



## Biological Diversity (Amendment) Bill, 2021

**For Prelims:** Biological Diversity (Amendment) Bill, 2021, United Nation Convention on Biological Diversity, Nagoya Protocol,

**For Mains:** Salient features of Biological Diversity (Amendment) Bill, 2021 and associated concerns.

### Why in News

Recently, the **Biological Diversity (Amendment) Bill, 2021** was tabled in the Parliament.

- The amendments seek to **decriminalise certain provisions** and bring **more foreign investments** in the chain of biological resources, including **research, patent and commercial utilisation**, without compromising the **national interest**.
- However, opposition parties have **cited concerns** over the bill and it is being referred to a **select committee**. They demanded the bill to be referred to the Parliament standing committee.

### Note:

- A **Select Committee** is formed for examining a particular Bill and its membership is limited to Members of Parliament from one House. It's chaired by MPs from the ruling party.

### Key Points

- **Objective:** The bill looks to relax certain rules in the [Biological Diversity Act, 2002](#).
  - The 2002 Act imposed a **heavy “compliance burden”** on Indian medicine practitioners, seed sector, industry & researchers and made it hard to conduct collaborative research and investments.
- **Simplify Research Process:** The amendments also streamline the process of Patenting for Indian researchers to encourage patenting.
  - For this, **regional patenting centres** will be opened across the country.
- **Boosting Indian Medicine System:** It seeks to give a fillip to **“Indian system of medicine”**, and facilitate fast-tracking of research, patent application process, transfer of research results while utilising the biological resources available in India.
  - It seeks to empower local communities to be able to utilise resources, particularly of medicinal value, such as seeds.
  - The Bill looks to encourage farmers to **increase cultivation of medicinal plants**.
  - These objectives to be achieved without compromising the objectives of the [United Nation Convention on Biological Diversity](#).
- **Decriminalising Certain Provisions:** It seeks to decriminalise certain provisions in the chain of biological resources.
  - These changes were brought in consonance with **India’s ratification of [Nagoya](#)**

**Protocol** (access to generic resources and the fair and equitable sharing of benefits arising from their utilisation) in 2012.

- **Allowing Foreign Investments:** It also allows for **foreign investment in research in biodiversity**. However, this investment will necessarily have to be made through Indian companies involved in biodiversity research.
  - For foreign entities the approval from the **National Biodiversity Authority** is necessary.
- **Exempting AYUSH Practitioners:** The Bill seeks to exempt registered **AYUSH medical practitioners** and people accessing codified traditional knowledge, among others, from giving prior intimation to State biodiversity boards for accessing biological resources for certain purposes.

#### Note:

- **Biological Diversity Act, 2002:** It was enacted by the Parliament, to provide for:
  - Conservation of biological diversity,
  - Sustainable use of its components
  - Fair and equitable sharing of the benefits arising out of the use of biological resources and knowledge.
- **Nagoya Protocol**
- It is mandated that **benefits derived from the use of biological resources are shared in a fair and equitable manner** among the indigenous and local communities.
- When an Indian or foreign company or individual accesses biological resources such as medicinal plants and associated knowledge, it has to take **prior consent from the national biodiversity board**.
- The board **can impose a benefit-sharing fee or royalty or impose conditions so that the company shares the monetary benefit** from commercial utilisation of these resources with local people who are conserving biodiversity in the region.

## Concerns Raised by The Experts

- **Trade over Conservation:** It prioritises **intellectual property** and commercial trade at the expense of the act's key aim of conserving biological resources.
- **Threat of Bio-piracy:** The exemptions to **AYUSH Practitioners** no longer need to take approvals, would pave the way for **"bio piracy"**.
  - **Biopiracy** is the practice of exploiting naturally occurring genetic or biochemical material in commerce.
- **Marginalising Biodiversity Management Committees (BMCs):** The proposed amendments allow for state biodiversity boards to represent BMCs to determine terms of benefit sharing,
  - Under the Biodiversity Act 2002, national and state biodiversity boards are required to consult the **biodiversity management committees (constituted by every local body)** while taking any decision relating to the use of biological resources.
- **Sidelining Local Communities:** The bill also exempts cultivated medicinal plants from the purview of the Act. However, it is practically impossible to **detect which plants are cultivated and which are from the wild**.
  - This provision could allow large companies to **evade the requirement for prior approval or share the benefit** with local communities under the access and benefit-sharing provisions of the Act.

## Way Forward

- **Effective Implementation of the Forest Rights Act (FRA):** The government must make an effort to **build trust between its agencies in the area and the people** who depend on these forests by treating them as equal citizens like everyone else in the country..
  - The FRA's loopholes have already been identified; all it needs is to work on amending it.
- **Integration of International Treaties:** The implementation of Nagoya Protocol cannot work in isolation and thus must be commensurate with other international treaties.
  - Therefore, integration between **Nagoya Protocol** and the **International Treaty on Plant**

[Genetic Resources for Food and Agriculture \(ITPGRFA\)](#) need to consider the legislative, administrative and policy measures that cross each other's path

- **People's Biodiversity Register (PBR):** PBR should **aim to document folk knowledge of status, uses, history, ongoing changes and forces driving changes in biodiversity resources, and people's perceptions** of how these resources should be managed.
  - **PBRs** can be useful to preserve the rights of farmers or communities over the traditional knowledge they may hold over a particular variety.

[Source: IE](#)

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