



सत्यमेव जयते

# National Biodiversity Authority

राष्ट्रीय जैव विविधता प्राधिकरण

(A Statutory body of Ministry of Environment, Forest and Climate Change, Government of India)



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F.No.NBA/9/42/2005-SBB/UT-J&K

Dated: 31.12.2019

## OFFICE MEMORANDUM

**Sub: Constituting 'Jammu & Kashmir Biodiversity Council' to implement the provisions of the Biological Diversity Act, 2002 – regarding**

In exercise of the powers conferred under sub section (2) of Section 22 of the Biological Diversity Act, 2002 (Central Act 18 of 2003), the National Biodiversity Authority as specified by Central Government in OM No. CS-C12017/6/2019-CS.III dated 30.12.2019 of the Ministry of Environment, Forest and Climate Change, hereby delegates its powers and functions vested with the National Biodiversity Authority to the Jammu & Kashmir Biodiversity Council constituted as per Paragraph 2 for:

- a. Regulating access to biological resources for commercial utilization as specified under Section 7 of the Act, within their jurisdiction.
- b. Supervising the formation and functioning of Biodiversity Management Committees (BMCs) and preparation of People's Biodiversity Registers (PBRs)

### 2. Composition of the Council

- a. The Council shall be headed by a Chairperson who shall be an eminent person having adequate knowledge and experience in the conservation and sustainable use of biological diversity and in matters relating to equitable sharing of benefits, to be appointed by the competent authority in the Union Territory of Jammu & Kashmir.
- b. The Council shall have not more than five ex-officio Members representing the concerned departments of the Union Territory in accordance with Section 22(4) (b) of the Act who shall be appointed by the Competent Authority in the Union Territory of Jammu & Kashmir.
- c. The Council shall have not more than five Members who have expertise in matters relating to biological diversity in accordance with Section 22 (4) (c) of the Act who shall be appointed by the Competent Authority in the Union Territory of Jammu & Kashmir.
- d. The Council shall appoint a Member Secretary who shall be responsible for co-ordinating and convening meetings of the Council, maintenance of records of the proceedings of the Council and such other matters as may be assigned to him/her by the Council.

### 3. Terms and Conditions

- a. The Term of office of the non-official members of the Jammu & Kashmir Biodiversity Council shall be for a period of three years from the date of issue of the Order by the UT Administration.

- b. The office of the Jammu & Kashmir Biodiversity Council shall be at the place designated for the purpose by the Competent Authority of the Union Territory of Jammu & Kashmir.
- c. The Council shall function as per the provisions of the Biological Diversity Act, 2002 (Central Act 18 of 2003) and the Biological Diversity Rules, 2004.
- d. The UT administration shall constitute a fund which shall be known as the 'Jammu & Kashmir Biodiversity Council Fund' and all the fees, charges and benefit sharing amount received by the Council shall be credited to it. The amount so received in the 'Jammu & Kashmir Biodiversity Council Fund' shall be used only for the purposes mentioned in Section 27 (2) of the Biological Diversity Act, 2002.
- e. The administrative expenses towards the functioning of the Council shall be borne by the UT administration.
- f. The Council shall perform the functions within the jurisdiction of the Union Territory as has been vested to the State Biodiversity Boards under various provisions of the Biological Diversity Act.
- g. The Council shall in consultation with National Biodiversity Authority notify the format and procedures for seeking approval as required under Section 7 of the Act.
- h. The Jammu & Kashmir Biodiversity Council shall come into existence from the date of issue of the Order or until further Orders, whichever is earlier.
- i. If any difficulty arises in giving effect to the provisions of this OM, the National Biodiversity Authority may, by order, not inconsistent with the provisions of the Biological Diversity Act, remove the difficulty.



(J. Justin Mohan)  
Secretary, NBA

To

The Chief Secretary,  
Union Territory of Jammu & Kashmir.

Copy to:

1. The Joint Secretary, CS Division, MoEFCC, New Delhi
2. The Director, CS-III Division, MoEFCC, New Delhi