



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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