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EXTRAORDINARY

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MINISTRY OF ENVIRONMENT, FORESTS AND CLIMATE CHANGE (National Biodiversity Authority) NOTIFICATION

New Delhi, the 21st November, 2014

G.S.R 827.—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), hereinafter referred to as the Act, and in pursuance of the 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 dated the 29th October, 2010, the National Biodiversity Authority hereby makes the following regulations, namely.—

Short title and commencement.—

- (1) These regulations may be called Guidelines on Access to Biological Resources and Associated Knowledge and Benefits Sharing Regulations, 2014.
- (2) They shall come into force on the date of their publication in the Official Gazette.
- Procedure for access to biological resources and/ or associated traditional knowledge for research or bio-survey and bio-utilization for research.—
 - (1) Any person referred to under sub-section (2) of section 3 of the Act, who intends to have access to biological resources and/ or associated traditional knowledge for research or bio-survey and bio-utilization for research shall apply to the National Biodiversity Authority (NBA) in Form I of the Biological Diversity Rules, 2004 for

obtaining access to such biological resource and/ or associated knowledge, occurring in India.

- (2) The NBA shall, on being satisfied with the application under sub-regulation (1), enter into a benefit sharing agreement with the applicant which shall be deemed as grant of approval for access to biological resource for research referred to in that sub-regulation: Provided that in case of biological resources having high economic value, the agreement may contain a clause to the effect that the benefit sharing shall include an upfront payment by applicant, of such amount, as agreed between the NBA and the applicant.
- Procedure for access to biological resources, for commercial utilization or for bio-survey and bio-utilization for commercial utilization. —
 - (1) Any person who intends to have access to biological resources including access to biological resources harvested by Joint Forest Management Committee (JFMC)/ Forest dweller/ Tribal cultivator/ Gram Sabha, shall apply to the NBA in Form-I of the Biological Diversity Rules, 2004 or to the State Biodiversity Board (SBB), in such form as may be prescribed by the SBB, as the case may be, along with Form 'A' annexed to these regulations.
 - (2) The NBA or the SBB, as the case may be, shall, on being satisfied with the application under sub-regulation (1), enter into a benefit sharing agreement with the applicant which shall be deemed as grant of approval for access to biological resources, for commercial utilization or for bio-survey and bio-utilization for commercial utilization referred to in that sub-regulation.
- Mode of benefit sharing for access to biological resources, for commercial utilization or for bio-survey and bio-utilization for commercial utilization.—
 - (1) Where the applicant/ trader/ manufacturer has not entered into any prior benefit sharing negotiation with persons such as the Joint Forest Management Committee (JFMC)/ Forest dweller/ Tribal cultivator/ Gram Sabha, and purchases any biological resources directly from these persons, the benefit sharing obligations on the trader shall be in the range of 1.0 to 3.0% of the purchase price of the biological

resources and the benefit sharing obligations on the manufacturer shall be in the range of 3.0 to 5.0% of the purchase price of the biological resources:

Provided that where the trader sells the biological resource purchased by him to another trader or manufacturer, the benefit sharing obligation on the buyer, if he is a trader, shall range between 1.0 to 3.0% of the purchase price and between 3.0 to 5.0%, if he is a manufacturer:

Provided further that where a buyer submits proof of benefit sharing by the immediate seller in the supply chain, the benefit sharing obligation on the buyer shall be applicable only on that portion of the purchase price for which the benefit has not been shared in the supply chain.

- Where the applicant/ trader/ manufacturer has entered into any prior benefit sharing negotiation with persons such as the Joint Forest Management Committee (JFMC)/ Forest dweller/ Tribal cultivator/ Gram Sabha, and purchases any biological resources directly from these persons, the benefit sharing obligations on the applicant shall be not less than 3.0% of the purchase price of the biological resources in case the buyer is a trader and not less than 5.0% in case the buyer is a manufacturer.
- (3) In cases of biological resources having high economic value such as sandalwood, red sanders, etc. and their derivatives, the benefit sharing may include an upfront payment of not less than 5.0%, on the proceeds of the auction or sale amount, as decided by the NBA or SBB, as the case may be, and the successful bidder or the purchaser shall pay the amount to the designated fund, before accessing the biological resource.
- Option of benefit sharing on sale price of the biological resources accessed for commercial utilization under regulation 2.—

When the biological resources are accessed for commercial utilization or the bio-survey and bio-utilization leads to commercial utilization, the applicant shall have the option to pay the benefit sharing ranging from 0.1 to 0.5 % at the following graded percentages of the annual gross ex-factory sale of the product which shall be worked out based on the annual gross ex-factory sale minus

government taxes as given below:-

Annual Gross ex-factory sale of product	Benefit sharing component		
Up to Rupees 1,00,00,000.	0.1 %		
Rupees 1,00,00,001 up to 3,00,00,000	0.2 %		
Above Rupees 3,00,00,000.	0.5 %		

Collection of fees.—

Collection of fees, if levied by Biodiversity Management Committee (BMC) for accessing or collecting any biological resource for commercial purposes from areas falling within its territorial jurisdiction under sub-section (3) of section 41 of the Act, shall be in addition to the benefit sharing payable to the NBA/SBB under these regulations.

Procedure for transfer of results of research relating to biological resources.—

- (1) Any person who intends to transfer results of research relating to biological resources occurring in or obtained from India, to persons referred to under sub-section (2) of section 3 of the Act for monetary consideration or otherwise, shall—
 - (a) apply to the NBA in Form II of the Biological Diversity Rules, 2004 for transfer of the results of research relating to biological resources occurring in or obtained from India for any purpose;
 - (b) provide evidence of approval of NBA for access to the biological resource and/or associated knowledge involved in the research:

Provided that the requirement of evidence under this clause shall not apply to an applicant who is a citizen of India or a body corporate, association or organization which is registered in India and not having any non-Indian participation in its share capital or management;

(c) provide complete information on potential commercial value

within the knowledge of the applicant, of the results of research.

- (2) The NBA shall, on being satisfied with the application under subregulation (1), enter into a benefit sharing agreement with the applicant which shall be deemed as grant of approval for transfer of the results of research referred to in that sub-regulation.
- 7. Mode of benefit sharing for transfer of results of research. Applicant shall, in case of transfer of results of research under regulation 6, pay to the NBA such monetary and / or non-monetary benefit, as agreed between the applicant and the NBA:

Provided that in case of monetary benefit received by him, if any, on such transfer, the applicant shall pay to the NBA 3.0 to 5.0% of the monetary consideration.

8. Procedure for obtaining Intellectual Property Rights (IPR). —

- (1) Any person who intends to obtain any intellectual property right by whatever name called, in or outside India, for any invention based on any research or information on any biological resources obtained from India, shall make an application to the NBA in Form III of the Biological Diversity Rules, 2004:
 - Provided that if the applicant is a person referred to under sub-section (2) of section 3 of the Act, he shall provide evidence of approval of NBA for access to the biological resources and/or associated knowledge used in the research leading to the invention:
 - Provided further that any person applying for any right under the Protection of Plant Varieties and Farmers' Rights Act, 2001 (53 of 2001) shall be exempted from this sub-regulation.
- (2) The NBA shall, on being satisfied with the application under subregulation (1), enter into a benefit sharing agreement with the applicant which shall be deemed as grant of approval for obtaining IPR.

9. Mode of benefit sharing in IPR. —

(1) The applicant shall, in case of commercializing the IPR obtained, pay to the NBA such monetary and/or nonmonetary benefit, as agreed between the applicant and the NBA.

- (2) Where the applicant himself commercialises the process/ product/ innovation, the monetary sharing shall be in the range of 0.2 to 1.0% based on sectoral approach, which shall be worked out on the annual gross ex-factory sale minus government taxes.
- (3) Where the applicant assigns / licenses the process / product / innovation to a third party for commercialisation, the applicant shall pay to NBA 3.0 to 5.0% of the fee received (in any form including the license / assignee fee) and 2.0 to 5.0% of the royalty amount received annually from the assignee / licensee, based on sectoral approach.

10. Obligations of applicant in the event of commercialisation of IPR. —

- An applicant, granted IPR, who is a citizen of India or a body corporate, association or organisation which is registered in India and not having any non-Indian participation in its share capital or management, shall give prior intimation to the concerned SBB for access to biological resources, in the form prescribed by the SBB, and shall comply with such terms and conditions, if any, imposed by the SBB in the interest of promoting conservation and sustainable use.
- (2) An applicant, granted IPR, who is a person or a body corporate or an association or an organization referred to under sub-section (2) of section 3 of the Act shall apply in Form I of the Biological Diversity Rules, 2004 to the NBA for access to biological resources.
- 11. Procedure for transfer of accessed biological resource and/ or associated knowledge to third party for research/ commercial utilization.—
 - (1) Any person who intends to transfer the biological resources and/or associated knowledge which has been granted access under regulation 1 to a third party for research or for commercial utilization, shall apply to NBA in Form IV of the Biological Diversity Rules, 2004 for transfer to such third party.
 - (2) The NBA shall, on being satisfied with the application under subregulation (1), enter into a benefit sharing agreement with the applicant, which shall be deemed as grant of approval for transfer of accessed biological resource and/ or associated knowledge referred to in that sub-regulation.

- Mode of benefit sharing for transfer of accessed biological resource and/ or associated knowledge to third party for research/ commercial utilization.—
 - (1) The applicant shall pay to the NBA such monetary and/ or non-monetary benefit, as agreed between the applicant and the NBA.
 - (2) Applicant (transferor) shall pay to the NBA 2.0% to 5.0 % (following a sectoral approach) of any amount and/ or royalty received from the transferee, as benefit sharing, throughout the term of the agreement.
 - (3) In case the biological resource has high economic value, the applicant shall also pay to the NBA an upfront payment, as mutually agreed between the applicant and the NBA.
- 13. Conducting of non-commercial research or research for emergency purposes outside India by Indian researchers/ Government institutions.—
 - (1) Any Indian researcher/ Government institution who intends to carry/ send the biological resources outside India to undertake basic research other than collaborative research referred to in section 5 of the Act shall apply to the NBA in Form 'B' annexed to these regulations.
 - (2) Any Government Institution which intend to send biological resources to carry out certain urgent studies to avert emergencies like epidemics, etc., shall apply in Form 'B' annexed to these regulations.
 - (3) The NBA shall, on being satisfied with the application under sub-regulation (1) or sub-regulation (2), accord its approval within a period of 45 days from the date of receipt of the application.
 - (4) On receipt of approval of the NBA under sub-regulation (3), the applicant shall deposit voucher specimens in the designated national repositories before carrying / sending the biological resources outside India and a copy of proof of such deposits shall be endorsed to NBA.

14. Determination of benefit sharing.—

(1) Benefit sharing may be done in monetary and/ or non-monetary modes, as agreed upon by the applicant and the NBA/ SBB concerned in consultation with the BMC/ Benefit claimer, etc. Options for such benefit sharing are provided in Annexure–1.

- (2) Determination of benefit sharing shall be based on considerations such as commercial utilization of the biological resource, stages of research and development, potential market for the outcome of research, amount of investment already made for research and development, nature of technology applied, time-lines and milestones from initiation of research to development of the product and risks involved in commercialization of the product:
 - Provided that special consideration may be given to cases where technologies/products are developed for controlling epidemics/diseases and for mitigating environmental pollution affecting human/animal/plant health.
- (3) The amount of benefit sharing shall remain the same whether the end product contains one or more biological resources.
- (4) Where the biological resources of a product are sourced from the jurisdiction of two or more SBBs, the total amount of the accrued benefits shall be shared among them in proportion as decided by the NBA/SBBs concerned, as the case may be.

15. Sharing of benefits.—

- (1) Where approval has been granted by the NBA for research or for commercial utilization or for transfer of results of research or for Intellectual Property Rights or for third party transfer, the mode of benefit sharing shall be as under:—
 - (a) 5.0% of the accrued benefits shall go to the NBA, out of which half of the amount shall be retained by the NBA and the other half may be passed on to the concerned SBB for administrative charges.
 - (b) 95% of the accrued benefits shall go to concerned BMC(s) and/or benefit claimers:

Provided that where the biological resource or knowledge is sourced from an individual or group of individuals or organizations, the amount received under this clause shall directly go to such individual or group of individuals or organizations, in accordance with the terms of any agreement and in such manner as may be deemed fit:

Provided further that where benefit claimers are not identified, such funds shall be used to support conservation and sustainable use of biological resources and to promote livelihoods of the local people from where the biological resources are accessed.

(2) Where approval has been granted by State Biodiversity Board under these regulations.—

The sharing of accrued benefits shall be as under.— the SBB may retain a share, not exceeding 5% of the benefits accrued towards their administrative charges and the remaining share shall be passed on to the BMC concerned or to benefit claimers, where identified:

Provided that where any individual or group of individuals or organizations cannot be identified, such funds shall be used to support conservation and sustainable use of biological resources and to promote livelihoods of the local people from where the biological resources are accessed.

16. Processing of applications received by NBA. —

- (1) Every application shall be complete in all respects, including all the enclosures referred thereto.
- (2) Incomplete applications devoid of any relevant information specifically sought, including ambiguous replies, incomplete disclosure, absence of proof, etc., shall be returned to the applicants.
- (3) The time limit specified for processing the applications shall commence only when the application complete in all respects including fee prescribed is received.
- (4) Any information specified in the application as confidential shall not be disclosed, either intentionally or unintentionally, to any person not concerned thereto.
- (5) While processing the application for access to any biological resource (including plants and/ or animals and/or their parts or genetic material or derivatives), the NBA may consider the following factors, namely:-- Whether the biological resource is -
- (i) cultivated or domesticated or wild;
- (ii) rare or endemic or endangered or threatened species;
- (iii) accessed directly through the primary collectors living in natural habitat or obtained through intermediaries like traders;
- (iv) developed or maintained under ex-situ conditions;
- (v) of high value/ importance to livelihoods of local communities;
- (vi) restricted under the Act or any other law for time being in force;
- (vii) exempted under section 40 of the Act;

- (viii) included in crops listed under Annex I to the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA), to which India is a contracting party;
- (ix) included in the Appendices of the Convention on International Trade on Endangered Species (CITES).
- (6) The NBA while taking any decision on the application relating to the use of biological resources and/or knowledge associated thereto may consult through the SBBs, the BMCs within whose jurisdiction the biological resources and/or the knowledge occur.
- (7) The NBA shall reject the application requesting access to biological resources for the reasons specified under rule 16 of the Biological Diversity Rules, 2004.
- (8) On receipt of application, the NBA may make enquiries, as it may deem fit, and if necessary, may consult an expert committee constituted for this purpose.
- (9) The NBA may upon such enquiry and/or consultation referred to in sub-regulation (8), by order, grant approval or reject the application: Provided that where the NBA has rejected such application, the reasons for such rejection shall be recorded in writing after giving an opportunity of being heard to the applicant.
- (10) Approval granted by the NBA shall be in the form of written agreement duly signed by an authorised officer of the NBA, the applicant and others as applicable:
 - Provided that the NBA may grant approval without a written agreement for the purposes of conducting of non-commercial research or research for emergency purposes outside India by Indian researchers/ Government institutions under regulation 13.
- (11) Based on any complaint or suo moto, the NBA may withdraw the approval granted for access and revoke the written agreement on the grounds specified under rule 15 of the Biological Diversity Rules, 2004:
 - Provided that a copy of the order of such revocation shall be issued to the concerned State Biodiversity Board and the Biodiversity Management Committees for the purposes of prohibition of access.
- (12) Where a request has been made by the applicant for withdrawal of his

application or the applicant fails to respond to queries of the NBA within the stipulated time, the NBA shall close the applications or initiate action under these regulations as it deems appropriate:

Provided that if the applicant wishes to revive the application, he shall make a fresh application with the requisite fee.

Note: Application forms for access to biological resources and/ or associated knowledge, guidelines for filling them and form of agreements, are available in the NBA website: www.nbaindia.org.

 Certain activities or persons exempted from approval of NBA or SBB.—

The following activities or persons shall not require approval of the NBA or SBB, namely:--

- (a) Indian citizens or entities accessing biological resources and/ or associated knowledge, occurring in or obtained from India, for the purposes of research or bio-survey and bio-utilization for research in India;
- (b) collaborative research projects, involving the transfer or exchange of biological resources or related information, if such collaborative research projects have been approved by the concerned Ministry or Department of the State or Central Government and conform to the policy guidelines issued by the Central Government for such collaborative research projects;

(c) local people and communities of the area, including growers and cultivators of biological resources, and vaids and hakims, practising indigenous medicine, except for obtaining intellectual property rights;

 (d) accessing biological resources for conventional breeding or traditional practices in use in any agriculture, horticulture, poultry, dairy farming, animal husbandry or bee keeping, in India;

publication of research papers or dissemination of knowledge, in any seminar or workshop, if such publication is in conformity with the guidelines issued by the Central Government from time to time;

- accessing value added products, which are products containing portions or extracts of plants and animals in unrecognizable and physically inseparable form; and
- (g) biological resources, normally traded as commodities notified by the Central Government under section 40 of the Act.

[F.No. NBA/Tech/2/11] HEM PANDE, Chairman

FORM A

(See regulation 2)

Information to be furnished for use of biological resources by the applicant Self-disclosure

Scientific Name :				527
Plants or animals or parts	s thereof traded :			
Specific purpose of acce	ss:			
Locations / source from	Quantity in Kgs	Rate per unit	State Biodiversity	Prospective
Locations / source from where procured*	Quantity in Kgs	Rate per unit	State Biodiversity Board	Prospective Buyers/Users

Undertaking

- I have read and understood the terms and conditions of ABS guidelines and I undertake to abide by relevant legal provisions applicable to biological resource.
- I undertake to obtain the approval of the NBA/ SBB before making any change in the stated purpose.
- I undertake to furnish/ share the relevant records with the NBA/ SBB, as and when required.
- I further declare that the Information provided in the form is true and correct and I shall be liable for any incorrect/ wrong information and wilful suppression of the facts.

Signature

Name of the trader/ company/manufacturer/ Authorized Representative Complete Address of the trader/ company/ manufacturer along with phone number and email address

Place

Date

^{*}List of local body/BMCs, if already identified shall be attached.

holding a permanent.

Form B

(See regulation 13)

Conducting of non-commercial research or research for emergency purposes outside India by Indian researchers/Government institutions using the biological resources

1	Name of the Applicant (Indian researcher/ Government Institution)
2	Complete Address *
	a. Permanent
	b. Present
3	Name and address of Institution in India
4	Name of the Supervisor or Head of Institution at the place of work in India
5	Name and contact details of the Institution or organization who
	shall guide the proposed research /-receiving the biological resources.
6	Details of the Supervisor or Head of Institution or organization
	who guides the proposed research or recipient of the biological resources
7	Name of the funding agency supporting the proposed research
8	Brief description of the research
9	Details of biological resources proposed to be carried along or sent
	for the research
	i. Name of the biological resource (scientific/common name)
100	ii. Location of collection (Village/Taluk/Dist./State)

Undortaking

Officertaking			
I,	Son/Daughter/Wife/Husband	of	

I.D.No (PAN Card/ Aadhaar Card/ Passport, etc.) hereby declare

aged____residing at

^{*} Attach self-attested address / ID proof such as Aadhaar card/ PAN card / Passport, etc.

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/leave behind any biological resource at my collaborator's facility/ laboratory without approval of the NBA. I, along with my supervisor and collaborator, individually and severally declare that we shall not put to commercial utilization, nor shall seek any IPR claim on the biological resources and associated traditional knowledge used in this research/ collaboration. In case such a situation arises we shall apply to National Biodiversity Authority to seek prior approval. Results, process (es), products or other outcomes arising out of this activity shall be shared with the NBA during and/ or upon completion of research intended along with the copy of relevant documents and publications.

		Si	gnature:		
			Date:	•••••	
	*		Place:		
Declaration by th	e Supervisor	Head of I	nstitution		
I,	working as		in	(Name	of
institution) confirm that the deta	ails provided by	/ Mr/Dr/M	rs/Ms	a	re
true and correct.	77 (49)				
Date:		Signature:.			
Place:		Designatio	n:		
		Official Sea	al:		
Declaration b	y the Recipier	nt / Collab	orator		_
I,workin	g as	in		(Na	me
of Institution / Organization) hereby					se
the biological resources for the pu	urposes as stat	ed in the a	pplication a	nd which we	ere
sent by (Na					
Mr./Dr./Mrs./Ms	The said biolo	gical reso	urces shall b	e destroyed	ri b
full after the completion of the stu					
the biological resources shall be				_	
resources were received as the c	ase may be. I d	r the instit	ution I am a	ssociated v	vitl
shall not claim any ownership un-	der instant app	lication no	r shall clain	any IP Rig	ht
over the biological resources, de					

approval of the applicant, institution affiliated	d and the National Biodiversity Authority.
	Signature:
	Designation:
	Official Seal:
	Annexure 1

Fair and equitable benefit sharing options

The following options, either one or more, may be applied in accordance with mutually agreed terms between the applicant and the NBA, on a case by case basis, in accordance with the provisions of sub-rule (3) of rule 20 of the Biological Diversity Rules, 2004. These options are indicative in nature and other options, as approved by the NBA in consultation with the Central Government, may also be adopted:

(a) Monetary benefits options:

- (i) Up-front 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, State or Local Biodiversity Funds;
- (vii) Funding for research and development in India;
- (viii) Joint ventures with Indian institutions and companies;
- (ix) Joint ownership of relevant intellectual property rights.

(b) Non-monetary benefits options:

- Providing institutional capacity building, including training on sustainable use practices, creating infrastructure and undertaking development of work 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;
- (iii) Strengthening of capacities for developing technologies and transfer of technology to India and/or collaborative research and development programmes with Indian institutions/ individuals/ entities:

- (iv) Contribution/ collaboration related to education and training in India on conservation and sustainable use of biological resources;
- (v) Location of production, research, and development units and measures for conservation and protection of species in the area from where biological resource has been accessed, contributions to the local economy and income generation for the local communities;
- (vi) Sharing of scientific information relevant to conservation and sustainable use of biological diversity including biological inventories and taxonomic studies;
- (vii) Conducting research directed towards priority needs in India including food, health and livelihood security focusing on biological resources;
- (viii) Providing scholarships, bursaries and financial aid to Indian institutions/ individuals preferably to regions, tribes/ sects contributing to the delivery of biological resources and subsequent profitability if any;
- (ix) Setting up of venture capital fund for aiding the cause of benefit claimers;
- (x) Payment of monetary compensation and other non-monetary benefits to the benefit claimers as the NBA may deem fit.

FOREST DEPARTMENT

Mantralaya, Mahanadi Bhawan, Naya Raipur

Naya Raipur, the 1st June 2015

No. 08-04/2011/10-2.—In exercise of the powers conferred by the subsection (1) of Section 63 of the Biological Diversity Act, 2002 (No. 18 of 2003), the State Government, hereby, makes the following rules relating to implementation of Biological Diversity Act, 2002 (No. 18 of 2003) in the State of Chhattisgarh, namely:—

RULES

1. Short title and commencement.—

- These Rules may be called (Chhattisgarh Biological Diversity Rules, 2015).
- (2) It shall come into force from the date of its publication in the Official Gazette.

Definitions.—

- (1) In these Rules, unless the context otherwise requires,—
 - (a) "Act" means the Biological Diversity Act, 2002 (No. 18 of 2003);
 - (b) "Authority" means the National Biodiversity Authority established under sub-section (1) of Section 8 of the Act;
 - (c) "Board" mean the Chhattisgarh State Biodiversity Board established under sub-section (1) of Section 22 of the Act;
 - (d) "Chairperson" means the Chairperson of the State Biodiversity Board appointed under clause (a) of sub-section (4) of Section 22 of the Act;
 - (e) "Committee" means Biodiversity Management Committee established by the local bodies under sub-section (1) of Section 41 of the Act;
 - (f) "Expert Member" means member of the National Biodiversity Authority or a State Biodiversity Board, as the case may be and includes the Chairperson thereof;
 - (g) "Fee" means any fee stipulated in these Rules;
 - (h) "Form" means form appended to these Rules;
 - (i) "Member Secretary" means the Member-Secretary of the Board;
 - (j) "Section" means a section of the Act;
 - (k) "State Government" means the Government of Chhattisgarh;

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

Manner of selection and appointment of the Chairperson.—

- (1) The Chairperson of the Board shall be appointed by the State Government;
- (2) The Chairperson of the Board under sub-section (1) shall be a serving officer of the State Government on deputation basis with requisite knowledge and expertise on issues of biological diversity or an eminent person having adequate knowledge and experience in the conservation, sustainable use of biodiversity and equitable sharing of the benefits. In case, the appointment is on deputation, the applicant should not be below the rank of Principal Secretary to the State Government;
- (3) The State Government may Constitute a Committee to prepare a panel of suitable candidates for the post of the Chairperson.

Term of Office of the Chairperson.—

- (1) The Chairperson of the Board shall hold the office for a terms of three years and shall be eligible for re-appointment: Provided that no Chairperson shall hold office beyond the age of 65 years.
- (2) The Chairperson may resign from his office by giving at least one month notice in writing to the State Government.
- (3) The Chairperson can be removed from his office by the State Government if he/she has—
 - (a) been adjudged as an insolvent; or
 - (b) been convicted of an offence which involves moral turpitude; or
 - become physically or mentally incapable of acting as member;
 or
 - (d) abused his position as to render his continuance in office detrimental to the public interest; or
 - (e) acquired such financial or other interest which is prejudicial to his functions as Chairperson

Provided that the Chairperson shall not be removed from his office on any ground specified in sub-section (3), without a due and proper enquiry by an officer not below the rank of Principal Secretary to the Government of Chhattisgarh and without giving a reasonable opportunity of being heard.

5. Pay and Allowances of the Chairperson.—

- (1) The Chairperson shall be entitled to fixed pay equivalent to the maximum of HAG+pay scale (Rs. 75500-80000) per month. In case, a retired person is appointed as Chairperson, his pay shall be fixed in accordance with the orders of the State Government as applicable to such persons;
- (2) The Chairperson shall be entitled to such allowances, leave, provident fund, house and other perquisites etc. as may be determined by the State Government from time to time.

Appointment, Term of office and Allowances of Expert Member.—

- (1) Five members shall be appointed from experts in matters of conservation of biological diversity, sustainable use of biological resources and equitable sharing of benefits arising out of the use of biological resources;
- (2) Every Expert Member of the Board shall hold his office for a term not exceeding three years at a time, from the date of publication of his appointment in the Official Gazette;
- (3) The Expert Member can be removed from his office by the State Government if he/she 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 member; or
 - (d) abused his position as to render his continuance in office detrimental to the public interest; or
 - (e) acquired such financial or other interest which is prejudicial his functions as an expert member:

- on any ground specified in sub-section (3), without a due and proper enquiry by an officer not below the rank of Principal Secretary to the Government of Chhattisgarh and without giving a reasonable opportunity of being heard.
- (4) Every Expert Member attending the meeting of the Board 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 State Government attending the meeting(s) of such Commissions or Committees.

Filling up of vacancies of Expert Member.—

- (1) An Expert Member of the Board may resign from his office at any time by giving a notice in writing to the State Government and the seat of that member in the Board shall become vacant;
- (2) An unexpected vacancy in the Board shall be filled up by a fresh appointment and the person appointed to fill the vacancy shall hold office only for the remaining period of the member, in whose place he is nominated.
- 8. **Appointment of the Ex-officio Members.**—Five Ex-officio members shall be appointed by the State Government in following manner.—
 - (I) Three Ex-officio members shall be appointed from the following department/organizations, namely:—
 - (a) Department of Agriculture, Chhattisgarh;
 - (b) Department of Animal Husbandry, Chhattisgarh;
 - (c) Department of Fisheries, Chhattisgarh;
 - (d) Department of Horticulture, Chhattisgarh;
 - (e) Council of Science and technology, Chhattisgarh;
 - (f) Department of Culture and Tourism, Chhattisgarh;
 - (g) Department of Environment, Chhattisgarh;
 - (h) Department of Indian System of Medicines and Homeopathy;
 - (i) Chhattisgarh State Medicinal Plant Board, Raipur;
 - (j) Chhattisgarh State Forest Research and Training Institute, Raipur;
 - (k) Department of Tribal Welfare, Chhattisgarh.

- (II) Head of the Department of Forest, Chhattisgarh dealing with the affairs of Biodiversity;
- (III) Member Secretary of the Board.
- 9. Head Office of the Board.—The Head Office of the Board shall be at Raipur.

10. Member Secretary of the Board.—

- (1) Chief Conservator/Additional Principal Chief Conservator of Forests from State Forest Department shall be appointed as the Member Secretary of the Board by the State Government on deputation basis. His terms and conditions of appointment shall be determined by the State Government;
- (2) The Member Secretary shall be responsible for day to day administration of the Board. He/She shall also be responsible for implementation of various activities or programmes approved by the Board.
 - He/She may also utilize funds released by National Biodiversity Authority as per their direction;
- (3) All orders or directions issued by the Board shall be under the signature of the Member Secretary or any other officer authorized in this behalf by the Board;
- (4) The Member Secretary either himself or through an officer authorized for the purpose may sanction and disburse all payments against the approved budget;
- (5) The Member Secretary shall have power to give technical sanctions to the estimates for which administrative sanction has been given by the Board or for which powers of administrative sanction has been delegated to the Member Secretary;
- (6) The Member Secretary shall be in charge of all the confidential papers of the Board and shall be responsible for their safe custody. He shall produce such papers whenever so directed by the Board/ State Government;
- (7) The Member Secretary shall maintain the records of confidential reports of all the officers and staff of the Board after having been written as per channel specified by the State Government;
- (8) The Member Secretary shall exercise such other powers and perform such other function, as may be delegated to him from time to time by the Board.

Meetings of the Board.—

- (1) The Board shall meet at least two times in a year normally after a period of six months at the Head quarters of the Board or at such place, as may be decided by the Chairperson;
- (2) The Chairperson shall call a special meeting of the Board on a written request from not less than five members of the Board or on a direction of the State Government;
- (3) The Members shall be given at least fifteen days notice for holding an ordinary meeting and atleast three days notice for holding a special meeting specifying the purpose, time and venue, at which such meeting is to be held;
- (4) Every meeting shall be presided over by the Chairperson and in his absence, by a presiding officer to be elected by the members present from amongst themselves;
- (5) The decision of the Board shall, if necessary, be taken by a simple majority of the members present and voting and the Chairperson or in his absence; the member presiding, shall have a second or casting vote;
- (6) Each member shall have one vote;
- (7) The quorum for the meeting of the Board shall be five;
- (8) No member shall be entitled to bring forward for the consideration of a meeting any matter of which he has not given ten days' notice unless the Chairperson in his discretion permits him to do so;
- (9) Notice of the meeting shall be given to the member by delivering the same by messenger or sending it by registered post to his last known place of residence or business or through electronic mail;
- (10) In addition, the Board may enact such procedure for the transaction of its business as it may deem fit and proper.

12. Appointment of Expert Committee by the Board and their entitlements.—

- (1) The Board may constitute any number of Committees for such purposes as it may think fit comprising wholly of members or wholly of other persons or partly of members or partly of other persons;
- The member of the Expert Committee, other than the members of the Board shall be paid such sitting allowance, travel allowance and daily allowance for attending the meetings, as admissible to the nonofficial members of the Board;

- (3) The Board may invite any person, whose assistance or advice is necessary to obtain opinion in performing any of its functions and to participate in the deliberations of any of its meeting. Such person associated with the Board shall be entitled to get sitting allowances, travelling allowance and daily allowance as admissible to nonofficial members of the Board.
- 13. General functions of the Board.—The Board may perfor the following functions, namely:—
 - lay down the procedure and guidelines to govern the activities provided under Section 23 of the Act;
 - (ii) advice the State Government on any matter concerning conservation of biodiversity, sustainable use of its components and fair and equitable sharing of benefits arising out of the use of biological resource and knowledge;
 - (iii) provide technical assistance and guidance to the departments of the State Government:
 - (iv) regulate by granting of approvals or otherwise requests for commercial utilization or bio-survey and bio-utilization for commercial utilisation of any biological resource by Indian citizen, or body corporate, association or organization registered in India except those covered under Section 3(2) of the Act;
 - facilitate updating and implementation of State Biodiversity Strategy and Action Plan;
 - (vi) shall conduct studies and sponsor investigations and research;
 - (vii) engage consultant for a specific period, not exceeding three years, for providing technical assistance to the Board in the effective discharge of its functions:
 - Provided that if it is necessary and expedient to engage any consultant beyound the period of three years, the Board shall seek prior approval of the State Government for such an engagement;
 - (viii) collect, compile and publish technical and statistical data, manuals, codes or guides relating to conservation of biological biodiversity, sustainable use of its components and fair and equitable sharing of benefits arising out of the use of biological resource and knowledge;

- (ix) organize through mass media a comprehensive programme regarding conservation of biological diversity, sustainable use of its components and fair and equitable sharing of benefits arising out of the use of biological resources and knowledge;
- plan and organize training of personnel engaged or likely to be engaged in programmes for the conservation of biological diversity and sustainable use of its components;
- (xi) take steps to build up database and to create information and documentation system for biological resources and associated additional knowledge through biodiversity registers and electronics data bases, to ensure effective management, promotion and sustainable uses;
- (xii) give direction to Government organizations, the local bodies/Biodiversity Management Committees for effective implementation of the Act and to facilitate their meaningful participation in all measures relating to conservation, sustainable use, and equitable benefit-sharing;
- (xiii) sanction grants-in aid and grants to Biodiversity Management Committees for specific purposes;
- (xiv) undertake physical inspection of any area in connection with the implementation of the Act;
- report to the State Government about the functioning of the Board and implementation of the Act and the Ruels made there under;
- (xvi) recommend, prescirbe, modify the collection of the fee by BMCs from any person for accessing or collecting any biological resource for commercial purposes;
- (xvii) to devise methods to ensure protection of rights including intellectual property rights over biological resources and associated knowledge including systems of maintaining confidentiality of such information as appropriate, including the protection of the information recorded in People's Biodiversity Registers;
- (xviii) ensure that biodiversity and biodiversity-dependent livelihoods are integrated into all sectors of planning and management and at all levels of planning from local to state, to enable such sectors and administrative levels to contribute for conservation and sustainable use:

- (xix) prepare the annual budget of the Board incorporating its own receipts as also the devaluation from the State and Central Government provided that the allocation by the Central Government shall be operated in accordance with the budget provisions approved by the Central Government;
- (xx) Board shall have full powers for granting administrative sanctions to all the estimates; it may however delegate such administrative sanction powers to the Member secretary of the Board, as may be deemed necessary;
- (xxi) recommend creation of posts to State Government, for effective discharge of the functions by the Board and to create such posts, provided that no posts of permanent nature would be created without prior apporval of the State Government;
- (xxii) perform such other functions, as may be necessary to carry out the provisions of the Act or as may be prescribed by the State Government from time to time;
- (xxiii) shall have power to acquire, hold and dispose of property, both movable and immovable and enter into contract for the same.

14. Powers and duties of the Chairperson.—

- (1) The Chairperson shall ensure that the affairs of the Board are run efficienty and in accordance with the provisions of the Act and the ruels mae there under:
- (2) The Chairperson shall have the powers of general superintendence over the officers and staff of the Board and the Chairperson may issue necessary directions for the conduct and management of affairs of the Board:
- (3) The Chairperson shall convene and preside over all the meetings of the Board and shall ensure that all decisions taken by the Board are implemented in proper manner.
- Setup of the Board.—The administrative setup of the Board shall be sanctioned by the State Government on recommendation of the Board.

Terms and conditions of service of employees of the Board.—

(1) The terms and conditions of the employees of the Board shall be the same as those of corresponding scale of pay under the State Government. The appointments in general shall be on contractual basis or on deputation, unless otherwise decided by the State Government; (2) The Board shall approve the method of recruitment/promotion to the posts in the Board.

17. Procedure for access to/collection of biological resources.—

- (1) Any citizen of India or a body corporate, association or organization registered in India seeking access to/collection of biological resources for commercial utilization or bio-survey and bio-utilisation for commercial utilisation with the exception of those as provided in the proviso to Section 7 of the Act, shall make an application to the Board in Form-1 appended to these rules. Every application for commercial utilization shall be accompanied with a demand draft of Rs. 1,000/- in favour of Biodiversity Board;
- (2) The Board, after due evaluation of the application, consultation with the concerned local bodies and collecting such additional information as it may deem necessary, shall take decision on the application as far as possible within a period of 3 months of receipt of the same; In this context, the word "consult", for the purposes of the Act, includes the following steps, inter alia:—
 - issuing of public notice of the proposal for access/collection in local languages;
 - (b) discussion/dialogue with the general assembly of the local body; and
 - (c) formal consent from the assembly after being provided adequate information about the proposal and its implications for conservation and livelihoods.
- On being satisfied with the merit of the application, the Board may allow the application or restrict any such activity if it is of the apinion that such activity is detrimental or contrary to the objectives of conservation and sustainable use of biodiversity or equitable sharing of benefits arising out of such activity;
- (4) A written agreement duly signed by an authorized officer of the Board and the applicant shall regulate commercial utilization or bioutilization of biological resource;
- (5) The conditions for access to/collection may specifically provide measures for conservation and protection of biological resources to which the access to/collection is being granted;

- The Board may reject the application, if it considers that the request (6)cannot be acceded to, after recording the reasons thereof. Before passing an order of rejection, the applicant shall be given a reasonable opportunity of being heard;
- Any information given in the form referred to in the sub-rule (1) for . (7)prior intimation shall be kept confidential and shall not be disclosed. either intentionally or unintentionally, to any person not concerned thereto.

Restriction on activities related to access to biological resources.— 18.

- The Board, if it deems necessary and appropriate, shall take the (1)steps to restrict or prohibit the proposal for access to biological resources for the following reasons, namely:-
 - If the request for access is for any threatened taxa or taxa that is (i) likely to become threatened due to such access;
 - If the request for access is for any endemic and rare species; (ii)
 - If the request for access may likely to result in adverse effect on the livelihoods, culture or indigenous knowledge of the local (iii)
 - If the request for access may result in adverse enviornmental impact which may be difficult to control and mitigate; (iv)
 - If the request for access may cause genetic erosion or affecting (v) the ecosystem function;
 - If use of resources for purposes contrary to national interest and other related international agreements entered into by the (vi) country.

Revocation of access/approval.—

19.

- The Board may either on the basis of any complaint or suo moto withdraw the approval granted to regulate the access or collection of (1)biological resource for commercial utilization and revoke the written agreement under the following conditions, namely;
 - on the basis of reasonable belief that the person accessing the said bio-resource has violated any of the provision of the Act or (i) the condition on which application was allowed;
 - on failure to comply with the terms of agreement; (ii)

- (iii) on failure to comply with any of the conditions of access/collection;
- (iv) on account of overriding public interest with reference to protection of environment and conservation of biological diversity, and protection of the rights, livelihoods and knowledge of local communities.
- (2) The revocation order shall be made only after making such inquiries as required and after giving the person so affected an opportunity of being heard;
- (3) The Board shall send a copy of such revocation order to the Biodiversity Management Committees for prohibiting the access and also to assess the damage, if any, caused and take steps to recover the damage.

Operation of State Biodiversity Fund.—

21

- (1) The State Biodiversity Fund shall be operated by the Member-Secretary of the Board or by such any other officer of the Board as may be authorized by the Board in this behalf;
- The State Biodiversity Fund shall have two separate heads of account, one relating to the receipts (grants and loans) from the Central Government/National Biodiversity Authority and State Government, including receipts from such other sources as decided by the State Government and other relating to miscellaneous receipts of the Board;
- (3) The State Government shall provide such fund to the Board as the State Government think necessary for affective implementation of the Act:
- (4) The Board shall frame guidelines to ensure that decisions regarding the management and use of the Fund are transparent.

Annual Report and Annual Statement of Accounts.—

- (1) The Board shall prepare its annual report for each financial year giving detailed account of its activities and annual statement of accounts and submit it to the State Government;
- (2) The Board shall lay down the procedure for upkeep of the accounts. The accounts of the Board shall be audited annually by the Chartered Accountant appointed for the purpose by the Board. The Accountant General of the State may audit the accounts as well;

(3) The Board shall submit the Annual Report together with the audited statement of accounts for each financial year to the State Government by September of the following year.

22. Establishment and Management of Biodiversity Heritage Site.—

- (1) The Board shall, in consultation with the local bodies and other key stakeholders, take necessary steps to facilitate setting up of areas of significant biodiversity values as Heritage Sites. The State Government may issue notification to this effect on recommendation from the Board;
- (2) The Board shall frame guidelines on the selection, management and other aspects of Heritage Sites, ensuring that these provide decision -making role for relevant Biodiversity Management Committees

23. Constitution of Biodiversity Management Committees (BMC).—

- (1) Every local body shall constitute a Biodiversity Management Committee within its area of jurisdiction. Accordingly, Biodiversity Management Committees are to be constituted at Zila Panchayat, Janpad Panchayat and Gram Panchayat level as well as at Nagar Panchayat, Municipality and Municipal Corporation level;
- The Biodiversity Management Committees constituted under subrule (1) shall have seven local knowledgeable persons nominated by the local body, of which not less than one third shall be women. The persons so nominated should be drawn from amongst the herbalists, agriculturist, Non Timber Forest Produce collectors/traders, fisherfolk, representative of user associations, community workers, academicians and any person/representative of organization on whom the local body trusts that he can significantly contribute to the mandate of the Biodiversity Management Committee. The proportion of members belonging to the Scheduled Caste and the Scheduled Tribe should not be less than the percentage of Scheduled Caste/Scheduled Tribe population of the district. All the persons so nominated should be residents within the said local body limits and be in the voter lists;
- (3) The local body shall nominate six special invitees from forest, agriculture, animal husbandry, health, fisheries and education department;

- (4) The Chairperson of the Biodiversity Management Committee shall be elected from amongst the members of the Committee in a meeting to be presided over by the chairperson of the local body. The chairperson of the local body shall have the casting vote in case of a tie;
- (5) The Chairperson of the Biodiversity Management Committee shall have tenure of three years and may be re-elected;
- (6) The local Member of the Legislative Assembly and Member of Parliament would be special invitees to the meetings of the Biodiversity Management Committees at different levels;
- (7) A technical support group comprising of experts in the field of biodiversity drawn from Government agencies, Non Government Organizations, academic field, community and individuals shall be established by Zila Panchayat/district administration. The expert group shall lend support to Biodiversity Management Committees;
- The key mandate of the Biodiversity Management Committees shall (8)have to ensure conservation, sustainable utilization and equitable sharing of benefits from the biodiversity. The Biodiversity Management Committees shall facilitate preparation of People's Biodiversity Registers. The Registers shall contain comprehensive information on availability and knowledge of local biological resournces, their medicinal or any other use or any other traditional knowledge associated with them. The Zila Panchayat Biodiversity Management Committee shall be responsible for developing a district wide network of people's Biodiversity Registers database. The People's Biodiversity Registers shall be prepared at the Gram Panchayat/Nagar Panchayat/Municipality/Municipal Corporation level by using the process and the format set by the Board. The Biodiversity Management Committees and local bodies shall be responsible for ensuring the protection of the knowledge recorded in the People's Biodiversity Registers, specially to regulate its access to outside agencies and individuals;
- (9) The other functions of the Biodiversity Management Committees are to advice on any matter referred to it by the State Biodiversity Board or Authority for granting approval or to maintain data about the local vaids and practitioners using the biological resources;

- (10) The Zila and Janpad Biodiversity Management Committees shall strive to incorporate biodiversity conservation concerns in the developmental planning at the local level;
- (11) The Biodiversity Management Board shall provide guidance and technical support to the Biodiversity Management Committees for preparing People's Biodiversity Registers and shall ensure that all information recorded in such Registers receives legal protection against misuse and appropriation by outside agencies and individuals;
- (12) The Biodiversity Management Committee shall also maintain a Register giving information about the details of the access to biological resources and traditional knowledge granted, details of the collection fee imposed and details of the benefits derived and the mode of their sharing;
- Panchayat/Municipality/ Municipal Corporation level may decide the terms on which it would permit access to biodiversity resources and associated knowledge to different parties for various purpose within their jurisdiction and levy charges by way of collection of fees from any person for accessing or collecting any biological resources for commercial purpose from the area falling within its jurisdiction. The major share of levy charged for the material collected/cultivated from private land should be given to the owner/cultivator of the land/knowledge holders and the balance should be deposited in local Biodiversity Fund of Biodiversity Management Committee. The levy charged for the material collected/cultivated from Government land should be totally deposited in local Biodiversity Fund Biodiversity Management Committee;
- (14) The Board shall frame guidelines for access and fee collection by the Biodiversity Management Committees after consulting them;
- (15) The Gram Panchayat/Nagar Panchayat/Municipality/Municipal Corporation level Biodiversity Management Committees shall prepare a Biodiversity Management Plan using output from people's Biodiversity Register and shall be responsible for or participate in its implementation;

The local bodies shall ensure that the Biodiversity Management (16)Committee are integrated with the functioning of exiting local institutions by cross-membership, regular coordination meetings and other such measures, as determined by the local bodies or as specified by the Board.

Local Biodiversity Fund.— 24

- A Local Biodiversity Fund shall be constituted at each level of local (1)body. Management, custody of the Local Boidiversity Fund and the purposes for which the fund shall be applied in the manner as may be prescribed by the State Government;
- The Board shall provide to the local body any loan or grant received by (2)it from State Government, Central Government or from the Authority for the purpose of the Act. The local body can also access such funds from other sources as may be decided upon by the State Government:
- The Local Biodiversity Fund shall be operated by the Biodiversity Management Committees. The Board shall lay down the operational (3)guidelines for operation of the fund by the Biodiversity Management Committees, including ways, in which its functioning is transparent;
- The fund shall be used for the conservation and promotion of biodiversity in the areas falling with in the jurisdiction of the concerned (4)local body and for the benefit of the local community in so far such use is consistent with conservation of biodiversity;
- The account of the Local Biodiversity Fund shall be prepared in such (5)forms as may be specified by the Board;
- The Biodiversity Management Committees shall prepare its annual report, giving full account of its activities during the previous financial (6)year and submit a copy thereof to the District Magistrate of the area and to the Board;
- The accounts of the Local Biodiversity Fund shall be maintained and audited in such manner, as may be specified by the Board. (7)

Appeal for settlement of disputes.— 25.

If a dispute arises between the Authority and the Board on account of implementation of any order/ direction or on any issue of policy (1)decision, either of the aggrieved parties i.e., Authority or the Board, as the case may be, prefer an appeal in Form-II under Section 50 of the

- (10) The Zila and Janpad Biodiversity Management Committees shall strive to incorporate biodiversity conservation concerns in the developmental planning at the local level;
- (11) The Biodiversity Management Board shall provide guidance and technical support to the Biodiversity Management Committees for preparing People's Biodiversity Registers and shall ensure that all information recorded in such Registers receives legal protection against misuse and appropriation by outside agencies and individuals;
- (12) The Biodiversity Management Committee shall also maintain a Register giving information about the details of the access to biological resources and traditional knowledge granted, details of the collection fee imposed and details of the benefits derived and the mode of their sharing;
- Panchayat/Municipality/ Municipal Corporation level may decide the terms on which it would permit access to biodiversity resources and associated knowledge to different parties for various purpose within their jurisdiction and levy charges by way of collection of fees from any person for accessing or collecting any biological resources for commercial purpose from the area falling within its jurisdiction. The major share of levy charged for the material collected/cultivated from private land should be given to the owner/cultivator of the land/knowledge holders and the balance should be deposited in local Biodiversity Fund of Biodiversity Management Committee. The levy charged for the material collected/cultivated from Government land should be totally deposited in local Biodiversity Fund Biodiversity Management Committee;
- (14) The Board shall frame guidelines for access and fee collection by the Biodiversity Management Committees after consulting them;
- (15) The Gram Panchayat/Nagar Panchayat/Municipality/Municipal Corporation level Biodiversity Management Committees shall prepare a Biodiversity Management Plan using output from people's Biodiversity Register and shall be responsible for or participate in its implementation;

(16) The local bodies shall ensure that the Biodiversity Management Committee are integrated with the functioning of exiting local institutions by cross-membership, regular coordination meetings and other such measures, as determined by the local bodies or as specified by the Board.

Local Biodiversity Fund.—

- (1) A Local Biodiversity Fund shall be constituted at each level of local body. Management, custody of the Local Boidiversity Fund and the purposes for which the fund shall be applied in the manner as may be prescribed by the State Government;
- (2) The Board shall provide to the local body any loan or grant received by it from State Government, Central Government or from the Authority for the purpose of the Act. The local body can also access such funds from other sources as may be decided upon by the State Government:
- (3) The Local Biodiversity Fund shall be operated by the Biodiversity Management Committees. The Board shall lay down the operational guidelines for operation of the fund by the Biodiversity Management Committees, including ways, in which its functioning is transparent;
- (4) The fund shall be used for the conservation and promotion of biodiversity in the areas falling with in the jurisdiction of the concerned local body and for the benefit of the local community in so far such use is consistent with conservation of biodiversity;
- (5) The account of the Local Biodiversity Fund shall be prepared in such forms as may be specified by the Board;
- (6) The Biodiversity Management Committees shall prepare its annual report, giving full account of its activities during the previous financial year and submit a copy thereof to the District Magistrate of the area and to the Board;
- (7) The accounts of the Local Biodiversity Fund shall be maintained and audited in such manner, as may be specified by the Board.

25. Appeal for settlement of disputes.—

(1) If a dispute arises between the Authority and the Board on account of implementation of any order/ direction or on any issue of policy decision, either of the aggrieved parties i.e., Authority or the Board, as the case may be, prefer an appeal in Form-II under Section 50 of the Act. In the case of dispute between one Board and other Board(s) on account of implementation of any order/direction or on any issue of policy decision, the Central Government shall refer the same to the National Biodiversity Authority under sub-section (4) of Section 50 of the Act;

- The memorandum of appeal shall state the facts of the case, the ground relied upon by the appellant for preferring the appeal and the relief sought for. It 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 duly signed by the authorized representative of the appellant;
- (3) The memorandum of appeal shall be submitted in quarduplicate accompanied with the authenticated copy of the order, direction or policy decision as the case may be, by which the appellant is aggrieved, either in person or through a registered post with acknowledgement due, within 30 days from the date of the order, direction or policy decision:

Provided that if the appellate authority is satisfied that there was good and sufficient reason for the delay in preferring the appeal, the appellate authority, for reason to be recorded in writing allow the appeal to be preferred after the expiry of the aforesaid period of 30 days but before the expiry of 45 days from the date of the order, direction, or policy decision as the case may be;

(4) The Board shall similarly lay down the procedure for settlement of disputes between Board and the Biodiversity Management Committees or amongst Biodiversity Management Committees and between Biodiversity Management Committees and relevant local bodies.

By order and in the name of the Governor of Chhattisgarh, ANIL KUMAR SAHU, Secretary.

FORM 1

(See rule 17)

Application form for access to/collection of Biological resources for commercial utilization and associated

traditional knowledge

Part A

- 1. Full particulars of the applicant
 - (a) Name:
 - (b) Permanent address:
 - (c) Address of the contact person/agent, if any :
 - (d) Profile of the organization (personal profile in case the applicant is an individual).
 - (Please attached relevant documents of authentication):
 - (e) Nature of business:
 - (f) Turnover of the organization in Indian Rupee:
- Details and specific information should nature of access sought and biological material and/or associated knowledge to be accessed:—
 - (a) Identification (scientific name) of biological resources and its traditional use:
 - (b) Geographical location (including village, janpad and district) of proposed collection:
 - (c) Description/nature of traditional knowledge, its existing manifestations and uses (oral/documented):
 - (d) Any identified individual/family/community holding the traditional knowledge:
 - (e) Quantity of biological resources to be collected:
 - (f) Time limit in which the biological resources are proposed to be collected:
 - (g) Name and number of person authorized by the company for making the collection:
 - (h) The purpose for which the access is requested including the type and extent of research, commercial use being derived and expected to be derived from it:
 - (i) Whether any collection or use of the resource endangers any component of biological diversity and the risk which may arise from the access?
- Any other information :

Part B Declaration

I/We declare that:

- Collection and use of proposed biological resources shall not adversely affect the sustainability of the resources;
- Collection and use of proposed biological resources shall not entail any environmental impact;
- Collection and use of proposed biological resources shall not pose any risk to biodiversity including ecosystems, species, and genetic diversity;
- Collection and use of proposed biological resources shall not adversely affect the local communities;

I/We further declare the Information provided in the application form is ture and correct and I/We shall be responsible for any incorrect/wrong information.

Place:	Signature
Date:	Name:
	Title:

FORM II

Form of Memorandum of Appeal

(See rule 25)

BEFORE THE SECRETARY, MINISTRY OF ENVIRONMENT AND FORESTS, GOVERNMENT OF INDIA,

NEW DELHI

OR

CHAIRPERSON, NATIONAL BIODIVERSTIY AUTHORITY

(as the case may be)

le case may be	4 4 00000
ection 50 of the Biological Diversity	y Act, 2002)
of 20	
Appellant(s)	-
T-00	
Respondent(s)	
	2)
Authority/Board, as the case may be	oinst the order
r this Memorandum of Appeal age	ing facts and
the Respondent on the following	ing lacts and
ts of the case):	
n which the appeal is made) :	
	Appellant(s)

(i) (ii) (iii)

4.	PRAYE	ER:				
	(a)	In the light of what is stated above, the appellant respectfully prays that the order/decision of the respondent be quashed/set-aside.				
	(b)	The Policy/guidelines/rules/regulations framed by the Respondent be quashed/modified/annulled to the extent				
	(c)					
5.	as fee	nount of Rs(Rupeesfor this appeal has been				
		vide order Novide				
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		Address:				
		VERIFICATION				
of my ir		appellant do hereby declare that what is stated above is true to the beson and belief.	st			
Verifie	d on	day of				
		Signature and Seal of the Appellar Address:				
		A therical corresentative of the appella	nt			

Signature of the Authorised representative of the appellant

Enclosures: Authenticated copy of the order, direction or policy decision, against which the appeal has been preferred.