

FOREST DEPARTMENT

Mantralaya, Mahanadi Bhawan, Naya Raipur

Naya Raipur, the 1st June 2015

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

RULES

1. Short title and commencement.—

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

2. Definitions.—

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

- (2) Words and expressions used but not defined in these rules and 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.—**

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

4. **Term of Office of the Chairperson.—**

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

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

5. Pay and Allowances of the Chairperson.—

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

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

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

Provided that the Expert Member shall not be removed from his office

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

- (4) Every Expert Member attending the meeting of the Board shall be entitled to sitting allowance, travelling expenses, daily allowance and such other allowances as are applicable to non-official member of Commissions and Committees of the State Government attending the meeting(s) of such Commissions or Committees.

7. Filling up of vacancies of Expert Member.—

- (1) An Expert Member of the Board may resign from his office at any time by giving a notice in writing to the State Government and the seat of that member in the Board shall become vacant;
- (2) An unexpected vacancy in the Board shall be filled up by a fresh appointment and the person appointed to fill the vacancy shall hold office only for the remaining period of the member, in whose place he is nominated.

8. Appointment of the Ex-officio Members.—Five Ex-officio members shall be appointed by the State Government in following manner.—

- (I) Three Ex-officio members shall be appointed from the following department/organizations, namely:—
- (a) Department of Agriculture, Chhattisgarh;
 - (b) Department of Animal Husbandry, Chhattisgarh;
 - (c) Department of Fisheries, Chhattisgarh;
 - (d) Department of Horticulture, Chhattisgarh;
 - (e) Council of Science and technology, Chhattisgarh;
 - (f) Department of Culture and Tourism, Chhattisgarh;
 - (g) Department of Environment, Chhattisgarh;
 - (h) Department of Indian System of Medicines and Homeopathy;
 - (i) Chhattisgarh State Medicinal Plant Board, Raipur;
 - (j) Chhattisgarh State Forest Research and Training Institute, Raipur;
 - (k) Department of Tribal Welfare, Chhattisgarh.

- (II) Head of the Department of Forest, Chhattisgarh dealing with the affairs of Biodiversity;
- (III) Member Secretary of the Board.

9. **Head Office of the Board.**—The Head Office of the Board shall be at Raipur.

10. **Member Secretary of the Board.**—

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

11. Meetings of the Board.—

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

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

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

- (3) The Board may invite any person, whose assistance or advice is necessary to obtain opinion in performing any of its functions and to participate in the deliberations of any of its meeting. Such person associated with the Board shall be entitled to get sitting allowances, travelling allowance and daily allowance as admissible to non-official members of the Board.

13. **General functions of the Board.**—The Board may perform the following functions, namely :—

- (i) lay down the procedure and guidelines to govern the activities provided under Section 23 of the Act;
- (ii) advice the State Government on any matter concerning conservation of biodiversity, sustainable use of its components and fair and equitable sharing of benefits arising out of the use of biological resource and knowledge;
- (iii) provide technical assistance and guidance to the departments of the State Government;
- (iv) regulate by granting of approvals or otherwise requests for commercial utilization or bio-survey and bio-utilization for commercial utilisation of any biological resource by Indian citizen, or body corporate, association or organization registered in India except those covered under Section 3(2) of the Act;
- (v) facilitate updating and implementation of State Biodiversity Strategy and Action Plan;
- (vi) shall conduct studies and sponsor investigations and research;
- (vii) engage consultant for a specific period, not exceeding three years, for providing technical assistance to the Board in the effective discharge of its functions :

Provided that if it is necessary and expedient to engage any consultant beyond the period of three years, the Board shall seek prior approval of the State Government for such an engagement;

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

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

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

14. Powers and duties of the Chairperson.—

- (1) The Chairperson shall ensure that the affairs of the Board are run efficiently and in accordance with the provisions of the Act and the rules made there under;
- (2) The Chairperson shall have the powers of general superintendence over the officers and staff of the Board and the Chairperson may issue necessary directions for the conduct and management of affairs of the Board;
- (3) The Chairperson shall convene and preside over all the meetings of the Board and shall ensure that all decisions taken by the Board are implemented in proper manner.

15. Setup of the Board.—The administrative setup of the Board shall be sanctioned by the State Government on recommendation of the Board.

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

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

- (2) The Board shall approve the method of recruitment/promotion to the posts in the Board.

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

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

- (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.

18. **Restriction 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, namely :—
 - (i) If the request for access is for any threatened taxa or taxa that is likely to become threatened due to such access;
 - (ii) If the request for access is for any endemic and rare species;
 - (iii) If the request for access may likely to result in adverse effect on the livelihoods, culture or indigenous knowledge of the local people;
 - (iv) If the request for access may result in adverse environmental impact which may be difficult to control and mitigate;
 - (v) If the request for access may cause genetic erosion or affecting the ecosystem function;
 - (vi) If use of resources for purposes contrary to national interest and other related international agreements entered into by the country.

19. **Revocation of access/approval.—**

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

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

20. **Operation of State Biodiversity Fund.—**

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

21. **Annual Report and Annual Statement of Accounts.—**

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

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

22. **Establishment and Management of Biodiversity Heritage Site.—**

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

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

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

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

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

- (16) The local bodies shall ensure that the Biodiversity Management Committee are integrated with the functioning of 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.

24. **Local Biodiversity Fund.—**

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

25. **Appeal for settlement of disputes.—**

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

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

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

24. Local Biodiversity Fund.—

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

25. Appeal for settlement of disputes.—

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

Act. In the case of dispute between one Board and other Board(s) on account of implementation of any order/direction or on any issue of policy decision, the Central Government shall refer the same to the National Biodiversity Authority under sub-section (4) of Section 50 of the Act;

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

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

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

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



FORM 1

(See rule 17)

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

Part A

1. Full particulars of the applicant
 - (a) Name :
 - (b) Permanent address :
 - (c) Address of the contact person/agent, if any :
 - (d) Profile of the organization (personal profile in case the applicant is an individual).
(Please attached relevant documents of authentication) :
 - (e) Nature of business :
 - (f) Turnover of the organization in Indian Rupee :

2. Details and specific information should nature of access sought and biological material and/or associated knowledge to be accessed :—
 - (a) Identification (scientific name) of biological resources and its traditional use :
 - (b) Geographical location (including village, janpad and district) of proposed collection :
 - (c) Description/nature of traditional knowledge, its existing manifestations and uses (oral/documented):
 - (d) Any identified individual/family/community holding the traditional knowledge :
 - (e) Quantity of biological resources to be collected :
 - (f) Time limit in which the biological resources are proposed to be collected :
 - (g) Name and number of person authorized by the company for making the collection :
 - (h) The purpose for which the access is requested including the type and extent of research, commercial use being derived and expected to be derived from it :
 - (i) Whether any collection or use of the resource endangers any component of biological diversity and the risk which may arise from the access ?

3. Any other information :

Part B

Declaration

I/We declare that :

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

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

Place :

Date :

Signature :

Name :

Title :

FORM II

Form of Memorandum of Appeal

(See rule 25)

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

NEW DELHI

OR

CHAIRPERSON, NATIONAL BIODIVERSITY AUTHORITY

(as the case may be)

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

Appeal No.of 20

.....
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. **GROUNDs :**
 (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 stated above, the appellant respectfully prays that the order/decision of the respondent be quashed/set-aside.
- (b) The Policy/guidelines/rules/regulations framed by the Respondent be quashed/modified/annulled to the extent.....
- (c)

5. The amount of Rs. (Rupees.....) as fee for this appeal has been paid tovide order No. dt.....

Place :

Signature and seal of the appellant

Dated :

Address :

VERIFICATION

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

Verified on.....day of

Signature and Seal of the Appellant

Address :

.....

Signature of the Authorised representative of the appellant

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

Government of Chhattisgarh
Forest Department
Mantralaya, Mahanadi Bhavan, New Raipur

//ORDER//

No: F 8-4/20011/10-2

Raipur, Dated 01/08/2015

Technical Assistance Groups, as competent and responsible bodies, are to be constituted in each forest division for establishing co-ordination between Chhattisgarh State Biodiversity Board and Biodiversity Management Committees at district/ block/ village panchayat levels. The Divisional Forest Officers of the district will act as nodal officer/ co-ordinator of these Technical Assistance Groups.

The nodal officers of Biodiversity Committees will have the following responsibilities:

1. Constitute Technical Assistance Groups at forest division level with the participation of technical specialists related with Agriculture/ Animal Husbandry/ Horticulture/ Tribal and SC Development/ Panchayats and Rural Development departments.
2. Constitute Biodiversity Management Committees at district/ development block/ Panchayat levels as per the directives of Chhattisgarh State Biodiversity Board and in accordance with the provisions of the Biodiversity Act, 2002.
3. Guide the Biodiversity Management Committees in preparation of Biodiversity Register and review their working.
4. Implement, supervise and evaluate various projects run by Chhattisgarh State Biodiversity Board and submit reports to the Board.
5. Conduct a survey to identify Biodiversity Heritage Sites in the state and prepare proposals for their conservation.
6. Submit reports to Chhattisgarh State Biodiversity Board regarding biodiversity issues and activities by different institutions.
7. Conduct different activities under the guidance of Chhattisgarh State Biodiversity Board and work for preservation and promotion of Biodiversity.

This order will come into force with immediate effect.

In the name of]
Governor of Chhattisgarh and as per orders

(Anil Kumar Sahu)
Secretary Government of Chhattisgarh, Forest Department

No: F 8-4/20011/10-2

Raipur, Dated 01/08/2015

Copy to:

1. Additional Chief Secretary to Honourable Chief Minister, Government of Chhattisgarh, Chief Minister's Secretariat, Mantralaya, New Raipur
2. Additional Chief Secretary, Government of Chhattisgarh, Tribal and SC Development Department, Mantralaya, New Raipur
3. Additional Chief Secretary, Government of Chhattisgarh, Agriculture/ Animal Husbandry / Horticulture Departments, Mantralaya, New Raipur
4. Additional Chief Secretary, Government of Chhattisgarh, Panchayat and Rural Development Department, Mantralaya, New Raipur
5. Special Assistant to Honourable, Minister for Forests and Chairman, Chhattisgarh State Biodiversity Board, Raipur.
6. Staff Officer to Principal Secretary, Government of Chhattisgarh, Forests, Urban Administration and Development, Mantralaya, New Raipur
7. Principal Chief Conservator of Forests, Chhattisgarh, Raipur
8. Principal Chief Conservator of Forests (Wildlife), Chhattisgarh, Raipur
9. Managing Director, Chhattisgarh State Forest Development Corporation, Raipur
10. Managing Director, Chhattisgarh State Minor Forest Produce Federation, Raipur
11. CEO, Chhattisgarh State Medicinal Plants Board, Raipur
12. Director, Urban Administration and Development Department, New Raipur
13. Director, Panchayats and Rural Development Department, New Raipur
14. All Chief Conservators of Forests (Territorial)
15. All District Collectors, Chhattisgarh
16. All CEOs, District Panchayat, Chhattisgarh
17. Nominated member of Board Shri.....

For information and necessary action

Secretary
Government of Chhattisgarh, Forest Department