

**Report of the
Expert Committee
on
State Biodiversity Boards / Union
Territory Biodiversity Councils**



National Biodiversity Authority

CSIR Road, Taramani

Chennai 600 113

Report of the Expert Committee on State Biodiversity Boards / Union Territory Biodiversity Councils

To study the existing administrative structure of the State Biodiversity Boards (SBBs) and Union Territory Biodiversity Councils (UTBCs) and suggest reforms to execute various functions mandated under the Biological Diversity Act

Submitted to the



National Biodiversity Authority (NBA)

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National Biodiversity Authority
Government of India



PREFACE

The National Biodiversity Authority is a statutory, autonomous body provided with the mandate to implement the Biological Diversity Act, 2002 (Amended 2023) - to provide for the conservation, sustainable use of its components and fair and equitable sharing of the benefits arising out of the use of biological resources, knowledge and for matters connected therewith or incidental thereto.

The Act has put in place a three-tier institutional structure for its implementation: The National Biodiversity Authority (NBA) at the National Level; the State Biodiversity Boards (SBBs) / Union Territory Biodiversity Council (UTBCs) at the State Level and the Biodiversity Management Committees (BMCs) at the Local Level. Our country now has 28 SBBs, 8 UTBCs and 2.77 lakh BMCs across the various states.

Operating such a gigantic institutional arrangement is indeed a complex and difficult task. The NBA mostly works through the SBBs and UTBCs for carrying out its functions of facilitation, regulation and management. Biodiversity, being a complex and multi-disciplinary subject, requires the pooling of ideas and expertise across different domains and disciplines. To make use of the vast and diverse knowledge available across institutions and individuals, the NBA constitutes Expert Committees (ECs) for gathering past and current expert knowledge on issues that are critical for carrying out its actions.

One of the felt needs of the NBA was an update on the current status of SBBs/UTBCs, to be able to provide mid-course corrections and move the biodiversity agenda forward. The NBA hence constituted the Expert Committee on SBBs/UTBCs in August 2023 under the Chairmanship of Shri. Rajen Habib Khwaja, IAS (Rtd), who has vast official experience and is well-versed in the area of biodiversity having served the Ministry of Environment and Forests for over six years. Dr. Rajeev K. Srivastava, IFS (Rtd) is a forester have more than three decades of field experience and being a scholar who served as Chief Silviculturist at the Forest Research Institute (FRI), Dehradun. Other members of the EC are also known for their various expertise in different dimensions of biodiversity.

I am pleased that the EC, after internal discussion, field visits, meetings with officials and experts and desk studies has come up with its final report. I am sure it will aid the NBA in pursuing governments and senior officials in various states, departments and other agencies to align with SBBs/UTBCs and BMCs in bringing about a change in the manner in which, we, as a nation, conserve and make use of biodiversity and biological resources on a sustainable manner.

After a long time, a report has come out owing to the sincere efforts made by the EC, which has covered various vital aspects of governance especially related to SBBs/UTBCs. As governance is a dynamic exercise, I hope that this report will be reviewed and updated once after every five years.

Date: 26th June, 2025

(C. Achalender Reddy)

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Glossary

Term	Definition
EC	Expert Committee appointed by the National Biodiversity Authority (NBA) on 14.08.2023 through the aegis of Biodiversity Act, 2002 [hereinafter, the Act] to “to study the existing administrative structure of the State Biodiversity Boards (SBBs) and Union Territory Biodiversity Councils (UTBCs) and suggest reforms to execute various functions mandated under the Act.
Act	The Biodiversity Act, 2002 as amended from time to time
Rules	The Biodiversity Rules, 2004 as amended from time to time
NBA	National Biodiversity Authority
SBB	State Biodiversity Board
UTBC	Union Territory Biodiversity Councils
AO	Adjudicating Officer
ABS	Access and Benefit Sharing
MoEFCC	Ministry of Environment, Forest and Climate Change
PCCF	Principal Chief Conservator of Forests
BMC	Biodiversity Management Committees
NGO	Non-Governmental Organisations
MEE	Management Effective Evaluation
BSI	Botanical Survey of India
ZSI	Zoological Survey of India
TSG	Technical Support Group
PBRs	People’s Biodiversity Registers
TK	Traditional Knowledge
BHS	Biodiversity Heritage Site

NBSAP	National Biodiversity Strategy and Action Plan
SBSAP	State Biodiversity Strategy and Action Plan
LBSAP	Local Biodiversity Strategy and Action Plan
IUCN	The International Union for Conservation of Nature
LBF	Local Biodiversity Fund
ADC	Autonomous District Council
FSA	Fifth Schedule Areas
JFMC	Joint Forest Management Committee
PESA	The Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996 (PESA Act)

FOREWORD

1. The National Biodiversity Authority (NBA) constituted a Committee of Experts in August 2023 for examining the existing administrative structure of State Biodiversity Boards/ Union Territory Biodiversity Councils (SBBs/UTBCs) and for suggesting a model set of rules particularly in the context of the challenges faced by them in discharging their duties. The committee held a series of meetings between September 2023 to February 2025. After detailed deliberations, this report has been finalized based on the extensive deliberation, field visits, interaction with members of Biodiversity Management Committees (BMCs), review of reports on the functioning of SBBs/UTBCs and obtaining detailed feedback from SBB/UTBCs.

2. The Committee has identified certain core concerns, which need to be addressed on top-most priority. A total of 33 recommendations have been made in the report. These have been divided into thematic sub-heads for the sake of convenience. The focus areas, inter-alia, include institutional issues pertaining to infrastructure, administrative set-up, legal, financial and technical. The committee has laid a roadmap for the Way Forward based on its detailed deliberations. These recommendations should enable NBA to come out with Model Rules for SBB/UTBCs.

3. I record my sincere appreciation to Mr. C. Achalender Reddy, Chairperson, NBA and his colleagues for giving me the privilege and honour of chairing this Committee of Experts. I am extremely grateful to Dr. Rajeev Srivastava, Co-chair of the Committee for his guidance

in the preparation of the report. Dr. B. Balaji, Secretary, NBA was a pillar of by guiding the Committee for its smooth functioning. I record my appreciation and gratitude to each and every member of the committee for giving their invaluable inputs. All members worked with great sincerity of purpose in preparing this report. I record my special appreciation to Dr. V. A. Nambi, who has been instrumental in the preparation of this report. He worked with great diligence and sincerity in preparing the report. I also acknowledge my appreciation to Ms. Jancy, the Coordinator of this Committee of Experts for her dedicated hard work. It is my fond hope that NBA and the Ministry of Environment and Forests and Climate Change (MoEFCC), Government of India will very carefully examine this report and implement its constructive and pragmatic recommendations.



(R. H. Khwaja)
Chairperson of the Expert Committee

EXECUTIVE SUMMARY

1. The committee has identified some core concerns, which are vital for effective functioning of SBB/UTBCs under the provisions of the Biological Diversity (Amendment) Act 2023 and Biological Diversity Rules 2024. It is imperative that we generate a strong political will for the conservation and protection of biodiversity in the country.

2. The SBBs/UTBCs have to be given complete administrative support and infrastructure. Presently, SBBs lack finance, manpower, technical and legal support. Most SBBs are functioning in an ad-hoc manner. There is considerable variation amongst SBB/UTBC in their administrative structure. Majority of the SBBs/UTBCs are severally handicapped. They are unable to discharge techno-legal functions under the provisions of Biological Diversity (Amendment) Act 2023 and Biological Diversity Rules 2024.

3. Major amendments have been carried out in 2023 to the Biological Diversity Act and many responsibilities and powers have been vested newly with State Biodiversity Boards. The Act has given onerous responsibilities to Biodiversity Management Committees (BMCs). Unfortunately, neither State Biodiversity Boards nor BMCs have adequate infrastructure and finances to discharge their functions and duties as per the provisions of the Act and Rules. This is a matter of grave concern and needs to be corrected on a priority basis. It is completely unrealistic to expect SBB/UTBC to discharge their functions and duties under the Act and Rules in the absence of adequate Administrative and Financial support.

4. The committee has come up with 33 recommendations. For the sake of clarity and brevity, five core recommendations are briefly summarized below:

- (i) In order to have regular and effective means of communications between NBA and SBBs/UTBCs, it is recommended that regular reviews are held by NBA with all SBB/UTBC. Annual targets may be assigned for SBBs and periodic monitoring done for making midcourse corrections. The committee expects that this will bridge the existing disconnect between NBA and SBB and will play a pivotal role in improved communications thereby contributing to their effective functioning.
- (ii) BMCs are the cutting-edge functionaries for biodiversity conservation. They need full technical and financial assistance to discharge their challenging, techno-legal duties under the amended Act and Rules. The committee recommends that field level organizations/institutions are closely associated with the functions of BMCs. These, inter-alia, include Zilla Panchayats and the line departments of the state governments like agriculture, fisheries, animal husbandry, horticulture and forests. Panchayats must be fully involved with the BMCs. Existing administrative mechanisms including Joint Forest Management Committees (JFMCs) and related institutions should provide convergence of funds and skill sets to BMCs.
- (iii) In order to fully utilizing generation of funds by Access and Benefit Sharing (ABS) mechanism, linkage with users/manufacturers of products from biological resources is imperative for BMCs. This

will necessitate generation of data at the micro field level. The committee acknowledges that this may be a time consuming and an administratively challenging task. The committee reiterate its importance in view of the provisions of the Biological Diversity Act and Rules, which have vested extensive power to BMCs.

- (iv) The committee cannot but over-emphasize the imminent necessity of providing total support to SBBs/Councils and to BMCs by strengthening their skilled and technical manpower. The committee recommends that qualified personnel should be appointed in all boards/councils and BMCs. Special emphasis should be laid on personnel with technical expertise, qualified accountants, lawyers (techno-legal) with special in-depth knowledge in environmental, ecological and biodiversity subjects, Computer experts for data management specially for software, statistical officers and personnel having expertise in communications and public relations for spreading awareness on the vital importance of conservation and regeneration of biodiversity.
- (v) Technical Support Group (TSG) should be administratively supported by Zilla Panchayats and by all line departments, which have interface with biodiversity. Digitalization including web-based Management Information System (MIS) and Geographical Information System (GIS) systems should be the backbone of TSG. The committee cannot but over-emphasizes the importance of TSG to implement the Biological Diversity Act and Rules in their true letter and spirit.

INTRODUCTION

The Hon'ble Supreme Court of India has recently 'In Re:T N Godavarman Thirumulpad vs Union of India and Ors.' [2024 INSC 78] deliberated over the role and functioning of environmental governance institutions in the country. The judgement provides clear cut directions with regards to role, functioning, appointments, adequate funding, finances, accountability and regular audit.

An Expert Committee (EC) was constituted by the National Biodiversity Authority (NBA) on 14.08.2023 through the aegis of Biodiversity Act, 2002 [hereinafter, the Act] to "to study the existing administrative structure of the State Biodiversity Boards (SBBs) and Union Territory Biodiversity Councils (UTBCs) and suggest reforms to execute various functions mandated under the Act. During the deliberations of the EC, the amended Biodiversity Rules, 2024 were brought about by the Government of India. The EC held detailed discussions, undertook visits to selected states, iterated with BMCs and carried out a detailed review of available documents and literature. Extensive consultations were held with the SBBs and UTBCs inviting their considered views, expertise and experience. The process was through physical, virtual meetings and written transcripts. The EC considered various aspects within an overall integrated framework before preparing the report and drafting the recommendations.

The EC is of the view that the ecological integrity of the country has to be treated on par with the territorial integrity of this nation. India is one of the mega biodiverse countries of the world in terms of its

biological diversity. India's rich and ancient heritage of the traditional knowledge system is almost unparalleled in the world. It is the right time to pay attention to the conservation of existing biodiversity in a holistic manner.

The implications of Trade-related Intellectual Property Rights as part of the World Trade Agreements and the provisions of Article 8(j) of the Convention on Biological Diversity and the various Multilateral Environmental Agreements having a bearing on the biological diversity of the country is a reality that cannot be ignored. The current frontiers of knowledge clearly indicate that artificial intelligence, robotics, space technology, cellular and molecular biology are current core areas of global concern. The world has witnessed unending trade wars, which are further being intensified due to tariff barriers. Therefore, we cannot further neglect the protection and conservation of biological diversity, its sustainable use and equitable sharing of benefits arising out of its use.

Scope of the report

The National Biodiversity Authority (NBA) had stipulated the following Terms of Reference for the Expert Committee on SBBs/UTBCs:

To study the existing administrative structure of the SBBs / UTBCs and related State Rules and suggest reforms to execute various functions mandated under the Act.

- ✳ To suggest a Model Administrative Structure for SBBs / UTBCs

- ✳ To study issues and challenges that are being encountered in the functioning of SBBs as autonomous and statutory bodies
- ✳ To interact with various officials Ministries / Departments of Government of India and States especially the SBBs/ UTBCs as per requirement
- ✳ To suggest Model Rules for SBBs / UTBCs
- ✳ To submit a Comprehensive Report suggesting necessary reforms incorporating 'Model Administrative Structure' and also 'Model Rules' for the SBBs / UTBCs to implement the provisions of the BD.

Methodology and Procedure

The Expert Committee adopted a multipronged approach for collection, compilation and processing of data, information and views:

- a) **Meetings of the EC:** Three meetings of the Expert Committee in Chennai, first one on the 18th September 2023, second on the 31st July-1st August 2024 and the final on 11th & 12th February 2025 were conducted.
- b) **Meetings of the Sub-Committee:** Four meetings of Sub-Committees– one in New Delhi on 15th November 2023, one in J&K between 26 & 28th June 2024, one in Hyderabad between 14th & 16th September 2024 and one in Chennai (virtual meeting) on 21st January 2025 were conducted
- c) **Discussion with senior officials involved in implementation:** Discussions were held with senior officials of

SBBs / UTBCs, Ministry of Environment, Forests and Climate Change (MoEFCC) and the Secretary and Chairperson of the National Biodiversity Authority (NBA).

- d) Desk Reviews:** A detailed Desk Review of existing Websites and Rules of SBBs / UTBCs, Reports of Annual Meetings of State Biodiversity Boards, Examination of the amended Act and Rules from the perspective of SBBs and UTBCs was undertaken.

Structure of the Report

The draft report carries a brief introduction that provides the background and context followed by a set of recommendations covering: Institutional Issues; Administrative Issues; Legal Issues; Financial Issues; and Technical Issues that are critical for structure and effective functioning of SBBs and UTBCs.

RECOMMENDATIONS OF THE EXPERT COMMITTEE

INSTITUTIONAL ISSUES

1.1. Infrastructure, Technical, Human and Financial Resources for SBBs/UTBCs

The Supreme Court, in various judgments delivered in the T. N. Godavarman case, has repeatedly expressed concerns regarding the proper valuation of forests, the need for GIS-based digitisation of forest cover, and the strengthening of all institutions involved in the conservation of forests and wildlife — both of which form the core of India's biodiversity. This indicates a clear judicial mandate to strengthen biodiversity conservation institutions like NBA, SBBs/UTBCs and BMCs.

Several of the SBBs/UTBCs have bare minimum infrastructure, meagre financial resources, lack of trained manpower and lack of clarity in the administrative hierarchy. In many cases, the Chairpersons and Member Secretaries are holding additional charge, while continuing in their parent departments and positions. Many boards do not have proper / permanent office premises and function from the offices of those parent departments who have lent their services to the board. This has led to non-fulfilment of the objectives of the Act.

Under the amended Act, SBBs/UTBCs are required to appoint and/or depute officers from the uniformed and other services, apart from

outsourcing for carrying out survey, inspection and confiscation of material and presenting cases to the Adjudicating Officers (AO). There are also several other functions they need to carry out on behalf of the SBBs/UTBCs. Technical Officers having specialized knowledge are required for processing Access and Benefit Sharing (ABS) applications and management of different electronic databases. States also need to generate their resources from their respective state governments with regard to human and financial resources.

Recommendations of the EC

The EC recommends that there should be a full-time Chairman and Member Secretary as envisaged in the rules therein. Every board must have proper office space and logistical support depending upon their specific and local requirements.

The EC strongly recommends deployment of specialized manpower with special reference to legal areas, financial management, scientific knowledge, statistical officer, GIS and IT specialist, and those with administrative experience. Every office must have a full-fledged computer division; it must have a library and they need to be provided with timely provision of funds to avoid any operational issues.

The EC recommends the SBB's to make use of the provisions of Section 25 of the Act to seek assistance through the Consolidated Fund of the State.

1.2. Training and Capacity Building of SBBs/UTBCs and BMCs involving youth, women, tribal and local communities.

Human resource is a crucial, vital and dynamic resource. In a rapidly-changing world, organizations, communities and individuals need to develop and strengthen their skills, abilities, processes and resources to survive, adapt, and prosper. An essential ingredient in capacity-building is transformation that is generated and sustained over time from within and includes changing mindsets and attitudes. A systematic approach is therefore required to develop and continuously improve competencies and capabilities of organizations, communities and individuals.

Recommendation of the EC

The EC recommends building capacities of SBBs/UTBCs in terms of the amended Act and Rules for their effective discharge of duties. Wherever feasible, efforts need to be made to build capacities of members of Biodiversity Management Committees (BMCs) to strengthen them on various aspects including administrative and financial management, skill development in Para-taxonomy and biodiversity conservation.

1.3. Coordinating effective implementation of Amended Acts and Rules in Mainstreaming Biodiversity

The need for mainstreaming biodiversity by actively integrating biodiversity conservation considerations into various sectors of the Indian economy and governance is increasingly being felt in the context of sustainable development.

Recommendation of the EC

The EC recommends SBBs/UTBCs to involve relevant departments including Forests, Environment, Fisheries, Agriculture, Rural Development, Animal Husbandry, Industry and specialized agencies like the Botanical Survey of India, the Zoological Survey of India, research institutes, universities, colleges and educational institutions, individual experts, knowledgeable and credible civil society organizations and citizens from different walks of life for mainstreaming biodiversity for the effective implementation of the Act. The presence of Member Secretary in the Inter-Departmental Committees will ensure flagging concerns of biodiversity pertaining to that specific department.

The EC also recommends, under outreach and education, an Annual Biodiversity Exhibition, Annual Biodiversity Awards and Annual Biodiversity Quiz be conducted by the SBBs & UTBCs every year to connect with the rural populace and also to showcase indigenous varieties of food crops and other bio-resources. It also recommends giving Recognition Awards to the best Biodiversity Conservers.

The Coordination Committee of Principal Secretary/Additional Chief Secretary of Departments (pertaining to forests, environment, climate change, animal husbandry, fisheries, tribal affairs, disaster management, water resources, urban development etc.) along with Member Secretary, SBBs/UTBCs can effectively mainstream biodiversity concerns. Biodiversity is an important theme that cross cuts various natural resource streams that are connected to livelihoods.

ADMINISTRATIVE ISSUES

2.1. Autonomous Nature of bodies (SBBs/UTBCs/ NBA) implementing The Biological Diversity (Amendment) Act, 2023.

SBBs are autonomous, independent statutory bodies mandated with the task of conserving, ensuring sustainable use of biological diversity and equitable sharing of benefits accrued. An area of concern for the EC was the fact that in some SBBs, non-official members have not been included in its structure and function, while others have been without a full time Chairman. In addition, the amended Act and Rules have delegated increased powers to SBBs/UTBCs that are likely to increase operations at the state/local levels.

Recommendation of the EC

SBBs/UTBCs may involve NGOs (Non-Governmental Organisations) and/or civil society organisations in compliance with provisions of the Amended Act.

2.2. Submission of copy of Annual Action Plan to the National Biodiversity Authority by SBBs/UTBCs

SBBs/UTBCs are independent statutory bodies. SBBs/UTBCs get their budget in the form of grant-in-aid from their respective governments. NBA's budgetary support is limited to special projects or human resources related issues. SBBs/UTBCs get their annual plans approved internally and then submit Annual Reports to the respective government. NBA may help SBBs/UTBCs by formulating standard

criteria and indicators that can be evaluated through periodic MEEs (Management Effective Evaluations).

Recommendation of the EC

The EC recommends that SBBs/UTBCs submit a copy of their Annual Action Plans to the National Biodiversity Authority (NBA) by 31 December every year. The particulars and format for the same may be mentioned by the NBA for ease of convenience.

2.3. Updating the National Biodiversity Authority regarding changes in the Administration, notably transfers, additional charge, deputation, exit etc., of SBBs/UTBCs

NBA faces numerous operational difficulties on account of communication issues arising when Member Secretaries and Chairpersons of SBBs/UTBCs get transferred or retire or exit or while holding the post as additional charge. The Office of the Member Secretary of the State Biodiversity Board / UTBCs will have to adopt some standard operating procedure to ensure smooth communication.

Recommendation of the EC

The Expert Committee recommends a common system of digital communication for NBA/SBBs-UTBCs by adopting the NIC model in consonance with the requirements of the time for purposes of internal communication. Further, the NBA must ensure that it brings about a digital portal to deal with applications/forms in line with the Parivesh portal for EIA. Effective digital infrastructure is the need of the hour for ensuring biodiversity issues are effectively tackled in the 21st Century.

Meanwhile online/offline monthly meetings with all SBBs/UTBCs may address such administrative concerns.

A web portal in line with the Parivesh Portal of MoEFCC maybe created.

2.4. Review, Monitoring and Effective Evaluation

Monitoring and Effective Evaluation (MEE) assess the effectiveness of organisations in reaching the goals for which a programme or project has been designed to measure their effectiveness. Review, monitoring and effective evaluation have become key processes in policy and decision making in development projects. Actions are linked with their outcomes to arrive at the objectives of a programme or project as planned.

Recommendation of the EC

The EC recommends to the National Biodiversity Authority for putting in place a robust and effective MEE Framework for assessment of work carried out by the SBBs/UTBCs as mandated by the Act and Rules at least once in three years. This may be finalized within a period of three years. The same may be tabled before Parliament.

LEGAL ISSUES

3.1. Amendment of the Biological Diversity Act and need for revision and notification of State / UT Rules

State Rules are an important legal instrument for SBBs/UTBCs that govern their functioning. Section 63 of the Act grants power to the State Government to make rules. The Government of India has amended the Act and Rules in 2023 and 2024, respectively, which have brought about several structural and functional changes to SBBs/UTBCs.

Recommendation of the EC

The EC recommends all SBBs/UTBCs to revise their State/UTBC Rules in alignment with the amended Act and Rules at the earliest to enable effective implementation.

3.2. Establishment of Legal Cell by SBBs/UTBCs.

Vital functions of NBA and SBB/UTBCs need strengthening by establishing strong legal cells. The EC further observed that in recent amendments to the Act and Rules, the criminal prosecution has been discharged, and only fines are the key instruments. In the light of the above, the committee is of the view that every SBB/UTBC needs to have a strong legal cell that functions in complete coordination and synergy between NBA and SBBs/UTBCs in all aspects.

Recommendation of the EC

The EC recommends to all SBBs/UTBCs to constitute a Legal Cell at the SBB/UTBC level, to ensure proper coordination between various

departments and the Government for dealing with legal activities related to the implementation of the Biological Diversity Rules and Guidelines. An important function of these Legal Cells is to coordinate between different departments/ instrumentalities/concerned officers etc. for litigation, on the lines as followed by State Forest Departments. There is a need to effectively utilise Section 61 of the amended Act dealing with *cognizance of offences*, similar to Section 19 of the Environment Protection Act, 1986.

FINANCIAL ISSUES

4.1. State and Local Biodiversity Fund (LBF)

The Local Biodiversity Fund (LBF) is an important and vital element required for the effective implementation of the Act. There cannot be proper implementation of ABS without LBF. All institutions and bodies under the Act should financially self-sustain, which is not very difficult to achieve, if this Act is properly implemented. Resources can be raised and eventually the government funds will not be required except where they are legally bound. BMC can self-finance themselves through generation of resources to which they are entitled rather than the present where BMC depends on funds from the State/SBBs/NBA. However, this is easier said than done.

Recommendation of the EC

The EC recommends that State and Union Territories should provide adequate finances and resources to SBBs/UTBC and BMCs for effective implementation of the Act.

The EC recommends that special attention be paid to BMCs in terms of adequate finances, manpower, legal and administrative authority to effectively implement Section 41 of the amended Act.

The EC recommends development of appropriate systems and mechanisms to monitor the flow of bio-resources and ABS funds received from the SBB/UTBC/NBA to be returned to the respective BMCs.

4.2 Exploring means of raising financial resources for biodiversity

Given the national importance of the Biological Diversity Act and the current emphasis on biodiversity and sustainable utilization of biological resources, State Governments must support the SBBs financially to ensure the effective implementation of the BD Act and its provisions. A budget head has to be earmarked to provided regular flow of funds as prescribed under Section 17 and Section 25 (c) of the Biological Diversity (Amendment) Act 2023.

Recommendation of the Expert Committee

The EC recommends SBBs/UTBCs to explore innovative means of enhancing their resources at the State/UT level. It is recommended by the expert committee that SBBs/UTBCs may mobilize funds from various sources in order to meet their day to day requirements.

TECHNICAL ISSUES

5.1. Digitalisation of Biodiversity Database

Documentation of biological diversity and chronicling of traditional knowledge associated with them in the form of People's Biodiversity Registers (PBRs) is an important role envisaged for the Biodiversity Management Committees. Through the initiatives of the National Green Tribunal [Chandra Bhal Singh vs Union of India (in O.A. 347/2016) and the National Biodiversity Authority, a total of 2,72,648 PBRs have been prepared by various states and union territories. Taking a holistic view of e-Governance initiatives across the country, it would be appropriate to integrate the efforts of the BMCs into such a framework.

BIOMIS is a web-enabled Unique Repository Biodiversity Information System developed by the NBA for SBBs and UTBCs. The primary aim of BIOMIS is generating e-PBRs, that provides open and free access to biodiversity information involving citizens. e-PBRs have been attempted by twelve states across India and the information is being uploaded and expanded. e-PBR should pave the way for creation of District-wise, Tehsil-wise, Village-wise; sector-wise biodiversity database. This may be in terms of native, extent, quality and quantity with GIS-based features. Requisite log-in IDs to all the stakeholders, with requisite confidentiality features duly incorporated in the overall system can be prepared. Such an integrated system can ensure real-time biodiversity conservation management.

Recommendation of the Expert Committee

After detailed discussion, the Expert Committee recommends all SBBs and UTBCs to populate relevant and public disclosure information available in the PBRs into e-PBRs, while keeping sensitive and confidential Traditional Knowledge (TK) out of the public domain. e-PBRs should be prepared by SBBs & UTBCs and linked with the NBA.

The Tree Census format should be a part of e-PBR and should also include the Biodiversity Hotspots in the respective States.

5.2. Establishment of Expert Committees (ECs) at the Level of SBBs/UTBCs

Biodiversity is a multi-dimensional, complex and constantly evolving field of knowledge. Generic and specialized knowledge about biodiversity is found scattered across disciplines, institutions and individuals. Given the complexity, the SBBs/UTBCs are structurally handicapped in dealing with such complexity. They require diverse inputs that are technical, techno-legal, administrative, scientific, statutory and miscellaneous matters. Section 13 (2) r/w Section 25 of the amended Act bestows powers to the SBBs/UTBCs for the constitution of expert committees as required, to efficiently discharge duties and in performing the functions of implementation of the Act. In an examination of websites of SBBs/UTBCs, the Expert Committee observed that only a handful of SBBs/UTBCs have made use of this important provision.

Recommendations of the Expert Committee

The expert committee strongly recommends SBBs and UTBCs to make use of the Section 13(2) r/w Section 25 to constitute expert committees to deal with important and emerging biodiversity issues at the state and UT levels.

5.3. Access and Benefit Sharing (ABS) processing of applications

The amended Act and Rules have increased the role of the SBBs/UTBCs for approval of access to bioresources for commercial utilization as per Section 3(2) and Section 7 of the Act. This is most likely to become a significant and vital functional aspect for the SBBs and UTBCs. Adequate manpower, financial and technical support to SBBs and UTBCs would therefore be required for them to discharge their functions.

Recommendation of the Expert Committee

- ✧ The EC recommends all SBBs and UTBCs to **develop procedures for processing of ABS Applications** using the latest regulations of the Government of India.
- ✧ The EC recommends that SBBs / UTBCs develop **Digital Databases on Medicinal Plants (cultivated and wild) and other Tradable Bioresources at state and UT levels** for the purpose of facilitation of the ABS Mechanism.
- ✧ The EC recommends that SBBs / UTBCs develop a **Database of Traders and Manufacturers handling biodiversity resources at state level and UT levels** for the purpose of facilitation of ABS Mechanism.

5.4. State Level Guidelines for declaration and management of Biodiversity Heritage Sites (BHS) including Sacred Groves and their management should be prepared.

As on date, a total of fifty one (51) BHS have been notified across different states and union territories. Progress regarding the follow up after notification seems to be mixed, with some states promoting ecotourism, while others remaining static. The issue was deliberated by the EC, which arrived at a consensus that the respective states may move forward taking local concerns into consideration.

Recommendation of the EC

The EC recommends States and Union Territories to develop their State Level Guidelines for the declaration and management of Biodiversity Heritage Sites (BHS) including Sacred Groves and Other Effective-area based Conservation Measures suited to local conditions, in alignment to the amended Acts and Rules. Options need to be explored whereby BHS should be suitably funded by the Central Government. The EC recommends the geo-tagging of Heritage Trees by the SBBs/UTBCs in their respective States.

5.5. Normally Traded Commodities (NTC)

Biological resources that are normally traded as commodities are excluded from the amended Act. This exemption only applies when the resources are used as commodities and not for any other purpose.

Recommendation of the EC

The EC recommends the States and Union Territories to review and submit their respective State List of Normally Traded Commodities (NTC) in accordance with the amended Act and Rules, the most recent Notification on NTC and its amendments to the NBA, for appropriate action.

5.6. Review of notification of Threatened Species under Section 38

To improve objectivity, transparency and consistency in assessing the conservation status of species, the International Union for Conservation of Nature (IUCN) developed guidelines for IUCN Red List Categories and Criteria (IUCN, 2024). These criteria are quantitative in nature and are used to determine whether a taxon is threatened or not and which category it belongs to (IUCN, 2024). The criteria used include: Population size reduction (past, present and/or projected); geographic range size, and fragmentation, few locations, decline or fluctuations; small and declining populations size and fragmentation, fluctuations, or few sub-populations; very small populations or very restricted distribution and quantitative analysis of extinction risk (eg. Population Viability Analysis). Over the last two decades, states have notified several plant and animal species as threatened.

Recommendations of the Expert Committee

The EC recommends to the SBBs / UTBCs to update their lists of Threatened Species that are facing risk of extinction or likely to become extinct, involving experts from the BSI, ZSI and other forestry research

and educational institutions and representatives of local communities. Further, EC suggests SBBs/UTBCs to undertake steps for providing legal protection and undertaking conservation measures.

5.7. Establishment/Revamping of Technical Support Group (TSGs) at State and District Levels to fulfil current and emerging needs of SBBs/UTBCs.

BMCs are the cutting edge functionaries for management of biodiversity conservation. They need technical support and financial assistance to discharge their duty of conservation and management. In view of the major amendments to provisions of the Acts and Rules, the importance of Technical Support Group (TSG) needs to be strongly emphasized. Qualified, competent and experienced human power is required for carrying out various tasks related to the implementation of the Act. These TSGs may be formed/revived at a level appropriate as decided by the state / union territory, for implementing the amended Act.

Recommendation of the Expert Committee

Taking past experience and current aspects into consideration, the Expert Committee recommends the following:

A Permanent TSG is essential in every SBBs/UTBCs for the following:

- ✱ The technical support group shall provide technical guidance to the Biodiversity Management Committees (BMCs) in the district in the preparation/upgradation of People's Biodiversity Registers (PBRs). The TSGs will also

assist BMCs in maintaining, authenticating and validating the PBRs.

- ✧ The TSG shall provide technical guidance to the Biodiversity Management Committees (BMCs) in the district in the preparation of the Biodiversity management Plans for their respective areas.
- ✧ The TSG shall recommend measures for ‘capacity building’ of the BMCs under their jurisdiction and offer their expertise in training programmes.
- ✧ The TSG shall recommend to the SBB/UTBC, potential areas rich in biodiversity/cultural heritage for declaring Biodiversity Heritage Sites (BHS).
- ✧ The TSG shall assist the SBBs/UTBCs with individuals/communities/other stakeholders for the purpose of implementation of the amended Act and Rules and in awareness campaigns.
- ✧ The TSG shall meet as frequently as it deems fit.
- ✧ All the District Forest Officers in the States/UTs may be notified as the ex-officio Assistant Member Secretary of SBBs/UTBCs for efficient implementation of the Act as followed by Madhya Pradesh Biodiversity Board.
- ✧ The existing system of Zilla Parishads, with the CEO heading them in all the districts can be engaged in fulfilling the purpose of the TSG. The Line Departments like Agriculture, Fisheries, Livestock, Horticulture, Forest may be directed to facilitate BMCs to fulfill their task. The role of Gram Panchayats overlap with the BMC/JFM/EDC/VSS/

FPC, which also already exists, can help in the convergence of funds and skills hold the key to mainstream BMCs.

5.8. Additional Duties and Functions of District Nodal Officers (DNOs) in notified states

To enable effective regulation of access to bio-resources for commercial purposes, some states have empowered through notification, the District Nodal Officers (DNOs) to sign Benefit Sharing Agreements for Access to Biological Resources (Grant of Approval) with Traders and Manufacturers on behalf of the State Biodiversity Board (SBB) for areas falling under their respective jurisdiction.

Recommendation of the EC

Subject to their revised State Rules, and in consonance with the latest ABS Notification/Guidelines, SBBs and UTBCs may adopt, a similar approach for notifying and empowering District Nodal Officers for effective regulation of access to bio-resources for commercial purposes.

5.9. Preparation of State Biodiversity Strategy and Action Plans (SBSAP), Local Biodiversity Strategy and Action Plans (LBSAP) and City Biodiversity Index

India released its National Biodiversity Strategy and Action Plan (NBSAP) at the Conference of Parties (COP 16) to the Convention on Biological Diversity (CBD) in Columbia in October 2024. This NBSAP will adopt a “Whole-of-Government” and “Whole-of-Society” approach to address environmental challenges for achieving the Kunming-Montreal Global biodiversity Framework. The revised NBSAP envisions a bottom up ecosystem based management approach that mainstreams

biodiversity into sectors and promotes inter-agency cooperation for its implementation.

As per Section 36B(1) of the amended Act SBBs and UTBCs are expected to develop strategies, plans and programmes for the conservation and sustainable use of biological diversity in conformity with national strategies, plans and programmes. Such plans, in the perspective of the EC mean State Biodiversity Strategy and Action Plans (SBSAPs), Local Biodiversity Strategy and Action Plans (LBSAPs) and City Biodiversity Index that are in alignment to the latest National Biodiversity Strategy and Action Plan (NBSAP). In this regard, the expert committee takes note of the fact that several States and UTs have prepared SBSAPs, LBSAPs and City Biodiversity Indexes, which may be revised as appropriate.

Recommendation of the EC

The EC recommends all SBBs/UTBCs to revise or update or prepare the SBSAPs in alignment with the latest NBSAP that uses the Kunming Montreal Global Biodiversity Framework to move forward in the conservation and sustainable use of biodiversity, using the ‘whole of government’ and ‘whole of society’ approach.

5.10. Special Focus on V, VI, Article 371 A and other areas and locations inhabited by tribal communities (See Annexure III Fifth Schedule Areas, Annexure IV Six Schedule Areas)

From the perspective of biodiversity, traditional knowledge and practices, states in the North East are uniquely placed. There are states

that are covered by the VI Schedule and by Article 371 A¹, both enshrined in the Constitution of India. The EC is of the view that all states covered under the above-specified schedule and article can use the operational autonomy, to effectively implement the specific provisions of the law relevant to them to protect their traditional knowledge, traditional cultural expressions, and genetic resources.

Recommendation of the EC

Considering the importance of Traditional Knowledge (TK) related to biodiversity, and the difficulties associated with its intergeneration transfer, the Expert Committee recommends to the National Biodiversity Authority to constitute another EC to closely examine areas covered under the V and VI Schedules, Article 371A & H and other geographies inhabited by tribal communities from the perspective of documentation, ABS and expanding and emerging technologies like biotechnologies and AI and their possible implications in the future.

5.11. Development of Guidelines for Collection Fee/Levy by Biodiversity Management Committees (BMCs)

Section 41 (3) of the amended Act provides the power to Biodiversity Management Committees to levy charges for collection of biological resources for commercial utilization.

Recommendation of the Expert Committee

After detailed discussion, the EC recommends the SBBs and UTBCs rich in tradeable bioresources to undertake an assessment of marketable

¹ (i) Nagaland is a state constituted under section 371A of the Indian constitution on 1st Dec, 1963. (ii) Arunachal Pradesh was constituted on 20th Feb, 1987 under Article 371H of the Indian Constitution.

quantities and develop guidelines for the operationalization of collection fee / levy by BMCs, within their areas of jurisdiction. This exercise may be carried out in consultation with TSG and local experts having field knowledge of norms and prices. The SBBs/UTBCs can refer to the model guidelines framed by NBA for collection of levy by BMCs.

After reviewing the guidelines issued by Karnataka Biodiversity Board for collection of levy by BMCs, the EC recommends the following fee structure:

Sl No	Quantity Procured	Fee
1	Upto 1000 kg	Rs.100/-
2	1000-5000 kg	Rs.500/-
3	5000-10,000 kg	Rs.1000/-
4	10,000 – 25,000/-	Rs.2000/-

5.12. Need for Correlating the Biological Diversity (Amendment) Act, 2023 to other relevant Acts and Rules

Biodiversity issues are closely intertwined with land, water, air, living beings and people, falling in the larger canvas of environment. There are numerous Acts & Rules including the Forest Conservation Act, the Wildlife Protection Act, Coastal Zone Regulation Act, Schedule Tribes and Forest Dwellers Act and, Panchayat and Rural Development Act. For enhancing implementation and effective implementation of the amended Biological Diversity Act, efforts are required to make amendments to relevant acts and rules as appropriate. During the deliberations of the EC, special mention with regard to harmonization

of the Biodiversity and the Panchayat Acts came up and was stressed upon.

Recommendation of the EC

The EC strongly recommends to the Ministry of Environment and Forests and Climate Change (MoEFCC) to commence appropriate and parallel actions for the amendments to relevant sections of other Acts and Rules like Scheduled Tribes and Forest Dwellers Act, 2006, with Amendment Rules 2012; 73rd Constitutional Amendment Act, 1992; and other such Acts that have a direct bearing on the implementation of the amended Act and Rules and other relevant rules notified from time to time.

5.13. Some Notable Practices by SBBs/UTBCs observed by the Expert Committee

As part of its desk review including an examination of the websites of SBBs and UTBCs, the EC observed several notable practices across States and Union Territories. Some of these include establishment of fish sanctuaries, efforts at the management of alien invasive species, preparation of biodiversity atlas, conservation of native crops, varieties through establishment of seed banks and conservation of native livestock breeds and peer to peer learning scheme.

Recommendation of the EC

The EC suggests sharing such notable practices with various boards/councils so that they can be adopted with appropriate regional modifications to suit the needs of the regions concerned. The committee

notes that “one-size-fits-all approach”, may be contradictory to the idea and definition of diversity that essentially means variations.

The EC also suggests establishment of seed banks, native/indigenous local varieties based on the seed banks documented district-wise in Maharashtra and also the seed banks maintained by women Self Help Groups in Zaheerabad, Telangana. The SBBs/UTBCs should understand the value chains and supply chains and they should advertise the same with the assistance of NGOs and Civil Society organizations.

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Proceedings of the First Meeting of the Expert Committee on SBBs/UTBCs in Chennai

Proceedings of the Sub-Committee of the Expert Committee on SBBs/UTBCs in New Delhi

Proceedings of the Sub-Committee of the Expert Committee on SBBs/UTBCs in J&K

Proceedings of the Sub-Committee of the Expert Committee on SBBs/UTBCs in Chennai (Online with NE States)

Annexure I

Good Practices of SBBs/UTBCs and Case Studies

- ◇ Constitution of Expert Committees at State and UT Level
- ◇ Internships for Biodiversity
- ◇ Good Practices in PBR Preparation, Updation and migration to e-PBRs
- ◇ Establishment of a Biodiversity Resource Centre (BRC) during 2004-2005.
- ◇ Declaration of 13 river stretches as Fish Sanctuaries / Fish Congregation Centres (Karnataka during 2004-2005). Chippalagudda Fish Sanctuary Karnataka 2007-2008.
- ◇ Popularising Conversion of Pine Needle Biomass into Briquettes (Himachal Pradesh 2007-2008)
- ◇ Management of Alien Invasive Species (AIS) (Himachal Pradesh 2008-2009)
- ◇ Karnataka SBB invited proposal for declaration of unique trees as Heritage Trees
- ◇ Preparation of Biodiversity Atlas of Karnataka
- ◇ Preparation of Biodiversity Atlas of Madhya Pradesh
- ◇ Mowgli Utsav, 2008 (Madhya Pradesh)
- ◇ Development of Biodiversity Parks at District Level.

◇ Agro-biodiversity Conservation in Madhya Pradesh

- Conservation of traditional variety - Kathia wheat
- Conservation of traditional varieties of – Paddy
Community Seed Bank of traditional varieties
- Conservation of traditional Mung bean
Seed Bank of traditional varieties
- Conservation of native breeds
Conservation of Jamunapari - native breed of goat
- Conservation of Sahiwal - indigenous breed of cattle
- Conservation of Rare, Endangered Species
- Conservation of rare medicinal plants
- Nursery of RET plants
- Conservation and Multiplication of Achar and Noni
- Nursery of Achar (*Buchnanian lanzan*) and Noni (*Morinda tinctoriya*)

Annexure II

Model Guidelines for Collection of Fee by Biodiversity Management Committee (Karnataka Biodiversity Board)

3. Collection of fee by Biodiversity Management Committee(BMC)

Member Secretary explained that as per rule 13(XIV), the Board is to recommend, prescribe and modify the collection fee of the BMCs. Though over 4514 BMCs at GP level 103 at TP level and 14 at ZP level are constituted, they are in initial stage of functioning and all BMCs at GP level will be reconstituted after the present Grama Panchayat elections. The Board deliberated the subject at length. A doubt was raised whether the collection fee should be linked with ‘Sustainability angle’ and ‘threat perception’ of a species. It was clarified that these angles will be addressed at State Biodiversity Board level. At BMC level, at least to start with, the arrangement should be easy to understand and implement. After detailed deliberations, it was agreed that a simple flat rate for fee collection will be feasible in the present circumstances. The Board resolved to recommend to the BMCs the following fee:

Sl.No	Quantity procured	Fee
1	Up to 50 Kg	Rs.100
2	50 to 250 Kg	Rs. 500
3	More than 250 Kg	Rs.1000

Fifth Schedule Areas

In order to protect the interests of the tribal communities, the Indian Constitution, through its Fifth and Sixth Schedules protects tribal autonomy and their rights over land. Scheduled Areas of Article 244(1) are notified as per the Fifth Schedule and Tribal Areas of Article 244(2) are notified as per the Sixth Schedule.

Table.1 Fifth Schedule Areas that are covered under the PESA

State	Areas
Andhra Pradesh	Srikakulam, Vizianagaram, Prakasam (only some mandals are scheduled mandals)
Jharkhand	Dumka, Godda, Deogarh, Sahabgunj, Pakur, Ranchi, Singhbhum (East&West), Gumla, Simdega, Lohardaga, Palamu, Garwa, (some districts are only partly tribal blocks)
Chhattisgarh	Sarbhuja, Bastar, Raigad, Raipur, Rajnandgaon, Durg, Bilaspur, Sehdol, Chindwada, Kanker
Himachal Pradesh	Lahaul and Spiti districts, Kinnaur, Pangi tehsil and Bharmour sub-tehsil in Chamba district
Madhya Pradesh	Jhabua, Mandla, Dhar, Khargone, East Nimar (khandwa), Sailana tehsil in Ratlam district, Betul, Seoni, Balaghat, Morena
Gujarat	Surat, Bharauch, Dangs, Valsad, Panchmahl, Sadodara, Sabarkanta (parts of these districts only)
Maharashtra	Thane, Nasik, Dhule, Ahmednagar, Pune, Nanded, Amravati, Yavatmal, Gadchiroli, Chandrapur (parts of these districts only)

Odisha	Mayurbhanj, Sundargarh, Koraput (fully scheduled area in these three districts), Raigada, Keonjhar, Sambalpur, Boudhkondmals, Ganjam, Kalahandi, Bolangir, Balasor (parts of these districts only)
Rajasthan	Banswara, Dungarpur (fully tribal districts), Udaipur, Chittaurgarh, Siroi (partly tribal areas)
Telangana	Mahabubnagar, Adilabad, Warangal, Khammam, Visakhapatnam, East and West Godawari Districts

The Ministry of Panchayat Raj (MoPR), Government of India (GoI) has issued a model guidelines for decentralized planning at Gram Panchayat Level (GPDP) vide letter No.M-11015/249/2015-DPE dated 4 November 2015 for adoption by states as per their context while finalizing / revising their GDGP Guidelines. These guidelines mention that a special process needed to be adopted for the Fifth Scheduled Areas (FSA). The reasons for requiring a different process of participatory planning in PESA areas are:

- The provisions of the Panchayats (Extension to the Scheduled Areas) , 1996 (PESA) advocated empowerment of local communities through Gram Sabhas for the purpose of planning and implementation of all development programmes in the area.
- Involvement and consent of the people is also advocated in the areas of land acquisition, resettlement and rehabilitation, land restoration (in case of alienation), mining of minerals, use of intoxicants, ownership of minor forest produce, management of village markets, management of water bodies and control over money lending.

The specific provisions of PESA relevant to GPDP are:

1. Section 4(1)(a) of PESA enjoins that a State legislation shall be in consonance with the customary law, social and religious practices *and traditional management of practices of common resources*.
2. As per Section 4(e) of PESA, every Gram Sabha shall approve the plans, programmes and projects taken up for implementation by the Panchayat at the village level.
3. As per 4(m) (vii) State Legislature shall ensure that the Panchayats at the appropriate level and the Gram Sabha in the Fifth Scheduled Areas are empowered specially with the power to control over local plans and resources for such plans including triabl sub-plans. PESA provides for the constitution of Gram Sabha for each village and not for each Gram Panchayat as in the case of areas outside Fifth Scheduled Areas.
4. As per Section 4(b) of PESA, a village shall ordinarily consist of a habitation or a group of hamlets comprising a community and managing its affairs in accordance with traditions and customs.
5. PESA also empowers Gram Sabha to safeguard and preserve traditions and customs; identify beneficiaries of poverty alleviation and other programmes; issue utilisation certificates; to be consulted before land acquisition, granting of lease for minor minerals etc.,
6. In addition, the State Legislature shall empower Panchayats and gram Sabha ownership of MFPS; power to prevent land alienation and restore alienated ST land; manage village markets; control consumption and sale of intoxicants; control money lending to STs and control over social sector functionaries.

[Ref: Supplementary Guidelines on GPDP in Fifth Schedule (PESA) Areas]

Special Process for GPDP in Fifth Schedule Areas

The Provisions of the Panchayats (Extension to the Scheduled Areas) 1996 (PESA) advocates empowerment of local communities, through Gram Sabhas for the purpose of planning and implementation of all development programmes in the area. Involvement and consent of the people is also advocated in the areas of land acquisition, resettlement and rehabilitation, land restoration (in case of alienation), mining of minerals, use of intoxicants, ownership of minor forest produce, management of village markets, management of water bodies and control over money lending. Therefore, the spirit of this law should be adhered to while preparing GPDP in Fifth Schedule areas. In the case of GPs in areas under Fifth Schedule, the participation of the citizens should be ensured at the hamlet/village level. After these plans are prepared at hamlet/village level and these plans should be integrated at the GP level without making any modification. In short, GPDP offers a level of support to the GP “For planning and delivery of basic services smoothly and effectively and also an opportunity for convergence of planning MGNREGA and other flagship programs for poverty reduction and economic development and social justice for the marginalized sections of rural areas”.

Sixth Schedule Areas

The Sixth Schedule of the Indian Constitution has provisions for the administration of the tribal areas in the north-eastern states of Assam, Meghalaya, Tripura and Mizoram, providing freedom to the autonomous regions and districts in terms of legislative and executive powers. The law provides each autonomous region to have their own autonomous Regional Council and every autonomous district its own autonomous District Council. The Autonomous District Councils in Sixth Scheduled Areas have legislative, executive and judicial powers over the following, some of which have important implications for biodiversity:

- Land other than reserve forests
- Forests other than reserve forests
- Use of any land or water course for agriculture purposes
- Regulation in the price of *jhum* or other forms of shifting cultivation
- Establishment of village or town administration including village or town police and public health and sanitation.
- Appointment of succession of Chiefs and their powers
- Establishment of village or town Committees or Councils and their powers
- Regulation of laws or inheritance of property
- Marriage
- Social customs (Ref: Meghalaya Biodiversity Strategy and Action Plan, 2019)

The Sixth Schedule includes a list of ten tribal areas: Assam (3), Meghalaya (3), Tripura (1) and Mizoram (3), each of which constitutes an autonomous district. Each autonomous district has an Autonomous District Council (ADC). As per the Sixth Schedule, each ADC must have at least 30 members. The Bill enhances the membership of all the ADCs, except the Bodoland Territorial Council in Assam [Ref: Standing Committee Report Summary (One Hundred and Twenty-Fifth Amendment) Bill, 2019].

Annexure V

Composition of the Expert Committee on SBBs/UTBCs



NATIONAL BIODIVERSITY AUTHORITY

(An Autonomous and Statutory Body of the Ministry of Environment, Forest & Climate Change, Government of India)

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F.No.9/288/SBB/23-24/1292

Dated: 14th August 2023

OFFICE ORDER

Sub: Constitution of an Expert Committee "to study the existing administrative structure of the State Biodiversity Boards (SBBs) and Union Territory Biodiversity Councils (UTBCs) and suggest reforms to execute various functions mandated under the Biological Diversity Act" - reg.

In exercise of the powers conferred under Section 13 (2) of the Biological Diversity Act, 2002 read with the Rule 11 of the Biological Diversity Rules, 2004, an Expert Committee is constituted as under "to study the existing administrative structure of the State Biodiversity Boards (SBBs) and Union Territory Biodiversity Councils (UTBCs) and suggest reforms to execute various functions mandated under the Biological Diversity Act". The composition of the EC is as given below: -

CHAIRMAN		
1.	Shri Rajen Habib Khwaja, IAS (Retd.) Former Secretary, Ministry of Tourism & Ministry of Mines Former Joint Secretary/Additional Secretary, Ministry of Environment & Forests Government of India	
CO-CHAIR		
2.	Dr. Rajeev K. Srivastava, IFS (Retd.) Former Principal Chief Conservator of Forests, Government of Tamil Nadu	
MEMBERS		
3.	Dr. Shekhar Kumar Niraj IFS	Principal Chief Conservator of Forests & Secretary, Tamil Nadu Biodiversity Board
4.	Dr. Jayanthi Murali IFS	Principal Chief Conservator of Forests & Chairperson, Tamil Nadu Pollution Control Board
5.	Shri B Prabhakar IFS	Addl. Principal Chief Conservator of Forests, Member Secretary, Uttar Pradesh State Biodiversity Board
6.	Shri P.Jagadish IFS (Retd.)	Former Principal Chief Conservator of Forests, Government of Tamil Nadu

7.	Dr. Rakesh Kumar Shah IFS (Retd.)	Former Principal Chief Conservator of Forests, & Chairman, Uttarakhand Biodiversity Board
8.	Shri Sreenivasa Murthy IFS (Retd.)	Former Member Secretary, Madhya Pradesh State Biodiversity Board
9.	Shri Praveen Srivastava IFS (Retd.)	Former Principal Chief Conservator of Forests & Member Secretary, Maharashtra State Biodiversity Board
10.	Smt. Anitha S Arekal IFS (Retd.)	Former Principal Chief Conservator of Forests & Former Member Secretary, Karnataka Biodiversity Board
11.	Dr. R. Hampaiah	Former Chairperson, Andhra Pradesh State Biodiversity Board
12.	Shri R. D. Kamboj IFS (Retd.)	Former Additional Principal Chief Conservator of Forests, Government of Gujarat & Director, GEER Foundation
13.	Dr.T R K Rao IRTS (Retd.)	Former Director (Commercial) National Mineral Development Corporation Limited – Central PSU & currently Director (Finance, Commercial & Fuel), Telangana State Power Generation Corporation Limited (TSGENCO) – State PSU, Government of Telangana
14.	Smt. Farida Tampal	State Director, WWF-India, Andhra Pradesh State Office
15.	Shri Akshar Bhatt	Advocate, Delhi
16.	Dr. M.N. Reddy	Former Director, National Institute of Agricultural Extension Management, Ministry of Agriculture, Govt. of India
17.	Dr. Pradip Sarmokadam	Member Secretary, Goa State Biodiversity Board
18.	Dr. V. Arivudai Nambi	Independent Expert on Biodiversity
19.	Shri Dasari Balakishan	Deputy General Manager (Retd.), Canara Bank.

Dr. B. Balaji, IFS Secretary, NBA	CONVENER & FOCAL POINT
Ms. K. P. Jancy Young Professional – III, NBA	CO-ORDINATOR

2. **The Terms of Reference (ToR) of the Committee are as follows:**

- a. To study the existing administrative structure of the SBBs /UTBCs and related State Rules and suggest-reforms to execute various functions mandated under the BD Act, 2002.
 - b. To suggest a "Model Administrative Structure" for SBBs/UTBCs.
 - c. To study the issues and challenges that are being encountered in the functioning of SBBs as autonomous and statutory bodies.
 - d. To interact with various officials Ministries/Departments of Government of India and States especially of State Biodiversity Boards as per the requirement.
 - e. To suggest a "Model Rules" for SBBs/UTBCs
 - f. To submit a comprehensive **REPORT** suggesting necessary reforms incorporating "Model Administrative Structure" and also "Model Rules" for the SBBs/UTBCs to implement the provisions of the BD Act.
3. The NBA may amend the ToRs, if required.
4. The tenure of the committee shall be for **EIGHT MONTHS** from the date of issue of this order and can be extended as per the requirement.
5. The NBA reserves the right to add more members as and when required.
6. The guidelines for the Expert Committee shall be as referred to in **Annexure**.

This issues with the approval of the Competent Authority.


(Dr.B.Balaji) 14/8/23
Secretary, NBA

GUIDELINES

The following guidelines are issued for proper conduct of the meetings to achieve the expected outcomes.

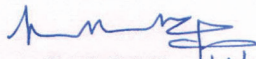
- 1) The expert committees are being constituted mainly to advise NBA on technical, techno-legal, administrative, scientific, statutory and miscellaneous matters as NBA does not have the required in-house expertise and experience in various disciplines. The role of expert committee is more or less similar to that of 'Amicus Curiae' in the court of Law.
- 2) The Chair of the EC is authorized to decide the mode of the meeting to be convened either physical or through virtual mode or Hybrid mode.
- 3) The Chairman and members are requested to kindly make it convenient to attend the meeting at the fixed venue and time. The NBA will arrange transport from Airport / Railway station / bus stand to and from the venue of the meeting.
- 4) The travel cost by Air (economy class)/train (AC-I clas /AC II tier)., incurred by the Chairman and the members / invitees shall be reimbursed on production of the tickets and boarding pass along with bills in the prescribed format provided by NBA. The lodging and boarding will be provided by the NBA. The AC taxi fare will be reimbursed as and when the bill is produced with TA-Bill. Alternatively road mileage will be paid based on declaration of Kilometers.
- 5) As per the directions issued by the Ministry of Finance vide O.M. no. No.19024/ 2212017-E. IV, dated 16th February 2022, the Members are required to purchase the ticket from three authorized travel agents viz. M/s Balmer Lawrie & Company limited (BLCL), M/s Ashok Travels & Tours (ATT) and Indian Railways Catering and Tourism Corporation Ltd. (IRCTC). The submission of boarding pass shall be mandatory for reimbursement by the NBA.
- 6) As per OM. No.: C-12025/3/2022-CS.III dated 15th March 2022 issued by Ministry of Environment, Forest and Climate Change, the Chair, Co-Chair are entitled for Rs.6000/- per day of sitting and all members of the EC are entitled for Rs.4000/- per day of sitting.
- 7) The Chairman and members may preferably arrive at the city of venue one day in advance before the scheduled date of meeting.
- 8) The committee is requested to submit the proceedings / summary of discussions to the NBA duly authenticated by all the members. In order to finalize and submit proceedings / summary of the discussions held during the meeting on the same day, outstation members are requested to plan their return journey on the next day of the meeting. Under exceptional circumstances the Chairman may get the proceedings / summary of

discussions finalized at later dates and send the document to NBA duly authenticated by all members who were present in the meeting. For this the Chairman/Co- chair may send the draft to all members through E-mail to authenticate/agree & reply accordingly, for which 2 days' time may be given failing which the proceedings/ summary of discussions are deemed to be approved. In such case, a lump sum of Rs.3000/- will be paid to the Chairman to meet the postal expenses, mobile, internet charges and cost of secretarial assistance at his place of stay on request. For payment of lump sum, a declaration may be made by the chairman to the effect that the expenditure has been incurred for the above purpose.

- 9) In the absence of Chairman, the Co-Chair will conduct the proceedings of the meeting. The meetings of the 'EC' shall be held as per the dates fixed by the NBA.
- 10) All members of the committee are requested to kindly go through the subject area and refer BD Act 2002 and the Amendments made and Rules made thereunder, the Guidelines on access to biological resources and / or associated knowledge regulations, 2014, Guidelines for operationalization of BMCs, relevant laws, scientific articles, and books, browse internet to facilitate lively, purposeful and useful discussion on the subject.
- 11) Further, it is requested to go through Rules framed by different State Governments pertaining to respective SBBs.
- 12) The Chairman, Co-chair and members may kindly exchange notes and views through internet on the subject area to be discussed during the meeting.
- 13) The Chairman, Co- Chair & members are requested to refrain from criticizing policies of Central or State Governments.
- 14) Given the sensitivity and nature of deliberations of the Committee, members are requested not to engage in any bilateral discussion with the non-members regarding subject matter dealt with. However, they can collect information from non-members working in similar autonomous and statutory bodies that may be useful for the expert committee.
- 15) The Secretary, NBA is authorized to invite any other experts/professionals to the meetings of the expert committee as special invitees, after taking prior approval of the Chairman, NBA.
- 16) The Chairman, NBA may include additional members in to the EC, as appropriate.
- 17) The Chairman & Co-chair are authorized to constitute Sub-Committees to draft different chapters/subjects for the final report to be submitted to NBA. Further, they are authorized to invite a few members for discussions and develop working drafts to be discussed in full meetings, where all members will be present. For such meetings of small teams, the venue & dates will be decided in consultation with Secretary, NBA.

- 18) The Chairman & Co-chair are authorized to select a few members of the committee to form a small team (4-5 members) including Chairman and Co-chair while undertaking visits to a few selected States & UTs. The visits to States & UTs will be decided by NBA.
- 19) The Chairman/Co-Chair may conduct meeting anywhere in India in consultation with Secretary, NBA.
- 20) The NBA reserves the right to modify/add new guidelines.
- 21) The Chairman, NBA reserves the right to disband the committee without assigning any reason.
- 22) The recommendations made in the final report are not binding on NBA.

This issues with the approval of the Competent Authority.


(Dr. B. Balaji)
Secretary, NBA 14/8/23

To:

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BACKGROUND NOTE FOR EXPERT COMMITTEE ON SBBs

India is a party to the United Nations Convention on Biological Diversity (CBD). In order to fulfil the obligations under the CBD, India enacted the Biological Diversity Act in 2002 and notified the Biological Diversity Rules in 2004. The three objectives of the CBD are the conservation of biological diversity, sustainable use of its components, and the fair and equitable sharing of the benefits arising out of the utilization of genetic resources. CBD with 196 Parties, is a near universal international agreement. India, as a Party to the Convention is committed to contributing towards achieving its objectives.

2. Biological Diversity (BD) Act, 2002 is the only Act in the country which enacted to achieve the objectives of conservation of biodiversity, sustainable use of its components, and fair and equitable sharing of benefits arising out of such use. The Act is implemented through a three-tier institutional mechanism, at national, State and locals viz., the National Biodiversity Authority (NBA) at the national level, State Biodiversity Boards (SBBs) at the State level, Biodiversity Management Committee (BMCs) at the local level. Besides, the Union Territories (UTs) have established their UT Biodiversity Councils.

3. The NBA is an autonomous statutory body under the Ministry of Environment, Forests and Climate Change, Government of India, established in 2003 to implement the provisions under the Biological Diversity Act, 2002. It acts as a facilitating, regulating and advisory body to the Government of India on matters of conservation, sustainable use, and the fair and equitable sharing of benefits arising out of the use of biological resources.

4. Section 22 of the Act provides for establishment of State Biodiversity Boards (SBBs) and Union Territory Biodiversity Councils (UTBCs) in the country. Similarly, the SBBs have been established in all 28 States and Union Territory Biodiversity Councils in all eight (8) Union Territories. Except Haryana, twenty-seven (27) States, viz. Andhra Pradesh, Arunachal Pradesh, Assam, Bihar, Chhattisgarh, Gujarat, Goa, Himachal Pradesh, Jharkhand, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Manipur, Meghalaya, Mizoram, Nagaland, Odisha, Punjab, Rajasthan, Sikkim, Tamil Nadu, Telangana, Tripura, Uttarakhand, Uttar Pradesh and West Bengal have notified the state specific rules in accordance with the provisions of the Act. The NBA is pursuing with the Haryana SBB for notification of such State Specific Rules.

5. The SBBs are also autonomous statutory bodies mandated to provide advice to the State Governments, subject to any guidelines issued by the Central Government, on matters relating to the conservation of biodiversity, sustainable use of its components and equitable sharing of the benefits arising out of the utilization of biological resources. The SBBs also regulate, by granting approvals or otherwise requests for commercial utilization or bio-survey and bio-utilization of any biological resource for commercial utilization by Indians.

6. Section 41 of the Biological Diversity Act, 2002 provides for establishment of Biodiversity Management Committees (BMCs) at every local body level and to document biological diversity along with chronicling of knowledge relating to biological diversity in the form of People's Biodiversity Registers (PBRs). Under Rule 22 (6) of Biological Diversity Rules, 2004, the BMC needs to prepare People's Biodiversity Registers in consultation with the local people that contains comprehensive

information about the biological resources, its use and associated knowledge at the BMC level. This information is critical for conservation of biological resources, sustainable use of its components and for equitable sharing of benefits as well as to prevent biopiracy. So far 2, 77,364 number of BMCs have been constituted at various levels in the States/UTs and 2,67,608 number of PBRs have been prepared at different local body levels.

7. Access and Benefit Sharing (ABS) refers to the process wherein biological resources and/or associated traditional knowledge are legitimately accessed, used and the resultant benefits are shared with the providers of such resources and the knowledge as per legal obligations enforced in the country of origin. Section 23 and 24 of the Biological Diversity Act, 2002 provides for the regulation of access to biological resources and associated knowledge by the SBBs. The SBBs collect the ABS funds from the entities for access to biological resources for commercial utilization.

8. The National Biodiversity Authority under the aegis of the Ministry of Environment, Forest and Climate Change has been providing the required technical support to the SBBs, when required, to achieve the objectives of the Act at sub-national and local-levels. The State Governments are also required to provide the much needed infrastructure and financial support for implementing the objectives of Biological Diversity Act, 2002, and advise important line departments such as the Department of Rural Development and Panchayati Raj under whom the local bodies function to facilitate the decentralized governance of biodiversity in the country through the constitution of BMCs and preparation of PBRs.

9. The SBBs play a vital role in the implementation of the Biological Diversity Act and the Rules. Hence, the SBBs need to be strengthened, both institutionally and financially to carry out various functions mandated under the Act. A multidisciplinary expertise (line departments dealing with biodiversity i.e., Forestry, Agriculture, Animal Husbandry, Fisheries and Horticulture etc) needs to be in place at the State/UT level for technical support and guidance.

10. It is pertinent to note that, though the SBBs have come a long way since the inception of the Act, they are yet to establish a stronghold at the level of implementing the statute at the ground level. The SBBs have the provision of constituting multidisciplinary and Thematic Expert Committees as per their State Rules, similar to powers given in Section 13(2) of the BD Act to NBA may constitute such number of committees as it deems fit for the efficient discharge of its duties and performance of its functions under this Act.

11. Implementation of BD Act in India needs synchronized actions of multiple departments and agencies and integrated functions along with the 3 tier institutional mechanism. Towards this objective, this Expert Committee is constituted to look into the aspects in a holistic manner and recommend necessary reforms in restructuring the SBBs for their effective functioning to implement the provisions of the BD Act. Some of the challenges and constraints faced by the SBBs/UTBCs among others include; -

- i. The quantum of Budget allocation for SBBs to perform as per the mandate given by the Biological Diversity Act 2002.

- ii. SBBs need to be functional by engagement of full time officials and creation of at least a core team of regular staff having expertise in biodiversity policy and law.
- iii. Lack of independent Building and premises ("*Jaivavividhata Bhavan*")
- iv. Lack of regular grants and project funds for SBBs.
- v. State Biodiversity Rules needs to be updated to bring clarity in the matters related to role of BMC chairpersons, BMC Secretary (All BMC members are honorary including Secretary).
- vi. State Biodiversity Rules lack clarity on levying fees for commercial use of bioresources, mechanism of registering offences under the BD Act etc.
- vii. Awareness amongst the line departments (Forest, Agriculture, Horticulture, Animal Husbandry/Veterinary Science, Fisheries, Sericulture: Academic wings of Universities and Organizations/Institutions like Microbiology, Chemistry, Botany, Zoology, Biotechnology and Genetics *etc.*) regarding the role and functions of the SBBs, BMCs and line departments role in Biodiversity conservation activities, and need for collaboration with SBB.
- viii. Legal & Statutory matters related to implementation of ABS mechanism.

Accordingly, an Expert Committee is constituted to study the matter and make comprehensive recommendations in the form of a **REPORT** to the National Biodiversity Authority.

EC on SBBs / UTBCs Photos



First Meeting in Turyaa, Chennai (18/09/2023)



Second Meeting @ Delhi



J&K Meeting @ Taj Vivanta Hotel, Srinagar (25/06/2024)



Meeting with Chief Secretary, SKICC (26/06/2024)



Visit to Bandipore BMCs (27/06/2024)



Visit to Dachigam NP (28/06/2024)



Visit to PCCF Office, Sheikh Bagh, Srinagar



3rd Meeting @ Turyaa, Chennai



4th Meeting @ Taj Vivanta, Hyderabad.

