

# **PUNJAB BIODIVERSITY BOARD**

## **Agenda Notes**

### **2<sup>nd</sup> Meeting of Punjab Biodiversity Board**

**Secretariat:**

**Punjab State Council for Science & Technology**  
MGSIPA Complex, Sector-26, Chandigarh – 160 019

Tel. No. 0172-2792325, 2795001, 2793600  
Fax No. 0172-2793143

**Date** : 10.3.2008  
**Time** : 12.00 noon  
**Venue** : Punjab Bhawan, Sector 3, Chandigarh

## I N D E X

<b>Item No.</b>	<b>Name of the Item</b>	<b>Page No.</b>
2.1	Confirmation of minutes of the 1 <sup>st</sup> meeting of Punjab Biodiversity Board held on 18/01/2006.	5
2.2	Follow up actions on minutes of the 1 <sup>st</sup> meeting of Punjab Biodiversity Board held on 18/01/2006.	6
2.3	Workshop on 'Facilitating Formation of State Biodiversity Boards & Biodiversity Management Committees in Northern India'	7
2.4	Joint Project with UNESCO on 'Capacity Building for promoting Environmental Sustainability through Biodiversity Conservation'	8-9
2.5	Training Program for Master Trainers on 'Conservation of Biodiversity in Punjab and Implementation of the Biological Diversity Act, 2002 in Punjab	10-11
2.6	Celebration of International Biodiversity Day (IBD)	12-14
2.7	Constitution of Biodiversity Management Committees (BMCs)	15-16
2.8	Study of varieties of sucking mango in district Hoshiarpur	17
2.9	Punjab State Biological Diversity Rules	18-20
2.10	Creation of Posts in Punjab Biodiversity Board	21
2.11	State Biodiversity Fund	22
2.12	Publications of Punjab Biodiversity Board	23
2.13	R&D Projects received	24
2.14	Annual Report & Statement of Account for 2005-06 & 2006-07	25

## **LIST OF ANNEXURES**

<b>Annexure No.</b>	<b>To be read with Item No.</b>	<b>Name of the Item</b>	<b>Page No.</b>
I	--	Notification of Punjab Biodiversity Board	26-28
II	2.1	Minutes of the 1 <sup>st</sup> meeting of Punjab Biodiversity Board held on 18/01/2006.	29-35
III	2.2	Follow up actions on the Minutes of the 1 <sup>st</sup> meeting of Punjab Biodiversity Board held on 18/01/2006.	36-37
IV	2.6	List of Awardees of Essay Writing Competitions for International Biodiversity Day	38
V	2.7	List of Biodiversity Management Committees (BMCs)	39
VI	2.9	Previous Draft Punjab State Biological Diversity Rules, 2005	40-59
VII	2.9	Revised Draft Punjab State Biological Diversity Rules, 2005	60-77

## AGENDA

The Punjab Biodiversity Board has been set up as a statutory body under Section 22 of the Biological Diversity Act 2002 promulgated by the Ministry of Environment & Forests (MoEF), Government of India (GOI) in response to actions required to be taken up under the International Convention on Biological Diversity of which India is a signatory. The Convention recognizes the sovereign rights of each country in its biological resources and associated traditional knowledge and calls for –

- Conservation of biological diversity
- Equitable sharing of benefits

The Govt. of India has also notified Biodiversity Rules 2004 under the Act & Rules. Each State Govt. is required to set up the State Biodiversity Board at State level and Biodiversity Management Committees (BMCs) at village and town level to facilitate conservation of biological diversity and implement the Biological Diversity Act.

The Board was notified in December, 2004 for a term of two years and has been re-notified vide notification No. 2/4/2000/STE(1)/2875 dated 8.8.2007 for a further period of two years **(Annexure-I, Page/26-28)**.

The following items may be discussed in the 2<sup>nd</sup> meeting of the Board:

**Item No. 2.1: Confirmation of Minutes of the 1<sup>st</sup> Meeting of Punjab Biodiversity Board held on 18/01/2006.**

The minutes of the 1<sup>st</sup> meeting of Punjab Biodiversity Board held on 18/01/2006 were circulated to all the members. No comments / suggestions have been received. The minutes are placed at **Annexure-II (Page/29-35)**. The same may be confirmed.

**Item No. 2.2: Follow up action on the Minutes of the 1<sup>st</sup> Meeting of Punjab Biodiversity Board held on 18/01/2006.**

The follow-up actions on the minutes of the 1<sup>st</sup> meeting are placed at **Annexure-III, (Page/36-37)** for information of the members of Punjab Biodiversity Board.

**Item No. 2.3: Workshop on 'Facilitating Formation of State Biodiversity Boards & Biodiversity Management Committees in Northern India'**

A 2-day workshop was organized by Punjab Biodiversity Board on 19<sup>th</sup> & 20<sup>th</sup> December, 2006 at Chandigarh on 'Facilitating Formation of State Biodiversity Boards (SBBs) & Biodiversity Management Committees (BMCs) in Northern India'. The workshop was sponsored by National Biodiversity Authority. Twenty eight participants from nine states/UTs participated. These included representatives from Punjab, Haryana, Himachal Pradesh, Delhi, Uttaranchal & Uttar Pradesh, J&K and Rajasthan Biodiversity Boards as well as from the UT of Chandigarh from departments of Environment, Forests & Wildlife, Animal Husbandry & Fisheries etc. and Punjab Agricultural University, Ludhiana and CCS Haryana Agriculture University, Hissar.

Dr. K. Venkataraman, Member Secretary represented National Biodiversity Authority (NBA), Chennai and Dr. R.K. Rai, Additional Director represented Ministry of Environment & Forests, Govt. of India, New Delhi. Other key experts included Mr. R. Saha, Advisor, Department of Science & Technology, Govt. of India; Prof. Madhav Gadgil (Retd) IISc., Bangalore (currently at Agarkar Research Institute, Pune) and Dr. B.M.S. Rathore, Conservator of Forests, Bhopal, Madhya Pradesh. The need of conserving natural biological resources of the country, their sustainable utilization and ensuring equitable benefit sharing with all stakeholders was highlighted and the salient features of the Biological Diversity Act, 2002 and the need to set up and strengthen SBBs and BMCs was discussed. Biological Diversity Rules which are required to be notified by all states were also discussed.

It was recommended that each state government may set up SBBs as statutory bodies and financially support them to enable implementation of the Biological Diversity Act throughout the country. The SBBs may, in turn, facilitate setting up of BMCs at field level. It was also recommended that NBA may identify agencies, which would take cognizance of offences under the Act (since the Board did not have any field level infrastructure) and a system for monitoring and checking violations at field level be put in place.

The workshop was sponsored by National Biodiversity Authority.

This is for information of members of the PBB.

**Item No. 2.4: Joint Project with UNESCO on 'Capacity Building for promoting Environmental Sustainability through Biodiversity Conservation'**

PBB and PSCST got a rare exposure when the educational kit '**Capacity Building for promoting Environmental Sustainability through Biodiversity Conservation**', developed by it was launched by Mr **Koïchiro Matsuura, Director-General of UNESCO** on 29<sup>th</sup> November, 2007 at Delhi during his recent visit to India. The kit was selected by the UNESCO, New Delhi office as one of the two publications to be launched at the occasion of inauguration of land selected for building UNESCO House at Chanakyapuri at Delhi in India. Dr. Neelima Jerath, Additional Director-Environment, who coordinated the project was invited to speak about the kit at the occasion. She then presented the kit to the DG for release. The kit is proposed to be used by UNESCO as a sample kit on Biological Diversity in the South Asian region.

This kit had been developed a part of a joint project of UNESCO and PSCST on 50:50 sharing basis. UNESCO has contributed US\$5500 towards the project whereas the State Govt. has contributed Rs. 2.00 lacs. . The kit comprises the following materials:

- A film on Biodiversity (filmed by M/s Explorers, Ghaziabad) highlighting dependence of village communities on their biological resources to meet their daily needs, as well as, a source of livelihood
- A book titled 'Biological Diversity – The very stuff of life'
- A pamphlet on 'Biological Diversity in Agricultural Fields'
- A poster

The sample will be placed on the table. The kit has also been translated and published in Punjabi.

Other activities taken up under this project were as below:

- The project was launched by organizing a meeting to identify areas of operation. The meeting was attended by Program Specialist, UNESCO and representatives of PSCST, PBB, Department of Forests & Wildlife, Department of Education and NGOs. It was decided that since the Council had already conducted detailed biodiversity surveys in the Shivalik area, areas rich in biodiversity be taken up.



- Extensive field visits were carried out in the above districts jointly by representatives of PSCST/PBB, Department of Forest & Wildlife and NGOs.
- Two field level teacher training programs were organized with the help of DSS, Gurdaspur (at Gurdaspur) and DSS Hoshiarpur (at Talwara).
- Three field level camps were organized with the help of the NGOs/Forest Deptt.
  - Camp at Keshopur Miani on 5.9.07 with Forest Deptt.
  - Camp at Dhar on 6.9.07 with Institute of Ecology & Environment, Pathankot (an NGO)
  - Camp at Bhawnaur on 7.9.07 with Unnati Cooperative Society, Talwara (an NGO).
- Twenty two village camps were organized with the help of trained school teachers and village sarpanches.
- These camps have resulted in formation of 31 Biodiversity Management Committees.

The project has since been completed. The Report is placed on the table.

This is for information of members of the PBB.

**Item No. 2.5: Training Program for Master Trainers on ‘Conservation of Biodiversity in Punjab and Implementation of the Biological Diversity Act, 2002 in Punjab.**

School Science teachers would play a key role at the time of constitution of BMCs in Punjab as they would not only be members of respective BMCs in their villages but could also help in recording local biological resources in an area and train panchayats and other BMC members on key issues of Biodiversity and the Biological Diversity Act. Hence their training and capacity building is of utmost importance. It was, therefore, decided to train at least two teachers in every block of Punjab. These teachers could subsequently act as Master Trainers in their own block.

Hence, the Punjab Biodiversity Board organized four Training Programs from 20<sup>th</sup> to 23<sup>rd</sup> Feb., 2007 for Master Trainers on ‘Conservation of Biodiversity and Implementation of the Biological Diversity Act, 2002 in Punjab. Dr. Neelima Jerath, Joint Director (Environment) provided a detailed account of biological diversity in India and Punjab and importance thereof. She also explained the provisions under the Biological Diversity Act, 2002 and highlighted the role of teachers in constitution of Biodiversity Management Committees and Peoples’ Biodiversity Registers. The trainers were informed that they would be required to conduct training programs at local level subsequently. They were provided a biodiversity kit including a booklet on biodiversity, bilingual pamphlet and a copy of Biodiversity Act. The details are as under:

<b>Date</b>	<b>District</b>	<b>No. of Blocks</b>	<b>No. of Participants invited</b>	<b>No. of Participants confirmed</b>	<b>No. of Participants who attended</b>
<b>20.02.2007</b>	Sangrur	12	24	12	13
	Amritsar	16	32	34	22
	Tarantaran	9	18	16	14
	<b>Sub total</b>	<b>37</b>	<b>74</b>	<b>62</b>	<b>49</b>
<b>21.02.2007</b>	Jalandhar	10	20	13	10
	Kapurthala	05	10	09	09
	Hoshiarpur	10	20	34	34
	Nawan Shehr	05	10	16	14
	Rupnagar	07	14	14	14
	<b>Sub total</b>	<b>37</b>	<b>74</b>	<b>86</b>	<b>81</b>
<b>22.02.2007</b>	Gurdaspur	12	24	30	13
	Ferozpur	11	22	--	--
	Moga	04	08	06	05
	Faridkot	02	04	04	04
	Fatehgarh Sahib	05	10	10	02

	Mohali	03	06	06	07
	<b>Sub total</b>	<b>37</b>	<b>74</b>	<b>56</b>	<b>31</b>
<b>23.02.2007</b>	Ludhiana	12	24	14	13
	Muktsar	04	08	08	04
	Mansa	05	10	10	10
	Bathinda	08	16	10	08
	Patiala	09	18	08	07
	<b>Sub total</b>	<b>38</b>	<b>76</b>	<b>50</b>	<b>42</b>
	<b>Total</b>	<b>149</b>	<b>298</b>	<b>254</b>	<b>203</b>
			<b>Representatives from selected NGOs</b>		<b>20</b>
			<b>Grand Total</b>		<b>223</b>

It was decided that teachers who could not be trained in the first phase would be provided training subsequently, subject to availability of funds.

This is for information of members of the PBB.

## **Item No. 2.6 Celebration of International Biodiversity Day (IBD)**

International Biodiversity Day is celebrated each year on 22<sup>nd</sup> May to create awareness on the need of conserving our biological resources and associated traditional knowledge. The Convention on Biodiversity (CBD) identifies a focal theme each year and all activities are focused around this theme. The PBB has been celebrating International Biodiversity Day since 2005.

### **A) IBD activities in 2006**

The focal theme for 2006 was “*Protect Biodiversity in Dry lands*”

The following activities were carried out:

#### **State level activities:**

- Five camps for fifty villages in Shivaliks were organized with the help of NGOs at: -- Village Durang Khad, District Gurdaspur on 20<sup>th</sup> May, 06
  - Village Dholbaha, District Hoshairpur on 20<sup>th</sup> May, 06
  - Village Chohal, District Hoshairpur on 21<sup>st</sup> May, 06
  - Village Dher District Ropar on 24<sup>th</sup> May, 06.
  - Village Lodhi Majra, District Ropar on 24<sup>th</sup> May, 06.

More than 500 villagers participated in the camps. These included panchayat members, local teachers, vaidas & other eminent persons.

- 17 district level and one State Level Essay Writing Competition for school students( eco club members) was organized on the following topics:
  - Agriculture Biodiversity of the respective district
  - Threat to Biodiversity
  - Medicinal Biodiversity of the respective district
  - Importance of Biodiversity to Man

Five best entries from each district qualified for state level competition. One best district level entry and three best state level entries were awarded on Independence Day at the district Independence Day Function. The List of Awardees is placed at **Annexure-IV (Page-38)**.

- An orientation workshop on Biodiversity was conducted on 21.04.2006 at the occasion of Earth Day and its importance on the lines of communities, for NGOs of Punjab especially those working in the Shivalik area, to

- A Teacher Training program on 'Biodiversity' under on the theme "Biodiversity – Nurture Nature for our Future" was organized on 22nd of May, 2006, at Chandigarh jointly with POS division of PSCST. A total of 50 participants from all over Punjab attended the workshop.
- A special lecture on Biodiversity was delivered for School Teachers at a programme organized by World Wide Fund (WWF) for Nature – India at Chandigarh
- **District Level Activities:** The following activities were organized
  - Exhibitions on Biodiversity by:
    - Acharya Atma Ram Jain School, Khanna
    - Institute of Ecology & Environment, Pathankot
  - Awareness Meet at Guru Nanak Dev University (GNDU), Amritsar
  - Seminar on Biodiversity by District Institute for Education & Training (DIET), Ajjowal, District Hoshiarpur.

### **B) IBD activities in 2007**

The theme for International Biodiversity Day, 2007 was '*Biodiversity and Climate Change*'. The following activities were organized in Punjab at the occasion:

<b>Sr.No.</b>	<b>Activity/programme</b>	<b>No. of programmes</b>
1.	Awareness lectures, workshops/seminars/ educational visits/ discussions, exhibitions on various environmental issues.	60
2.	Competitions (Essay writing, Chart making, quiz, poetry recitation, debates, GK, songs, etc).	106
3.	Rallies to make people aware about our environment and biodiversity.	20
4.	Cleanliness drives.	16
5.	Socio-religious & cultural programmes.	01
6.	Plantation of local tree species.	12
	<b>Total programmes</b>	<b>215</b>

Most of the programmes were organized through eco-clubs set up in schools under the National Green Corps project.

The total number of organizations which participated in the activities include :

Schools	:	95
District level programmes	:	04
NGOs	:	03
University & College level programmes	:	02

The activity is expected to increase the level of awareness and concern of biodiversity issues amongst children and general public.

This is for information of members of the PBB.

## **Item No. 2.7: Constitution of Biodiversity Management Committees (BMCs)**

One of the major activities to be taken up by Punjab Biodiversity Board is to facilitate the setting up of Biodiversity Management Committees (BMCs) at village and town level and train them for implementation of the Biological Diversity Act at field level, record local biological diversity within their respective village/town, take up initiatives for its conservation, understand the concept of collection fee for commercial utilization and prepare Peoples' Biodiversity Registers (PBRs). The constitution of BMCs would be as per State Biodiversity Rules.

In the first meeting of the PBB, it was discussed that BMCs may be constituted as per local aspirations (i.e. either an existing local body be identified as BMC or a new committee be constituted as per guidelines provided in the Biological Diversity Act, 2002 and Biological Diversity Rules, 2004 notified by Government of India). It was also decided that initially only a few BMCs may be constituted in Punjab especially in the Shivalik area. Hence, Public contact programmes were conducted in Biodiversity rich areas in Shivaliks in District Gurdaspur & Hoshiarpur from 17-19 September, 2007 as under.

### District Gurdaspur:

- Villages Garal, Kakrui and Dhar town on 17.9.07.
- Villages Keshopur, Dalla and Magar Mundian and the Keshopur wetland area on 18.9.07.

### District Hoshiarpur:

- Villages Bhavnaur, Ramgarh, Kartoli, Chahera and Bhatoli in the Kandi area and villages Rehmapur, Atwarapur and Dholbaha in Takni Rehmapur protected area and Dholbaha wetland area on 19.9.07.

Meetings were held with local representatives to motivate them to constitute BMCs. The team comprised Additional Director, Environment, Scientist-PSCST, Dr. M. Sharma, Biodiversity Expert & Retd. Dean, Punjabi University, Patiala, local DFOs and Range Officers (Wildlife), social motivators identified by Department of Forests & Wildlife and representatives of local NGOs.

The visits were followed by three major public camps as under:

- i) Public camp at Keshopur on 5.9.07 in which about 100 people participated including teachers, Panchayat members, representatives

from line departments, local hakims & vaidas, fishermen and other stakeholders.

- ii) Public camp at Dhar on 6.9.07 in which about 100 people including teachers, students and Panchayat members, representatives from line departments, ayurvedic doctors, hakims and vaidas and other stakeholders participated.
- iii) Public camp at Bhavnaur on 7.9.07 in which about 30 people from proposed BMCs of 6 villages participated.

These camps were followed by separate meetings at Keshopur, Kakruhi, Garal, Dhar & Ramgarh for representatives of 10 villages (Keshopur, Dalla, Dhar, Kakruhi, Garal, Bhavnaur, Chahera, Chamuhi, Bhatoli and Ramgarh) where constitution of BMCs were discussed and queries were responded.

Subsequently Master Trainers (school teachers) also organized public camps in their schools (7 camps in district Gurdaspur and 15 in district Hoshiarpur). As a result, 31 BMCs have been set up (13 BMCs in district Gurdaspur and 18 BMCs in District Hoshiarpur). The list of BMCs and their members are enclosed at **Annexure-V (Page-39)**.

The Board now needs to support these BMCs and motivate and train them to prepare Peoples' Biodiversity Registers, subject to availability of funds.

This is for information of the members of the Board.



## **Item No. 2.8 Study of varieties of sucking mango in district Hoshiarpur**

In the first meeting of the Sub committee held under the chairmanship of Dr. G.S. Kalkat on 11/12/2006, the issue of identifying heritage sites outside Protected Area Network (PAN) in Punjab was discussed. PBB received information from the then DFO, Hoshiarpur, NGOs and teachers of district Hoshiarpur during various field camps and training programmes that one such potential site existed in district Hoshiarpur where several varieties of desi sucking mango had been preserved through the initiative of an individual. The site, a mango orchard was called ‘Inami Baag’. This orchard has about 200 mango trees of many desi varieties, some of which were not available elsewhere in wild or in cultivated areas.

PBB, therefore, contacted Fruit Research Station of PAU at village Gangian and a joint survey was taken up in villages Bassi Umar khan, Gangian, Bunga, and surrounding areas. More than 100 samples of desi mango fruit were collected in the fruiting season (May-July 2007) and handed over to the Fruit Research Station for physico-chemical and morphological analysis. The analysis has been completed and 29 varieties of desi sucking mango have been collected from the region alone, out of which 9 varieties have already been conserved at Fruit Research Station, Gangian by PAU and 20 are new varieties which need to be conserved.

A publication is under preparation. Thereafter a project will be prepared for collection and preservation of newly recorded varieties in the Gangian farm. Once these varieties are established, the farm would be notified as a heritage site (the present ‘Inami Baag’ is a private property). More such studies also need to be conducted in district Gurdaspur and Ropar. However, the PBB presently has no funds to further carry out this activity.

This is for information of the members of the Board.

## **Item No. 2.9: Punjab State Biological Diversity Rules**

The draft Punjab State Biological Diversity Rules were prepared in 2005 and placed before the Punjab Biodiversity Board in its first meeting for discussion. These rules had been drafted on the basis of the Rules laid down by the Central Government, as well as, Madhya Pradesh State Biological Diversity Rules which had already been notified. The Rules pertain to general functions of the Board, creation of State Biodiversity Fund, powers of the Chairperson and Member Secretary, procedure for conducting meetings of the Board, appointment of Expert Committees, procedures for access to biological resources, criteria for equitable benefit sharing, constitution of Biodiversity Management Committees and Local Biodiversity Funds, settlement of disputes, establishment and management of biodiversity heritage sites, etc. The Rules were approved subject to incorporation of suggestions made by the Board members and decisions taken in the meeting. As desired by the then Principal Secretary, Science, Technology & Environment, separate meeting was also held with the Department of Forests & Wildlife on 9.2.2006 to address their concerns with respect to Forest Act and Wildlife Act. Their comments were obtained in writing also and the draft Rules were amended accordingly.

Further, the draft rules were also sent to National Biodiversity Authority (NBA) for their suggestions/approval. Their comments were received in Nov., 2006. These Rules were also discussed in detail with experts and representatives of Ministry of Environment & Forests, Govt. of India and other State Biodiversity Boards during the Northern Region Workshop organized in Dec., 2006. All modifications suggested by experts, NBA, Ministry of Environment & Forests (Govt. of India) have been incorporated and the revised draft is put up again for approval of the Board prior to submission to Legal Counsellor for vetting before being put up to the State Legislature.

The major changes in the revised draft are as under:

- Para 1 (3) : The following line has been inserted:  
“These Rules shall be in addition to and not in derogation of the provision in any law, for the time being in force, relating to forests and wildlife”.
- Para 3 : Revised as below:

"The Chairperson of the Board shall be an eminent person appointed by the state Government having adequate knowledge and experience in the conservation and sustainable use of biodiversity and in matters relating to the equitable sharing of the benefits".

- Para 4: The following sub para has been inserted as para 4(2):

"Provided that no chairperson shall hold office as such after he attains the age of 65 years or his term of office expires, whichever is earlier".
- Para 8 and 9: position swapped
- Para 12 (1): Number of meetings in an year has been reduced to 'two' from 'three'
- Para 18 (2): Fee to be accompanied with the application in case of access for research purpose has been revised to Rs. 100/- (from Rs. 1000/-). In case of commercial utilization the fee remains Rs. 5000/-.
- Para 21, 22, 23: Deleted as these pertain to National Biodiversity Authority
- Para 25 of previous draft and para 22 of revised draft – The following has been inserted:

(4) "The fund shall be applied for –  
(a) meeting the expenses incurred by the Board for its operation and for the purposes/activities authorized by this Act.  
(b) conservation and promotion of biological resources;  
(c) the management and conservation of heritage sites;  
(d) compensating or rehabilitating any section of the people economically affected by notification under sub-section (I) of section 37 of the Biological Diversity Act;  
(e) socio-economic development of areas from where such biological resources or knowledge associated thereto has been accessed subject to any order made under section 24 of the Act, in consultation with the local bodies concerned".
- Para 28 (1) of previous draft and para 25 of revised draft: Text modified as per Central Government Act
- Para 30 of previous draft and para 27 of revised draft – The following para has been inserted as sub para (2):

“The Appellate Authority shall be a state level committee comprising Secretary-Environment, Secretary-Agriculture and Secretary-Forests in Govt. of Punjab”.

This is for information of the Board members. The previous draft Rules and revised draft Rules are placed at **Annexure-VI (Page/40-59)** and **Annexure-VII (Page/60-77)**.

## Item No. 2.10: Creation of Posts in Punjab Biodiversity Board

Punjab was one of the first five states to have notified its Biodiversity Board. Though more than 3 years have passed since the notification of the Board, however, no staff has been inducted till date. The issue was discussed in the first meeting of the Board held in Jan.,2006. It was decided that initially three posts be created out of which staff be recruited against two posts only as under :

- |    |  |                      |  |
|----|--|----------------------|--|
| 1. | Member Secretary                       | Rs. 18,400-22,400    | No new recruitment. Director-Environment / Additional Director-Environment, PSCST would currently function as ex-officio Member Secretary of PBB |
| 2. | Senior Scientific Officer-Biodiversity | Rs. 10,000-325-15200 | To be recruited on contract  |
| 3. | Steno-typist-cum-computer operator     | Rs. 3300-6200        | To be recruited on contract  |

A proposal for creation of posts under Non Plan Budget was submitted to the Department of Science, Technology & Environment. The case has been forwarded to Department of Finance for approval. However, the posts are yet to be created. The case needs to be actively followed up to ensure that PBB can start functioning effectively. (It may be pertinent to point out here that many other state governments have already strengthened their State Biodiversity Boards with adequate staff. For example, 4 posts of technical staff + 3 posts of support staff have been created in West Bengal, 4 posts of technical staff + 4 posts of support staff in Kerala, 7 posts of technical staff + 9 posts of support in Karnataka, 4 posts of technical staff + 3 posts of support staff in Madhya Pradesh, etc.)

It is further brought out that since the work of Biodiversity Board involves a lot of field visits, camps, trainings and programs, a vehicle was purchased with partial funds of PBB (seed money provided by NBA for strengthening of infrastructure) and PSCST. The salary of driver (fixed salary on contract) is presently being met out of council funds. It is, therefore, proposed that the post of a driver (on contract) be also created and till that time the salary of driver be met out of contingency funds of PBB/PSCST.

This is for information of the Board members.

### **Item No. 2.11: State Biodiversity Fund**

Under section 31 & 32 of the Biological Diversity Act, 2002, state governments are required to create State Biodiversity Fund and Local Biodiversity Fund for infrastructure and activities of PBB and BMCs, respectively.

Plan Budget of Rs. 7.00 lacs has been allocated by the Punjab Planning Board. However, a proposal of Rs. 4.00 lacs only has been processed for release. Funds are, however, awaited.

The case for Non Plan Budget for staff of Board was also submitted in 2006-07 and 2007-08. Approval of the same is also awaited. It is reiterated that the functioning of the Board is impaired due to lack of funds and manpower.

The matter is brought to the notice of the Board members who may like to pursue the matter further with the government.

**Item No. 2.12: Publications of Punjab Biodiversity Board**

The following publications have been brought since the first Punjab Biodiversity Board meeting:

- Educational kit under UNESCO Project on ‘Capacity Building for promoting Environmental Sustainability through Biodiversity Conservation’ comprising the following:
  - A film on Biodiversity
  - A book titled ‘Biological Diversity – The very stuff of life’
  - A pamphlet on ‘Biological Diversity in Agricultural Fields’
  - A poster

The details are already presented in Agenda Item No. 2.4 . 500 copies of the kit in English and 500 copies in Punjabi have been prepared.

- Bilingual pamphlet (in English & Punjabi). 1000 copies of the pamphlets were published and distributed in various training programs and village camps organized by the Board.
- Poster (in Punjabi) on “Biological Diversity”: 3000 copies of the Poster were published. 150 posters per district were sent to District Education Officers for further dissemination to the eco-clubs. The poster was also distributed at village camps during the celebration of International Biodiversity Day.
- A bilingual book titled “Biodiversity – The web of life’ (English & Punjabi): 4000 copies of the book were published (1000 in English and 3000 in Punjabi). The book in English was distributed to Master Trainers during the training program mentioned in Agenda Item No. 2.5. The book in Punjabi has been sent to District Education Officers (100 copies per district) for dissemination at district level. It has also been distributed at village camps organized by the Board under the UNESCO project.

Copies of all awareness materials were also provided to NGOs for wider dissemination.

The materials are placed on the Table.

**Item No. 2.13: R&D Projects received**

During the expert committee meeting held on 11-12.2006, members had been informed that economically important and medicinal plants found in Shivalik area of Punjab had been identified and listed under a survey carried out by PSCST in collaboration with Botanical Survey of India, Zoological Survey of India, Indian Institute of Remote Sensing and Punjabi University, Patiala. However, information on their distribution, abundance, harvesting potential and commercial value needed to be generated. Dr. P.K. Sharma of CSK H.P. Krishi VishvaVidayala, Palampur, who was a special invitee to the meeting, informed that their university was taking up similar work in Shivaliks in Himachal Pradesh. This work could be extended to Punjab area also. A proposal was, hence, submitted by the university to PBB for consideration of funding. The proposal has been studied and discussed with the experts. However, it does not fulfill the objectives envisaged by the Board as it only proposes to survey and collect medicinal and aromatic plants in the area for documentation and does not include phyto-sociological studies (to assess distribution and abundance of specific plants for their harvesting potential and commercial value) in its scope of work. The university has, therefore, been requested to modify and resubmit the proposal.

This is for information of Board members.



**Item No. 2.14: Annual Report & Statement of Account for 2005-06 and 2006-07**

Under Section 33 of the Biological Diversity Act, 2002, the Annual Report of the Board is required to be placed before the Legislative Assembly. Copies of the reports of 2005-06 and 2006-07 were submitted to the government for necessary action vide notes dated 13.9.2006 and 10.1.2008. Copies are placed on table for perusal and approval of Board Members.

## Annexure-I





**Annexure-II**  
**(To be read with Item No. 2.1)**

**Minutes of the 1<sup>st</sup> meeting of Punjab Biodiversity Board  
held on 18/01/2006.**

**Minutes of First Meeting of Punjab Biodiversity Board held on 18.01.2006**

**List of Attendees**

- |   |  |                 |
|---|--|-----------------|
| 1. Sh. Sukhjinder Singh Randhawa,<br>Parliamentary Secretary, Agriculture<br>Govt. of Punjab                        | Vice-chairman, PBB   | Chairman        |
| 2. Ms. Romila Dubey<br>Principal Secretary to Govt. of Punjab<br>Department of Science, Technology &<br>Environment | Ex-officio member  |                 |
| 3. Dr. N.S. Tiwana<br>Executive Director,<br>Punjab State Council for Science &<br>Technology                       | Ex-officio member<br>(representing Director,<br>Environment)                                   | Member Convener |
| 4. Sh. D.S. Saroya,<br>Additional Secretary,<br>Department of Forests & Wildlife,<br>Govt. of Punjab                | Ex-officio Member<br>(representing Financial<br>Commissioner, Deptt.<br>of Forests & Wildlife) |                 |
| 5. Dr. G.S. Kalkat,<br>Former Vice Chancellor<br>PAU, Ludhiana  | Expert   |                 |
| 6. Sh. Sukhjit Singh,<br>(Formerly Maharaja of Kapurthala),<br>The Villa, Kapurthala                                | Expert   |                 |
| 7. Dr. Arun Kumar,<br>Additional Director,<br>ZSI, Dehradun   | Expert   |                 |
| 8. Dr. S. Kumar,<br>Joint Director,<br>BSI, Dehradun  | Expert   |                 |
| 9. Dr. Sat Paul Mehra,<br>Additional Director<br>Extension Education,<br>PAU, Ludhiana                              | Expert<br>(representing Director,<br>Extension Education)                                      |                 |
| 10 Sh. R.L. Mehta<br>Special Secretary,<br>Department of Planning,<br>Govt. of Punjab                               | Special Invitee  |                 |

- |    |   |                 |
|----|---|-----------------|
| 11 | Sh. H.S. Dhillon,<br>Dy. Director, Planning,<br>Govt. of Punjab   | Special Invitee |
| 12 | Sh. B.B. Sathi<br>Under Secretary,<br>Department of Finance,<br>Govt. of Punjab                         | Special Invitee |
| 13 | Sh. Gurmit Singh,<br>Deputy Chief Wildlife Warden,<br>Govt. of Punjab                                   | Special Invitee |
| 14 | Ms. R. Butter,<br>Dy. Director,<br>Deptt. of Rural Development &<br>Panchayats, GoP                     | Special Invitee |
| 15 | Dr. Neelima Jerath,<br>Joint Director (Environment)<br>Punjab State Council for Science &<br>Technology | PSCST           |
| 16 | Dr. S.K. Saxena,<br>Sr. Scientific Officer (Env)<br>Punjab State Council for Science &<br>Technology    | PSCST           |

The first meeting of the Board was held under the chairmanship of Sh. S.S. Randhawa, Parliamentary Secretary, Agriculture as Hon'ble Chief Minister could not attend due to his other pressing engagements.

Welcoming the members and special invitees, Dr. N.S. Tiwana, Member Convener, presented the background for constitution of the Board and its importance to the state government. He informed that the trade of biological materials from the state of Punjab and neighbouring states was estimated to be over Rs. 200 million per annum with a potential to increase further. More than 10 species from the wild (including wild species growing as weeds in agricultural fields) and cultivated areas were being traded currently. The Punjab Biodiversity Board would not only help to regulate this trade, but would also help to realize its true commercial potential, besides promoting conservation of key species.

Joint Director (Environment), PSCST briefly presented general information on biodiversity of the country, as well as, the state. The following Agenda Items were discussed:

**Agenda Item No. 1. Introduction to Biological Diversity Act, 2002:**

Joint Director (Environment) provided brief information on various sections of the Biological Diversity Act, 2002 which covered biological diversity both, in the wild (restricted to areas outside the Protected Area Network), as well as, in cultivated areas. She briefly informed about the proposed activities of the Board.

Since representative of National Biodiversity Authority (who was requested to participate as a special invitee) could not attend the meeting, information about status of other Biodiversity Boards in the country was also presented by her. She informed that nine state governments had already established Biodiversity Boards out of which Karnataka & Madhya Pradesh Boards were the most active. They were being supported by their respective state governments for both, secretariat and activities. The Karnataka Board had already been provided funds to the tune of over Rs. 2.00 crore and the Madhya Pradesh Board had been provided Rs. 70.00 lacs to facilitate the functioning of the Board and promote biodiversity conservation activities. The Kerala, West Bengal & Goa Boards had also been provided Rs. 60 lacs, Rs. 35 lacs & Rs. 30 lacs, respectively by their state governments.

Sh. D.S. Saroya, Additional Secretary, Forests & Wildlife suggested that both, Principal Chief Conservator of Forests and Chief Wildlife Warden be inducted into the Board as ex-officio members. Mrs. Romila Dubey, PS, STE, GoP informed that as per the Biological Diversity Act, 2002, the number of members in the Board could only be ten and CS & FCF were representing the Departments of Wildlife & Forests, respectively. Further, even the Agriculture Department was being represented by Parliamentary Secretary, Agriculture (and not Director, Agriculture). However, she requested Sh. Saroya to write to the Board in this respect for consideration.

## **Agenda Item No. 2. Approval of Punjab State Biodiversity Rules**

Under section 63 of the Biological Diversity Act, 2002, each state is required to notify the Biological Diversity Rules. Joint Director (Env) informed that these draft rules were based on the Biological Diversity Rules, 2004 notified by the Govt. of India and the Biological Diversity Rules notified by the State of Madhya Pradesh.

She informed that:

- 1) Section 1 to 13 of the draft Punjab Biodiversity Rules pertain to title, definitions, appointment & entitlement of chair person, appointment/nomination of ex-officio members, non-official members, Member Secretary, expert committees and their entitlements and procedure for meetings.
- 2) Sections 14, 15, 16 & 17 pertained to general functions of the Board, powers & duties of the Chairman, Member Secretary & Service Rules of the staff, respectively.
- 3) Sections 18, 19 & 20 of the draft Punjab Biodiversity Rules pertained to procedure for access to resources and revocation/restriction/prohibition respectively.
- 4) Section 21 to 23 pertained to approvals to be sought from NBA. Section 24 pertained to benefit sharing (to be taken up as per NBA guidelines). Section 25 & 26 pertained to annual report & accounts. Sections 27, 28 & 29 pertained to establishment of heritage sites, constitution of Biodiversity Management Committees (BMCs) and Local Biodiversity Fund (LBF) (These issues were being discussed as separate Agenda Items). Further, Section 30 of the Punjab Biodiversity Rules pertained to Appeal for Settlement of Disputes.

The following suggestions were made and decisions taken:

- Parliamentary Secretary, Agriculture suggested that the Chairman of the Punjab Biodiversity Board should be a technical expert of eminence as Hon'ble Chief Minister was too busy to find time for routine activities and meetings of the Board. He offered to put up the matter to Hon'ble Chief Minister, Punjab in this regard.
- U/s 7 of the rules, Travelling allowance (as per actuals) and sitting fee of Rs. 750/- for non-official members was approved.

- U/s 18, it was agreed that a fee of Rs. 1000/- and Rs. 5000/-, respectively would be levied for access to biological resources of Punjab for research & commercial use.  
Deputy Chief Wildlife Warden was apprehensive that some of these resources may be covered u/s 10 of Wildlife Act (under which certain areas were restricted to public access and certain floral & faunal species were protected under various schedules of the Act, but research was allowed). It was clarified that the Biological Diversity Act was applicable in areas out of the purview of the Forest (Protection) Act and the Wildlife Act. Further, the Central Government had the power to declare that provisions of this Act shall not apply to certain biological resources (including biological resources normally traded as commodities). For this, an expert committee had been constituted by the National Biodiversity Authority and its recommendations would be followed.
- U/s 30 of the Rules pertaining to constitution of Appellate Authority, it was decided that in case of disputes between two Biodiversity Management Committees, an appeal would be preferred to Chairman, PBB. However, in case of dispute between PBB and a BMC/person/party, an Appellate Authority comprising Secretary, Environment; Secretary, Agriculture & Secretary, Forests, GoP be constituted.
- Sh. R.L. Mehta, Special Secretary, Planning suggested that comments on the draft Rules may also be obtained from the Departments of Finance & Personnel, Govt. of Punjab to facilitate creation of posts in the Board.
- Principal Secretary, STE suggested that the representatives of the Departments of Forests & Wildlife may discuss issues pertaining to their departments with JD(Env) and send their concerns in writing in this regard to the Board, so that if required, clarification can be sought from NBA.
- The rules were approved subject to the above and it was decided to finalize the same at the earliest and submit to the Legal Remembrancer for vetting prior to being placed before the State Legislature for approval.

**Action:** O/o Hon'ble Parliamentary Secretary, Agriculture  
: Joint Director (Environment), PSCST

### **Agenda Item No. 3. Establishment of State Biodiversity Fund (SBF)**

Joint Director (Environment) informed that u/s 31 & 32 of the Biological Diversity Act, 2002, the state government was required to constitute the 'State Biodiversity Fund'. The NBA had already released Rs. 10.00 lacs as one time grant to the PBB as seed money for initiating preliminary activities. The activities proposed out of this grant were approved by the Board.

Special Secretary, Planning informed that against the proposal of Rs. 18.65 lacs submitted by the PBB, a token provision of Rs. 0.10 lacs had been made in the state budget under a new scheme titled "SR 1.20: Setting up of Punjab Biodiversity Board" for the financial year 2006-07. Vice-chairman, PBB and Principal Secretary, STE desired that activities of the Board be strengthened by providing adequate funds. The following decisions were taken:

- 1) The PBB would approach the government to make a provision of Rs. 10.00 lacs for secretariat of the Board (for which a revised proposal be submitted to the State Planning Department).
- 2) The PBB would also submit a proposal for a provision of Rs. 10.00 lacs for a massive biodiversity awareness and capacity building program to be initiated throughout the state (to facilitate formation of BMCs subsequently). A proposal to this effect would also be submitted to State Planning Department within a week.



- 3) A token provision for Local Biodiversity Fund may also be made by the state government.

Members approved the above and Special Secretary, Planning and Under Secretary, Finance agreed to the same.

**Action:** PBB

Deptt. of Planning, GoP

Deptt. of Finance, GoP

#### **Agenda Item No. 4. Creation of Posts**

The following posts were approved:

Member Secretary  
(Rs. 18,400-22,400)

Director-Environment, PSCST would currently function as ex-officio Member Secretary of PBB

Sr. Scientific Officer/Biodiversity  
(Rs. 10,000-325-15200)

On contract

Steno-typist-cum-computer operator  
(Rs. 3300-6200)

On contract

This is, however, subject to approval from Departments of Personnel & Finance for including the budget of PBB under Non-Plan.

**Action:** PBB

#### **Agenda Item No. 5. Constitution of Biodiversity Management Committees (BMCs)**

As required u/s 41 of the Biological Diversity Act, 2002, Biodiversity Management Committees had to be constituted at the village/local body level. It was felt that for BMCs to be effective, wherever possible, members of IWDP, youth groups & ex-servicemen be involved. It was decided that a massive biodiversity awareness & capacity building program be taken up by the Board initially and BMCs be constituted later. The agenda item was therefore, kept in abeyance.

**Action:** PBB

#### **Agenda Item No. 6. Creation of Local Biodiversity Fund**

As required u/s 42 of the Biological Diversity, 2002, the state government requires to create a Local Biodiversity Fund to be utilized for the purposes of the Act by the Biodiversity Management Committees at the local level. It was decided that in view of Agenda Item No. 5 being kept in abeyance, for the time being only a token provision be made in the state budget as approved in Agenda Item No. 3.

**Action:** Deptt. of Planning, GoP

#### **Agenda Item No. 7. Activities of PBB**

##### **7.1 Actions initiated**

##### **7.1.1. Celebration of World Biodiversity Day**

Noted

7.1.2 Proposal for Northern Zonal workshop for 'Facilitating formation of State Biodiversity Boards & Biodiversity Management Committees in Northern India'

Noted

**7.2 Actions proposed**

7.2.1. Identification of Heritage sites outside PAN and constitution of expert committees

The following expert committees were constituted:

- i) Committee to identify biodiversity rich areas and heritage sites outside PAN to be chaired by Dr. G.S. Kalkat.
- ii) Committee to identify commercially important flora & fauna to be chaired by PCCF.
  - Committee No. i approved, subject to inclusion of Chief Wildlife Warden and Director, Research, PAU (in place of Head Deptt. of Plant Breeding).
  - Committee no. ii approved, subject to inviting of representatives of Bombay Natural History Society and Director-Research, H.P. Agriculture University, Palampur as special invitees.
  - Committee No. i would, besides identifying heritage sites, also identify the number of Biodiversity Management Committees to be set up in such areas, their financial requirement, mechanism of disbursement of funds and their constitution.
  - Committee No. ii would identify commercially important species and their potential commercial value.
  - The short duration project to be taken up by PBB for compiling data on industries using bioresources as raw material (out of funds granted by NBA) was also approved.

**Action:** PBB

7.2.2 Training & awareness on Biodiversity

Approved. Brig. Sukhjit Singh suggested that PBB may prepare a capsule course which could be got implemented in the field at the block level with the help of district administration and/or youth clubs.

**Action:** PBB

7.2.3 Preparation of Peoples' Biodiversity Registers (PBRs)

This has been identified as an important activity of the Board. Members decided that the villages for PBR preparation be identified by Committee No. i constituted under Agenda Item No. 7.2.1. Till then, the activity may be kept in abeyance. Dr. Madhav Gadgil, IISc, Bangalore, who had conducted a massive country wise exercise in this regard would be approached for standardization of procedures.

**Action:** Heritage Site Committee (No. i) PBB

#### 7.2.4 Implementation of State Biodiversity Strategy & Action Plan (SBSAP)

JD(Env) informed about the projects identified under SBSAP by PSCST. These included setting up of Biodiversity Cells in key departments, strengthening of nodal department (PBB), development of data bank, setting up of a Centre for Training in Biodiversity, etc. She informed that NBA would be willing to provide funds for training subject to provision of infrastructural facilities by the state government. It was proposed that initially the existing training facility in the state be utilized for the purpose. Additional Secretary, Forests & Wildlife suggested that the infrastructure of Forest Training Centre, Hoshiarpur be utilized for training on wild biodiversity. Dr. G.S. Kalkat suggested that special training also needed to be provided on traditional crop varieties by involving experts of PAU, as a large section of biological diversity of Punjab was available in the agricultural sector and that the Board needed to cover both, wild & domesticated biodiversity aspects in its training programs.

ED, PSCST informed that proposals amounting to Rs. 80 crore had been received from various developmental departments under the SBSAP project. These could be implemented subject to availability of funds by state/central government. It was decided that these proposals be got vetted and prioritized by the committee constituted for identification of heritage sites.

**Action:** Heritage Site Committee (No.i) PBB

#### 7.2.5 Studies on Impact on Biodiversity with special emphasis on High Incidence of Cancer cases in cotton belt of South Western Punjab

Noted

8. The meeting ended with a vote of thanks to the chair.

**Annexure-III**  
**(To be read with Item No. 2.2)**

**Follow up action on the Minutes of the 1<sup>st</sup> meeting of  
Punjab Biodiversity Board held on 18/01/2006.**

<b>Item No.</b>	<b>Name of the Item</b>	<b>Action taken</b>
1.	<b>Introduction to Biological Diversity Act, 2002</b>	No action required.
2.	<b>Approval of Punjab State Biodiversity Rules</b>	The draft rules were circulated to all concerned departments (including Department of Planning & Deptt. of Finance, GoP) along with Agenda of the 1 <sup>st</sup> meeting. These Rules were also sent to NBA and MoEF-GOI for their perusal and approval and discussed in the workshop on "Facilitating Formation of State Biodiversity Boards & Biodiversity Management Committees in Northern India'. Inputs received have been incorporated. The same are discussed under separate Agenda item no. 2.9. The modified draft rules have been submitted to A.D. for further action vide note dated 29.6.07.
3.	<b>Establishment of State Biodiversity Fund</b>	Separate Agenda Item No. 2.11 put up
4.	<b>Creation of Posts</b>	Separate Agenda Item No. 2.10 put up
5.	<b>Constitution of Biodiversity Management Committees</b>	31 BMCs have been constituted. The matter is put up separately under Agenda Item No. 2.7
6.	<b>Creation of Local Biodiversity Fund</b>	A token provision of Rs. 0.10 lacs has been made in the proposal submitted to Punjab State Planning Board.
7.	<b>Activities of PBB</b>	
	<b>Actions Initiated</b>	
7.1.1	<b>Celebration of World Biodiversity Day</b>	No action required
7.1.2	<b>Proposal for Northern zonal workshop for 'Facilitating formation of State Biodiversity Boards &amp; Biodiversity Management Committees in Northern India'</b>	Action taken. Details at Agenda Item No. 2.3.
7.2	<b>Actions Proposed</b>	
7.2.1	<b>Identification of Heritage Sites outside PAN and Constitution of expert committees</b>	The expert committees met on 11.6.2006. The following decisions were taken: - Areas which are biologically rich but not included under PAN be identified and considered for

	<p>The following expert committees had been constituted:</p> <p>i) "Expert Committee to Identify Commercially Important Flora &amp; Fauna"</p> <p>ii) "Expert Committee To Identify Biodiversity Rich Areas And Heritage sites in wild, outside Protected Area Network (Pan) and Cultivated Areas".</p>	<ul style="list-style-type: none"> <li>○ 'Inami Baag' in Distt. Hoshiarpur was suggested as a potential heritage site. A survey was conducted. Details are discussed under Agenda Item No. 2.8.</li> <li>○ A proposal for setting up of Gene Bank had been received from PAU. It was submitted to NBA for consideration of funding. NBA has returned the same</li> </ul> <p>- Forest Deptt. could take up a survey jointly with representatives of PBB and experts to assess area wise availability and commercial value of medicinal plants in Shivaliks. The survey could be taken in a phased manner starting from Dhar area in Gurdaspur district. For this, representative of CSKHP Krishi Vishva Vidyalaya was requested to submit a proposal. Also, Biodiversity based industries in the state should be identified with the help of Department of Industries.</p> <ul style="list-style-type: none"> <li>○ A proposal was received from CSK H.P. Krishi VishvaVidayala, Palampur. The university has been asked to modify the same.</li> <li>○ The District Industries Centres have been approached to provide inputs.</li> </ul>
7.2.2	<p><b>Training &amp; awareness on Biodiversity</b></p> <p>It was suggested that PBB may prepare resource material / capsule course which could be got implemented in the field at the block level with the help of district administration.</p>	<p>Educational kit has been developed under UNESCO project. The details are discussed under Agenda Item No. 2.4.</p>
7.2.3	<p><b>Preparation of Peoples' Biodiversity Registers (PBRs)</b></p>	<p>NBA was approached for procedure for preparation of PBRs. A workshop was conducted by NBA on 22-23.6.06 in this regard. It was attended by representative of PBB. NBA is yet to finalize the procedure.</p>
7.2.4	<p><b>Implementation of State Biodiversity Strategy &amp; Action Plan (SBSAP)</b></p>	<p>Activities like preparation of data base etc. (for which separate funds are not warranted) have been initiated. Individual departments are also carrying out certain activities out of their own funds.</p>

## Annexure-IV

### List of Awardees of Essay writing competitions for International Biodiversity Day

#### State level Awardees:

Award	Name of the Student	Name of the School
1 <sup>st</sup>	Jayanti Jain	Arya Model Sr. Sec. School, Phagwara, Distt. Kapurthala
2 <sup>nd</sup>	Japinder Singh Waraich	Govt. High School, Waraich, Fatehgarh Sahib
3 <sup>rd</sup>	Rajwinder Kaur	Govt. Sec. School, Ahlupur, Mansa

#### District level Awardees:

Sr. No.	District	Name of the Student	Name of the School
1	Bathinda	Kulwant Kaur	Govt. Girls Sec. School, Goniana Mandi
2	Faridkot	Karamjeet Kaur	Major Ajaib Singh Sr. Sec. School, Jivanwala
3	Fatehgarh Sahib	Rajdeep Kaur	Govt. High School, Waraich
4	Gurdaspur	Simran Kaur	Him Shikha Sr. Sec. School, Gurdaspur
5	Hoshiarpur	Navneet Phul	Mount Carmel School, Kakkon
6	Jalandhar	Uday Thakur	Govt. Model Co-education Sr. Sec. School, Ladowali Road
7	Kapurthala	Nirmala	S. D. Model Sr. Sec. School, Phagwara
8	Ludhiana	Aparna Jain	Sacred Heart Convent Sr. Sec. School, Ludhiana
9	Mansa	Rajwinder Kaur	Govt. Sec. School, Ahlupur
10	Moga	Navpreet Kaur	D. N. Model Sr. Sec. School, Moga
11	Muktsar	Pallavi Monga	Sacred Heart Convent School, Malout
12	Nawan Shahr	Paramjit Singh	Govt. Sec. School, Rahon
13	Ropar	Gurpreet Singh	Shastri Model School, Ph. I, Mohali
14	Sangrur	Pankaj Kumar	Govt. Sec. School, Tallewal

## List of Biodiversity Management Committees

Name of District	Name of Village	Chairman of the BMC
<b>Hoshiarpur</b>	1. Attwarapur	Mohan Singh
	2. Reru Patti	Karmo Devi
	3. Bhambotar	Bashamber Dass
	4. Bisso Chak	Sh. Harish Mehta
	5. Bhavnaur	Gian chand
	6. Kamahi Devi	Prem Nath
	7. Repur	Sanjogita Devi
	8. Namdi	Jagdev Singh
	9. Nauranpur	HemRaj
	10. Chamuhi	Neelam Kumari
	11. Heer-Beh	Prem Chand
	12. Swar	Capt. Saroop
	13. Ghagwal	Sub. Bishamber Dass
	14. Sansarpur	Gian Chand
	15. Ramgarh-Kartoli	Sh. Shamsher Singh
	16. Bhatoli	Smt. Sunita Devi
	17. Charera	Sh. Ashwani Kumar
	18. Bhavnour	Sh. Baldev Singh
<b>Gurdaspur</b>	1. Mamoon	Gian Bir
	2. Karoli	Icchya Devi
	3. Durang Khad	Guljar Singh
	4. Kakruhi	Sh Surat Singh
	5. Keshupur Miani	Sh Joginder Singh
	6. Garl	Gopichand
	7. Dala	Darshan Singh
	8. Bhanguri	Kuldeep Singh
	9. Bhanguri	Tripta Devi
	10. Balapindi	Rani Devi
	11. Chakkar	Kesar Singh
	12. Chhatwal ( Dhar)	Vachittar Singh
	13. Dhar Kalan	Kamlesh Rani

**Punjab State Biological Diversity Rules, 2005**  
**Department of Science & Technology, Government of Punjab**  
**Notification**  
**Chandigarh, the .....2005**

In exercise of the powers conferred by sub section (1) of 63 of the Biological Diversity Act, 2002 (No. 18 of 2003), the State Government hereby, makes the following Rules, namely;

- 1. Short title and commencement:-** (1) These rules may be called Punjab Biological Diversity Rules, 2005.  
(2) These Rules shall come into force on the date of their notification
  
- 2. Definition:-** 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" means the Punjab State Biodiversity Board established under section 22 of the Act.
  - (d) "Committee" means Biodiversity Management Committee established by the local bodies under section 41 of the Act.
  - (e) "Chairperson" means the Chairperson of the State Biodiversity Board
  - (f) "Fee" means any fee stipulated
  - (g) "Form" means form appended to these Rules
  - (h) "State Government" means the Government of Punjab
  - (i) "Section" means section of the Act
  - (j) "Member Secretary" means the Member Secretary of the Board
  - (k) "Member" means member of the State Biodiversity Board
  - (l) Words and expression used but not defined in these Rules and defined in the Act shall have the same meaning respectively assigned to them in the Act.
  
- 3. Manner of selection and Appointment of the Chairperson:-** The Chairperson of the Board shall be the Minister for Environment or a serving officer of the State Govt. not below the rank of Secretary to the Govt. of Punjab, or an eminent expert appointed by the state Government having adequate knowledge and experience in the conservation and sustainable use of biodiversity and in matters relating to the equitable sharing of the benefits.
  
- 4. Term of the Office of the Chairperson:-** (1) The Chairperson of the Board shall hold office for a term of three years and shall be eligible for re-appointment.  
(2) The Chairperson may resign from his office by giving at least one month's notice in writing to the State Government.



- 5. Pay and Allowances of the Chairperson:-** The Chairperson shall be entitled to a salary in the scale of Rs. 22400-24500, and allowances, leave, pension, provident fund, house and other perquisites, revised from time to time, as applicable in the State Govt.
- 6. Appointment of Ex-officio Members:-** Five Ex-officio members shall be appointed by the State Government to represent the following departments:
- i) Science, Technology & Environment
  - ii) Agriculture
  - iii) Forests & Wildlife
  - iv) Any other
- 7. Nomination and Term of office and Allowances of non-official members:-** (1) Five non-official members from amongst the experts in matters relating to conservation of biological diversity, sustainable use of biological resources and equitable sharing of benefits arising out of the use of biological resources shall be nominated by the State Government. Two of these members should, preferably be experts from local communities.
- (2) The non-official member of the Board shall hold the office for a term not exceeding three years at a time from the date of his nomination.
- (3) The non-official member shall be entitled to sitting allowance, traveling expenses, daily allowance and to such other allowances, as may be fixed by the State Govt.
- 8. Member Secretary of the Board:-** (1) The Member Secretary (MS) shall be Director (Environment), in the scale of Rs. 18400-22400/- and allowances, leave, pension, provident fund, house and other perquisites, revised from time to time, as applicable in the State Government.
- 9. Filling up of vacancies of non-official members:-** (1) A non-official member of the Board may resign from his office at any time by giving in writing under his hand addressed to the Chairman/ Member Secretary and the seat of that member in the Board shall become vacant.
- (2) A casual vacancy in the Board 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 he was nominated.
- 10. Removal of the Member of the Board:-** No member of the Board shall be removed from the office on any grounds specified in Section 11 of the Act, without due and proper enquiry by an officer not below the rank of Principal Secretary to the Govt. of Punjab, appointed by the State Govt. for the purpose and without giving a reasonable opportunity to the Member of being heard.
- 11. Head Office of the Board:-** The Head Office of the Board shall be at Chandigarh. The State Govt. has notified the Punjab State Council for Science & Technology (working under the aegis of Deptt. of Environment, Govt. of Punjab) as nodal department for biodiversity conservation.
- 12. Meetings of the Board:-** (1) The Board shall meet at least three times in a year normally after four months at the Head Quarters of the Board or at such other place, as may be decided by the Chairperson.

- (2) The Chairperson shall, upon direction of the State Govt. or upon a written request from not less than five members of the Board, call a special meeting of the Board.
- (3) Fifteen days notice of an ordinary meeting and three days notice of a special meeting specifying the purpose, the time and the place, at which such meeting is to be held, shall be given to the members.
- (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) Quorum for the meeting of the Board shall be 1/3<sup>rd</sup> of total members in position. If within 15 minutes of the time fixed for any meeting, the quorum is not present, the presiding officer shall adjourn the meeting to such hour or some other date as may be reasonably fixed. No quorum will be necessary for adjourned meeting. No matter which has not been brought in the agenda in original meeting shall be discussed in adjourned meeting. No fresh notice will be required for an adjourned meeting.
- (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/ presiding member in his discretion permits him to do so.
- (9) Notice of the meeting may be given to the members by delivering the same by messenger or sending it by registered post to his last known place of residence or business or in such other manner, as the Member Secretary of the Board may, in the circumstances of the case, think fit.
- (10) In addition, the Board may evolve such other procedure for the transaction of its business as it may deem fit and proper.

**13. 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 deem fit consisting wholly of members or wholly of other persons or partly of members and partly of other persons.

- (2) The Members of the expert committee other than the members of the Board shall be paid such fees and allowances for attending the meetings, as the Board may deem fit.
- (3) The Board may invite any person, whose assistance or advice is considered useful to obtain in performing any of its functions, to participate in the deliberations of any of its meetings. Such persons shall be paid fees/ allowances, as the Board may deem fit.

**14. General functions of the Board:-** The Board may perform the following functions:-

- (i) Lay down the procedure and guidelines to govern the activities provided under Section 23 of the Act.
- (ii) Advise 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 resources and knowledge.
- (iii) Coordinate the activities of Biodiversity Management Committees
- (iv) Provide technical assistance and guidance to the departments of the State Government and Biodiversity Management Committees.

- (v) Regulate by granting of approvals or otherwise, requests for commercial utilization or bio-survey and bio-utilization of any biological resources by Indian Nationals.
- (vi) Facilitate updating and implementation of State Biodiversity Strategy and Action Plan.
- (vii) Commission studies and sponsor investigation and research.
- (viii) Engage consultants 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 beyond the period of three years, the Board shall seek prior approval of the State Government for such an engagement.
- (ix) 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 resources and knowledge.
- (x) Organize through mass media a comprehensive programme regarding conservation of biological biodiversity, sustainable use of its components and fair and equitable sharing of benefits arising out of the use of biological resources and knowledge.
- (xi) Plan and organize training of personnel engaged or likely to be engaged in programmes for the conservation of biological biodiversity and sustainable use of its components.
- (xii) Take steps to build up database and to create information and documentation system for biological resources and associated traditional knowledge through biodiversity registers and electronic databases, to ensure effective management, promotion and sustainable uses.
- (xiii) Give directions to the local bodies/ Biodiversity Management Committees in writing and through appropriate oral means, for effective implementation of the Act, and to facilitate their meaningful participation in all measures relating to conservation, sustainable use, and equitable benefit sharing.
- (xiv) Report to the State Government about the functioning of the Board and implementation of the Act and the Rules made there under.
- (xv) Recommend, prescribe, modify and collect benefit sharing fee of biological resources from time to time.
- (xvi) Devise methods in collaboration with National Biodiversity Authority to ensure protection of rights including intellectual property rights over biological resources and associated knowledge including system of maintaining confidentiality of such information as appropriate, including the protection of the information recorded in People's Biodiversity Registers.
- (xvii) Sanction grants-in-aid and grants to Biodiversity Management Committees for specific purposes.
- (xvii) Undertake physical inspection of any area in connection with the implementation of Act.
- (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 effectively 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 State/ Central Government shall be operated in accordance with the budget provisions approved by the State/ Central Government.

- (xx) Board shall have full powers for granting administrative and technical sanctions to all the estimates. It may, however, delegate such administrative and technical sanction powers to the Member Secretary of the Board, as may be deemed necessary.
- (xxi) Create posts for effective discharge of the functions by the Board.
- (xxii) Perform such other functions, as may be necessary to carry out the provision 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.

**15. Powers and Duties of the Chairperson:-** (1) The Chairperson shall have the overall control on the affairs of the Board and shall ensure that the Board is run efficiently and in accordance with the provisions of the Act and the rules made there-under by the Member Secretary.

(2) The Chairperson may undertake tours within the State of Punjab for carrying out the functions of the Board :

provided that he shall keep the government and the board informed of his tours.

(3) The Chairperson may, with prior approval of the government visit any place in India or abroad and keep the members of the board informed of his tours.

(4) Subject to rules, if any, the Chairperson shall have full powers in matters of promotion, confirmation, transfer & termination of services of the officers & employees of the board.

(5) Subject to overall sanctioned budget provision, the Chairperson shall have full power to administratively approve and sanction all estimates.

**16. Powers and duties of the Member Secretary (MS):-**

(1) The MS shall be responsible for day-to-day administration of the Board, management of funds and implementation of various programs under the guidance of the State Govt./Chairperson and will coordinate and convene meetings of the board, maintain records and proceedings and such other matters as may be assigned to him by the Board.

(2) All orders or instruction to be issued by the Board shall be under the signatures of the Chairman/ Member Secretary or of any other officer authorized on this behalf by the Board.

(3) The Member Secretary shall either him/herself, or through an officer authorized for the purpose, sanction and disburse all payments against the approved budget.

(4) The Member Secretary shall have powers to give technical and administrative sanctions to the estimates included in the budget of the Board up to a level decided by the board.

(5) The Member Secretary shall write and maintain confidential reports of all the officers and staff of the Board and shall put them up to the Chairperson.

(6) The Member Secretary shall be in-charge of all 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 Govt.

(7) The Member Secretary shall exercise such other powers and perform such other function, as may be delegated to him/her from time to time by the Board.

**17. Terms and Conditions of Services of employees of the Board:-** (1) The Board shall lay down the service rules of its employees.

**18. Procedure for access to/ collection of biological resources:-** (1) Any person seeking access to/ collection of biological resources and associated knowledge for research or for commercial utilization shall make an application to the Board in Form-1 appended to these Rules.

- (2) Every application shall be accompanied by a fee of Rs. 1000/- in case such access is for research purpose and Rs. 5000/- for commercial utilization, as revised from time to time, in the form of a cheque or demand draft drawn in favour of the board.
- (3) The Board after due appraisal of the application and after consultation with the concerned local bodies and after collecting such additional information, as it may deem necessary, shall decide the application, as far as possible within a period of six months from the date of receipt of the same. In this context, the word “consult”, for the purpose of the act, includes the following steps, inter alia; (a) issuing of public notice, in local languages, of the proposal for access collection; (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.
- (4) On being satisfied with the merit of the application, the Board may allow, the application or restrict any such activity which can be/ is detrimental or contrary to the objectives of the conservation and sustainable use of biodiversity or equitable sharing arising out of such activity.
- (5) A written agreement duly signed by an authorized officer of the Board and the applicant shall govern the access/ collection.
- (6) The Form of the agreement shall be prescribed by the Board and shall include the following:-
  - (i) General objectives and purpose of the application for seeking approval;
  - (ii) Description of the biological resources and traditional knowledge including accompanying information;
  - (iii) Intended uses of the biological resources (research, breeding, commercial utilization etc.)
  - (iv) Conditions under which the applicant may seek intellectual property rights;
  - (v) Quantum of monetary and other incidental benefits. If need be, a commitment to enter into a fresh agreement particularly in case the biological materials is taken for research purposes and later on sought to be used for commercial purposes, and also in case of any other change in use thereof subsequently;
  - (vi) Restriction to transfer the accessed biological resources and the traditional knowledge to any third party.
  - (vii) To adhere to a limit set by the Board on the quantity, duration and specification of the quality of the biological resources for which the applicant is seeking access;
  - (viii) Guarantee to deposit a reference sample of the biological material sought to be accessed with the repositories identified in Section 39;
  - (ix) Submit a regular status report of research and other developments;
  - (x) Commitment to abide with the provisions of the Act and Rules and other related legislations in force in the country;
  - (xi) Commitment to facilitate measures for conservation and sustainable use of biological resources accessed;
  - (xii) Commitment to minimize environmental impacts of collecting activities;

- (xiii) Legal provisions such as duration of the agreement, notice to terminate the agreement, independent enforceability of individual clauses, provision to the extent that obligation in benefit sharing clauses survive the termination of the agreement, events limiting liability (natural calamities), arbitration, any confidentially clause.
- (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.
- (6) The Board may reject the application if it considers that the request 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.
- (7) Any information given in the form referred to in the sub-rule (1) for prior intimation shall be kept confidential and shall not be disclosed, either intentionally or unintentionally, to any person not concerned thereto.
- (8) The Board shall take steps to publicize approvals granted, through print or electronics media and shall periodically monitor compliance of conditions on which the approval was accorded.

**19. Revocation of access/ approval;-** (1) The Board may either on the basis of any complaint or *suo moto* withdraw the access granted and revoke the written agreement under the following conditions;-

- (i) The request for access is for any threatened taxa, or taxa that are likely to become threatened due to such access brought later to the notice of the board.
  - (ii) The request for access is for any endemic and rare species brought later to the notice of the board.
  - (iii) On the basis of reasonable belief that the person to whom the approval was granted has violated any of the provisions of the Act or the condition on which the approval was granted;
  - (iv) When the person who has been granted approval has failed to comply with the terms of the agreement;
  - (v) When the person has failed to comply with terms of agreement.
  - (vi) 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.

**20. Restriction/prohibition on activities related to access to biological resources;-** (1)

The Board, if it deems necessary and appropriate, shall take the steps to restrict or prohibit the proposal for access to biological resources for the following reasons:

- (i) The request for access is for any threatened taxa, or taxa that are likely to become threatened due to such access;
- (ii) The request for access is for any endemic and rare species.
- (iii) The request for access for any species which may not be under endangered rare categories as per international criteria but occurs rarely in the locality from which it is to be accessed or its existence is threatened in the locality.

- (v) The request for access may result in adverse environmental impact which may be difficult to control and mitigate.
- (vi) The request for access may be likely to result in adverse effect on the livelihoods, culture, or indigenous knowledge of the local people.
- (v) The request for access may cause genetic erosion or affect the ecosystem functioning.
- (vi) Use of resources for purposes contrary to national/state interest and other related international/interstate agreements entered into by the country/state.
- (2) Any order of restriction/prohibition shall be made only after making such inquires as required; consulting the concerned local bodies and Biodiversity Management Committees, and giving the person so affected an opportunity of being heard.

**21. Procedure for seeking approval for transferring results of research:** (1) In all cases where results of research relating to biological resources are to be transferred to foreign nations/international bodies, the case will be referred to the National Biodiversity Authority. The applicants will be required to submit application on Form II to the NBA with copy to SBB.

**22. Procedure for seeking prior approval before applying for intellectual property protection:**

- (1) Any person desirous of applying for a patent or any other intellectual property based on research on biological material and knowledge obtained from India shall be required to submit application (on Form III) to the National Biodiversity Authority with a copy to State Biodiversity Board.

**23. Procedure for third party transfer under sub-section (2) of Section (20) of the Act:**

- (1) The persons who have been granted approval for access to biological resources and associated knowledge, intends to transfer the accessed biological resources or knowledge to any other person or organization shall be required to approach the National Biodiversity Authority ( in Form IV) with a copy to the Board.

**24. Criteria for equitable benefit sharing (Section 21 of Act):** (1) The criteria adopted by the Authority and guidelines notified in the official gazette shall be followed by the Board.

- (2) The formula for benefit sharing shall be determined on case-by-case basis.
- (3) The quantum of benefits shall be mutually agreed upon between the persons applying for such approval and the Board in consultation with the local bodies and benefit claimers and may be decided with due regard to the defined parameters of access, the extent of use, the sustainability aspect, impact and expected outcome levels, including measures ensuring conservation and sustainable use of biological diversity.
- (4) Depending upon each case, the Board shall stipulate the time frame for assessing benefit sharing on short, medium and long term benefits.
- (5) The Board shall stipulate that benefits shall ensure conservation and sustainable use of biological diversity.
- (6) Where biological resources or knowledge is accessed from a specific individual or a group of individuals or organizations, the Board may take steps to ensure that the agreed amount is paid directly to them through the district

administration. Where such individuals or group of individuals or organizations cannot be defined, the monetary benefits shall be deposited in the State Biodiversity Fund.

(7) Five percent of the assessed benefits shall be earmarked for the Board towards administrative and service charges.

(8) The Board shall monitor the flow of benefits as determined under sub rule (4) in manner determined by it.

**25. Operation of State Biodiversity Fund:** (1) The State Biodiversity Fund shall be operated by the Member Secretary of the Board or by such other officer as authorized by the Board in this regard.

(2) The State Biodiversity Fund shall have two separate heads of accounts, one relating to the receipts (grants and loans) from the Central Government/National Biodiversity Authority or State Government, including receipts from such other sources as decided by the Board and the other concerning the fee, license fee, royalty and other receipts of the Board.

(3) The State Government, shall after due appropriation made by the State legislature by the law in this behalf, pay to the Board such sum of money, as the State Government may think fit for being utilized for the purpose of the Act.

**26. 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 the same to the State Government by September each year.

(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.

(3) The Board shall submit the Annual Report together with the audited statement of accounts for each financial year to the State Government so as to enable the State Government to lay the reports before the Legislative Assembly.

**27. Establishment and Management of Biodiversity Heritage Sites:** (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. Following recommendation from the Board and after consultation with the Central Government if required, the State Government shall issue notification to this effect.

(2) The Board shall, in consultation with the authority, frame guidelines on the selection, management and other aspects of Heritage Sites, and recommend to the State Govt. to notify rules thereof.

**28. Constitution of Biodiversity Management Committees:** (1) Every local body shall constitute a Biodiversity Management Committee within its area of jurisdiction. Accordingly, Biodiversity Management Committees are to be constituted at Block/Village level as well as at Municipality and Municipal Corporation level.

(2) If the local body is satisfied that the function of the BMC can be discharged by the general assembly of the local body or by one of its existing committees, the same should be recorded as resolution passed by such local body, following due procedure.



- (3) The Biodiversity Management Committees constituted under sub-rule (1) shall have seven persons nominated by the local body, of whom not less than one third shall be women. These persons should be drawn from amongst the herbalists, agriculturist, Non Timber Forest Produce collectors/ traders, fisher-folk, representatives of user associations, community workers, academicians and any person/ representative of organization, on whom the local body trusts that they can significantly contribute to the mandate of the Biodiversity Management Committee. The proportion of members belonging to the Scheduled Caste/ Scheduled Tribe should not be less than Scheduled Caste/ Scheduled Tribe percentage of the District, where such a committee is set up. All the above should be resident within the said local body limits and be in the voters list.
- (4) The local body shall nominate six special invitees from forest, agriculture, livestock, health, fisheries and education department.
- (5) 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.
- (6) The Chairperson of the Biodiversity Management Committee shall have a tenure of five years.
- (7) 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.
- (8) A technical support group comprising experts in the field of biodiversity drawn from Government agencies, Non Governmental Organization, academic field, community and individuals shall be established by district administration. The expert group shall lend support to Biodiversity Management Committees.
- (9) The key mandate of the Biodiversity Management Committee will be to ensure conservation, sustainable utilization and equitable sharing of benefits from the biodiversity. The Biodiversity Management Committee shall facilitate preparation of People's Biodiversity Registers. The Register shall contain comprehensive information on availability and knowledge of local biological resources, their medicinal or any other use or any other traditional knowledge associated with them. The District level 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 Sabha/ Panchayat/ Municipality/ Municipal Corporation Biodiversity Management Committee level by using the process and the format set by the Board. The Biodiversity Management Committees and local bodies will be responsible for ensuring the protection of the knowledge recorded in the People's Biodiversity Registers, especially to regulate its access to outside agencies and individuals.
- (10) 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, to maintain data about the local vairs and practitioners using the biological resources.
- (11) The District and Village Biodiversity Management Committees shall strive to mainstream biodiversity conservation concerns in the developmental planning at the local level.
- (12) The Board shall provide guidance and technical support to the Biodiversity Management Committee 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.
- (13) The 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.
  - (14) The Biodiversity Management Committee at Gram Sabha/ 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 purposes within their jurisdiction and levy charges by way of collection 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 holder/s and the balance should be deposited in Local Biodiversity Management Committee.
  - (15) The Board shall provide guidelines for terms of access and fee collection by the Biodiversity Management Committee.
  - (16) The Gram Sabha/ Gram Panchayat/ Municipality/ Municipal Corporation level Biodiversity Management Committees shall prepare a Biodiversity Management Plan using output from People's Biodiversity Register and will be responsible for or participate in its implementation.
  - (17) The local bodies shall ensure that the Biodiversity Management Committees are integrated with the functioning of existing local institutions by cross-membership, regular coordination meetings, and other such measures, as determined by the local bodies or as specified by the Board.

## **29. Local Biodiversity Fund:**

- (1) At the level of local body, the local biodiversity fund shall be constituted.
- (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 purposes of the Act. The local body can also access such funds from other sources as it identifies, or as specified by the Board.
- (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 and accountable to all members of the relevant local body.
- (4) The fund shall be used for the conservation and promotion of biodiversity in the areas falling within 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 and during each financial year at such time, as may be prescribed.
- (6) The Biodiversity Management Committee shall prepare its annual report, giving full account of its activities during the previous financial year, and submit a copy thereof to the Board and a copy to the general assembly of the local body.
- (7) The accounts of the local biodiversity fund shall be maintained and audited in such manner, as may be specified by the Board.

- 30. Appeal for settlement of disputes:** (1) If a dispute arises between the Board and Biodiversity Management Committee(s) or between one Committee and another Committee(s) on account of implementation of any order/ direction or on any issue of policy, either of the aggrieved parties i.e. , the Board or the Committee, as the case may be, prefer an appeal under Section 50 of the Act, in Form V appended to these rules to Chairperson, State Biodiversity Board in the case of dispute between one Committee and another Committee, or to the Appellate Authority in case of dispute between the Board and Committee.
- (2) The memorandum of appeal shall state the facts of the case, the ground relied upon by the appellant and the relief sought for, for preferring the appeal and 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. The memorandum of appeal shall be duly signed by the authorized representative of the appellant.
- (3) The memorandum of appeal shall be submitted in quadruplicate accompanied with the authenticated copy of the order, directions or policy decisions as the case may be, by which the appellant is aggrieved, either in person or through a registered post with acknowledgement due, within 45 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, the appellate authority, for reason to be recorded in writing allow the appeal to be preferred after the expiry of the aforesaid period of 45 days.
- (4) The notice for hearing of the appeal shall be given in Form VI by registered post with an acknowledgement due.
- (5) Every memorandum of appeal shall be accompanied by a fee of Rs. 100/- or as revised to time to time.
- (6) The Appellate Authority shall, after hearing the appellant and the other parties, dispose of the appeal. It may vary or modify or cancel impugned order, direction or policy, as the case may be.

By order and in the name of The Governor of Punjab

## FORM I

### Application form for access to Biological resources and associated traditional knowledge

#### Part A

- (i) Full particulars of the applicant
  - (ii) Name
  - (iii) Permanent address
  - (iv) Address of the contact person/ agent, if any
  - (v) Profile of the organization (personal profile in case the applicant is an individual), Please attach relevant documents of authentication):
  - (vi) Name of business
  - (vii) Turnover of the organization in Rs.
2. Details and specific information about nature of access sought and biological material and associated knowledge to be accessed
    - a) Identification (scientific name) of biological resources and its traditional use:
    - b) Geographical location of proposed collection (please give names of block and adjoining villages):
    - c) Description / nature of traditional knowledge (oral / documented):
    - d) Any identified individual / community holding the traditional knowledge:
    - e) Quantity of biological resources to be collected (give the schedule):
    - f) Time span in which the biological resources is proposed to be collected:
    - g) Name and number of person authorized by the company for making the selection:
    - 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 of the resource endangers any component of biological diversity and the risks which may arise from the access:
  3. Details of any national / State institution which will participate in the Research and Development activities.
  4. Primary destination of accessed resource and identity of the location where the R & D will be carried out.
  5. The economic and other benefits including those arriving out of any IPR, patent obtained out of accessed biological resources and knowledge that are intended, or may accrue to the applicant
  6. The biotechnological, scientific, social or any other benefits obtained out of accessed biological resources and knowledge that are intended, or may accrue to the applicant

7. Estimation of benefits, that would flow to the State / communities arising out of the use of accessed bio-resources and traditional knowledge
8. Proposed mechanism and arrangements for benefit sharing.
9. Any other information considered relevant.

**Part B**  
**Declaration**

I / we declare that:

- Collection of proposed biological resources shall not adversely affect the sustainability of the resources;
- Collection of proposed biological resources shall not entail any environmental impact;
- Collection of proposed biological resources shall not pose any risk to ecosystems;
- Collection of proposed biological resources shall not adversely affect the local communities;

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

Signed

Name

Title

Place

Date

## FORM II

### **Application for seeking prior approval of National Biodiversity Authority for transferring the results of research to foreign nationals, companies, NRI's, for commercial purposes.**

1. Full particulars of the applicant
  - i) Name:
  - ii) Address:
  - ii) Professional profile:
  - iv) Organizational affiliation (Please attach relevant documents of authentication):
2. Details of the results of research conducted
3. Details of the Biological resources and / or associated knowledge use in the research.
4. Geo-graphical location from where the biological resources used in the research are collected.
5. Details of any traditional knowledge used in the research and any identified individual / community holding the traditional knowledge
6. Details of institution where R & D activities carried out.
7. Details of the individual / organization to whom the research results are intend to transfer.
8. Details of economic, biotechnological, scientific or any other benefits that are intended, or may accrue to the individual / organization due to commercialization of transferred research results.
9. Details of economic, biotechnological, scientific or any other benefits that are intended, or may accrue to the applicant seeking approval for transfer of results of research.
10. Details of any agreement or MOU between by the proposed recipient and applicant seeking approval for transfer of results of research.

## Declaration

I / we declare the information provided in the application form is true and correct and I / we shall be responsible for any incorrect / wrong information.

Signed

Name

Title

Place

Date

## FORM III

### Application for seeking prior approval of National Biodiversity Authority for applying for Intellectual Property Right

1. Full particulars of the applicant
  - i) Name:
  - ii) Address:
  - iii) Professional profile:
  - iv) Organizational affiliation (Please attach relevant documents of authentication):
2. Details of the invention on which IPRs sought
3. Details of the Biological resources and / or associated knowledge used in the invention.
4. Geographical location from where the biological resources used in the invention are collected.
5. Details of any traditional knowledge used in the invention and any identified individual / community holding the traditional knowledge.
6. Details of institution where Research and Development activities carried out.
7. Details of economic, biotechnological, scientific or any other benefits that are intended, or may accrue to the applicant due commercialization of the invention.

## Declaration

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

Signed

Name

Title

Place

Date

## FORM IV

### **Application form for seeking approval of National Biodiversity Authority for third party transfer of the accessed Biological resources and associated traditional knowledge.**

1. Full particulars of the applicant
  - i) Name:
  - ii) Address:
  - iii) Professional profile:
  - iv) Organizational affiliation (Please attach relevant documents of authentication)
2. Details of the biological material and traditional knowledge accessed
3. Details of the access contract entered (Copy to be enclosed)
4. Details of the benefits and mechanism / arrangements for benefit sharing already implemented.
5. Full particulars of the third part to whom the accessed material / knowledge is intended to transfer.
6. The purpose of the intended third party transfer.
7. Details of economic, social, biotechnological, scientific or any other benefits that are intended, or may accrue to the third party due to transfer of accessed biological material and knowledge.
8. Details of any agreement to be entered between the applicant and the third party.
9. Estimation of benefits that would flow to India / communities arising out of the third party transfer of accessed biological resources and traditional knowledge.
10. Proposed mechanism and arrangements for benefit sharing arising out of the proposed third party transfer.
11. Any other relevant information

## **Declaration**

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

Signed

Name

Title

Place

Date



**FORM V**

**Form of Memorandum of Appeal**

**BEFORE THE \_\_\_\_\_ APPELLATE AUTHORITY**

**OR**

**PUNJAB BIODIVERSITY BOARD**

(as the case may be)

(Memorandum of appeal under Section 50 of the Biological Diversity Act, 2002)

**Appeal No. \_\_\_\_\_ of 200**

\_\_\_\_\_

\_\_\_\_\_

-----Appellant (s)

**Vs.**

\_\_\_\_\_

\_\_\_\_\_

-----Respondent (s)

(here mention the designation of the Authority /  
Board, as the case may be)

The appellant begs 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 made):

i)

ii)

iii)

3. RELIEF SOUGHT

i)

ii)

iii)

4. PRAYER

a) In the light of what is state above, the appellant respectfully prays that the order / decision of the respondent be quashed / set-aside

b) The policy / guidelines / regulation framed by the Respondent be quashed / modified / annulled to the extent \_\_\_\_\_

\_\_\_\_\_

c) \_\_\_\_\_

Place: \_\_\_\_\_

Date: \_\_\_\_\_

Signature of the appellant

with seal

Address:

**VERIFICATION**

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

Verified on \_\_\_\_\_ day of \_\_\_\_\_

Signature of the appellant

with seal

Address

Signature of the Authorized representative of the appellant

Enclosures: 1. Authenticated copy of the order / direction / policy decision, against which the appeal has been preferred

**FORM VI**

**BEFORE THE \_\_\_\_\_ APPELLATE AUTHORITY**

**OR**

**PUNJAB BIODIVERSITY BOARD**

(as the case may be)

Appeal no. \_\_\_\_\_ 200

Between:

\_\_\_\_\_

\_\_\_\_\_ .....Appellant (s)

Vs.

\_\_\_\_\_

\_\_\_\_\_ .....Respondent (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 annexure filed along with the appeal are sent herewith for your reference.

Please note that if you fail to appear on the said date or other subsequent date of hearing of the appeal, the appeal would be disposed of finally by placing you ex-parte.

Authorised signatory on behalf of the Appellate Authority (Seal)

Date: \_\_\_\_\_

Place: \_\_\_\_\_

**Punjab State Biological Diversity Rules, 2007**  
**Department of Science & Technology, Government of Punjab**  
**Notification**  
**Chandigarh, the .....2007**

In exercise of the powers conferred by sub section (1) of 63 of the Biological Diversity Act, 2002 (No. 18 of 2003), the State Government hereby, makes the following Rules, namely;

- 5. Short title and commencement:-** (1) These rules may be called Punjab Biological Diversity Rules, 2007.  
(2) These Rules shall come into force on the date of their notification  
(3) These Rules shall be in addition to and not in derogation of the provision in any law, for the time being in force, relating to forests and wildlife.
- 6. Definition:-** In these Rules, unless the context otherwise requires  
(m) “Act” means the Biological Diversity Act, 2002 (No. 18 of 2003)  
(n) “Authority” means the National Biodiversity Authority established under sub-section (1) of Section 8 of the Act.  
(o) “Board” means the Punjab Biodiversity Board established under section 22 of the Act.  
(p) “Committee” means Biodiversity Management Committee established by a local body under section 41 of the Act.  
(q) “Chairperson” means the Chairperson of the State Biodiversity Board  
(r) “Fee” means any fee stipulated  
(s) “Form” means form appended to these Rules  
(t) “State Government” means the Government of Punjab  
(u) “Section” means section of the Act  
(v) “Member Secretary” means the Member Secretary of the State Biodiversity Board  
(w) “Member” means member of the State Biodiversity Board  
(x) Words and expression used but not defined in these Rules and defined in the Act shall have the same meaning respectively assigned to them in the Act.
- 7. Manner of selection and Appointment of the Chairperson:-** The Chairperson of the Board shall be an eminent person appointed by the state Government having adequate knowledge and experience in the conservation and sustainable use of biodiversity and in matters relating to the equitable sharing of the benefits.
- 8. Term of Office of the Chairperson:-** (1) The Chairperson of the Board shall hold office for a term of three years and shall be eligible for re-appointment,  
(2) Provided that no chairperson shall hold office as such after he attains the age of 65 years or his term of office expires, whichever is earlier.  
(3) The Chairperson may resign from his office by giving at least one month notice in writing to the State Government.

- 5. Pay and Allowances of the Chairperson:-** The Chairperson shall be entitled to a salary in the scale of Rs. 22400-24500, and allowances, leave, pension, provident fund, house and other perquisites, revised from time to time, as applicable in the State Govt.
- 6. Appointment of Ex-officio Members:-** Five Ex-officio members shall be appointed by the State Government to represent the following departments:
- i) Environment
  - ii) Agriculture
  - iii) Forests & Wildlife
  - iv) Any other
- 7. Nomination and Term of office and Allowances of non-official members:-**
- (1) Five non-official members from amongst the experts in matters relating to conservation of biological diversity, sustainable use of biological resources and equitable sharing of benefits arising out of the use of biological resources shall be nominated by the State Government. Two of these members should, preferably be experts from local communities.
  - (2) The non-official member of the Board shall hold office for a term not exceeding three years at a time from the date of nomination.
  - (3) The non-official member shall be entitled to sitting allowance, traveling expenses, daily allowance and to such other allowances, as may be fixed by the State Govt.
- 8. Filling up of vacancies of non-official members:-**
- (1) A non-official member of the Board may resign from his/her office at any time by giving in writing under his/her hand addressed to the Chairman/ Member Secretary and the seat of that member in the Board shall become vacant.
  - (2) A casual vacancy in the Board 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 he/she was nominated.
- 9. Member Secretary of the Board:-** The Member Secretary (MS) shall be an eminent person having adequate knowledge and experience in conservation of biodiversity and shall be appointed by the Board in the scale of Rs. 18400-22400/- and entitled to allowances, leave, pension, provident fund, house and other perquisites, revised from time to time, as applicable in the State Government.
- 10. Removal of the Member of the Board:-** No member of the Board shall be removed from the office on any grounds specified in Section 11 of the Act, without due and proper enquiry by an officer not below the rank of Principal Secretary to the Govt. of Punjab, appointed by the State Govt. for the purpose and without giving a reasonable opportunity to the Member of being heard.
- 11. Head Office of the Board:-** The Head Office of the Board shall be at Chandigarh. The State Govt. has notified the Punjab State Council for Science & Technology (working under the aegis of Deptt. of Environment, Govt. of Punjab) as nodal department for biodiversity conservation.
- 12. Meetings of the Board:-**

- (1) The Board shall meet at least two times in a year normally after six months at the Head Quarters of the Board or at such other place, as may be decided by the Chairperson.
- (2) The Chairperson shall, upon direction of the State Govt. or upon a written request from not less than five members of the Board, call a special meeting of the Board.
- (3) Fifteen days notice of an ordinary meeting and three days notice of a special meeting specifying the purpose, the time and the place, at which such meeting is to be held, shall be given to the members.
- (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) Quorum for the meeting of the Board shall be 1/3<sup>rd</sup> of total members in position. If within 15 minutes of the time fixed for any meeting, the quorum is not present, the presiding officer shall adjourn the meeting to such hour or some other date as may be reasonably fixed. No quorum will be necessary for adjourned meeting. No matter which has not been brought in the agenda in original meeting shall be discussed in adjourned meeting. No fresh notice will be required for an adjourned meeting.
- (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/ presiding member in his discretion permits him to do so.
- (9) Notice of the meeting may be given to the members by delivering the same by messenger or sending it by registered post to his last known place of residence or business or in such other manner, as the Member Secretary of the Board may, in the circumstances of the case, think fit.
- (10) In addition, the Board may evolve such other procedure for the transaction of its business as it may deem fit and proper.

### **13. 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 deem fit consisting wholly of members or wholly of other persons or partly of members and partly of other persons.
- (2) The Members of the expert committee other than the members of the Board shall be paid such fees and allowances for attending the meetings, as the Board may deem fit.
- (3) The Board may invite any person, whose assistance or advice is considered useful to obtain in performing any of its functions, to participate in the deliberations of any of its meetings. Such persons shall be paid fees/ allowances, as the Board may deem fit.

### **14. General functions of the Board:-**

The Board may perform the following functions:-

- (i) Lay down the procedure and guidelines to govern the activities provided under Section 23 of the Act.

- (ii) Advise 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 resources and knowledge.
- (iii) Facilitate the formation of Biodiversity Management Committees and coordinate their activities, whenever required.
- (iv) Provide technical assistance and guidance to the departments of the State Government and Biodiversity Management Committees.
- (v) Regulate by granting of approvals or otherwise, requests for commercial utilization or bio-survey and bio-utilization of any biological resources by Indian Nationals and assist National Biodiversity Authority to prevent biopiracy at local level.
- (vi) Facilitate updating and implementation of State Biodiversity Strategy and Action Plan.
- (vii) Commission studies and sponsor investigation and research.
- (viii) Engage consultants 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 beyond the period of three years, the Board shall seek prior approval of the State Government for such an engagement.
- (ix) Collect, compile and publish technical and statistical data, manuals, codes or guides relating to conservation of Biological biodiversity, associated traditional knowledge, sustainable use of its components and fair and equitable sharing of benefits arising out of the use of biological resources and knowledge.
- (x) Organize through mass media a comprehensive programme regarding conservation of biological biodiversity, sustainable use of its components and fair and equitable sharing of benefits arising out of the use of biological resources and knowledge.
- (xi) Plan and organize training of personnel engaged or likely to be engaged in programmes for the conservation of biological biodiversity and sustainable use of its components.
- (xii) Take steps to build up database and to create information and documentation system for biological resources and associated traditional knowledge through biodiversity registers and electronic databases, to ensure effective management, promotion and sustainable uses.
- (xiii) Give directions to the local bodies/ Biodiversity Management Committees in writing and through appropriate oral means, for effective implementation of the Act, and to facilitate their meaningful participation in all measures relating to conservation, sustainable use, and equitable benefit sharing.
- (xiv) Report to the State Government about the functioning of the Board and implementation of the Act and the Rules made there under.
- (xv) Recommend, prescribe, modify and collect benefit sharing fee of biological resources from time to time.
- (xvi) Devise methods in collaboration with National Biodiversity Authority to ensure protection of rights including intellectual property rights over biological resources and associated knowledge including system of maintaining confidentiality of such information as appropriate, including the protection of the information recorded in People's Biodiversity Registers.
- (xvii) Sanction grants-in-aid and grants to Biodiversity Management Committees for specific purposes.

- (xvii) Undertake physical inspection of any area in connection with the implementation of Act.
- (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 effectively 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 State/ Central Government shall be operated in accordance with the budget provisions approved by the State/ Central Government.
- (xx) Board shall have full powers for granting administrative and technical sanctions to all the estimates. It may, however, delegate such administrative and technical sanction powers to the Member Secretary of the Board, as may be deemed necessary.
- (xxi) Create posts for effective discharge of the functions by the Board and approve method of recruitment.
- (xxii) Perform such other functions, as may be necessary to carry out the provision 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.

**15. Powers and Duties of the Chairperson:-**

- (1) The Chairperson shall have the overall control on the affairs of the Board and shall ensure that the Board is run efficiently and in accordance with the provisions of the Act and the rules made there-under.
- (2) The Chairperson may undertake tours within the State of Punjab for carrying out the functions of the Board :  
Provided that he shall keep the government and the board informed of his tours.
- (3) The Chairperson may, with prior approval of the government visit any place in India or abroad and keep the members of the board informed of his tours.
- (4) Subject to rules, if any, the Chairperson shall have full powers in matters of promotion, confirmation, transfer & termination of services of the officers & employees of the board.
- (5) Subject to overall sanctioned budget provision, the Chairperson shall have full power to administratively approve and sanction all estimates.

**16. Powers and duties of the Member Secretary (MS):-**

- (1) The MS shall be responsible for day-to-day administration of the Board, management of funds and implementation of various programs under the guidance of the State Govt./Chairperson and will coordinate and convene meetings of the board, maintain records and proceedings and such other matters as may be assigned to him by the Board.
- (2) All orders or instruction to be issued by the Board shall be under the signatures of the Chairman/ Member Secretary or of any other officer authorized on this behalf by the Board.
- (3) The Member Secretary shall either him/herself, or through an officer authorized for the purpose, sanction and disburse all payments against the approved budget.
- (4) The Member Secretary shall have powers to give technical and administrative sanctions to the estimates included in the budget of the Board up to a level decided by the board.



- (5) The Member Secretary shall write and maintain confidential reports of all the officers and staff of the Board and shall put them up to the Chairperson.
- (6) The Member Secretary shall be in-charge of all 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 Govt.
- (7) The Member Secretary shall exercise such other powers and perform such other function, as may be delegated to him/her from time to time by the Board.

**17. Terms and Conditions of Services of employees of the Board:-**

- (1) The Board shall lay down the service rules of its employees.

**18. Procedure for access to/ collection of biological resources:-**

- (1) Any person seeking access to/ collection of biological resources and associated knowledge for research or for commercial utilization shall make an application to the Board in Form-1 appended to these Rules.
- (2) Every application shall be accompanied by a fee of Rs. 100/- in case such access is for research purpose and Rs. 5000/- for commercial utilization, as revised from time to time, in the form of a cheque or demand draft drawn in favour of the board.
- (3) The Board after due appraisal of the application and after consultation with the concerned local bodies and after collecting such additional information, as it may deem necessary, shall decide the application, as far as possible within a period of six months from the date of receipt of the same. In this context, the word “consult”, for the purpose of the act, includes the following steps, inter alia; (a) issuing of public notice, in local languages, of the proposal for access collection; (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.
- (4) On being satisfied with the merit of the application, the Board may allow, the application or restrict any such activity which can be/ is detrimental or contrary to the objectives of the conservation and sustainable use of biodiversity or equitable sharing arising out of such activity.
- (5) A written agreement duly signed by an authorized officer of the Board and the applicant shall govern the access/ collection.
- (6) The Form of the agreement shall be prescribed by the Board and shall include the following:-
  - (i) General objectives and purpose of the application for seeking approval;
  - (ii) Description of the biological resources and traditional knowledge including accompanying information;
  - (iii) Intended uses of the biological resources (research, breeding, commercial utilization etc.)
  - (iv) Conditions under which the applicant may seek intellectual property rights;
  - (v) Quantum of monetary and other incidental benefits. If need be, a commitment to enter into a fresh agreement particularly in case the biological materials is taken for research purposes and later on sought to be used for commercial purposes, and also in case of any other change in use thereof subsequently;
  - (vi) Restriction to transfer the accessed biological resources and the traditional knowledge to any third party.
  - (vii) To adhere to a limit set by the Board on the quantity, duration and specification of the quality of the biological resources for which the applicant is seeking access;

- (viii) Guarantee to deposit a reference sample of the biological material sought to be accessed with the repositories identified in Section 39 of the Act;
  - (ix) Submit a regular status report of research and other developments;
  - (xii) Commitment to abide with the provisions of the Act and Rules and other related legislations in force in the country;
  - (xiii) Commitment to facilitate measures for conservation and sustainable use of biological resources accessed;
  - (xii) Commitment to minimize environmental impacts of collecting activities;
  - (xiii) Legal provisions such as duration of the agreement, notice to terminate the agreement, independent enforceability of individual clauses, provision to the extent that obligation in benefit sharing clauses survive the termination of the agreement, events limiting liability (natural calamities), arbitration, any confidentially clause.
- (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.
  - (6) The Board may reject the application if it considers that the request 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.
  - (7) Any information given in the form referred to in the sub-rule (1) for prior intimation shall be kept confidential and shall not be disclosed, either intentionally or unintentionally, to any person not concerned thereto.
  - (8) The Board shall take steps to publicize approvals granted, through print or electronics media and shall periodically monitor compliance of conditions on which the approval was accorded.

**19. Revocation of access/ approval;-**

- (1) The Board may either on the basis of any complaint or *suo moto* withdraw the access granted and revoke the written agreement under the following conditions;-
  - (i) The request for access is for any threatened taxa, or taxa that are likely to become threatened/ endangered due to such access brought later to the notice of the board.
  - (ii) The request for access is for any endemic and rare species brought later to the notice of the board.
  - (iii) On the basis of reasonable belief that the person to whom the approval was granted has violated any of the provisions of the Act or the condition on which the approval was granted;
  - (iv) When the person who has been granted approval has failed to comply with terms of agreement ;
  - (v) When the person has failed to comply with conditions of access granted.
  - (vi) 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 inquires 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.

**20. Restriction/prohibition on activities related to access to biological resources;-**

- (1) The Board, if it deems necessary and appropriate, shall take the steps to restrict or prohibit the proposal for access to biological resources for the following reasons:
  - (i) The request for access is for any threatened/endangered taxa, or taxa that are likely to become threatened/ endangered due to such access;
  - (ii) The request for access is for any endemic and rare species.
  - (iii) The request for access for any species which may not be under endangered rare categories as per international criteria but occurs rarely in the locality from which it is to be accessed or its existence is threatened in the locality.
  - (v) The request for access may result in adverse environmental impact which may be difficult to control and mitigate.
  - (vi) The request for access may be likely to result in adverse effect on the livelihoods, culture, or indigenous knowledge of the local people.
  - (vi) The request for access may cause genetic erosion or affect the ecosystem functioning.
  - (vi) Use of resources for purposes contrary to national/state interest and other related international/interstate agreements entered into by the country/state.
- (2) Any order of restriction/prohibition shall be made only after making such inquires as required; consulting the concerned local bodies and Biodiversity Management Committees, and giving the person so affected an opportunity of being heard.

**21. Criteria for equitable benefit sharing (Section 21 of Act):**

- (1) The criteria adopted by the National Biodiversity Authority and guidelines notified in the official gazette shall be followed by the Board. These guidelines shall provide for monetary and other benefits like royalty, joint venture, technology transfer, product development, education & awareness, institutional capacity building, venture capital fund, etc.
- (2) The formula for benefit sharing shall be determined on case-by-case basis.
- (3) The quantum of benefits shall be mutually agreed upon between the persons applying for such approval and the Board in consultation with the local bodies and benefit claimers and may be decided with due regard to the defined parameters of access, the extent of use, the sustainability aspect, impact and expected outcome levels, including measures ensuring conservation and sustainable use of biological diversity.
- (4) The Board while granting approval to any person for access or for transfer of research or for third party transfer of the accessed biological resources and associated knowledge may impose terms and conditions for ensuring equitable sharing of benefits arising out of the use of accessed biological material and associated knowledge.
- (5) Depending upon each case, the Board shall stipulate the time frame for assessing benefit sharing on short, medium and long term benefits.
- (6) The Board shall stipulate that benefits shall ensure conservation and sustainable use of biological diversity.
- (7) Where biological resources or knowledge is accessed from a specific individual or a group of individuals or organizations, the Board may take steps to ensure that the agreed amount is paid directly to them through the district administration. Where such individuals or group of individuals or organizations

cannot be defined, the monetary benefits shall be deposited in the State Biodiversity Fund.

- (8) Five percent of the assessed benefits shall be earmarked for the Board towards administrative and service charges.
- (9) The Board shall monitor the flow of benefits as determined under sub rule (4) in manner determined by it.

## **22. Operation of State Biodiversity Fund:**

- (1) The State Biodiversity Fund shall be operated by the Member Secretary of the Board or by such other officer as authorized by the Board in this regard.
- (2) The State Biodiversity Fund shall have two separate heads of accounts,
  - (a) one relating to the receipts (grants and loans) from the Central Government/National Biodiversity Authority or State Government, including receipts from such other sources as decided by the Board, and
  - (b) the other concerning the fee, license fee, royalty and other receipts of the Board.
- (3) The State Government, shall after due appropriation made by the State legislature by the law in this behalf, pay to the Board such sum of money, as the State Government may think fit for being utilized for the purpose of the Act.
- (4) The fund shall be applied for –
  - (a) meeting the expenses incurred by the Board for its operation and for the purposes/activities authorized by this Act.
  - (b) conservation and promotion of biological resources;
  - (c) the management and conservation of heritage sites;
  - (d) compensating or rehabilitating any section of the people economically affected by notification under sub-section (I) of section 37 of the Biological Diversity Act;
  - (e) socio-economic development of areas from where such biological resources or knowledge associated thereto has been accessed subject to any order made under section 24 of the Act, in consultation with the local bodies concerned;

## **23. 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 the same to the State Government by September each year.
- (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.
- (3) The Board shall submit the Annual Report together with the audited statement of accounts for each financial year to the State Government so as to enable the State Government to lay the reports before the Legislative Assembly.

## **24. Establishment and Management of Biodiversity Heritage Sites:**

- (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. Following recommendation from the Board and after consultation with the Central Government if required, the State Government shall issue notification to this effect.

- (2) The Board shall, in consultation with the authority, frame guidelines on the selection, management and other aspects of Heritage Sites, and recommend to the State Govt. to notify rules thereof.

## **25. Constitution of Biodiversity Management Committees:**

- (1) Every local body, in accordance with article 243B and to 243Q of the Constitution of India, shall constitute a Biodiversity Management Committee within its area of jurisdiction for the purpose of promoting conservation, sustainable use and documentation of biological diversity including preservation of habitats, conservation of land races, folk varieties and cultivars, domesticated stocks and breeds of animals and microorganisms and chronicling of knowledge relating to biological diversity.
- (2) If the local body is satisfied that the function of the BMC can be discharged by the general assembly of the local body or by one of its existing committees, the same should be recorded as resolution passed by such local body, following due procedure.
- (3) The Biodiversity Management Committees constituted under sub-rule (1) shall consist of a Chairperson and not more than six persons nominated by the local body, of whom not less than one third shall be women. These persons should be drawn from amongst the herbalists, agriculturist, Non Timber Forest Produce collectors/ traders, fisher-folk, representatives of user associations, community workers, academicians and any person/ representative of organization, on whom the local body trusts that they can significantly contribute to the mandate of the Biodiversity Management Committee. The proportion of members belonging to the Scheduled Caste/ Scheduled Tribe should not be less than Scheduled Caste/ Scheduled Tribe percentage of the District, where such a committee is set up. All the above should be resident within the said local body limits and be in the voters list.
- (4) The local body shall nominate six special invitees from forest, agriculture, livestock, health, fisheries and education department, if required.
- (5) 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.
- (6) The Chairperson of the Biodiversity Management Committee shall have a tenure of five years.
- (7) 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.
- (8) A technical support group comprising experts in the field of biodiversity drawn from Government agencies, Non Governmental Organization, academic field, community and individuals shall be established by district administration. The expert group shall lend support to Biodiversity Management Committees.
- (9) The mandate of the Biodiversity Management Committee will be to ensure conservation, sustainable utilization and equitable sharing of benefits from the biodiversity. The main function of the Biodiversity Management Committee shall be to prepare, maintain and validate People's Biodiversity Registers. The Register shall contain comprehensive information on availability and knowledge of local

biological resources, their medicinal or any other use or any other traditional knowledge associated with them. The District level Biodiversity Management Committees / Technical Support Group 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 Sabha/ Panchayat/ Municipality/ Municipal Corporation Biodiversity Management Committee level by using the process and the format set by the Board and/or the National Biodiversity Authority. The Biodiversity Management Committees and local bodies will be responsible for ensuring the protection of the knowledge recorded in the People's Biodiversity Registers, especially to regulate its access to outside agencies and individuals.

- (10) The other functions of the Biodiversity Management Committees are to advise on any matter referred to it by the State Biodiversity Board or National Biodiversity Authority for granting approval, to maintain data about the local voids and practitioners using the biological resources.
- (11) The District level Technical Support Groups and Biodiversity Management Committees shall strive to mainstream biodiversity conservation concerns in the developmental planning at the local level.
- (12) The Board shall provide guidance and technical support to the Biodiversity Management Committee for preparing People's Biodiversity Registers.
- (13) The 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.
- (14) The Biodiversity Management Committee at Gram Sabha/ Panchayat/ Municipality/ Municipal Corporation level, in consultation with State Biodiversity Board, may decide the terms on which it would permit access to biodiversity resources and associated knowledge to different parties for various purposes within their jurisdiction and levy charges by way of collection 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 holder/s and the balance should be deposited in Local Biodiversity Management Committee Fund.
- (15) The Board shall provide guidelines for terms of access and fee collection by the Biodiversity Management Committee.
- (16) The Gram Sabha/ Gram Panchayat/ Municipality/ Municipal Corporation level Biodiversity Management Committees shall prepare a Biodiversity Management Plan using output from People's Biodiversity Registers and will be responsible for or participate in its implementation.
- (17) The local bodies shall ensure that the Biodiversity Management Committees are integrated with the functioning of existing local institutions by cross-membership, regular coordination meetings, and other such measures, as determined by the local bodies or as specified by the Board.

## **26. Local Biodiversity Fund:**

- (1) The State Government may, after due appropriation made by State Legislature by law in this behalf, pay to the Local Biodiversity Fund 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.
- (2) 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 of the Biological Diversity Act, received by the Biodiversity Management Committees;
    - (e) all sums received by the Local Biodiversity Fund from such 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 and accountable to all members of the relevant local body.
  - (4) Subject to the provisions of sub-section (2), the management and the custody of the Local Biodiversity Fund and the purposes for which such Fund shall be applied, be in the manner as may be prescribed by the State Government.
  - (5) The fund shall be used for the conservation and promotion of biodiversity in the areas falling within 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.
  - (6) The person holding the custody of the local biodiversity fund shall prepare in such forms as may be specified by the Board and during each financial year at such time, as may be prescribed, its annual report and audited statement of accounts.
  - (7) Every Biodiversity Management Committee shall submit its annual report and audited copy of accounts together with auditors report to the District Magistrate having jurisdiction over the Local body or to an officer as decided by State Biodiversity Board, with a copy to the Board and a copy to the general assembly of the local body.
  - (8) The accounts of the local biodiversity fund shall be audited in such manner, as may be specified by the District level Biodiversity Management Committee / Technical Support Group.

## **27. Appeal for settlement of disputes:**

- (1) If a dispute arises between the Board and Biodiversity Management Committee(s) or between one Committee and another Committee(s) on account of implementation of any order/ direction or on any issue of policy, either of the aggrieved parties i.e. , the Board or the Committee, as the case may be, prefer an appeal in Form II appended to these rules to Chairperson, State Biodiversity Board in the case of dispute between one Committee and another Committee, or to the Appellate Authority in case of dispute between the Board and Committee.

- (2) The Appellate Authority shall be a state level committee comprising Secretary-Environment, Secretary-Agriculture and Secretary-Forests in Govt. of Punjab.
- (3) The memorandum of appeal shall state the facts of the case, the ground relied upon by the appellant and the relief sought for, for preferring the appeal and 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. The memorandum of appeal shall be duly signed by the authorized representative of the appellant.
- (4) The memorandum of appeal shall be submitted in quadruplicate accompanied with the authenticated copy of the order, directions or policy decisions as the case may be, by which the appellant is aggrieved, either in person or through a registered post with acknowledgement due, within 45 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 45 days.
- (5) The notice for hearing of the appeal shall be given in Form III by registered post with an acknowledgement due.
- (6) Every memorandum of appeal shall be accompanied by a fee of Rs. 100/- or as revised to time to time.
- (7) The Appellate Authority shall, after hearing the appellant and the other parties, dispose of the appeal. It may vary or modify or cancel impugned order, direction or policy, as the case may be.

By order and in the name of The Governor of Punjab



## FORM I

### Application form for access to Biological resources and associated traditional knowledge

#### Part A

1. Full particulars of the applicant
  - (i) Name
  - (ii) Permanent address
  - (iii) Address of the contact person/ agent, if any
  - (iv) Profile of the organization (personal profile in case the applicant is an individual), Please attach relevant documents of authentication):
  - (v) Name of business
  - (vi) Turnover of the organization in Rs.
  
10. Details and specific information about nature of access sought and biological material and associated knowledge to be accessed
  - j) Identification (scientific name) of biological resources and its traditional use:
  - k) Geographical location of proposed collection (please give names of block and adjoining villages):
  - l) Description / nature of traditional knowledge (oral / documented):
  - m) Any identified individual / community holding the traditional knowledge:
  - n) Quantity of biological resources to be collected (give the schedule):
  - o) Time span in which the biological resources is proposed to be collected:
  - p) Name and number of person authorized by the company for making the selection:
  - q) 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:
  - r) Whether any collection of the resource endangers any component of biological diversity and the risks which may arise from the access:
11. Details of any national / State institution which will participate in the Research and Development activities.
12. Primary destination of accessed resource and identity of the location where the R & D will be carried out.
13. The economic and other benefits including those arriving out of any IPR, patent obtained out of accessed biological resources and knowledge that are intended, or may accrue to the applicant
14. The biotechnological, scientific, social or any other benefits obtained out of accessed biological resources and knowledge that are intended, or may accrue to the applicant

15. Estimation of benefits, that would flow to the State / communities arising out of the use of accessed bio-resources and traditional knowledge
16. Proposed mechanism and arrangements for benefit sharing.
17. Any other information considered relevant.

**Part B**  
**Declaration**

I / we declare that:

- Collection of proposed biological resources shall not adversely affect the sustainability of the resources;
- Collection of proposed biological resources shall not entail any environmental impact;
- Collection of proposed biological resources shall not pose any risk to ecosystems;
- Collection of proposed biological resources shall not adversely affect the local communities;

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

Signed

Name

Title

Place

Date

**FORM II**

**Form of Memorandum of Appeal**

**BEFORE THE \_\_\_\_\_ APPELLATE AUTHORITY**

**OR**

**PUNJAB BIODIVERSITY BOARD**

(as the case may be)

(Memorandum of appeal under Section 50 of the Biological Diversity Act, 2002)

**Appeal No. \_\_\_\_\_ of 200**

\_\_\_\_\_

\_\_\_\_\_

-----Appellant (s)

**Vs.**

\_\_\_\_\_

\_\_\_\_\_

-----Respondent (s)

(here mention the designation of the Authority /  
Board, as the case may be)

The appellant begs 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 made):

i)

ii)

iii)

3. RELIEF SOUGHT

i)

ii)

iii)

4. PRAYER

a) In the light of what is state above, the appellant respectfully prays that the order / decision of the respondent be quashed / set-aside

b) The policy / guidelines / regulation framed by the Respondent be quashed / modified / annulled to the extent \_\_\_\_\_

\_\_\_\_\_

c) \_\_\_\_\_

Place: \_\_\_\_\_

Date: \_\_\_\_\_

Signature of the appellant

with seal

Address:

**VERIFICATION**

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

Verified on \_\_\_\_\_ day of \_\_\_\_\_

Signature of the appellant

with seal

Address

Signature of the Authorized representative of the appellant

Enclosures: 1. Authenticated copy of the order / direction / policy decision, against which the appeal has been preferred

**FORM III**

**BEFORE THE \_\_\_\_\_ APPELLATE AUTHORITY**

**OR**

**PUNJAB BIODIVERSITY BOARD**

(as the case may be)

Appeal no. \_\_\_\_\_ 200

Between:

\_\_\_\_\_

\_\_\_\_\_ .....Appellant (s)

Vs.

\_\_\_\_\_

\_\_\_\_\_ .....Respondent (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 annexure filed along with the appeal are sent herewith for your reference.

Please note that if you fail to appear on the said date or other subsequent date of hearing of the appeal, the appeal would be disposed of finally by placing you ex-parte.

Authorized signatory on behalf of the Appellate Authority (Seal)

Date: \_\_\_\_\_

Place: