiding shall have a second or casting vote.

(6) Each member including the Member-Secretary shall have one vote**.**

(7) The quorum at every meeting of the Authority shall be seven.

(8) A member shall be entitled to bring forward any matter for the consideration of the Authority in its meeting of which he has given ten

days' notice or the Chairperson in his discretion permits to do so.

(9) Notice of the meeting may be given to the members by the Member-Secretary of the Authority electronically or in such other manner as deemed fit in the circumstances of the case.

11. General functions of Authority.- The Authority may,-

(a) administer the National Biodiversity Fund;

(b) sanction grants to the State Biodiversity Boards or Union territory Biodiversity Councils and Biodiversity Management Committees for specific purposes;

(c) decide on the format and contents of the mutually agreed terms of the various agreements to be executed between the parties embodying the approvals of the Authority;

(d) provide technical and legal advice, clarifications and guidance to the State Biodiversity Boards or Union territory Biodiversity Councils for implementing the provisions of the Act;

(e) coordinate the activities of the State Biodiversity Boards and the Union territory Biodiversity Councils;

(f) specify the electronic and/ or manual formats of the People's Biodiversity Register and lay down the procedure for documentation of information related to biodiversity, its periodic updating, securely maintaining it in an electronic or digitised form and for sharing of such information;

(g) develop databases and documentation systems for biological resources and traditional knowledge associated thereto through People's Biodiversity Registers in a given geographical area;

(h) provide guidance and technical support to the Biodiversity Management Committees through the State Biodiversity Board or Union territory Biodiversity Council or directly, if required for preparation, validation and maintenance of Biodiversity Registers;

(i) report to the Central Government about the functioning of the Authority and implementation of the Act;

(j) inspect any area and examine documents in connection with the implementation of the Act;

(k) collect, compile and publish technical and statistical data, manuals, codes or guides relating to biodiversity including conservation, sustainable use of its components, and fair and equitable sharing of benefits arising out of the use of biological resources and knowledge associated thereto;

(l) sponsor studies, research, investigations, projects, workshops, seminars, conferences, etc., to achieve the objectives of the Act;

(m) create awareness and organise training and capacity building programmes for all stakeholders including the line departments and academic, scientific and research institutions for achieving the objectives of the Act;

(n) prepare the annual budget, maintain proper accounts and other relevant records, and prepare an annual statement of accounts in such form, as may be prescribed by the Central Government;

(o) frame regulations governing the recruitment and conditions of service of the officials of the Authority;

(p) engage consultants and advisors, for a specific period, not exceeding three years, for providing assistance to the Authority for the effective discharge of its functions:

Provided that if it is necessary and expedient to engage any consultant or advisor beyond a period of three years, the Authority shall seek prior approval of the Central Government.

(q) recommend creation of posts, periodic revision of recruitment rules, pay and allowances and terms and conditions of service to the Central Government for effective discharge of the functions by the Authority;

(r) function as a Competent National Authority for the purposes of Nagoya Protocol on access to genetic resources and the fair and equitable sharing of benefits arising from their utilization to the Convention on Biological Diversity;

(s) adjudicate the disputes of State Biodiversity Boards and Union territory Biodiversity Councils as referred to by the Central Government;

(t) lay down model guidelines for adjudicating disputes of the Biodiversity Management Committees by the State Biodiversity Boards or Union territory Biodiversity Councils;

(u) develop procedures, in consultation with the State Biodiversity Boards or Union territory Biodiversity Councils, National Medicinal Plants Board, or any other authority as deemed appropriate, for seeking exemption under sub-section (1) of section 7 of the Act on production of a certificate of origin of cultivated medicinal plants;

(v) suggest guidelines for framing rules by the State Government or Union territory Administration for conservation and management of the areas of biodiversity importance notified as biodiversity heritage sites;

(w) formulate model guidelines for collection of fee by the Biodiversity Management Committees for accessing biological resources from their jurisdiction;

(x) facilitate the Biodiversity Management Committees, whenever necessary, for providing prior informed consent by the local communities for access to biological resources and the traditional knowledge associated thereto;

(y) develop a online Information Technology portal for the discharge of its various functions under the Act in a transparent and accountable manner.

12. Powers and duties of Chairperson.- (1) The Chairperson shall have overall control of the day-to-day activities of the Authority.

(2) The Chairperson shall have the powers of general superintendence over the officials of the Authority and issuing necessary directions for the conduct and management of the functions of the Authority.

(3) The Chairperson, either directly or through the Member-Secretary or any other officer of the Authority authorised for the purpose, may sanction and disburse all payments against the approved budget.

(4) The Chairperson shall have powers for granting administrative, financial and technical sanctions to all the proposals.

(5) The Authority may delegate any of its power under section 16 of the Act to the Member-Secretary or to any officer of the Authority not below the rank of a Section Officer in the Government of India.

(6) The Chairperson shall take all necessary measures for the implementation of all decisions taken by the Authority in proper manner**.**

(7) In case of any present and imminent emergency situations like epidemics and pandemics particularly those that threaten, or damage human, animal or plant health as determined at national and international level, the Chairperson may exercise the powers of the Authority for granting expeditious approvals and shall place all such approvals before the next meeting of the Authority for approval.

(8) The Chairperson shall exercise such other powers and perform such other functions as may be delegated to him by the Authority or the Central Government from time to time.

13. Procedure for access to biological resources and knowledge associated thereto.- (1) Any person, referred to in sub-section (2) of section 3 of the Act, seeking approval of the Authority for access to biological resources and knowledge associated thereto for research or for bio-survey and bio-utilisation shall make an application on the web portal of the Authority in Form 1, and for commercial utilisation shall make an application on the web portal of the Authority in Form 2.

(2) Any person, referred to in sub-section (2) of section 3 of the Act**,** who was in possession of a biological resource before the coming into force of the Biological Diversity (Amendment) Act, 2023, shall seek approval of the Authority for the purpose of research, commercial utilisation, bio-survey and bio-utilisation.

(3) Every application under sub-rule (1) shall be accompanied with a specified fee paid in the form of electronic transfer or digital payment to the National Biodiversity Fund.

(4) The Authority may, after consultation with the Biodiversity Management Committee either directly or through State Biodiversity Board or Union territory Biodiversity Council, and after collecting such additional information from the applicant and other sources, as required, and based on the merits of the application, may grant approval subject to terms and conditions, including benefit sharing, or reject, as deemed fit within a period of ninety days from the receipt of the application in complete form**:**

Provided that if the requisite information sought by the Authority has not been made available by the applicant within a period of thirty days from the date of seeking information, the application shall be closed and applicant shall be informed about the closure:

Provided further that the Biodiversity Management Committee before conveying its views to the Authority, may consult, wherever required, the community, individual or entity concerned to whom the bio-resource belongs to, as the case may be, to ensure their prior informed consent**:**

Provided also that in cases of present or imminent emergencies situation, the Authority shall process the application expeditiously.

(5) The approval to access shall be in the form of an agreement on mutually agreed terms duly signed by an authorised officer of the Authority and the applicant:

Provided that the application is deemed to be closed, if the applicant does not sign the agreement within a period of sixty days from the date of communication of the draft agreement by the Authority, upon intimation to the applicant:

Provided further that such closed application may be revived on receipt of payment of the half of the fee specified for fresh application under sub–rule (3) within a period of ninety days.

(6) The Authority may for reasons to be recorded in writing**,** reject an application if it considers that the request cannot be acceded to:

Provided that the application shall not be rejected unless the applicant has been given a reasonable opportunity of being heard.

(7) The Authority shall publicise all the approvals granted or rejected on its website and shall also ensure that such information is shared with other agencies, as may be required**.**

(8) The compliance with the terms and conditions of the agreement shall be monitored by the Authority by involving State Biodiversity Board or Union territory Biodiversity Council, Biodiversity Management Committee or any other agency as deemed appropriate by the Authority**.**

14. Restricting access to biological resources and knowledge associated with such biological resources. –(1)The Authority after conducting such enquiry as deemed appropriate in respect of any provisions of this rule, shall take steps to restrict or prohibit access to biological resources /or knowledge associated with such biological resources for the following reasons, namely:-

(a.) the request for access is for any threatened and/ or endemic species including those notified under section 38 of the Act;

(b.) the request for access may result in an adverse impact on the livelihood and/ or socio-cultural aspects of the local communities;

(c.) the request for access may result in adverse environmental impact(s) which may be difficult to control and mitigate;

(d.) the request for access may cause genetic erosion or affect the ecosystem functions including in the areas notified under section 37 of the Act;

(e.) the request is for the use of resources for purposes contrary to national interest and other related international agreements entered into by India;

(f.) for any other reasons to be recorded in writing.

(2) Notwithstanding sub–rule (1), the Authority may permit access to cultivated species mentioned under clause (a) to (e) of that sub-rule depending on merits of each case for a specific period.

15. Procedure for seeking approval for sharing or transferring results of research to persons covered under sub-section (2) of section 3 of the Act.- (1) Any person who intends to share or transfer any result of the research relating to biological resources or traditional knowledge associated thereto to persons covered under sub-section (2) of section 3 of the Act shall make an application on the web portal of the Authority in the following Forms, namely :-

(a) Form 3 for seeking prior approval of the Authority by any person for sharing or transferring the results of research to persons covered under sub-section (2) of section 3 of the Act for commercial purposes or otherwise;

(b) Form 4 for registration by the transferee (persons covered under sub-section (2) of section 3 of the Act) to use the results of research for further research;

(c) Form 5 for seeking prior approval of the Authority to use the results of research for commercial utilisation by the transferee (persons covered under sub-section (2) of section 3 of the Act);

(d) Form 6 for seeking prior approval of the Authority to use the results of research for obtaining intellectual property rights by the transferee (persons covered under sub-section (2) of section 3 of the Act).

(2) Every application under sub–rule (1) shall be accompanied by a fee paid in an electronic transfer or digital payment form to the National Biodiversity Fund.

(3) The Authority after collecting such additional information from the applicant and other sources, as required, and based on the merits of the application, may grant approval subject to such terms and conditions including benefit sharing, or reject, as deemed fit, within a period of ninety days for receipt of the application under sub-rule (1):

Provided that if the requisite information sought by the Authority has not been made available by the applicant within a period of thirty days from the date of seeking information, the application shall be closed and the applicant shall be informed about the closure.

Provided that the application shall not be rejected unless the applicant has been given a reasonable opportunity of being heard.

(4) The approvals referred under this rule shall be granted in the form of an agreement on mutually agreed terms duly signed by an authorised officer of the Authority and the applicant:

Provided that the application is deemed to be closed, if the applicant does not sign the agreement within a period of sixty days from the date of communication of the draft agreement by the Authority, upon intimation to the applicant:

Provided further that such closed application may be revived on receipt of payment of half of the fee specified for fresh application under sub–rule (2) within a period of ninety days.

(5) If the Authority is of the opinion that activities referred to in the registration made under clause(b) of sub-rule (1) are detrimental or contrary to the objectives of the Act, it may by order, prohibit or restrict any such activity.

(6) The applicant so registered with the Authority under clause (b) sub-rule (1) shall submit periodic status report as may be required by the Authority.

16. Procedure for registration and obtaining prior approval from Authority before grant of intellectual property rights.– (1) Procedure for seeking prior approval before grant of intellectual property rights by any person referred to in sub-section (2) of section 3 of the Act shall be as follows, namely:-

(a) Any person referred to in sub-section (2) of section 3 of the Act, applying for any intellectual property rights, in or outside India by applying on the web portal of the Authority in Form 7, for any invention based on research or information including digital sequence information on biological resource which is accessed from India, including those deposited in repositories outside India, or traditional knowledge associated thereto, shall seek prior approval of the Authority, before grant of intellectual property rights, by the competent authority in India or elsewhere;

(b) every application under clause (a) shall be accompanied with a specified fee paid in the form of electronic transfer or digital payment to the National Biodiversity Fund;

(c) the Authority shall, after collecting such additional information from the applicant and other sources as deemed appropriate, and on being satisfied with the merits of the application, take a decision on granting approval or otherwise within a period of one hundred and eighty days from the date of receipt of application or on receipt of requisite information whichever is later**,** subject to such terms and conditions including benefit sharing, as it may deem fit:

> Provided that the application shall be closed if the requisite information sought by the Authority has not been made available by the applicant within a period of ninety days from the date of seeking information and the applicant shall be informed about such closure.

(d) the approval shall be granted in the form of an agreement on mutually agreed terms duly signed by an authorised officer of the Authority and the applicant:

> Provided that the application shall be deemed to be closed, if the applicant does not sign the agreement within a period of ninety days from the date of communication of the draft agreement by the Authority, upon intimation to the applicant:
>
> Provided further that such closed application may be revived on receipt of payment of the half of the fee prescribed for submitting fresh application under clause (b) of sub–rule 1 within a period of ninety days;

(e) the applicant shall intimate the Authority within forty five days from the date of the grant of the intellectual property rights, failing which action as deemed fit will be taken by the competent authority;

(f) the Authority, for reasons to be recorded in writing, may reject an application if it considers that the request cannot be acceded to:

Provided that the application shall not be rejected unless the applicant has been given a reasonable opportunity of being heard.

(2) Procedure for registration before obtaining intellectual property rights by any person referred to under section 7 of the Act shall be as follows, namely:-

(a) any person referred to in under section 7 of the Act, applying for any intellectual property rights, in or outside India, shall register on the web portal of the Authority in Form 8, for any invention based on research or information including digital sequence information on biological resource which is accessed from India, including those deposited in repositories outside India, or traditional knowledge associated thereto, before grant of such intellectual property rights by the competent authority in India or abroad;

(b) every application under clause (a) for registration with the Authority, shall be accompanied by a specified fee in the form of electronic transfer or digital payment to the National Biodiversity Fund;

(c) if the Authority is of the opinion that such an invention is the result of access to the knowledge held by a community or an individual or a group of individuals in an illegal manner, the Authority may recommend to the adjudicating officer to impose higher penalty with regard to damage and also value assessed or realised, as the case may be;

(d) the applicant shall intimate the Authority within forty five days of the grant of the intellectual property rights;

(e) the applicant at the time of registration shall give an undertaking that prior approval of the Authority will be taken before commercialisation of the intellectual property rights.

(3) Procedure for obtaining prior approval of the Authority for commercialisation of the intellectual property rights by any person referred to in under section 7 of the Act shall be as follows:

(a) at the time of commercialisation of the intellectual property rights referred to under clause (e) of sub-rule(2), the applicant shall obtain prior approval by applying on the web portal of the Authority in Form 9.

(b) every application under clause (a) shall be accompanied by a specified fee paid in the form of electronic transfer or digital payment to the National Biodiversity Fund;

(c) the Authority shall, after collecting such additional information from the applicant and other sources as deemed appropriate, and on being satisfied with the merits of the application, take a decision on granting approval or otherwise within a period of one hundred and eighty days from the date of receipt of application or on receipt of requisite information whichever is later, subject to such terms and conditions including benefit sharing, as it may deem fit;

(d) the approval shall be granted in the form of an agreement on mutually agreed terms duly signed by an authorised officer of the Authority and the applicant:

Provided that the application is deemed to be closed if the applicant does not sign the agreement within a period of ninety days from the date of communication of the draft agreement by the Authority to the applicant:

Provided further that such closed application may be revived on receipt of payment of the half of the fee specified for fresh application under clause 3(b) within a period of ninety days.

17. Revocation of access or approval.- (1) The Authority may either on the basis of a complaint or suo moto withdraw the approvals granted under rules 13, 15, sub-rule(1) and (3) of rule 16 and rule 20 revoke the agreement or any part thereof, after giving a reasonable opportunity of being heard to the applicant, under the following conditions, namely: -

(i) on the basis of reasonable belief that the person to whom the approval was granted has declared false or misleading information or violated any of the provisions of the Act or the conditions on which the approval was granted;

(ii) when the person who has been granted approval has failed to comply with any of the terms and conditions of the agreement;

(iii) in the larger public interest or for the protection of environment and conservation of biological diversity, or on the basis of new facts or information brought to the notice of the Authority**.**

(2) The Authority shall forward a copy of every order of revocation to the State Biodiversity Board and Union territory Biodiversity Council and the Biodiversity Management Committee concerned for prohibiting the access and also to assess the damage caused, if any, and to take steps to recover the damages.

18. Measures for monitoring and regulating the use in India of biological resource or associated traditional knowledge obtained from any foreign country.- (1) Any person who intends to use in India the biological resource or traditional knowledge associated thereto obtained from any foreign country for research or for commercial purpose or for obtaining intellectual property rights, shall submit a declaration in Form 10 on the web portal of the Authority, as per the provisions of the Section 36(A) of the Act.

(2) The Authority, as per the provisions of the Section 36(A) of the Act, after obtaining relevant information from the user of such biological resource or traditional knowledge associated thereto, shall notify the same on the Access and Benefit-Sharing Clearing-House of the Convention on Biological Diversity.

(3) Based on the request of the provider country, the Authority, as per the provisions of the Section 36(A) of the Act, shall take appropriate measures on such use.

19. Procedure for obtaining a certificate of origin for cultivated medicinal plants. –

(1) Books containing the details of cultivated medicinal plants shall be maintained by the Biodiversity Management Committee in Form 11 in the web portal.

(2) An application for obtaining certificate of origin under sub-section 2 of section 7 of the Act shall be made to the Biodiversity Management Committee along with the fee in Form 11A on web portal.

(3) On the basis of the entries made in the books maintained under sub-rule (1), the certificate of origin shall be generated in the web portal in the Form '12'.

20. Procedure for conducting non-commercial research or research for emergency purposes outside India by Indian researcher or institution.- (1) Any Indian researcher or institution who intends to carry or send the biological resource outside India to undertake non-commercial research including carrying out urgent studies to address certain present or imminent emergencies like epidemics, shall apply on the web portal of the Authority in Form 13 :

> Provided that in case the traditional knowledge associated thereto is also to be transferred or carried along with the biological resources, the approval of the Authority shall be taken by the concerned foreign institution under rule 13.

(2) Every application under sub-rule (1) shall be accompanied with a specified fee paid in the form of electronic transfer or digital payment to the National Biodiversity Fund**.**

(3) The Authority shall, on being satisfied with the application under sub-rule (1), grant its approval within a period of forty five days from the date of receipt of the application.

(4) On receipt of approval of the Authority under sub-rule (3), the applicant shall deposit voucher specimens in the designated national repositories, wherever required, before carrying or sending the biological resource outside India and a copy of proof of such deposits shall be endorsed to the Authority.

21. Management and utilisation of National Biodiversity Fund.- (1) The National Biodiversity Fund shall be operated by the Chairperson or by such other officer of the Authority as may be authorised in this regard.

(2) The National Biodiversity Fund shall have two separate accounts, one relating to clause (a) of sub-section 1 of section 27 and the other under clause (b) and (c) of sub-section (1) of the Act which shall be

utilised for the activities referred from sub-section (2) of section 27, as decided by the Authority.

(3) All receipts including monetary benefits accrued shall be deposited in the National Biodiversity Fund.

(4) The benefit sharing that is to be earmarked for the Authority, State Biodiversity Boards or Union territory Biodiversity Council may range from minimum of ten percent to maximum of fifteen percent as the case may be and rest may be transferred to benefit claimers or for other uses when benefit claimers are not identified.

(5) The Authority may specify measures for monitoring the utilisation of the Fund.

22. Appeal for settlement of disputes under section 50 of the Act.– (1) If a dispute arises between the Authority and a State Biodiversity Board or Union territory Biodiversity Council or Boards and Councils in respect of implementation of any order or direction or on any policy decision, either of the aggrieved parties or the Authority or the Board or the Council, as the case may be, may prefer an appeal under section 50 of the Act in Form 14, to the Central Government.

(2) In case of a dispute between a State Biodiversity Board or Union territory Biodiversity Council and another Board or Council or among Boards or Councils, the Central Government, may refer the same to the Authority for resolution.

(3) The memorandum of appeal shall be accompanied by an authenticated copy of the order, direction or policy decision, as the case may be, by which the appellant is aggrieved and shall be submitted online, within thirty days from the date of the order, direction or policy decision**:**

Provided that if the Central Government is satisfied that there was a good and sufficient ground for the delay in preferring the appeal, it may, for reason to be recorded in writing, allow the appeal to be preferred after the expiry of the aforesaid period of thirty days.

(4) The notice for hearing the appeal shall be given on the web portal of the Authority in Form 15.

(5) Where a dispute is referred to the Authority under sub-rule (2), the Authority shall be guided by the principles of natural justice and as far as practicable, and follow the same procedure which the Central Government is required to follow under this rule.

(6) The Central Government or the Authority, after hearing the appellant and other parties, and after taking into consideration other relevant facts, if any, shall dispose of the appeal, within a period of sixty days.

(7) In disposing of an appeal, the Central Government or the Authority may modify or cancel the impugned order, direction or policy decision, as the case may be.

23. Manner of inquiry by the Adjudicating Officer.- (1) No Adjudicating Officer shall inquire into a complaint of non-compliance or contravention of the provisions referred to in section 55 of the Act unless the complaint is filed by or on behalf of the authorised officer, along with all necessary documents, either on its own motion or on receipt of a representation.

(2) The complaint may be represented by a presenting officer who shall be a legal practitioner and shall appear and present the case before the Adjudicating Officer, on behalf of the authorised officers, within their respective jurisdiction.

(3) The presenting officer shall, before forwarding the matter under sub-rule(1) to the Adjudicating Officer, process the same exercising reasonable due diligence, and bring on record all relevant facts and circumstances that need to be taken into account for imposing penalty, and also to ascertain if it is a matter necessary for adjudication and the authorised officer shall provide all the relevant documents and facts related to the case, to the presenting officer.

(4) The adjudicating officer within thirty days of receipt of the complaint shall issue a notice to the person against whom non-compliance or contravention to the provisions of section 3 or section 4 or section 6 or section 7 of the Act is alleged under section 55A of the Act, along with the particulars of the matter against him clearly specifying the

nature of non-compliance or contravention, and such person may either appear personally or through an authorised representative, on such date as specified, which shall not be less than fifteen days from the date of service thereon and shall not exceed thirty days, in such format as may be prescribed by the Central Government.

(5) On such date as specified in the notice, the person or his authorised representative may admit or deny the allegations levelled against him, before the Adjudicating Officer.

(6) If the person or his representative admits to the allegations, the Adjudicating Officer shall state in his order such admission and impose a penalty and send a copy of the order to the concerned presenting officer and the person against whom complaint was filed.

(7) In cases not covered under sub-rule (6), the adjudicating officer shall fix a date for inquiry and communicate the same to the concerned presenting officer, for presentation of the matter.

(8) On the date fixed, the adjudicating officer shall give an opportunity to the person to produce documents or evidence as he may consider relevant to the inquiry.

(9) If any person fails or refuses to appear before the adjudicating officer as required by sub-rule (8) without sufficient cause, the adjudicating officer may proceed with the inquiry in the absence of such person.

(10) The Adjudicating Officer may also refer to the findings of the authority or officer authorised under section 55B of the Act or utilize their services, wherever necessary.

(11) While holding such inquiry, the adjudicating officer shall have power to summon and enforce the attendance of any person acquainted with the facts and circumstances of the matter to give evidence or to produce any document which, in the opinion of the adjudicating officer, may be useful for or relevant to the subject matter of the inquiry.

(12) For the purposes of sub-rule (11), the Adjudicating Officer shall have the following powers of a Civil Court, as specified in the Civil Procedure Code, 1908, namely:-

(a) summoning and enforcing the attendance of any person and examining him on oath;

(b) requiring the discovery and production of documents or other electronic records; and

(c) receiving evidence on affidavits.

(13) On presentation of matter by the concerned presenting officer, defence given by the person and recording of such information as necessary, the adjudicating officer shall either dismiss the allegation or make such order as it deemed fit.

(14) All orders of the Adjudicating Officer shall be speaking orders, irrespective of whether penalty has been imposed by such order or not.

(15) The Adjudicating Officer shall complete the adjudication of every matter within ninety days from the date fixed under sub-rule (7), which is extendable upto a further period of ninety days if sufficient cause exists.

(16) If the subject-matter of a complaint received under this rule is already in question before the National Green Tribunal or any other Court of competent jurisdiction on the date of receipt of the matter, the proceedings under this rule shall not be initiated unless such latter case is finally disposed of and the Adjudicating Officer shall make an order of adjournment of the proceedings under this sub-rule.

(17) If the adjudicating officer is satisfied that the person concerned has failed to comply with the provisions of section 3 or section 4 or section 6 or section 7 of the Act, he shall impose a penalty as deemed fit in accordance with the provisions of section 55 of the Act.

(18) The Adjudicating Officer shall not pass an order for penalty if the Tribunal or Court has already passed an order to that effect in a proceedings referred to in under sub-rule (16).

(19) Any person or a benefit claimer who intends to make a complaint before any court about any offence under this Act shall give a notice of not less than thirty days in Form 16 about his intention to make a complaint to the Central Government or authority or officer authorised in that behalf, under section 61 of the Act, through online or registered post

with acknowledgement due or speed post.

(20) Upon expiry of a period of thirty days from the recipient of notice and not being satisfied with the action taken by authority or Central Government, such person or the benefit claimer may file a written complaint before a court having jurisdiction to take cognizance of the offence under the Act.

Provided that the Central Government or any authority or officer authorised by that Government may under clause (a) of section 61 of the Act make a written complaint to court for taking cognizance of any offence under the Act.

24. Appeals from Order of Adjudicating Officer.- Any person aggrieved by the order of the Adjudicating Officer may prefer an appeal to the National Green Tribunal established under section 3 of the National Green Tribunal Act, 2010 (19 of 2010), under section 52A of the Act.

25. Factors to be considered while determining quantum of penalty.- (1) The Adjudicating Officer shall have due regard to the following factors for determining the quantum of penalty, namely: -

(a) the amount of disproportionate gain or unfair advantage, wherever quantifiable, made as a result of contravention of the provisions of the Act;

(b) the penalty for contravention of the provisions referred to in section 55 of the Act shall not be less than one lakh rupees and may extend to fifty lakh rupees;

(c) in case the damage caused, exceeds the amount of penalty under sub-rule (2) then the penalty shall be commensurate with the damage caused.

Explanation.- In this clause the expression damage, includes damage to the environment and value of the biological resource used and value of the products derived from it by violating the provisions of the Act;

(d) in case of a failure or continued contravention, an additional

penalty not exceeding one crore rupees may be imposed over and above the penalty under sub-rule (2) or (3);

(e) any other things as may be considered by the Adjudicating Officer to be relevant for the conservation of biological diversity and protection of the environment.

(2) A penalty shall not be imposed without giving the person or entity concerned a reasonable opportunity of being heard in the matter.

(3) The penalty as imposed by the Adjudicating Officer under the Act shall be in addition to the liability to pay relief or compensation under section 55 of the Act and section 17 of the National Green Tribunal Act, 2010 (19 of 2010).

26. Deposition of the penalty amount. - All amounts of penalties realised under these rules shall be deposited in the National Biodiversity Fund and all the amounts of penalties relating to offences under section 7 of the Act shall be deposited in the Biodiversity Fund of the State Biodiversity Board or the Union territory Biodiversity Council concerned, as the case may be.

THE FIRST SCHEDULE

Application Forms and Fees

Sl. no.	Purpose of the application	Application Fee
(1)	(2)	(3)
1.	Application for seeking prior approval of the National Biodiversity Authority for access to biological resources and/or knowledge associated thereto for **research or for bio-survey and bio-utilization** by persons covered under section 3(2) of the Act.	
	For Individual	₹ 10,000.00
	For entity	₹ 20,000.00
2.	Application for seeking prior approval of the National Biodiversity Authority for access to biological resources and/or knowledge associated thereto for **commercial utilization** by persons covered under section 3(2) of the Act	
	For Individual	₹ 10,000.00
	For entity	₹ 20,000.00
3.	Application for seeking prior approval of the National Biodiversity Authority for **sharing or transferring the results of research** to section 3(2) persons for commercial purposes or otherwise.	
	For Individual	₹ 5,000.00
	For entity	₹ 10,000.00
4.	Application for prior registration with the National Biodiversity Authority to **use the results of research for further research by the transferee** (section 3(2) person)	
	For Individual	₹ 2,000.00
	For entity	₹ 5,000.00
5.	Application for seeking prior approval of the National Biodiversity Authority to **use the results of research for commercial utilisation** by the transferee (section 3(2) person)	

Sl. no.	Purpose of the application	Application Fee
(1)	(2)	(3)
	For Individual	₹ 10,000.00
	For entity	₹ 20,000.00
6.	Application for seeking prior approval **to use the results of research for obtaining intellectual property rights** by the transferee (section 3(2) person)	
	For Individual	₹ 5,000.00
	For entity	₹ 10,000.00
7.	Application for seeking prior approval of the National Biodiversity Authority before grant of intellectual property rights by persons covered under section 3 (2) of the Act	
	For Individual	₹ 5,000.00
	For entity	₹ 10,000.00
8.	Application for registration with the National Biodiversity Authority before grant of intellectual property rights by persons covered under section 7 of the Act.	
	For Individual	₹ 2,000.00
	For entity	₹5,000.00
9.	Application for seeking prior approval of the National Biodiversity Authority for commercialisation of intellectual property rights by persons covered under section 7 of the Act.	
	For Individual	₹ 5,000.00
	For entity	₹ 10,000.00
10.	Form for declaration of the use of biological resource(s) and/or associated traditional knowledge obtained from any foreign country, in India.	Nil
11.	Books containing details of cultivated medicinal plants, to be maintained by the Biodiversity Management Committee in web portal	Nil
11A.	Application for obtaining certificate of origin for cultivated medicinal plants	₹ 200.00
12.	Certificate of origin issued to the applicant	Nil

Sl. no.	Purpose of the application	Application Fee
(1)	(2)	(3)
13.	Application for seeking prior approval of the National Biodiversity Authority for sending /carrying the biological resources outside India by Indian researchers / institutions for conducting non-commercial research or research for emergency purposes.	₹ 1,000.00
14.	Form of Memorandum of Appeal before the Central Government for settlement of disputes	Nil
15.	Format of notice to be issued by the Ministry of Environment, Forest and Climate Change or National Biodiversity Authority for appearance before it	Nil
16.	Format of notice by any person/benefit claimer	Nil

THE SECOND SECHEDULE
[see rule 2(1)(g)]
FORM -1
{See section 3 of the Act and rule 13(1)}

Application for seeking prior approval of the National Biodiversity Authority for access to biological resources or knowledge associated thereto for research or for bio-survey and bio-utilization by persons covered under section 3(2) of the Act.

1	**Particulars of the applicant**	
(i)	Category of the applicant	(Drop down menu) a. Individual b. Individual and Entity c. Entity
(ii)	Name of the applicant	
(iii)	Status of the applicant	(Drop down menu) a. NRI b. Non-Indian c. Entity covered under section 3(2) of the Act.
(iv)	Address of the applicant *(Postal address including PIN code, email, mobile and alternate mobile numbers and/or landline number)*	
(v)	Profile of the individual/entity	
(vi)	Nature of the business (applicable if the applicant is an entity)	
(vii)	Details of the authorized representative for the applicant (applicable if the applicant is an entity) *(Name with postal address including PIN code, email, mobile and alternate mobile numbers and/or landline number)*	

(viii)	Contact person of the applicant in India (If any) *(Name with postal address including PIN code, email, mobile and alternate mobile numbers and/or landline number)*	
(2)	**Details of the biological resources and knowledge associated thereto intended to be accessed**	
(i)	**Details of the biological resource**	(Drop down menu) i. Nature of the biological resource(s) (*plants/animals/ microbes/genetic material/ variety/hybrid)* ii. Common name iii. Scientific name (Genus and species/ variety/strain) iv. Plant parts (Seed, stem, bark, leaf, flower, fruit, root, rhizome, genetic material, extract, exudate, etc.) v. Quantity of each biological resource (in Kg/gm/ml) vi. Duration of access (expected start and end date) vii. Frequency of access (number of times the biological resource(s) will be accessed) viii. Source of access (wild/ cultivated/ institution/ repository/traders/ market) ix. Geographical location (village, taluk, district, state). If procured from a trader/ institute, their name, address and contact details to be provided; if procured from repository/institution, then origin of collection to be provided.
(ii)	**Details about the knowledge associated thereto:**	
(a)	Nature of the knowledge associated (Oral/ documented)	

(b)	Details of traditional knowledge intended to be accessed (in not more than 100 words)	
(c)	Name of the traditional knowledge holder (individual/community)	
(d)	Address of the traditional knowledge holder (individual community)	
(3)	**Expected duration of research**	
(4)	**The purpose for which access is required including the type and extent of research being derived and expected to be derived from it**	
(i)	Brief description about the research	
(ii)	Expected outcome of the research	
(5)	**Details of any institution which will participate in the research and development activities**	
(i)	Name of the person or institute	
(ii)	Contact details *(Postal address(es) including PIN code, email, mobile and alternate mobile numbers and/or landline number)*	
(6)	**Preferred mode of benefit sharing**	i. Monetary ii. Non-monetary iii. Both
(7)	**Estimation of benefits that would flow to India/communities arising out of the use of accessed biological resources and knowledge associated thereto**	
(8)	**Any other information considered relevant**	
(9)	**Details of remittance of application fee** *(mode of payment, transaction ID, amount, date, etc.)*	

Declaration

I/We declare that:

1. Collection of the proposed biological resources shall not adversely affect the sustainability of the resources;
2. Collection of the proposed biological resource shall not entail any environmental impact;
3. Collection of the proposed biological resource shall not pose any risk to the ecosystems; and
4. Collection of the proposed biological resource and knowledge associated thereto shall not adversely affect the local communities.

I/We further declare that the information provided in the application form is true and correct to the best of my/our knowledge and belief and that it conceals nothing and that no part of it is false. I/We shall be responsible for any incorrect or wrong information provided.

Place — Signature

Date — Name

FORM-2

{See section 3 of the Act and rule 13(1)}

Application for seeking prior approval of the National Biodiversity Authority for access to biological resources or knowledge associated thereto for commercial utilization by persons covered under section 3(2) of the Act

1	**Particulars of the applicant**	
(i)	Category of the applicant	(Drop-down menu) a. Individual b. Individual and Entity c. Entity
(ii)	Name of the applicant	
(iii)	Status of the applicant	(Drop down menu) a) NRI b) Non-Indian c) Entity covered under section 3(2) of the Act
(iv)	Address of the applicant *(Postal address including PIN code, email, mobile and alternate mobile numbers and/ or landline number)*	
(v)	Profile of the individual/entity	
(vi)	Nature of the business (applicable if the applicant is an entity)	
(vii)	Details of the authorised representative for the applicant *(applicable if the applicant is an entity)* *(Name with postal address including PIN code, email, mobile and alternate mobile numbers and/or landline number)*	
(viii)	Contact person of the applicant in India (If any) *(Name with postal address including PIN code, email, mobile and alternate mobile numbers and/or landline number)*	
(2)	**Details of the biological resources and knowledge associated thereto intended to be accessed**	

(i)	Details of biological resource	(Drop down menu) i. Nature of the biological resource (*plants/animals/ microbes/genetic material/ variety/hybrid)* ii. Common name iii. Scientific name (Genus and species/ variety/strain) iv. Plant parts (Seed, stem, bark, leaf, flower, fruit, root, rhizome, genetic material, extract, exudate, etc.) v. Quantity of each biological resource (in Kg/gm/ml) vi. Duration of access (expected start and end date) vii. Source of access (wild/ cultivated/ institution/ repository/trader/ market) viii. Geographical location (village, taluk, district, state). If procured from a trader institute, their name, address and contact details to be provided; if procured from repository/institution, then origin of collection to be provided.
(ii)	**Details about the knowledge associated thereto:**	
(a)	Nature of the knowledge associated *(Oral/ documented)*	
(b)	Details of traditional knowledge intended to be accessed *(in not more than 100 words)*	
(c)	Name of the traditional knowledge holder (individual community)	
(d)	Address of the traditional knowledge holder (individual community)	
(3)	**The purpose for which access is required including the type and extent of commercial utilisation being derived and expected to be derived from it**	
(i)	Brief description about the commercial utilization	

(ii)	Expected duration of commercial utilization	
(4)	**Details of the approval obtained from the Authority for the purpose of research or for bio-survey and bio-utilization**	
(i)	NBA application number	
(ii)	Date of approval	
(iii)	Upload copy of the approval granted (in the form of agreement) by the National Biodiversity Authority	
(5)	**Preferred mode of benefit sharing**	i. Monetary ii. Non-monetary iii. Both
(6)	**Estimation of benefits that would flow to India/ communities arising out of the use of accessed biological resources and knowledge associated thereto**	
(7)	**Any other information considered relevant**	
(8)	**Details of remittance of application fee** *(Mode of payment, transaction ID, amount, date, etc.)*	

Declaration

I/We declare that:

1. Collection of the proposed biological resource shall not adversely affect the sustainability of the resources;
2. Collection of the proposed biological resource shall not entail any environmental impact;
3. Collection of the proposed biological resource shall not pose any risk to the ecosystems; and
4. Collection of the proposed biological resource and knowledge associated thereto shall not adversely affect the local communities.

I/We further declare that the information provided in the application form is true and correct to the best of my/our knowledge and belief and that it conceals nothing and that no part of it is false. I/We shall be responsible for any incorrect or wrong information provided.

Place — Signature

Date — Name

FORM-3

{See section 4 of the Act and rule 15(1)(a)}

Application for seeking prior approval of the National Biodiversity Authority for sharing or transferring the results of research to section 3(2) persons for commercial purposes or otherwise

(1)	**Particulars of the applicant**	
(i)	Category of the applicant	(Drop-down menu) a. Individual b. Individual and Entity c. Entity
(ii)	Name of the applicant	
(iii)	Status of the applicant	(Drop down menu) a) Indian b) NRI c) Non-Indian d) Entity covered under section 3(2) of the Act e) Entity covered under section 7 of the Act
(iv)	Address of the applicant *(Postal address including PIN code, email, mobile and alternate mobile numbers and/or landline number)*	
(v)	Profile of the individual/entity	
(vi)	Nature of the business (applicable if the applicant is an entity)	
(vii)	Details of the authorised representative for the applicant *(applicable if the applicant is an entity)* *(Name with postal address including PIN code, email, mobile and alternate mobile numbers and/or landline number)*	
(viii)	Contact person of the applicant in India (If any) *(Name with postal address including PIN code, email, mobile and alternate mobile numbers and/or landline number)*	
(2)	**Details of the results of research**	

(i)	Details of the results of research conducted	
(ii)	Details and nature of results of research to be transferred or shared	
(3)	**Details of the biological resources used in the research**	(Drop down menu) i. Nature of the biological resource(s) (*plants/ animals/microbes/genetic material/variety/hybrid)* ii. Common name iii. Scientific name (Genus and species/ variety/strain) iv. Plant parts (Seed, stem, bark, leaf, flower, fruit, root, rhizome, genetic material, extract, exudate, etc.) v. Source of access (wild/ cultivated/institution/ repository/traders/ market) vi. Geographical location (village, taluk, district, state). If procured from a trader institute, their name, address and contact details to be provided; if procured from repository/ institution, then origin of collection to be provided.
(4)	**Details of the traditional knowledge associated thereto if any used in the research**	
(i)	Details of traditional knowledge accessed (in not more than 100 words)	
(ii)	Name of the traditional knowledge holder (individual community)	
(iii)	Address of the traditional knowledge holder (individual/ community)	
(iv)	Consent obtained from the community/ individual, if any	
(5)	**Details of the approval obtained from the Authority for undertaking research by section 3(2) persons**	

(i)	NBA application number	
(ii)	Date of approval	
(iii)	Upload copy of the approval granted (in the form of agreement) by the National Biodiversity Authority	
(6)	**Details of the institution where research and development activities were carried out**	
(i)	Provide the name and contact details of the institution/entity where research and development activities were carried out	
(ii)	Name of the institution	
(iii)	Contact details *(Postal address including PIN code, email, mobile and alternate mobile numbers and/or landline number)*	
(iv)	*Attach a copy of the letter issued to the applicant by the competent authority of the institution/ entity where research and development activities were carried out.*	
(7)	**Details of the individual/entity to whom the research results are intended to be transferred or shared.**	
(i)	Name(s) and contact details of individual entity	
(ii)	Details of the intended use of research results by the transferee	
(8)	**Details of economic, scientific or any other benefits that are intended, or may accrue to the applicant seeking approval for share or transfer of results of research.**	
(9)	**Details of any memorandum of understanding or agreement executed between the proposed recipient and the applicant seeking approval for share or transfer of results of research** (Copy of Memorandum of Understanding /agreement, if any, to be uploaded.)	
(10)	Any other information considered relevant	

(11)	**Details of remittance of application fee** *(Mode of payment, transaction ID, amount, date, etc.)*	

Declaration

I/We declare that:

a. I/We inform the transferee to register with the Authority if he/she intends to use the results of research for further research as per the extant provisions of the Act.

b. I/We inform the transferee to seek prior approval of the Authority if he/she intends to use the results of research for commercial utilization or for obtaining intellectual property rights as per the extant provisions of the Act.

c. The information provided in the application is true and correct to the best of my/our knowledge and belief that it conceals nothing and that no part of it is false. I/We shall be responsible for any incorrect or wrong information provided.

Place
Date

Signature
Name

FORM-4

{See section 4 of the Act and rule 15(1)(b)}

Application for registration with the National Biodiversity Authority to use the results of research for further research by the transferee

(1)	Particulars of the applicant (transferee)	
(i)	Category of the applicant	(Drop down menu) a. Individual b. Individual and Entity c. Entity
(ii)	Name of the applicant	
(iii)	Status of the applicant	(Drop down menu) a) NRI b) Non-Indian c) Entity covered under section 3(2) of the Act
(iv)	Address of the applicant *(Postal address including PIN code, email, mobile and alternate mobile numbers and/or landline number)*	
(v)	Profile of the individual/entity	
(vi)	Nature of the business (applicable if the applicant is an entity)	
(vii)	Turnover of the organization in Indian rupees (applicable if the applicant is an entity)	
(viii)	Details of the authorised representative for the applicant (applicable if the applicant is an entity) *(Name with postal address including PIN code, email, mobile and alternate mobile numbers and/or landline number)*	
(ix)	Contact person of the applicant in India (If any) *(Name with postal address including PIN code, email, mobile and alternate mobile numbers and/or landline number)*	

(2)	**Details of the approval obtained from the Authority by the transferor or person from whom results of research are obtained under sections 4 and 20 of the Act**	
(i)	Name of the person/entity/institution	
(ii)	Postal address including PIN code, email, mobile and alternate mobile numbers and/or landline number	
(iii)	NBA Application number	
(iv)	Date of approval	
(v)	Upload copy of the approval granted (in the form of agreement) by the National Biodiversity Authority	
(3)	**Brief description about the research activities to be carried out by the applicant**	
(4)	**Details of any person institute that are to be involved in the research**	
(i)	Name of the person or institute	
(ii)	Contact details (Postal address including PIN code, email, mobile and alternate mobile numbers and landline number)	
(5)	**Expected duration of research**	
(6)	**Expected outcome of research**	
(7)	**Benefits that would flow to India/ communities arising out of the proposed research on the use of obtained results of research**	
(8)	**Any other information considered relevant**	
(9)	**Details of remittance of application fee** (Mode of payment, transaction ID, amount, date, etc.)	

Declaration

a. I/We further declare that the information provided in the application form is true and correct to the best of my/our knowledge and belief and that it conceals nothing and that no part of it is false.
b. I/We shall be responsible for any incorrect or wrong information provided.
c. I/We shall declare the progress made in the research activities to the Authority at the end of every calendar year.
d. I/We shall obtain prior approval of the Authority at the time of commercial utilization of the obtained results of research or for obtaining intellectual property rights within or outside India as per section 4 and 6 of the Act respectively.

Place Signature.
Date Name

FORM-5

{See section 4 of the Act and rule 15(1)(c)}

Application for seeking prior approval of the National Biodiversity Authority to use the results of research for commercial utilisation by the transferee.

(1)	**Particulars of applicant (Transferee)**	
(i)	Category of the applicant	(Drop down menu) a. Individual b. Individual and Entity c. Entity
(ii)	Name of the applicant	
(iii)	Status of the applicant	(Drop down menu) a) NRI b) Non-Indian c) Entity covered under section 3(2) of the Act
(iv)	Address of the applicant (Postal address including PIN code, email, mobile, alternate mobile number and/or landline number)	
(v)	Profile of the individual/entity	
(vi)	Nature of the business (applicable if the applicant is an entity)	
(vii)	Turnover of the organization in Indian rupees (applicable if the applicant is an entity)	
(viii)	Authorized representative (applicable if the applicant is an entity) (Postal address including PIN code, email, mobile, alternate mobile number and/or landline number)	
(ix)	Contact person in India (If any) (Postal address including PIN code, email, mobile, alternate mobile number and/or landline number)	

(2)	**Details of the approval obtained from the Authority by the transferor or person from whom results of research are obtained under section 4 and 20 of the Act**	
(i)	Name of the person/entity/institution	
(ii)	Postal address including PIN code	
(iii)	E-mail ID, mobile, alternate mobile number and/or landline number	
(iv)	NBA Application number	
(v)	Date of approval	
(vi)	Upload copy of the approval granted (in the form of agreement) by the National Biodiversity Authority	
(3)	**Brief description about the commercial activity to be carried out by the applicant**	
(4)	**Expected duration of the commercial utilization**	
(5)	**Expected outcome and benefits that would flow to India/ communities arising out of the commercial utilisation of the obtained results of research**	
(6)	**Any other information considered relevant**	
(7)	**Details of remittance of application fee** (M*ode of payment, transaction ID, amount, date, etc.)*	

Declaration

a. I/We further declare that the information provided in the application form is true and correct to the best of my/our knowledge and belief and that it conceals nothing and that no part of it is false.

b. I/We shall be responsible for any incorrect or wrong information provided.

Place
Date

Signature.
Name

FORM-6

{See section 4 of the Act and rule 15(1)(d)}

Application for seeking prior approval of the National Biodiversity Authority to use the results of research for obtaining intellectual property rights by the transferee.

(1)	**Particulars of applicant (Transferee)**	
(i)	Category of the applicant	(Drop down menu) a. Individual b. Individual and Entity c. Entity
(ii)	Name of the applicant	
(iii)	Status of the applicant	(Drop down menu) a) NRI b) Non-Indian c) Entity covered under section 3(2) of the Act
(iv)	Address of the applicant (Postal address including PIN code, email, mobile, alternate mobile number and/or landline number)	
(v)	Profile of the individual/entity	
(vi)	Nature of business (applicable if the applicant is an entity)	
(vii)	Turnover of the organization in Indian rupees (applicable if the applicant is an entity)	
(viii)	Authorized representative (applicable if the applicant is an entity) (Postal address including PIN code, email, mobile, alternate mobile number and/or landline number)	
(ix)	Details of the patent attorney/contact person (Postal address including PIN code, e-mail, mobile, alternate mobile and/or landline number)	
(2)	**Details of the transferor from whom the results of the research are obtained**	
(i)	Name of the person/entity/institution	

(ii)	Postal address including PIN code	
(iii)	E-mail ID, mobile, alternate mobile number and/or landline number	
(3)	**Details of the approval obtained from the National Biodiversity Authority by the transferor or person from whom results of research are obtained under section 4 of the Act**	
(i)	NBA Application number	
(ii)	Date of approval	
(iii)	Upload copy of the approval granted (in the form of agreement) by the National Biodiversity Authority	
(4)	**Details of the invention**	
(i)	Title of invention	
(ii)	Abstract/details of the invention	
(iii)	Details of the patent office where the applicant intends to file patent application for the said invention	
(iv)	Whether any intellectual property rights application has been filed in or outside India for the present invention as on date	
(5)	**Details of remittance of application fee** (Mode of payment, transaction ID, amount, date, etc.)	
(6)	Any other information considered relevant	

Declaration

a. I/We further declare that the information provided in the application form is true and correct to the best of my/our knowledge and belief and that it conceals nothing and that no part of it is false.

b. I/We shall be responsible for any incorrect or wrong information provided.

Place Signature.

Date Name

FORM-7

{See section 6(1) of the Act and rule 16(1)(a)}

Application for seeking prior approval of the National Biodiversity Authority before grant of intellectual property rights by persons covered under section 3 (2) of the Act.

(1)	**Particulars of the applicant**	
(i)	Category of the applicant	(Drop-down menu) a. Individual b. Individual and Entity c. Entity
(ii)	Name of the applicant (as in the patent application)	
(iii)	Status of the applicant	(Drop down menu) a) NRI b) Non-Indian c) Entity covered under section 3(2) of the Act
(iv)	Address of the applicant *(Postal address including PIN code, email, mobile and alternate mobile numbers and/or landline number)*	
(v)	Profile of the individual/entity	
(vi)	Nature of the business (applicable if the applicant is an entity)	
(vii)	Details of the authorised representative for the applicant (applicable if the applicant is an entity) *(Name with postal address including PIN code, email, mobile and alternate mobile numbers and/or landline number)*	
(viii)	Details of the patent attorney/contact person (if applicable) *(Name with postal address including PIN code, email, mobile and alternate mobile numbers and/or landline number)*	

(2)	**Details of the approval obtained from the National Biodiversity Authority for research under section 3 of the Act**	
(i)	NBA application number	
(ii)	Date of approval	
(iii)	Upload copy of the approval granted (in the form of agreement) by the National Biodiversity Authority	
(3)	**Details of any other organization involved in the research and development activities**	
(4)	**Details of the invention**	
(i)	Title of the Invention	
(ii)	Field of Invention	Drop down (A*gro-chemical, biotechnology, chemical, food, pharmaceutical, textile, bio-chemistry, polymer technology, microbiology, bio-medical engineering, agriculture engineering, traditional knowledge biotechnology, traditional knowledge chemical or any other relevant field)*
(iii)	Abstract/details of the invention (in not more than one hundred and fifty words)	
(iv)	Details of the patent office where the applicant intends to file patent application for the said invention	[*Names of the countries to be placed in the drop down menu*]
(v)	Whether any patent application has been filed in or outside India for the present invention as on date	Yes/ No

<table>
<tr><td>(vi)</td><td>If answer to (v) is ‘Yes’, details to be provided:
<table>
<tr><th>Sl No</th><th>Name of the country [Drop down menu]</th><th>Patent office in which application has been filed [Drop down menu]</th><th>Date of filing of the patent application</th><th>Patent application number</th><th>Status of the application as on date (Filed/ published/ under examination / under hearing/ granted) [Drop down menu]</th><th>If granted, patent number and date of grant</th></tr>
<tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr>
</table></td></tr>
<tr><td>(5)</td><td>Details of the biological resource accessed/ claimed in the invention</td><td>a. Nature of the accessed biological resource(s) (Plant/ animal/ microorganism/ fungi/algae and others) [Drop down]
b. Common name
c. Scientific name (Genus and species/ variety/strain)
d. Plant parts (whole plant, seed, stem, bark, leaf, flower, fruit, root, rhizome, etc.) [drop down]
e. Source of access (Market/ trader/ wild/self-cultivated/ repository/others to be specified) [drop down]
f. Geographical location (village, taluk, district, state). If procured from trader/ institute, entity’s names, addresses and contact details to be provided. If procured from repository/ institution, then origin of collection is to be provided.</td></tr>
<tr><td>(6)</td><td colspan="2">Details of any traditional knowledge associated thereto accessed</td></tr>
</table>

(i)	Details of traditional knowledge associated thereto accessed *(in not more than one hundred words)*	
(ii)	Name of the holder(s) of the traditional knowledge associated thereto *(individual / community)*	
(iii)	Address of the traditional knowledge holder (*individual/community)*	
(iv)	Traditional knowledge associated thereto obtained from any other source	
(6)	**Any other information considered relevant**	
(7)	**Details of remittance of application fee** *(Mode of payment, transaction ID, amount, date, etc.)*	

Declaration

I/We declare that:

a. The information provided in the application form is true and correct to the best of my/our knowledge and belief and that it conceals nothing and that no part of it is false.
b. I/We shall be responsible for any incorrect or wrong information provided.
c. Prior approval of the National Biodiversity Authority is mandatory under rule 16 for access to biological resources and knowledge associated thereto while commercializing the patent granted.

Place — Signature
Date — Name

Form-8

{See section 6(1A) of the Act and rule 16 (2)(a)}

Application for registration with the National Biodiversity Authority before grant of intellectual property rights by persons covered under section 7 of the Act

(1)	**Particulars of the applicant**	
(i)	Category of the applicant	(Drop down menu) a. Individual b. Individual and Entity c. Entity
(ii)	Name of the applicant (as in patent application)	
(iii)	Status of the applicant	(Drop down menu) a. Indian b. Entity covered under section 7 of the Act
(iv)	Address of the applicant *(Postal address including PIN code, email, mobile and alternate mobile numbers and/or landline number)*	
(v)	Profile of the individual/entity	
(vi)	Nature of the business (*applicable if the applicant is an entity*)	
vii)	Details of the authorised representative for the applicant (applicable if the applicant is an entity) *(Name with postal address including PIN code, email, mobile and alternate mobile numbers and/or landline number)*	
(viii	Details of the patent attorney/contact person (*if applicable*) *(Name with postal address including PIN code, email, mobile and alternate mobile numbers and landline number)*	
(2)	**Details of the invention**	

<table>
<tr><td>(i)</td><td>Title of the invention</td><td></td></tr>
<tr><td>(ii)</td><td>Field of invention</td><td>Drop down
(Agro-chemical, biotechnology, chemical, food, pharmaceutical, textile, biochemistry, polymer technology, microbiology, biomedical engineering, agriculture engineering, traditional knowledge biotechnology, traditional knowledge chemical or any other relevant field)</td></tr>
<tr><td>(iii)</td><td>Abstract/details of the invention (not more than one hundred and fifty words)</td><td></td></tr>
<tr><td>(iv)</td><td>Details of the patent office where the applicant intends to file patent application for the said invention</td><td>[Names of the countries to be placed in the drop down menu]</td></tr>
<tr><td>(v)</td><td>Whether any patent application has been filed in or outside India for the present invention as on date</td><td></td></tr>
<tr><td>(vi)</td><td colspan="2">If answer to (v) is ‘Yes’, details to be provided:
<table>
<tr><td>Sl No</td><td>Name of the country [Drop down menu]</td><td>Patent office in which application has been filed [Drop down menu]</td><td>Date of filing of the patent application</td><td>Patent application number</td></tr>
<tr><td></td><td></td><td></td><td></td><td></td></tr>
</table></td></tr>
</table>

3)	**Details of the biological resource accessed/ claimed in the invention**	a. Nature of the accessed biological resource(s) (Plant/ animal/ microorganism/ fungi/algae/others) *[Drop down]* b. Common name c. Scientific name (Genus and species/variety/strain) d. Plant parts (whole plant, seed, stem, bark, leaf, flower, fruit, root, rhizome, etc.) e. Source of access (Market/ trader/ wild/ self-cultivated/ repository/ others) f. Geographical location (village, taluk, district, state). If procured from trader/ institute, entity's name, address, and contact details to be provided. If procured from repository/institution, then origin of collection is to be provided.
(4)	**Details of traditional knowledge accessed, if any**	
(i)	Details of traditional knowledge accessed (in not more than 100 words)	
(ii)	Name of the traditional knowledge holder (individual community)	
(iii)	Address of the traditional knowledge holder (individual/community)	
(iv)	Traditional knowledge associated thereto obtained from any other source	
(5)	**Details of any organization involved in the research and development activities**	
(6)	**Any other information considered relevant**	
(7)	**Details of remittance of application fee** (mode of payment, transaction ID, amount, date, etc.)	

Declaration

I/We declare that:

a. The information provided in the application form is true and correct to the best of my/our knowledge and belief and that it conceals nothing and that no part of it is false.
b. I/We shall be responsible for any incorrect or wrong information provided.
c. I/We shall obtain prior approval of the Authority at the time of commercialization of the patent as per section 6(1B) of the Act and rule 16(3)(a) of the Rules.

Place — Signature
Date — Name

FORM-9

{See section 6(1B) of the Act and rule 16(3)(a)}

Application for seeking prior approval of the National Biodiversity Authority (post registration) for commercialisation of intellectual property rights by persons covered under section 7 of the Act

(1)	**Particulars of the applicant**	
(i)	Category of the applicant	(Drop down menu) a. Individual b. Individual and Entity c. Entity
(ii)	Name of the applicant (as in patent application)	
(iii)	Status of the applicant	(Drop down menu) a) Indian b) Entity covered under section 7 of the Act
(iv)	Address of the applicant *(Postal address including PIN code, email, mobile and alternate mobile numbers and/or landline number)*	
(v)	Profile of the individual/entity	
(vi)	Nature of business (applicable if the applicant is an entity)	
(vii)	Details of the authorised representative for the applicant (applicable if the applicant is an entity) *(Name with postal address including PIN code, email, mobile and alternate mobile numbers and/or landline number)*	
(viii)	Details of the patent attorney/contact person (if applicable) *(Name with postal address including PIN code, email, mobile and alternate mobile numbers and/or landline number)*	

(2)	**Details of the registration made with the National Biodiversity Authority before grant of intellectual property rights**	
(i)	NBA registration number	
(ii)	Title of the invention	
(iii)	Details of the patent office/countries in which patents have been granted as on date (*Copy of patent certificate issued by the patent office to be uploaded*)	*[List of countries to be in Drop down]*
(iv)	Upload copy of the latest Form-27 submitted with the Indian patent office, if any	
(iv)	Whether details of biological resources furnished in the registration and list of biological resources furnished in this application is one and the same or different?	Yes / No.
		If no, furnish the details of biological resources given below: a. Nature of the accessed biological resource(s) (Plant/animal/ microorganism/fungi/algae/ others) *[Drop down]* b. Common name c. Scientific name (Genus and species/variety/strain) d. Plant parts (whole plant, seed, stem, bark, leaf, flower, fruit, root, rhizome, etc.) e. Source of access (Market/trader/ wild/ self-cultivated/repository/ others) f. Geographical location (village, taluk, district, state). If procured from trader/institute, entity's name, address, and contact details to be provided. If procured from repository/ institution, then origin of collection is to be provided.

(3)	**Details of commercialisation**	
(i)	Details of each country where the invention is sought to be commercialized	i. Name of the country (Drop-down) ii. Patent number iii. Mode of commercialization (Licensing/assignment/self-manufacture/transfer of particular patent rights alone/any other mode) iv. Details of each licensee/assignee/ transferee/ any other person *(Names with Postal addresses including PIN code, email, mobile and alternate mobile numbers and/ or landline number*) v. Period of commercialization *(in years)* vi. Amount of revenue generated, if any / likely to be generated
(4)	**Any other information considered relevant**	
(5)	**Details of remittance of application fee** (Mode of payment, transaction ID, amount, date, etc.)	

Declaration

I/We declare that:

The information provided in the application form is true and correct to the best of my/our knowledge and belief and that it conceals nothing and that no part of it is false.

a. I/We shall be responsible for any incorrect or wrong information provided.
b. Prior intimation to the concerned State Biodiversity Board or Union territory Biodiversity Council shall be provided for accessing the biological resource and/or traditional knowledge associated thereto for commercial utilization as per section 7 of the Act.

Place: Signature:
Date: Name:

FORM-10

{See section 36A of the Act and rule 18(1)}

Form for declaration of the use of biological resource(s) and/ or associated traditional knowledge obtained from any foreign country, in India

S.no	Particulars	
1)	Name of the person or entity	
2)	Category of the applicant	a. Individual b. Individual and Entity c. Entity
3)	Status of the applicant	(Drop down menu) a) Indian b) NRI c) Non-Indian d) Entity covered under section 3(2) of the Act e) Entity covered under section 7 of the Act
4)	Complete address *Postal address including PIN code, email, mobile and alternate mobile numbers and/or landline number)*	
5)	Details of biological resource used	
i)	Scientific and common name of the biological resource	
ii)	Country from where biological resource was/were accessed	
iii)	Whether the country from which the biological resource were accessed is a Party to Nagoya Protocol	Yes/No (Please tick whichever is applicable)
6)	Whether approval of the Competent National Authority of the country of origin of biological resource has been obtained	Yes/No [drop down- list of country]

i)	Details of the ABS-CH Unique Identifier of internationally recognized certificate of compliance *(if available).*	
ii)	If the internationally recognized certificate of compliance is not available, the following information may be provided	
	a) Source of the biological resource(s)	
	b) Purpose of the utilization of the biological resource(s)	i. Research ii. Commercial utilization iii. Obtaining intellectual property rights iv. Others
iii)	Details of patent applications filed, if any	

Declaration

I/we hereby declare that I/we have complied with the provisions of prior informed consent and mutually agreed terms of the country from where the biological resources have been obtained.

I/ we hereby declare and solemnly affirm that the information provided above is true and correct to the best of my knowledge.

Place:

Date: **Signature of the Applicant**

FORM–11

{See section 7 of the Act and rule 19(1)}

Book containing details of cultivated medicinal plants, to be maintained by the Biodiversity Management Committee…….. Biodiversity Management Committee……..Panchayat / Urban Local Body

S.no	*Name of the cultivated medicinal plants*	*Details of the cultivated medicinal plants including common and botanical names, period of cultivation.*	*Approx. Quantity produced annually in a financial year (in kg/ quintal/ tonne etc.)*
(1)	*(2)*	*(3)*	*(4)*

FORM–11A

{See section 7 of the Act and rule 19(2)}

Application for obtaining certificate of origin for cultivated medicinal plants

<table>
<tr><th>S.no</th><th>Particulars</th><th>:</th><th>To be filled by the applicant</th></tr>
<tr><td>1)</td><td>Name of the applicant</td><td>:</td><td></td></tr>
<tr><td>2)</td><td>Phone No
email id</td><td></td><td></td></tr>
<tr><td>3)</td><td>Complete Address
(Postal address including PIN code, email, mobile and alternate mobile numbers and/or landline number)</td><td>:</td><td></td></tr>
<tr><td>4)</td><td>Select State in which SBB is located</td><td></td><td></td></tr>
<tr><td>5)</td><td>Select District in which BMC is located</td><td></td><td></td></tr>
<tr><td>6)</td><td>Name of the Biodiversity Management Committee</td><td></td><td>.....
(Village or Town / District / State / UnionTerritory</td></tr>
<tr><td>7)</td><td colspan="3">Request for accessing the cultivated medicinal plant
<table>
<tr><th>Sl. No</th><th>Name of the cultivated medicinal plants</th><th>Quantity (in kg./ quintal/tonne etc.)</th></tr>
<tr><td></td><td></td><td></td></tr>
<tr><td></td><td></td><td></td></tr>
</table></td></tr>
</table>

I/we hereby declare and solemnly affirm that the information provided above is true and correct to the best of my knowledge.

Place — Signature

Date — Name

FORM-12

{see rule 19(3)}

Certificate of Origin

(Unique ID/QR Code: to be digitally assigned)

It is certified that the medicinal plant(s) as mentioned in column No. 2 of the table is/ are cultivated in the jurisdiction of the …….. Biodiversity Management Committee. It is further certified that the record regarding cultivation of medicinal plant has been maintained by the Biodiversity Management Committee in Form-11. This certificate is being issued to Shri/Smt./Ms. ……. resident of……..for the quantity mentioned at column No. 3 of the table.

Sl. No	Name of the cultivated medicinal plants	Quantity of cultivated medicinal plants for which the certificate is issued. (in kg./ quintal/tonne, etc.)
(1)	(2)	(3)

Signature of the Authorised person of the Biodiversity Management Committee

Name:……

Date:…….

FORM-13

{See rule 20(1)}

Application for seeking prior approval of the National Biodiversity Authority for sending or carrying the biological resources outside India by Indian researchers or institutions for conducting non-commercial research or research for emergency purposes

(1)	**Particulars of applicant**	
(i)	Category of the applicant	*(Drop down menu)* a) Individual researcher b) Institution
(ii)	Name of the applicant and designation	
(iii)	Address of the applicant *(Postal address including PIN code, email, mobile and alternate mobile numbers and/or landline number)*	
(iv)	Name of the institution	
(2)	Details of the institution in India	
(i)	Name of the institution	
(ii)	Address of the institution *(Postal address including PIN code, email, mobile and alternate mobile numbers and landline number)*	
(3)	**Name of the supervisor or head of institution at the place of work, in India**	

(i)	Name of the supervisor or head of institution with complete address	
(ii)	Designation of the supervisor or head of institution	
(4)	**Details of the supervisor or head of the institution or organisation who guides the proposed research or recipient of the biological resources outside India**	
(i)	Category (individual or institution/ organization or person receiving the biological resources)	
(ii)	Name of the supervisor or head of the institution or recipient outside India	
(iii)	Complete address for communication	
(5)	**Name and details of the funding agency supporting the research, if any**	
(6)	**Details of research that are proposed to be carried out**	
(i)	Brief description of the research	
(ii)	Role and involvement of foreign researcher/institution in the research, if any	
(iii)	Benefits that would accrue to India and to the researcher through this research	
(7)	**Details of biological resources proposed to be carried along or sent for the research**	
(i)	a. Common name b. Scientific name c. Nature of biological resource d. Plant parts *(seed, stem, bark, leaf, flower, fruit, root, rhizome, genetic material, extract, exudate, etc.)* e. Quantity *(in number/vial/kg)* f. Geographical location (village, taluk, district, state). • If procured from trader/institute, trader name, address and contact details to be provided. • If procured from repository/ institution, then origin of collection is to be provided.	
(ii)	Expected duration of research to be conducted outside India	

8)	If it is for emergency purpose, please specify the details	

Declaration

I, son/daughter/wife/husband of_____aged_____residing at___ (full address) in holding a permanent ID Number (Aadhaar card/passport ,etc.)hereby declare that all the information provided above is correct and true.

I hereby affirm that the biological resources shall be used only for the purposes as stated in the application.

I shall not share/provide/part with/ leave behind any biological resource at my collaborator's facility/ laboratory without the approval of the National Biodiversity Authority.

I, along with my supervisor and collaborator, individually and severally declare that we shall not put to commercial utilisation, nor shall seek any intellectual property rights claim based on the biological resources and traditional knowledge associated thereto used in this research.

In case such a situation arises, we shall apply to the National Biodiversity Authority to seek prior approval. Results, process, products, or other outcomes arising out of this activity shall be shared with the National Biodiversity Authority during and upon completion of research intended along with copies of the relevant documents and publications.

Signature: ……
Date:……
Place: ……..……..

Declaration by the Supervisor/Head of Institution

I, working as in(Name of institution) confirm that the details provided by Mr/ Dr/ Mrs/ Ms..... Are true and correct.

Date:……
Place:……
Signature:…….……
Designation:…….……
Official Seal:…….……

Declaration by the Recipient/Collaborator

I, working as in (Name of institution/ Organisation) hereby affirm that I or my institution/ organisation shall use the biological resources that were sent by …….. (Name of the institution) or being brought by Mr./Dr./Mrs./Ms …… for the purposes as stated in the application and the said biological resources shall be destroyed in full after the completion of the studies or upon completion of the studies the biological resources shall be sent back to the institution from where the biological resources were received as the case maybe, or as decided by the National Biodiversity Authority. I,or the institution I am associated with, shall not claim any ownership under instant application nor shall claim any intellectual property rights over the biological resources, derivatives or other such components without prior approval of the applicant, institution affiliated and the National Biodiversity Authority.

Signature:…….
Designation……..
Official Seal

FORM-14

(See section 50 of the Act and rule-22(1))

Form of Memorandum of Appeal

BEFORE THE _____MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE, NEW DELHI

OR

NATIONAL BIODIVERSITY AUTHORITY (as the case may be)
(Memorandum of appeal under section 50 of the Biological Diversity Act, 2002)

Appeal No. _____of 20

_____

_____ Appellant

Vs.

_____

_____ Respondent(s) *(here mention the name and details of the Authority/Board/Council, as the case may be)*

The appellant wishes to prefer this memorandum of appeal against the order dated _____ passed by the respondent on the following facts and grounds:

1. FACTS:

(Here briefly mention the facts of the case):

2. GROUND:

(Here mention the grounds on which the appeal is being made) :
i.)
ii.)
iii.)

3. RELIEF SOUGHT:
i)
ii)
iii)

4. PRAYER:

a) In the light of information given above, the appellant respectfully prays that the order/ decision of the respondent be quashed/set-aside.

b) The policy/guidelines/regulations framed by the respondent be quashed/modified/ annulled to the extent_____ _____

Signature of the appellant
with seal
Address:

Place:_____
Dated:_____

VERIFICATION

I , the appellant do hereby declare that the information above is true to the best of my knowledge and belief .

Verified on ____day of_____.

Signature of the appellant

With Seal

Address
Signature of the Authorised representative of the appellant

Enclosures: 1. Upload an authenticated copy of the order/direction/policy decision against which the appeal has been preferred.

FORM –15

{See section 50 of the Act and rule 22(4)}

FORMAT OF NOTICE FOR APPEARING FOR HEARING

BEFORE THE _____ MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE, NEW DELHI

OR

National Biodiversity Authority (as the case may be)

Appeal No. _____ of 20

Between :

_____

_____ Appellant(s)

Vs.

_____

_____ Respondents(s)

NOTICE

Please take notice that the above appeal filed by the appellant, against the order/ direction/policy decision (give details) is fixed for hearing on _____ at _____

The copies of the appeal memorandum and other annexures filed along with the appeal are attached herewith for your reference.
Please note that if you fail to appear on said date (or other subsequent date as fixed) of hearing of the appeal, the appeal would be disposed of finally as *ex-parte.*

Authorised signatory on behalf of the Appellate Authority (Seal)

Date:
Place :

FORM- 16

{See section 61(b) of the Act and rule 24(19)(b)}

FORMAT OF NOTICE BY ANY PERSON/BENEFIT CLAIMER

By registered post with acknowledgement due

From

Shri _____
_____
_____

To,

_____
_____
_____

Sub: NOTICE UNDER SECTION 61(b) OF THE BIOLOGICAL DIVERSITY ACT, 2002

Whereas an offence under the Biological Diversity Act, 2002 has been committed/is being committed by……

2. I/We hereby give notice of thirty days under section 61(b) of Biological Diversity Act, 2002 of my/our intention to file a complaint in the court against …… for violation of the provisions of the Act.

3. In support of my/our notice, I am/we are enclosing herewith the following documents as evidence of proof:

1.

2.

3……

Place:_____
Dated:_____ Signature

EXPLANATION:

(*1) In case the notice has to be given in the name of a company, documentary evidence authorising the person to sign the notice on behalf of the company shall be enclosed with the notice.*

(2) Name and address of the alleged offender needs to be given. In case of use of biological resource/traditional knowledge/doing research/bio-survey and bio-utilisation/obtaining intellectual property right/patent without the approval of the Authority, the details thereof and the commercial utilisation, if any, that has occurred, may be furnished.

(3) Documentary evidence shall include photograph(s), technical report(s), etc., for enabling enquiry into the alleged violation/offence.

[F. No. CS-C12018/3/2020-CS-III]

(Raghu Kumar Kodali)

Scientist 'G'

BD (ABS REGULATIONS), 2025

DATED 29TH APRIL, 2025

F. No. NBA/Tech/EC/9/14/32/.— In exercise of the powers conferred by section 64 read with sub-section (1) of section 18 and sub-section (4) of section 21 of the Biological Diversity Act, 2002 (18 of 2003)and in supersession of the Guidelines on Access to Biological Resources and Associated Knowledge and Benefits Sharing Regulations, 2014, except as respects things done or omitted to be done before such supersession, the National Biodiversity Authority, with the approval of the Central Government, hereby makes the following regulations, namely:—

1. Short title and commencement.— (1) These regulations may be called the Biological Diversity (Access to Biological Resources and Knowledge Associated thereto and Fair and Equitable Sharing of Benefits) Regulations, 2025.

(2) They shall come into force on the date of their publication in the Official Gazette.

2.Definitions. — (1) In these regulations, unless the context otherwise requires,–

(a) "Act" means the Biological Diversity Act, 2002 (18 of 2003);

(b) «authorised officer» means any officer authorised by the Authority or State Biodiversity Board or Union territory Biodiversity Council for the purposes of this regulations;

(c) "Authority" means the National Biodiversity Authority established under sub-section (1) of section 8 of the Act;

(d) "Board" means the State Biodiversity Board established under sub-section (1) of section 22 of the Act;

(e) "Committee" means a Biodiversity Management Committee established under sub-section (1) of section 41 of the Act;

(f) "Council" means the Union territory Biodiversity Council established under sub-section (2) of section 22 of the Act;

(g) "fee" means any fee as specified in the First Schedule to the Biological Diversity Rules, 2024;

(h) "rules" means the Biological Diversity Rules, 2024;

(i) "Tribunal" means the National Green Tribunal established by section 3 of the National Green Tribunal Act, 2010 (19 of 2010);

(j) "upfront payment" means any amount to be paid before accessing the biological resource or knowledge associated thereto by the applicant.

(2) The words and expressions used but not defined in these Regulations and defined in the Act or Rules shall have the meaning respectively assigned to them in the Act and Rules.

3. Mode of benefit sharing for accessing biological resource including digital sequence information or knowledge associated thereto for research or bio-survey and bio-utilisation under section 3 of the Act.—(1) In case a biological resource including digital sequence information or knowledge associated thereto, having conservation value or high economic value such as red sanders, sandalwood, agarwood or any other items as decided by the Authority from time to time, and including threatened species notified under section 38 of the Act, is accessed for research or for bio-survey and bio-utilisation, the benefit sharing including the upfront payment may be determined by the Authority:

Provided that the Authority may also require upfront payment on certain biological resources including digital sequence information or knowledge associated thereto, when accessed for research or for bio-survey and bio-utilisation, on case to case basis:

Provided further that in case a biological resource including digital sequence information or knowledge associated thereto, is accessed for conducting academic research, the Authority may waive the benefit sharing including upfront payment, as it deems fit, on case to case basis.

4. Mode of benefit sharing for access to biological resource or associated knowledge for commercial utilisation under section 3 of the Act.—(1) When the biological resource including digital sequence information or knowledge associated thereto, is accessed for commercial utilisation, the applicant shall have to pay benefit sharing amount as per the Table given below:—

Table

Sl. No.	Annual turnover of the person *(in Indian rupee)*	Amount payable on account of benefit sharing for access to biological resource for commercial utilisation(Percentage of annual gross ex-factory sale price of product excluding Government taxes)
(1)	(2)	(3)
1.	Up to 5 crore	Nil
2.	Above 5 crore to 50 crore	0.2%
3.	Above 50 crore to 250 crore	0.4%
4.	Above 250 crore	0.6%

(2) Any person having an annual turnover of more than one crore rupees shall submit an annual statement containing information regarding the biological resource consumed in the financial year in Form A, within three months of finalisation of annual income tax or corporate tax return in respect of that financial year.

(3) The person liable to pay benefit sharing amount under this regulation shall make the payment digitally through web portal.

(4) In case of biological resource having conservation value or high economic value such as red sanders, sandalwood, agarwood or any other items as decided by the Authority from time to time, and including threatened species notified under section 38 of the Act, the benefit sharing shall not be less than five percent. of the proceeds of the auction or sale amount or the purchase price, as the case may be, as determined by the Authority on case to case basis, as upfront payment:

Provided that in case of biological resource having conservation value or high economic value such as red sanders, sandalwood, agarwood or any other items as decided by the Authority from time to time, and including threatened species notified under section 38 of the Act, including digital sequence information or knowledge associated thereto,

the benefit sharing component shall be twenty percent. more than the benefit sharing amount due as referred under sub-regulation (1) of this regulation.

5. Procedure for prior intimation for commercial utilisation by persons covered under section 7 of the Act.—(1) Any person who intends to access biological resource including digital sequence information or knowledge associated thereto, for commercial utilisation shall give prior intimation to the Board or Council through a web portal in Form B along with the fee (two thousand rupees in case of an individual and five thousand rupees in case of an entity) and the applicant shall also give their consent to the mutually agreed terms and conditions appended to the said Form.

Provided that the provisions of section 7 of the Act shall not apply in case of access to cultivated medicinal plants as notified under section 40 of the Act.

(2) Upon submission of the prior intimation by the applicant, complete in all respect, it shall be disposed of by the Board or Council, within a period of fifteen days from the date of such submission, by either approving the request with or without modification in the mutually agreed terms and conditions in Form-C or by rejecting the request along with reasons for rejection in Form-D:

Provided that if the applicant does not sign the agreement as modified by the Board or Council, within a period of fifteen days, the application shall be closed under intimation to the applicant:

Provided further that the Board or Council may revive the closed application on receipt of payment of half of the fee as applicable, within a period of ninety days:

Provided also that the application shall not be rejected unless the applicant has been given a reasonable opportunity of being heard.

(3) Any person aggrieved by the rejection of the application under sub-regulation (1), may prefer an appeal to the Tribunal.

(4) If the Board or Council does not respond to the prior intimation Form of the applicant within a period of fifteen days, it shall be deemed to have been approved for a period of one year.

(5) In case there is a dispute which could not be settled between the applicant and the Board or Council, the matter shall be referred to the Authority by the Board or Council electronically which shall be disposed of within fifteen days.

(6) Any person aggrieved by any determination of the benefit sharing or order of the Authority or Board under this Act may prefer an appeal to the Tribunal.

(7) When the biological resource including digital sequence information or knowledge associated thereto, is accessed for commercial utilisation, the applicant shall have to pay benefit sharing amount as per the Table given below.—

Table

Sl. No.	**Annual turnover of the person *(in Indian rupee)***	**Amount payable on account of Benefit sharing for access to biological resources for commercial utilisation[Percentage of annual gross ex-factory sale price of product excluding Government taxes]**
(1)	(2)	(3)
1.	Up to 5 crore	Nil
2.	Above 5 crore to 50 crore	0.2%
3.	Above 50 crore to 250 crore	0.4%
4.	Above 250 crore	0.6%

Provided that, for persons manufacturing products containing

both cultivated and non-cultivated medicinal plants, the benefit-sharing payment shall not be payable in respect of the products as notified by the Ministry of Environment, Forest and Climate Change, in consultation with the Authority and Ministry of Ayush, from time to time.

(8) In case of biological resource having conservation value or high economic value such as red sanders, sandalwood, agarwood or any other items as decided by the Authority from time to time, and including threatened species notified under section 38 of the Act, the benefit sharing shall not be less than five percent. of the proceeds of the auction or sale amount or the purchase price, as the case may be, as determined by the Board or Council, on case to case basis, as upfront payment:

Provided that in case of biological resource having conservation value or high economic value such as red sanders, sandalwood, agarwood or any other items as decided by the Authority from time to time, and including threatened species notified under section 38 of the Act, including digital sequence information or knowledge associated thereto, the benefit sharing component shall be twenty percent. more than the benefit sharing amount due as mentioned in sub-regulation (7) of this regulation.

(9) Any person having an annual turnover of more than one crore rupees shall submit an annual statement containing information regarding the biological resource consumed in the financial year in Form A, within three months of finalisation of annual income tax or corporate tax return in respect of that financial year.

(10) The person liable to pay benefit sharing amount in terms of this regulation shall make the payment digitally through web portal.

6. Collection fees.— Any person seeking prior approval or giving prior intimation for access to any biological resource for commercial purposes, shall pay a collection fee, as may be provided in the model guidelines formulated under clause (w) of rule 11 of the rules, on the web portal to be paid to the Committee under sub-section (3) of section 41 of the Act.

7. Mode of benefit sharing for sharing or transferring results of research relating to biological resource or traditional knowledge

associated thereto.—(1)The applicant shall, in case of sharing or transfer of results of research under rule 15 of the rules shall pay to the Authority such monetary benefit or share non-monetary benefit, as agreed between the applicant and the Authority:

Provided that in case the monetary benefits have been received by the applicant, on such transfer, the applicant shall pay to the Authority up to five percent. of the monetary consideration:

Provided further that in cases of sponsored projects allowed prior to the date of commencement of these regulations, where no budget had been earmarked for payment of benefit sharing, the sponsoring organisation shall give an undertaking that in case the results of research are used for commercialisation, the benefits shall be shared with the Authority and the Indian person availing sponsorship of such projects shall keep the sponsor informed of this requirement.

(2) Any person covered under section 3 of the Act, who intends to use the results of research relating to biological resource or traditional knowledge associated thereto, for commercial utilisation, shall pay the benefit sharing amount to the Authority as provided under sub-regulation (1) of regulation 4.

(3) Any person covered under section 3 of the Act, who intends to use the results of research relating to biological resource including digital sequence information or traditional knowledge associated thereto, for obtaining intellectual property rights shall pay to the Authority as given below:–

(i) when the applicant himself uses the intellectual property rights for commercialisation, the monetary benefit sharing shall be in the range of up to one percent. based on sectoral approach, which shall be worked out on the annual gross ex-factory sale price of product excluding Government taxes, on case to case basis;

(ii) when the applicant assigns or licenses the intellectual property rights to a third party for commercialisation, the applicant shall pay to the Authority up to five percent. of the fee received (in any form including the license or assignee fee) and up to five percent. of the

royalty amount received annually from the assignee or licensee, based on sectoral approach, on case to case basis.

8. Mode of benefit sharing for commercialisation of intellectual property rights by persons covered under section 3 of the Act.– (1) The applicant shall pay to the Authority such monetary benefit or share non-monetary benefit, as agreed between the applicant and the Authority:–

(i) when the applicant himself uses the intellectual property rights for commercialisation, the monetary benefit sharing shall be in the range of up to one percent. based on sectoral approach, which shall be worked out on the annual gross ex-factory sale price of the product excluding Government taxes, on case to case basis:

Provided that in case the traditional knowledge is involved in the invention, the benefit sharing obligation shall be twenty-five percent. higher than the benefit sharing due:

Provided further that any person, if upon cease or revocation of the intellectual property rights, intends to access the biological resource including digital sequence information or traditional knowledge associated thereto, to be used in the product or process for which intellectual property rights were obtained, for commercial utilisation, shall seek prior approval, as provided under rule 13 of the rules and share the benefits as referred to under regulation4.

Explanation. —In the event of the applicant accessing biological resource for commercial utilisation during the existence of intellectual property rights, the applicant shall share the benefits only under this regulation;

(ii) when the applicant assigns or licenses the intellectual property rights to a third party for commercialisation, the applicant shall pay to the Authority up to five percent. of the fee received (in any form including the license or assignee fee) and up to five percent. of the royalty amount received annually from the assignee or licensee, based on sectoral approach, on case to case basis.

(2) Any person who intends to access the biological resource including digital sequence information**,** for commercialisation of the intellectual property rights, shall apply to the Authority or the Board or Council**,** as the case may be.

9. Mode of benefit sharing for commercialisation of intellectual property rights by persons covered under section 7 of the Act.– The applicant shall pay to the Authority such monetary benefit and or share non-monetary benefit, as agreed between the applicant and the Authority, as under,–

(i) when the applicant himself uses the intellectual property rights for commercialisation, the monetary benefit sharing shall be in the range of up to one percent. based on sectoral approach, which shall be worked out on the annual gross ex-factory sale price of the product excluding Government taxes, on case to case basis:

Provided that in case the traditional knowledge is involved in the invention, the benefit sharing obligation shall be twenty-five per cent. higher than the benefit sharing due:

Provided further that any person, if upon cease or revocation of the intellectual property rights, intends to access the biological resource including digital sequence information or traditional knowledge associated thereto, to be used in the product or process for which intellectual property rights were obtained, for commercial utilisation, shall seek approval and share the benefits as referred to under regulation 5.

Explanation. —In the event of the applicant accessing biological resource for commercial utilisation during the existence of intellectual property rights, the applicant shall share the benefits only under this regulation.

(ii) when the applicant assigns or licenses the intellectual property rights to a third party for commercialisation, the applicant shall pay to the Authority up to five percent. of the fee received (in any form including the license or assignee fee) and up to five percent. of the royalty amount

received annually from the assignee or licensee, based on sectoral approach, on case to case basis.

10. Deposition of novel microbial strain in the repositories outside India for publication.–(1) Any Indian researcher or scientist who has discovered a novel microbial strain from India and intends to deposit the same in the repositories outside India for publication in the journals for claiming novelty as per the agreed international requirements, shall apply on the web portal of the Authority in

(2) The applicant shall deposit one voucher specimen in the designated repository as required under sub-section (3) of section 39 of the Act.

(3) The designated repositories in and outside India shall inform any user about the Indian legal requirements for obtaining prior approval of the Authority for undertaking any research or bio-survey and bio-utilisation or commercial utilisation as per section 3 of the Act:

Provided that if any researcher desires to refer to the voucher specimen for taxonomical identification purposes, such approval is not required.

(4) The applicant shall submit a copy of the acknowledgement of the receipt of voucher specimen issued by the designated repository concerned in India to the Authority.

11. Criteria for determination of benefit sharing. –(1) The benefit sharing by the applicant may be in monetary and or non-monetary modes, as mutually agreed with the Authority or the Board or Council in consultation with the Committee or the benefit claimer, on case to case basis, as provided in Form F appended to these regulations.

(2) Determination of benefit sharing under regulations 3, 4, 5,7, 8 and 9 shall be sector specific and based on considerations such as nature and quantity of biological resource used and its sustainability, ecological impact, nature of technology applied, potential commercial use of the proposed activity, etc. and the Authority shall specify the formula for determining the percentage of benefit sharing component including

upfront payment to be fixed on case to case basis, for undertaking different activities**:**

Provided that special consideration may be given to cases where access to biological resource including digital sequence information or knowledge associated thereto is for technologies or innovations or products that are developed leading to intellectual property rights for controlling epidemics, mitigating environmental pollution affecting human, animal or plant health, or for food security or conservation of biodiversity, and in such cases, the benefit sharing may be at a lower percentage in the range, as decided by the Authority or the Board or Council, on case to case basis:

Provided further that in the event of contribution to non-monetary benefit as mutually agreed, the monetary benefit sharing obligation, if any, may be reduced, as determined by the Authority or the Board or Council.

(3) The amount of benefit sharing shall remain the same whether the product contains one or more biological resources.

(4) Where the biological resource is sourced from the jurisdiction of two or more Boards or Councils, the total amount of the accrued benefits shall be shared with the Boards or Councils concerned, proportionately, on a case to case basis.

12. Sharing of benefits among Authority, Board or Council and benefit claimer.–(1) Where approval has been granted by the Authority for research or for commercial utilisation or for sharing or transferring results of research or for intellectual property rights, the mode of benefit sharing shall be as under:—

(a) a minimum of ten percent. to maximum of fifteen percent. of the accrued benefits shall go to the Authority, out of which half of the amount may be retained by the Authority, as the case may be, and the other half may be shared with the Board or Council concerned;

(b) the remaining amount of benefit sharing shall be distributed among the benefit claimers including the Committee and in case where the

biological resource including digital sequence information is accessed from an unknown source, the Authority may retain the full amount of the accrued benefit which may be utilised by the Authority in accordance with sub-section (2) of section 27 of the Act;

(c) where the biological resource including digital sequence information and or knowledge associated thereto is sourced from an individual or a group of individuals or organisations, the amount received under clause (b) shall be directly transferred to such individual or a group of individuals or organisations, in accordance with the terms and conditions of any agreement and in such manner as it deems fit.

(2) Where approval has been granted by the Board or Council, the mode of benefit sharing shall be as under:—

(a) a minimum of ten percent. to maximum of fifteen percent. of the accrued benefits shall be retained by the Board or Council;

(b) the remaining amount of benefit sharing shall be distributed among the benefit claimers including the Committee and in case the biological resource including digital sequence information is accessed from an unknown source, the Board or Council may retain the full amount of the accrued benefit, which may be utilised in accordance with sub-section (2) of section 32 of the Act;

(c) where the biological resource including digital sequence information or knowledge associated thereto is sourced from an individual or a group of individuals or organisations, the amount received under clause (b) shall be directly transferred to such individual or a group of individuals or organisations, in accordance with the terms and conditions of any agreement and in such manner as it deems fit.

(3) The interest earned on the benefit sharing amount deposited in the National Biodiversity Fund or the State Biodiversity Fund or Union territory Biodiversity Fund shall be utilised as per section 27 and section 32 of the Act, as the case may be.

(4) All penalties together with interest earned thereof accrued in the National Biodiversity Fund or the State Biodiversity Fund or the

Union territory Biodiversity Fund concerned, shall be used to support conservation and sustainable use of the biological resources, promote livelihoods of the local people of the area where such biological resources occur and to undertake various activities to meet the objectives of the Act.

13. The agreement for approvals.—The terms and conditions under the agreement for approval under sections 3, 4, 6 and 7 of the Act shall amongst other things, include the following, namely:–

(a) general objectives and purpose;

(b) details of the biological resource including digital sequence information or knowledge associated thereto including accompanying information;

(c) intended uses of the biological resource including digital sequence information or knowledge associated thereto;

(d) terms and conditions for the applicant while obtaining intellectual property rights;

(e) nature and quantum of monetary or non-monetary benefits;

(f) restrictions on sharing or transferring the results of research to any third party without prior approval of the Authority;

(g) declaration by the applicant that whenever there is change in the status with regard to sub-section (2) of section 3 of the Act, intimation shall be given to the Authority or the Board or Council within a period of sixty days;

(h) undertaking by the applicant to deposit a reference sample of the biological resource to be accessed, wherever required by the Authority or Board or Council, with the repositories so designated under section 39;

(i) submission of periodic status reports by the applicant about research and other developments, as may be prescribed by the Authority or Board or Council;

(j) obligation to abide by the provisions of the Act, rules and regulations, and other related laws in force in the country;

(k) affirmation to facilitate measures for conservation and sustainable use of biological resource to be accessed;

(l) assertion to minimise environmental impacts while collecting the biological resource;

(m) legal provisions such as duration of the agreement, notice period to terminate the agreement, independent enforceability of clauses, provision regarding the extent to which the obligations relating to benefit sharing clauses survive the termination of the agreement, events limiting liability (natural calamities, etc.), arbitration, confidentiality clause, if any, etc;

(n) any other condition which the Authority or Board or Council may consider necessary for the purposes of the Act.

14. Reporting compliance with the terms and conditions of approval.– The applicant may submit a compliance report to the Authority or Board or Council in accordance with the terms and conditions under which approval is granted.

FORM A

(see regulation 4 and 5)

Format of Annual statement to be filed by a person or entity covered under sub-section (2) of section 3 or section 7 of the Act having annual turn-over of more than one crore for disclosing the details of biological resource or associated knowledge used or consumed for commercial utilisation.

Sl. No.	Particulars	Information to be furnished by the applicant
1.	Category of the applicant	a. Individual b. Entity
2.	Name and Address of the applicant (address including PIN code, email, mobile)	
3.	Details of the biological resources (state-wise)	i. Common/scientific name of biological resources ii. Quantity of biological resources accessed iii. Source of access (wild/ cultivated/repositories) iv. Geographical location from where the biological resources are accessed.
4.	Year of commercial utilisation	
5.	Annual Turnover of the person or entity and proof of annual turn over (duly attested by the Chartered Accountant)	Upload

Sl. No.	Product/ Biological resources	Financial year	Details of Prior intimation/approval under Section 7 or Section 3(2) of the Act	Annual gross ex-factory sale price of the product	Government Taxes paid, if any	Annual gross ex-factory sale price minus government taxes [7=(5)-(6)]	Benefit sharing amount to be paid to Authority/ Board/ Council (only in respect of persons/ entity liable to pay benefit sharing amount) (in INR)
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)

Undertaking

1. I declare that the relevant records shall be furnished or shared with the Authority or Board or Council, as and when required.

2. I further declare that the information provided in the form is true and correct and I shall be liable for any incorrect or wrong information and willful suppression of the facts.

Date:

Signature with seal

Name

FORM B

(see regulation 5)

Model Application format for prior intimation to the Board or Council for access to biological resources, digital sequence information or knowledge associated thereto for commercial utilisation by persons covered under section 7 of the Act.

1.	**Particulars of the applicant**	
(i)	Category of the applicant	(Drop-down menu) a. Individual b. Entity
(ii)	Name of the applicant	
(iii)	Address of the applicant *(Postal address including PIN code, email, mobile and alternate mobile numbers and/or landline number)*	
(iv)	Profile of the individual / entity ie. Nature of the business etc.	Individual- PAN/Aadhar Entity: PAN/CIN No.
(v)	Annual Turnover as per the last finalized return	
(vi)	Details of the authorized representative for the applicant *(Name with postal address including PIN code, email, mobile and alternate mobile numbers and/or landline number)*	PAN/Aadhar

2.	**Details of the biological resources and knowledge associated thereto intended to be accessed (State-wise)**	
(i)	Details of biological resource	(Drop down menu) i. Nature of the biological resource (*plants/animals/ microbes/genetic material/ variety/hybrid/DSI)* ii. Common name iii. Scientific name (Genus and species/ variety/strain) iv. Plant parts (Seed, stem, bark, leaf, flower, fruit, root, rhizome, genetic material, extract, exudate, etc.) v. Quantity of each biological resource (in Kg/gm/ml) vi. Duration of access (expected start and end date) vii. Source of access (wild/cultivated/ institution/repository/trader/ market) viii. Geographical location (village, taluk, district, state). If procured from a trader institute, their name, address and contact details to be provided; if procured from repository / institution/ database, then origin of collection (passport data) to be provided.
(ii)	**Details about the knowledge associated thereto: (State-wise)**	
(a)	Nature of the knowledge associated *(Oral/ documented)*	
(b)	Details of traditional knowledge intended to be accessed *(in not more than 100 words)*	
(c)	Name of the traditional knowledge holder (individual community)	

(d)	Address of the traditional knowledge holder (individual community)	
3.	**The purpose for which access is required including the type and extent of commercial utilisation being derived and expected to be derived from it**	
(i)	Brief description about the commercial utilisation	
(ii)	Expected duration of commercial utilisation	
4.	**Whether proposed commercial utilisation is aimed for commercializing the IPR obtained**	Yes or No If yes, upload the copy of the approval obtained from the Authority under Section 6(1B) of the Act
5.	**Preferred mode of benefit sharing**	i. Monetary ii. Non-monetary iii. Both
6.	**Estimation of benefits that would flow to the country or communities arising out of the use of accessed biological resources and knowledge associated thereto**	(optional)
7.	**Any other information considered relevant**	
8.	**Details of remittance of application fee** *(Mode of payment, transaction ID, amount, date, etc.)*	

Declaration

I/We declare that:

1. Collection of the proposed biological resource shall not adversely affect the sustainability of the resources;
2. Collection of the proposed biological resource shall not entail any environmental impact;
3. Collection of the proposed biological resource shall not pose any risk to the ecosystems; and
4. Collection of the proposed biological resource and knowledge associated thereto shall not adversely affect the local communities.
5. I/we agree with the terms & conditions contained in the model mutually agreed terms, as prescribed by the Authority and the same has been submitted for the proposed access to biological resource and knowledge associated thereto.

I/We further declare that the information provided in the application form is true and correct to the best of my/our knowledge and belief and that it conceals nothing and that no part of it is false. I/We shall be liable for any incorrect or wrong information and willful suppression of the facts.

Place Signature

Date Name

Form C

(see regulation 5)

Approval with or without modifications to the mutually agreed terms and conditions

[From] Office of _____

[Address] _____

Application Number.……
Date:……..

To

Sir/Madam,

Please refer to your application number……..…… dated ……submitted to the State Biodiversity Board/ Union territory Biodiversity Council seeking approval for accessing biological resources and or knowledge associated thereto for the purpose of commercial utilisation under section 7 of the Biological Diversity Act, 2002 (18 of 2003), as amended from time to time.

2. The State Biodiversity Board/Union territory Biodiversity Council, after examination of the application and after being heard from the applicant, hereby approves the application in …….... (Form Number and Application number) dated …… along with the mutually agreed terms and conditions under section 23(b) and section 24 (2) of the Biological Diversity Act, 2002 as amended from time to time.

or

The State Biodiversity Board/Union territory Biodiversity Council, after examination of the application and after being heard from the applicant, hereby approves the application in …….... (Form Number and Application number) dated …… under section 23(b) and section 24 (2) of the Biological Diversity Act, 2002 as amended from time to time with following modifications in the terms and conditions of mutually agreed terms and

conditions, namely:–

……
……
……
……

You are requested to give your consent to the modified terms and conditions as proposed by the Board or Council and sign the agreementwithin a period of fifteen days failing which your application shall be closed in terms of regulation 5.

This is issued with the approval of the Competent Authority.

Member Secretary

(Name) State Biodiversity Board/Union territory Biodiversity Council,

Copy for information and necessary action:

1. ……. (Name) Biodiversity Management Committee.
2. A copy to be uploaded on the Website of the State Biodiversity Board.

***

Form D

(see regulation 5)

Order of Rejection

[From] Office of _____

[Address] _____

Application Number.……
Date:……..

To

Sir/Madam,

Please refer to your application number……..…… dated ……submitted to the State Biodiversity Board/Union territory Biodiversity Council seeking approval for accessing biological resources and or knowledge associated thereto for the purpose of commercial utilisation under section 7 of the Biological Diversity Act, 2002 (18 of 2003),as amended from time to time.

2. The State Biodiversity Board / Union territory Biodiversity Council, after examination of the application and after being heard from the applicant, hereby rejects the application in ……...(Form Number and Application number) dated ……under section 23(b) and section 24 (2) of the Biological Diversity Act, 2002 as amended from time to time, due to the following reasons:–

……
……

……
……
……

3. As per section 52A of the Biological Diversity Act, 2002 as amended from time to time, you may file an appeal to the National Green Tribunal established under section 3 of the National Green Tribunal Act, 2010, within a period of 30 days from the date of communication of the issue of this order.

This is issued with the approval of the Competent Authority.

Member Secretary

(Name) State Biodiversity Board / Union territory Biodiversity Council,

Copy for information and necessary action:

1. ……. (Name) Biodiversity Management Committee.
2. A copy to be uploaded on the Website of the State Biodiversity Board.

***

FORM E

(See regulation 10)

Application for giving prior intimation to the National Biodiversity Authority for deposition of microorganism by an Indian researcher in repositories outside India for claim of discovery of novel strain from India for publication

Sl. No.	Particulars	Information to be furnished
1.	Name of the applicant (Depositor)	
2.	Category of the applicant	(a) Individual researcher (b) Institution
3.	Complete address with contact details *(Postal address including PIN code, email, mobile and alternate mobile numbers and or landline number)*	
4.	Name of the microorganism to be deposited in the foreign repository	
5.	Geographical location from where the microorganism was/ were collected	
6.	Name and contact details of the foreign repository from where the biological resource are to be deposited *(Postal address including PIN code, email, mobile and alternate mobile numbers and or landline number)*	
7.	Name and contact details of the Indian repository where the biological resources are deposited *(Postal address including PIN code, email, mobile and alternate mobile numbers and or landline number)*	
8.	Accession number allotted by the Indian repository to the deposited microorganism	

Declaration

I/We……declare that I shall inform the foreign repository that any non-Indian user to access the microorganism so deposited with the repository for undertaking research or for bio-survey and bio-utilisation or for commercial utilisation shall obtain prior approval from the National Biodiversity Authority as per the provisions of the Act.

I further declare that I am not a person covered under sub-section (2) of section 3 of the Act.

I also declare and solemnly affirm that the information provided above is true and correct to the best of my knowledge and belief. I/We shall be liable for any incorrect or wrong information and willful suppression of the facts.

Place:

Date:

Signature of the applicant (depositor)

***

FORM F

Fair and equitable benefit sharing options
(See regulation 11)

The following options, either one or more, may be applied in accordance with mutually agreed terms between the applicant and the National Biodiversity Authority or State Biodiversity Board or Union territory Biodiversity Council, on case to case basis, in accordance with the provisions of sections 21 and 23 of the Act. These options are indicative in nature and other options, as approved by the National Biodiversity Authority in consultation with the Central Government, may also be adopted:

(a) Monetary benefits options:

i. Upfront payment;

ii. One-time payment;

iii. Milestone payments;

iv. Share of the royalties and benefits accrued;

v. Share of the license fees;

vi. Contribution to National or State or Union territory or Local Biodiversity Funds;

vii. Funding for research and development in India;

viii. Joint ventures with Indian institutions and companies.

(b) Non-monetary benefits options:

i. Providing institutional capacity building, including training on sustainable use practices, creating infrastructure (including disposal of waste/composting for a clean environment, providing safe drinking water/solar powered lights) and undertaking development of works related to conservation and sustainable use of biological resources;

ii. Transfer of technology or sharing of research and development results with Indian institutions/individuals/entities; providing green technologies to the local people/communities;

iii. Remediation and restoration activities to prevent habitat destruction or pollution or contamination of areas;

iv. Strengthening of capacities for developing technologies and transfer of technology to India and/or collaborative research and development programmes with Indian institutions/individuals/entities;

v. Contribution/collaboration related to education and training in India on conservation and sustainable use of biological resources;

vi. Setting up of production, research, and development units/facilities contributing to the local economy and income generation for the local communities;

vii. Taking appropriate measures for conservation and protection of species including rare, endangered and threatened species by raising nurseries and/or plantations in the area from where biological resources have been accessed;

viii. Instituting studies/projects on inventorisation and resource assessment of biodiversity;

ix. Sharing of scientific information relevant to conservation and sustainable use of biological diversity including biological inventories and taxonomic studies;

x. Conducting research directed towards priority needs in India including food, health and livelihood security focusing on biological resources;

xi. Providing scholarships including living costs, etc., to individuals and financial aid to Indian institutions preferably to regions, tribes/sects contributing to the delivery of biological resources and subsequent profitability, if any;

xii. Setting up of venture capital fund for aiding the cause of benefit claimers;

xiii. Joint ownership of relevant intellectual property rights;

xiv. Salaries and preferential terms where mutually agreed.

[F.No. NBA/Tech/EC/9/14/32/]

(Dr. B. Balaji)
Member Secretary
National Biodiversity Authority