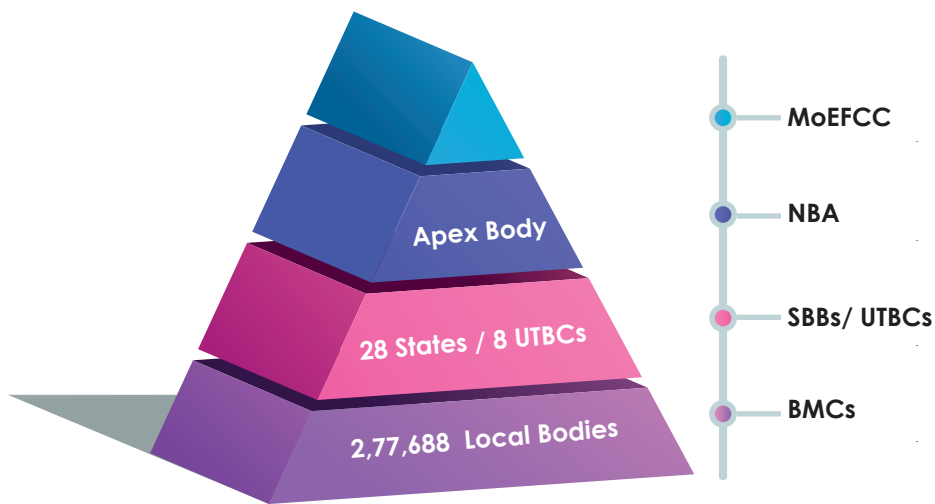


National Biodiversity Authority (NBA)

The NBA is an autonomous and statutory body under the Ministry of Environment, Forest and Climate Change. NBA was established under Section 8 of the Biological Diversity Act, 2002 (as amended in 2023) to regulate the access to biological resources or knowledge associated thereto occurring in or obtained from India and to determine the fair and equitable benefit sharing arising out of the use of accessed biological resources, their derivatives, innovations and practices associated with their use and applications and knowledge relating thereto. Besides, Authority performs the advisory and facilitative role on matters related to the conservation and sustainable use of biological resource.

Institutional Mechanism for implementation of the Act



Recent Developments in the Biological Diversity Act:

To align with the Government of India policy - “Ease of Doing Business”, the issues faced in implementation of the BD Act viz –a-viz concerns of the stakeholders were reviewed, resulting in amendment to the BD Act. Accordingly, the BD Act was amended in the year 2023 and it came in to force on 01st April 2024. Eventually, the Biological Diversity (BD) Rules 2004 and Guidelines on Access to Biological Resources and Associated Knowledge and Benefits Sharing Regulations, 2014 were also amended.

In supersession to the existing BD Rules and ABS Regulations, 2014, The Biological Diversity Rules 2024 was notified on 22nd October 2024 and The Biological Diversity (Access to Biological Resources and Knowledge Associated thereto and Fair and Equitable Sharing of Benefits) Regulations, 2025 was notified on 30th April 2025.

ABS Mechanism:

Access and Benefit Sharing (ABS) is a legal mechanism established under the Convention on Biological Diversity (CBD) and further operationalized by the Nagoya Protocol on ABS. It mandates that users of biological resources and associated traditional knowledge shall share the benefits arising from their utilisation with the providers or custodians of such resources in a fair and equitable manner.

The principal objective of ABS is to recognise and uphold the sovereign rights of States over their natural resources, while promoting the conservation and sustainable use of biological diversity. The mechanism ensures that the monetary or non-monetary benefits derived from the access and use of biological resources and knowledge associated thereto are distributed to the communities, institutions, or individuals who have conserved, preserved and maintained the biological resources.

Any person intending to access biological resources or knowledge associated thereto must apply to the NBA in the prescribed format. Upon scrutiny and consultation with the concerned Biodiversity Management Committees (BMCs) or local bodies, the authority may grant approval through a written agreement outlining the mutually agreed terms, including benefit-sharing obligations and submission of annual status reports.

Under the ABS mechanism, users are required to pay the agreed ABS amount to the authority, which is then distributed to identified benefit claimers such as individuals, groups, or organizations. If benefit claimers cannot be identified, the funds are utilized for the socio-economic development of the area wherever the resources occur.

Scope of the Act

- ★ Biological resources including Digital Sequence Information, and such resources deposited in the repositories outside India
- ★ Knowledge associated thereto
- ★ Traditional Knowledge associated thereto
- ★ Information on bioresources
- ★ Results of research

Activities Regulated

- ★ Research & Biosurvey and Bio-utilisation
- ★ Commercial utilization
- ★ Transfer of results of research to non-indian and its subsequent use
- ★ Obtaining IPR in and outside India /Commercializing IPR
- ★ Sending /Carrying bioresources outside India by Indian researcher /scientist for non-commercial research
- ★ Deposition of novel microbial strain in foreign repository by Indian

Salient features of the BD (Amendment) Act, 2023

- ★ Criteria to determine the foreign companies has been aligned with the provisions of Companies Act, 2013.
- ★ Simplified compliance procedures for domestic entities
- ★ Exemptions to Indians for codified traditional knowledge and cultivated medicinal plants & its products and Registered AYUSH practitioners only who have been practising indigenous medicines as profession for sustenance and livelihood
- ★ Reaffirming the powers vested with the State Biodiversity Board to determine the ABS
- ★ Offences under section 55 has been decriminalised with penalties
- ★ Section 58 has been omitted
- ★ Appointment of Adjudicating Officer for the purpose of determination of penalties on the defaulters

Salient features of the BD (Access to Biological Resources and Knowledge Associated thereto and Fair and Equitable Sharing of Benefits) Regulations, 2025

- ★ Revised benefit sharing slabs based on the annual turnover of the entity starting from above Rs 5.00 crore to align with MSME classification to promote industries.

Annual turnover	ABS based on the % of annual gross ex-factory sale price of product excluding Government taxes
Up to 5 Cr	Nil
Above 5 Cr to 50 Cr	0.2%
Above 50 Cr to 250 Cr	0.4%
Above 250 Cr	0.6%

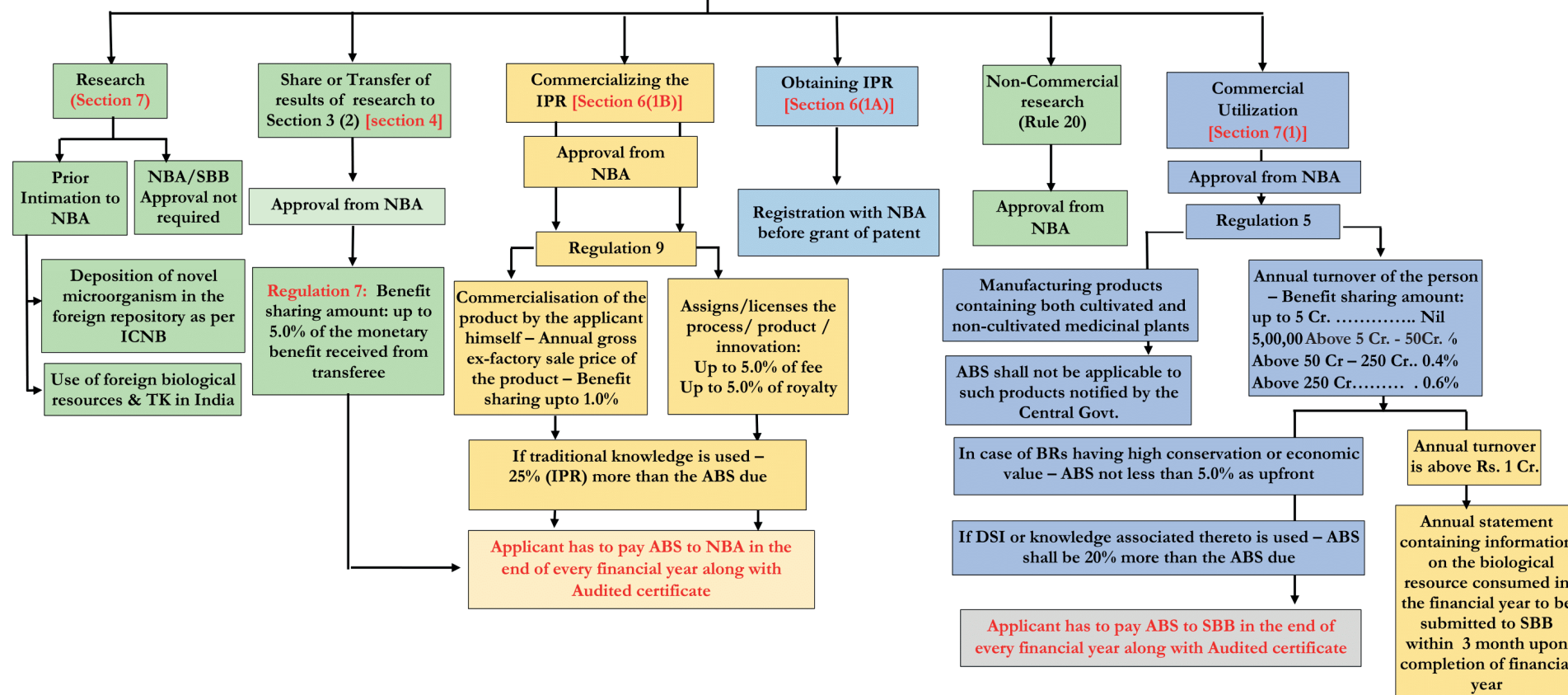
- ★ Exemption from ABS obligations for companies having less than Rs.5.00 crore annual turnover.
- ★ Recognizes digital sequence information as part of biological resources, aligning with India’s position on the CBD-CoP-16 decision.
- ★ For facilitating research in India, Indian scientist / research scholar are allowed to deposit novel microbial strain in the foreign repository by intimating to NBA.
- ★ Simplified procedure for granting approval to access biological resources and associated knowledge within 15 days for Section 7 person by SBBs/UTBCs. In the event of non-response, it is considered as deemed approval. It’s a major reform to boost the industries under ease of doing business.
- ★ Model unified application form, approval and rejection format along with simplified procedures for the use of State Biodiversity Boards/ Union territory Biodiversity Councils.
- ★ Format for declaring the biological resource or associated knowledge used or consumed for commercial utilisation by companies having annual turn-over of more than one crore annually.

Salient features of the BD Rules, 2024

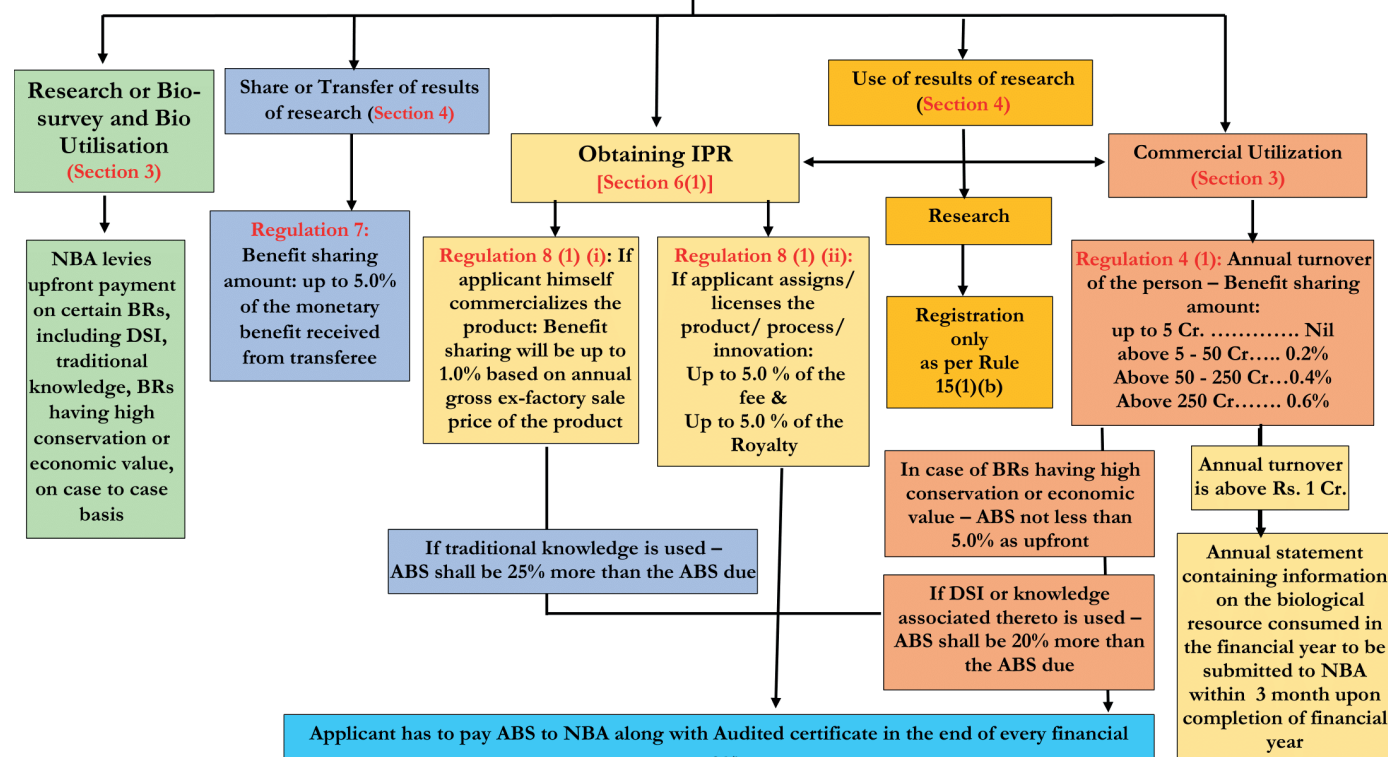
- ★ Promotes Indian Systems of Medicine by prescribing simplified procedure to obtain certificate of origin for cultivated Medical plants from BMC
- ★ Prescribes 16 Application forms and its fee for each activity specified in the Rules
- ★ Facilitating Indian institution / researchers to send or carry the biological resources outside India for undertaking non-commercial research or emergency studies to avert epidemics, COVID, etc.
- ★ User Country measures – monitoring & regulating the use of foreign biological resources or knowledge associated thereto in India

For filing applications - <https://absefiling.nic.in>

Access to Biological resources by Section 7 persons



Access to Biological resources by Section 3(2) persons



Intention of the Legislative and Procedural Reforms:

- ★ To boost investment and innovation in biodiversity sectors without compromising the national interest and objectives of the Act.
- ★ To reduce the pressure on wild medicinal plants by exempting cultivated medicinal plants
- ★ To facilitate fast-tracking approval process for utilising the biological resources available in India by upholding India's International obligations under the CBD and Nagoya Protocol.

Contact :

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प्रकृति रक्षति रक्षितः
Nature Protects if She is Protected
Ministry of Environment,
Forest and Climate Change
Government of India



The Biological Diversity (Access to Biological Resources and Knowledge Associated thereto and Fair and Equitable Sharing of Benefits) Regulations, 2025

National Biodiversity Authority
Chennai

