



Under the Biological Diversity Act, 2002

Penalties

- ★ Contravention of Sections 3, 4 or 6 of the BD Act, 2002 is cognizable and non-bailable offence.
- ★ Attempt to contravene or abatement of contravention of the above provisions is also punishable.
- ★ These offences are punishable with imprisonment which may extend to five years or fine upto ten lakh rupees or with both and where the damage exceeds ten lakh rupees such fine may commensurate with the damage caused.

Approvals

ACCESS TO BIOLOGICAL RESOURCES

Persons to apply: Any Non-Indian / NRI / body corporate or organization having non-Indian participation in share capital or management

When to apply: Before obtaining any biological resources occurring in India or knowledge associated for

- ★ Research
- ★ Commercial Utilization
- ★ Bio-Survey and Bio-Utilization

TRANSFER OF RESEARCH RESULTS

Persons to apply: Any person (including Indian citizens, Foreigners, Foreign / Indian entities / NRI)

When to apply: Before transfer of research results related to any biological resources occurring in or obtained from India for monetary benefits or otherwise to any

- ★ Non-Indian
- ★ Non Resident Indian
- ★ Body corporate or organization having non-Indian participation in share capital or management

INTELLECTUAL PROPERTY RIGHTS

Persons to apply: Any person seeking Intellectual Property Rights (IPR) within or outside India for any invention based on any research or information on a biological resources obtained from India

When to apply: Before seeking IPR

THIRD PARTY TRANSFER

Persons to apply: Persons / Entities who have already accessed biological resources under Form-I

When to apply: Before transferring accessed biological resources to third party who is a

- ★ Non-Indian
- ★ Non Resident Indian
- ★ Body corporate or organization having non-Indian share capital or management

Exemptions

- ★ Collaborative research projects that confirm to the policy guidelines issued by the Central Government
- ★ Conventional breeding, traditional practices in use in any agriculture, horticulture, poultry, dairy farming, animal husbandry or bee keeping
- ★ Value added products (VAPs) as defined under section 2(p) of the BD Act, 2002
- ★ Access to and transfer of Annex-I crops of the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA) as designated by the Department of Agriculture and Cooperation (DAC)
- ★ Any right under the Protection of Plant Variety and Farmers Right Act (PPVFRA) in India
- ★ Items Normally Traded as Commodities (NTC) notified by the Central Government (only when traded as commodities).

NBA

National Biodiversity Authority (NBA) is an autonomous and statutory body of the Ministry of Environment, Forests and Climate Change, performing facilitative, regulatory and advisory roles in accordance with the provisions of the Biological Diversity Act, 2002

CEBPOL

Government of India, in collaboration with the Norwegian Government has established “Centre for Biodiversity Policy and Law (CEBPOL)” towards strengthening of expertise in Biodiversity Policy and Law in India. This program is executed by the NBA in collaboration with Norwegian Environment Agency through the Royal Norwegian Embassy, New Delhi, India.

Contact Details

The Secretary
National Biodiversity Authority
5th Floor, Tidel Biopark, CSIR Road, Taramani, Chennai – 600 113
Tel: 044-2254 2777/1075 Fax: 044-2254 1200
Email: secretary@nba.nic.in
Web: www.nbaindia.org



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