

Introduction : The Biological Diversity Act,2002

Biodiversity plays vital role in sustaining conservation of nature and development of bio-technology industry. Biodiversity is basic to progress in improving the productivity of plants, animals, fishes and all living organisms. Conservation of biodiversity ensures ecological stability and also involves protection of socio-ecological interest of the people actively associated with conservation. All over the world legal strategies at global, regional and local level have been developed for ensuring protection to such interest alongside maintenance of ecological stability.

Biological diversity is primarily concentrated in the tropics, i.e., developing countries. It is a well documented fact that developing countries are rich in the world's flora and fauna and 80 per cent of earth's terrestrial biodiversity is confined to these countries. With only 2.5 per cent of the land area, India accounts for 7-8 per cent of recorded species of the world. India is equally rich in traditional and indigenous knowledge, both coded and informal.

The Biological Diversity Act, 2002-An overview

(i) Background Considerations

Realizing that India has vast and rich biodiversity, its protection against bio piracy and ensuring equitable sharing of benefits enshrined in CBD (Convention on Biological Diversity) is a challenging task.

Biodiversity is a multi-disciplinary subject involving diverse sectoral activities and actions. The stake holders in biological diversity include the Central and State government, scientific and technical institutions, local self government, scientific and technical institution experts, non-governmental organization, industry etc. One of the major challenges before India lies in adopting an instrument which help realize the objectives of equitable sharing of benefit.

CBD affirms the sovereign rights of the states over their biological resources and India being a member of CBD and WTO decided to bring the Biological Diversity Act, 2002 after making extensive and intensive consultation process involving various stakeholders.

Objectives

The main objectives of the Act are as follows: -

- (i) to regulate access to biological resources of the country with the purpose of securing equitable share in benefits arising out of the use of biological resources and associated knowledge relating to biological resources;
- (ii) to conserve the sustainable use of biological diversity;
- (iii) to respect and protect knowledge of local communities related to biodiversity;
- (iv) to secure sharing of benefits with local people as conservers of biological resources and holders of knowledge and information relating to the use of biological resources;
- (v) conservation and development of areas important from the standpoint of biological diversity of declaring them as biological diversity heritage sites;
- (vi) protection and rehabilitation of threatened species;
- (vii) involvement of institution of self-government in the broad scheme of the implementation of the Act through constitution of committees.

FOR 6 SEMESTER LL.B 3 YEARS OPTIONAL PAPER

Dr.VINITA KACHER

ASSOCIATE PROFESSOR

LAW FACULTY , LUCKNOW UNIVERSITY