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# The Biological Diversity (Amendment) Bill

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## Why in News

The Biological Diversity (Amendment) Bill, 2022 was passed in Lok Sabha's monsoon session recently that amends the Biological Diversity Act of 2002

## About Biological Diversity Act 2002

Biological diversity refers to all kinds of life forms — animals, plants and microorganisms — their gene pools, and the ecosystems that they inhabit.

The Biological Diversity Act, 2002 was framed to give effect to the United Nations Convention on Biological Diversity (CBD), 1992, that strives for sustainable, fair and equitable sharing of benefits arising out of the utilisation of biological resources and associated traditional knowledge.

To do this, it formulates a three-tier structure consisting of a National Biodiversity Authority (NBA) at the national level, State Biodiversity Boards (SBBs) at the State level and Biodiversity Management Committees (BMCs) at local body levels.

The primary responsibility of the BMCs is to document local biodiversity and associated knowledge in the form of a People's Biodiversity Register.

## Rationale behind the Amendment

Over the years, several stakeholders, like those representing the Indian system of medicine, the seed sector, pharmaceutical and other industries, and the research community, have pointed out that some of the provisions of the 2002 law restricted their activities, and thus needed to be modified.

In addition, countries agreed to the Nagoya Protocol in 2010, an important international agreement under the CBD, that contained an Access and Benefit Sharing mechanism.

Under this mechanism, biodiversity-rich countries needed to provide access to their biological resources to those wanting to use it for research or commercial reasons, and the user agencies, in turn, were mandated to share the benefits of their use with the local communities. This access and benefit-sharing works at both the domestic and the international levels.

Over the last few years, the government too has been trying to encourage traditional systems of medicine, all of which rely on these biological resources

## Major amendments proposed under the bill

The Bill passed makes several amendments to the 2002 Act, addressing most of the concerns raised by the practitioners of traditional systems of medicine, the seed sector, and the pharmaceutical industry.

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Certain categories of users of biological resources, like practitioners of Indian systems of medicine, have been exempted from making payments towards the access and benefit-sharing mechanism.

Companies registered in India and controlled by Indians are now treated as Indian companies, even if they have foreign equity or partnership, thereby reducing the restrictions on them.

Provisions have been included to speed up the approval process in cases of use of biological resources in scientific research, or for filing of patent applications.

The Bill sought to exempt registered AYUSH medical practitioners and people accessing codified traditional knowledge, among others, from giving prior intimation to State biodiversity boards to access biological resources for certain purposes.

The Bill decriminalises a range of offences under the Act and substitutes them with monetary penalties. It empowers government officials to hold inquiries and determine penalties.

### **Concerns with the bill**

The term codified traditional knowledge has not been defined. A broad interpretation might exempt all local traditional knowledge from benefit sharing requirements.

The Bill removes the direct role of local communities in determining benefit sharing provisions.

The Bill decriminalises offences under the Act and instead provides for a wide range of penalties. Further, the Bill empowers government officials to hold inquiries and determine penalties. It may be questioned whether it is appropriate to confer such discretion to government officials.

### **Conclusion**

A Joint Parliamentary Committee was constituted on December 2021 to analyse the Amendment Bill. The final text of the Bill was sent back to the Lok Sabha by the Committee without any modifications.