



## Amendments to Biodiversity Bill, 2021

**For Prelims:** Biological Diversity (Amendment) Bill, Ayurveda Yoga Naturopathy Unani Siddha and Homeopathy (AYUSH)

**For Mains:** Significance & Concerns Related to Biodiversity Bill 2021

### Why in News?

Recently, a **Joint Parliamentary Committee (JPC)** that examined the [Biological Diversity \(Amendment\) Bill 2021](#), has submitted its suggestions on the Bill.

- The JPC has **accepted several amendments** made by the Ministry of Environment & Climate Change (MoEFCC).

### What is the Biodiversity Act, 2002 (BDA)?

- **About:**
  - The [Biological Diversity Act, 2002 \(BDA\)](#) was enacted to provide for the **conservation of biological diversity, sustainable use of its components**, and fair and equitable sharing of the benefits arising out of the use of biological resources and traditional knowledge.
- **Features:**
  - The Act prohibits any person or organisation from obtaining any biological resource, occurring in India for its research or commercial utilisation, without prior approval from the **National Biodiversity Authority**.
  - The act envisaged a three-tier structure to regulate the access to biological resources:
    - **The National Biodiversity Authority (NBA)**
    - **The State Biodiversity Boards (SBBs)**
    - **The Biodiversity Management Committees (BMCs)** (at local level)
  - The act stipulates all offences under it as cognizable and non-bailable.

### What are the Amendments Made in Biodiversity Bill 2021?

- **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 into biodiversity**. However, this investment will necessarily have to be made through Indian companies involved in biodiversity research.
  - For foreign entities 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.

## What are the Major concerns Raised Against the Proposed Amendments?

- **Trade over Conservation:** Concerns were raised that the bill **prioritised [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** from giving prior intimation to State biodiversity boards 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 BDA 2002, national and state biodiversity boards are required to consult the BMCs (**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.

## What are the Recommendations Made by the Committee?

- **Conserving Biological Resources:**
  - The JPC recommended that biodiversity management committees under the proposed law and indigenous communities should be **empowered by clearly defining benefit claimers to be conservers of [biological resources](#)**.
- **Promoting Indigenous Medicine:**
  - Reduce the pressure on wild medicinal plants by encouraging cultivation of medicinal plants.
  - Indian system of medicine should be encouraged by clearly defining codified traditional knowledge.
  - **Promoting indigenous research and Indian companies through facilitating fast-tracking of research, patent application process, transfer of research results while utilising the biological resources** available in India without compromising the **objectives of International biodiversity convention**.
- **Promote Sustainable Use:**
  - To **develop national strategies for conservation**, promotion and sustainable use of biological resources in consultation with the state government.
- **Civil Offence:**
  - Being a civil offence, the committee has further recommended that in contravention of the Biological Diversity Act, 2002 any offence should **attract civil penalties with proportionate fine structure so that the violators do not escape**,
- **FDI Inflows:**
  - Further, there is a need to **attract more [foreign investments](#)** in the chain of biological resources, including research, patent, and commercial utilisation, without compromising national interest by defining foreign companies as per the **[Companies Act](#)** and by defining a protocol for utilisation of biological resources from India.
- **Exemption of AYUSH Practitioners:**

- The committee clarified that AYUSH practitioners who have been practising indigenous medicine, including Indian systems of medicine, **as a profession for sustenance and livelihood are exempt from prior intimation** to state biodiversity boards to access biological resources.

## UPSC Civil Services Examination Previous Year Question (PYQ)

### Mains

**Q.** How is the Government of India protecting traditional knowledge of medicine from patenting by pharmaceutical companies? **(2019)**

[Source: HT](#)

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