



EXTRAORDINARY PUBLISHED BY AUTHORITY

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Manipur Biological Diversity Rules, 2008

In exercise of the powers conferred under section 63 of the Biological Diversity Act, 2002 (Central Act 18 of 2003), the Government of Manipur hereby makes the following rules, namely:-

1. Short title & Commencement :

- (1) These Rules may be called the Manipur Biological Diversity Rules, 2008.
- (2) These rules shall come into force on the date of its publication in the Official Gazette.

2. Definitions :

- (1) In these rules unless the context otherwise requires:-

- (a). "Act" means the Biological Diversity Act, 2002 (No. 18 of 2003)
- (b). "Authority" means the National Biodiversity Authority established under sub-section (1) of section 8 of the Act.
- (c). "Board" means the Manipur Biodiversity Board established under section 22 of the Act
- (d). "Committee" means Biodiversity Management Committee established by a local body under Section 41 of the Act.
- (e). "Chairperson" means the Chairperson of the Manipur Biodiversity Board
- (f). "Fee" means any fee stipulated in the schedule of these Rules
- (g). "Form" means form appended to these Rules
- (h). "Government" means the Government of Manipur
- (i). "Member" means member of the National Biodiversity Board or Manipur Biodiversity Board, and includes the chairperson as the case may be thereof;
- (j). "Member Secretary" means the Member Secretary of the Board
- (k). "section" means section of the Act.

- (2) Words and expressions used but not defined in these rules and defined in the Act shall have the same meaning respectively assigned to them in the Act.

3. Manner of selection and appointment of the Chairperson :

The Chairperson of the State Biodiversity Board shall be appointed by the State Government on the recommendation of the Search Committee, consisting of the Chief Secretary to the Government and two members nominated by the State Government.

4. Term of Office of the Chairperson :

The Chairperson of the Board shall hold the office for a term of three years from the date on which he assumes office or until he attains the age of sixty five years, whichever is earlier, and may be eligible for reappointment:

Provided that a government officer holding the office of Chairperson shall cease to be Chairperson on his superannuation or his transfer outside the State.

Provided further that a Government officer holding the office of Chairperson may on attaining the age of superannuation be reappointed to the post.

5. Pay and Allowances of the Chairperson :

- (1) Chairperson shall be entitled to fixed pay per month as determined by the State Government from time to time. If a retired person is appointed as Chairperson, his pay shall be fixed in accordance with the orders of State Government as applicable to such person.
- (2) A Chairperson shall be entitled to such allowances to be decided by the State Government from time to time.

6. Appointment and Term of office and allowances of non-official member :

- (1) Every non-official members of the Board shall hold the office for a term not exceeding three years from the date of publication of his appointment in the Official Gazette.
- (2) Every non-official Member of the Board shall be entitled to sitting allowance, traveling expenses, daily allowance and to such other allowances as decided by the State Government from time to time.
- (3) Five non-official members from amongst the experts in matters relating to conservation of biological diversity, sustainable use of biological resources and equitable sharing of benefits arising out of use of biological resources shall be appointed by the State Government.

7. Filling up of vacancies of non-official member :

- (1) A non-official member of the Board may resign from his office at any time by giving in writing under his hand addressed to the State Government and the seat of that member in the Board shall become vacant.

- (2) A casual vacancy of a non-official member of the Board shall be filled up by a fresh nomination and the person nominated to fill the vacancy shall hold office only for the remainder of the term of the member, in whose place he was nominated.

8. Removal of the Members of the Board :

No member of the Board shall be removed from the office on any grounds specified in section 11 read with section 25 of the Act without due and proper enquiry by an officer not below the rank of Principal Secretary to the State Government appointed by the State Government for the purpose and without giving a reasonable opportunity of being heard.

9. Appointment of the Ex-officio-Members :

Not more than five ex-officio members shall be appointed by the State Government to represent the following departments of the State Government:

1. The Secretary, in charge of Forests, Govt. of Manipur.
2. The Pr. Chief Conservator of Forests, Manipur.
3. The Secretary, in charge of RD & PR, Govt. of Manipur
4. The Director, Department of Agriculture / Fisheries, Govt. of Manipur
5. The Member Secretary

The Member Secretary shall be Secretary of the Board

10. Member Secretary of the Board :

- (1) The Member-Secretary shall be appointed by the State Government on deputation. He shall be a super-time scale officer of Indian Forest Service or Indian Administrative Service having adequate knowledge and experience in conservation and Management of biological resources. His terms and conditions of appointment shall be determined by the State Government.
- (2) The Member-Secretary shall be responsible for day to day administration of the Board, management of funds and implementation of various activities of the programmed under the guidance of the Chairperson of the Board.
- (3) All orders or Instructions to be issued by the Board shall be under the signature of the Member-Secretary or of any other officer authorized in this behalf by the Board.
- (4) The Member-Secretary either himself or through an officer authorized for the purpose may sanction and disburse all payments against the approved budget.

- (5) The Member-Secretary shall have powers to give administrative sanctions to the estimate included in the budget of the Board.
- (6) The Member-Secretary shall be in charge of all the confidential papers of the Board and shall be responsible for their safe custody; he shall produce such papers whenever so directed by the Board/State Government.
- (7) The Member-Secretary shall write and maintain confidential reports of all the officers and staff of the Board and shall get them countersigned by the Chairperson.
- (8) The Member Secretary shall exercise all powers of Head of Department. The Member-Secretary shall exercise such other powers and perform such other function, as may be delegated to him from time to time by the Board.

11. Meeting of the Board:

- (1) The Board shall meet at least four times in a year normally after every three months at the Head quarters of the Board or at such other place, as may be decided by the Chairperson.
- (2) The Chairperson shall, upon a written request from not less than five members of the Board or upon a direction of the State Government, call a special meeting of the Board.
- (3) The members shall be given at least fifteen days notice for holding an ordinary meeting and three days notice of a special meeting specifying the purpose, the time and the place, at which such meeting is to be held.
- (4) Every meeting shall be presided over by the Chairperson and in his absence, by a presiding officer to be elected by the members present from amongst themselves.
- (5) The decision of the Board at the meeting shall, if necessary, be taken by a simple majority of the members present and voting and the Chairperson or in his absence; the member presiding shall have a second or casting vote in the event of tie.
- (6) Each member shall have one vote
- (7) Quorum for the meeting of the Board shall be five.

- (8) No member shall be entitled to bring forward for the consideration of a meeting any matter of which he has not given ten days notice unless the chairperson in his discretion permits him to do so.
- (9) Notice of the meeting may be given to the members by delivering the same by messenger or sending it by registered post to his known place of residence or business or in such other manner, as the Member Secretary of the Board may, in the circumstances of the case, think fit.
- (10) In addition, the Board may evolve such other procedure for the transaction of its business as it may deem fit and proper.

12. Appointment of Expert Committee by the Board and their Entitlements:

- (1) The Board may constitute any number of committees for such purposes as it may deem fit consisting wholly of members or wholly of other persons or partly of members or partly of other persons.
- (2) The members of the expert committee other than the members of the Board shall be paid such fees and allowances for attending the meetings in accordance with sub-rule (2) of rule 6.
- (3) The tenure of such Committees shall not be more than one year. However, the Board may extend the tenure of the Committee.

13. General Powers and Functions of the Board:

In particular and without prejudice to the generality of other provisions, the Board may perform the following functions:

- i. lay down the procedure and guidelines to govern the activities provided under section 23 of the Act.
- ii. advise the State Government on any matter concerning conservation of biodiversity sustainable use of its components and fair and equitable sharing of benefits arising out of the use of biological resources and knowledge.
- iii. provide technical assistance and guidance to the departments of the State Government and Biodiversity Management Committee.
- iv. regulate by granting of approvals or otherwise requests for commercial utilization or bio-survey and bio-utilization of any biological resources by Indian nationals.
- v. facilitate updating and implementation of State Bio-diversity Strategy and Action Plan.
- vi. commission studies and sponsor investigations and research.
- vii. engage consultant for a specific period, not exceeding three years, for providing technical assistance to the Board in the effective discharge of its functions.

Provided that if it is necessary and expedient to engage any consultant beyond the period of three years, the Board shall seek prior approval of the State Government for such an engagement.

- viii. collect, compile and publish technical and statistical data, manuals, codes or guides relating to conservation of bio-diversity, sustainable use of its components and fair and equitable sharing of benefits arising out of the use of biological resource and knowledge.
- ix. organise through mass media a comprehensive program regarding conservation of bio-diversity, sustainable use of its components and fair and equitable sharing of benefits arising out of the use of biological resource and knowledge.
- x. plan and organize training of personnel engaged or likely to be engaged in programs for the conservation of biological diversity and sustainable use of its components
- xi. take steps to build up database and create information and documentation system for biological resources and associated traditional knowledge through biodiversity registers and electronics data base, to ensure effective management, promotion and sustainable uses.
- xii. give directions to the local bodies/Biodiversity Management Committees in writing for effective implementation of the Act, and to facilitate their meaningful participation in all measures relating to conservation, sustainable use, and equitable benefit-sharing.
- xiii. report to the State Government about the functioning of the Board and implementation of the Act and the rules made there under.
- xiv. recommend, prescribe and modify collection fee of biological resources from time to time.
- xv. devise methods to ensure protection of rights including intellectual property rights over biological resources and associated knowledge including systems of maintaining confidentiality of such information as appropriate, including the protection of the information recorded in People's Biodiversity Registers.
- xvi. sanction grants-in-aid and grants to Biodiversity Management Committees for specific purposes.
- xvii. undertake physical inspection of any area in connection with implementation of the Act.
- xviii. ensure that biodiversity-dependent livelihoods are integrated into all sectors of planning and management, and at all levels of planning from local to state, to enable such sectors and administrative levels to contribute effectively for conservation and sustainable use.
- xix. prepare the annual Budget of the Board incorporating its own receipts as also the devolution from the State and Central Government provided that the allocation by the Central Government shall be operated in accordance with the budget provisions approved by the Board.
- xx. Board shall have full powers for granting administrative and technical sanctions to all the estimates; it may however delegate such administrative and technical sanction powers to the Member Secretary of the Board as may be deemed necessary.

- xxi. recommend creation of posts to State Government, for effective discharge of the functions by the Board and to create such posts, provided that no such post whether permanent/temporary or of any nature, would be created without prior approval of the State Government.
- xxii. perform such other functions, as may be necessary to carry out the provisions of the Act or as may be prescribed by the State Government from time to time.
- xxiii. shall have power to acquire, hold and dispose of property, both movable and immovable and enter into contract for the same with prior approval of State Govt. in case of immovable property.
- xxiv. shall not create any liability including appointment of staff / employees / workers which shall fall on State Govt. without prior concurrence of the State Govt.
- xxv. shall act in transparent and fair manner and follow all Financial rules, approved work program and action calendar.
- xxvi. Traditional right of the tribal people and other local people shall be preserved and respected.

14. Powers and duties of the Chairperson :

- (1) The Chairperson shall ensure that the affairs of the Board are run efficiently and in accordance with the provisions of the Act and the rules made there-under.
- (2) The Chairperson may issue necessary directions for the conduct and management of affairs of the Board.
- (3) The Chairperson shall convene and preside over all the meetings of the Board and shall ensure that all decisions taken by the Board are implemented in proper manner.
- (4) The Chairperson shall exercise such other powers and perform such other functions as may be delegated to him from time to time by the Board.

15. Procedure for prior intimation for obtaining biological resources:

- (1) Any person intending to obtain any biological resources and associated knowledge for research or for commercial utilization, with the exception of those in the proviso to section 7 of the Act, shall give prior intimation to the Board by making an application in Form 1.
- (2) Every application under sub-rule (1) shall be accompanied by a fee of Rupees one thousand in the form of cheque or demand draft drawn in favour of the Board.

- (3) The Board shall, after consultation with the concerned local Biodiversity Management Committee and on collection of such additional information from the applicant and other resources, as it may deem necessary, dispose of the application, as far as possible, within a period of two months from the date of receipt of the last additional information. In case no additional information is required the application should be disposed within two months from the date of receipt of the application.
- (4) While disposing the application under sub-rule (3), the Board may by order, prohibit or restrict any activity, considered as detrimental or contrary to the objectives and principles of conservation and sustainable use of biodiversity or equitable sharing of benefits arising out of such activity. The order shall be made after giving an opportunity of being heard to the applicant.
- (5) A written agreement incorporating the conditions for grant of access for commercial utilization or otherwise duly signed by an authorized officer of the Board and the applicant shall govern the access/collection. The form of the agreement shall be decided by the Board and clearly indicate the terms and conditions including the financial conditions imposed by the Board.
- (6) The conditions for access to / collection may specifically provide measures for conservation and protection of biological resources to which the access to / collection is being granted.
- (7) Any information given in the form referred to in the sub-rule (1) for prior intimation shall be kept confidential and shall not be disclosed, either intentionally or unintentionally, to any person not concerned thereto.

16. Revocation of access / approval :

- (1) The Board may either on the basis of any complaint or suo moto withdraw the access granted and revoke the written agreement under the following conditions :
 - i. on the basis of reasonable belief that the person accessing the said bio-resource has violated any of the provisions of the Act or the condition on which application was allowed;
 - ii. when the person has failed to comply with the terms of agreement;
 - iii. on failure to comply with any of the conditions of access ;
 - iv. on account of overriding public interest with reference to protection of environment and conservation of biological diversity, and protection of the rights, livelihoods, and knowledge of local communities ;
- (2) The revocation order shall be made only after making such inquiries as required after giving the person so affected an opportunity of being heard.

- (3) The Board shall send a copy of such revocation order to the Biodiversity Management Committees for prohibiting the access and also to assess the damage, if any, caused and take steps to recover the damage.

17. Restriction on activities related to access to biological resources :

The Board, if it deems necessary and appropriate, shall take the steps to restrict or prohibit the proposal for access to biological resources for the following reasons:

- i. the request for access is for any threatened taxa, or taxa that is likely to become threatened due to such access;
- ii. the request for access is for any endemic and rare species;
- iii. the request for access may likely result in adverse effect on the livelihood, culture, or Indigenous knowledge of the local people;
- iv. the request to access may result in adverse environmental impact which may be difficult to control and mitigate;
- v. the request for access may cause genetic erosion or affecting the ecosystem function;
- vi. use of resources for purposes contrary to national interest and other related international agreements entered into by the country.

- (2) Any order of restriction shall be made only after making such inquiries as required; consulting the concerned local bodies and Biodiversity Management Committees, and giving the person so affected an opportunity of being heard.

18. Operation of State Biodiversity Fund :

- (1) The State Biodiversity Fund shall be operated by the Member Secretary of the Board or by such any other officer of the Board as may be authorized by the Board in this behalf. The Board shall open an account in a nationalised bank.
- (2) The State Biodiversity Fund shall have two separate heads of accounts, one relating to the receipts (grants and loans) from the Central Government/ National Biodiversity Authority and State Govt. including receipts from such other sources as decided by the Board and the other concerning the fee, royalty, other receipts of the Board.
- (3) The State Government, shall after due appropriation made by the State Legislature by the law in this behalf, pay to the Board such sum of money as the State Government may think fit for being utilized for the purpose of the Act.

- (4) The Board shall frame guidelines on ways to ensure that decisions regarding the management and use of the Fund are transparent and accountable to the public.
- (5) Funds of the Board shall be sanctioned and spent strictly according to the Rules in respect of Delegation of Financial Powers as formulated by the Board and approved by the Government.

19. Annual Report and Annual Statement of Accounts :

- (1) The accounts of the Board shall be maintained in accordance with the general principle of classification and rules, prescribed by the State Government as applicable to such accounts. The Board shall prepare its annual report for each financial year giving detailed account of its activities and annual statement of accounts and submit the same to the State Government. The Board shall maintain accounts of receipts and expenditure relating to each financial year and maintain the records necessary to prepare annual income and expenditure accounts and balance sheet.
- (2) The account of the Board shall be annually, as soon as at the close of financial year audited by a Chartered Accountant duly appointed by the Accountant General, Manipur. Any expenditure incurred in connection with such audit shall be paid by the Board. The Board shall, at the time of audit, produce all accounts, register, and document etc. which may be required by the auditor for the purpose and shall also provide facilities to the auditor for inspection of office or offices of the Board if the auditor considers such inspection necessary. The Board shall also be subject to any other audit by the office of the A.G. or State Govt. as per Rules.

The Board shall submit a copy of the audited accounts together with Auditors' Report thereon to the State Government by October 15th of each year.

- (3) The Annual Report on activities of previous financial year shall be prepared in the manner prescribed under Form II by the Board and submitted to the Government by October 15th of each year. Annual Report shall give full account of the activities of the Board during the previous financial year and shall include the audited account of the year and report of the auditor thereof.
- (4) The State Government shall cause the annual report and the auditor's report to be laid, as soon as, may be after they are received, before the State legislature.

20. Establishment and Management of Biodiversity Heritage sites :

- (1) The Board shall, in consultation with the local bodies and other key stakeholders, take necessary steps to facilitate setting up of areas of

significant biodiversity values as Heritage Sites. Following recommendation from the Board and after consultation with the Central Government, the State Government shall issue notification to this effect.

- (2) The Board shall frame guidelines on the selection, management and other aspects of Heritage Sites, ensuring that these provide decision-making role for relevant Biodiversity Management Committees.

21. Constitution of Biodiversity Management Committees:

- (1) Every local body shall constitute a Biodiversity Management Committee (BMCs) within its area of jurisdiction.
- (2) Every local body shall nominate seven persons as members for the Biodiversity Management Committee constituted under sub-rule (1):

Provided that not less than one-third of the member of the Biodiversity Management Committee shall be women:

Provided further, that not less than 18% of the members of the Biodiversity Management Committee shall belong to the Scheduled Castes or the Scheduled Tribes in case of village/town, which has population of scheduled caste and scheduled tribe. In case of towns/villages, which do not have the population of scheduled caste and scheduled tribe, this provision may not be applied.

- (3) The chairperson of the Biodiversity Management Committee shall be elected from amongst the members of the committee in a meeting to be presided over by the chairperson of the local body.
- (4) Biodiversity Management Committee may co-opt persons, having expertise and knowledge in biodiversity conservation, or connected to biodiversity conservation, as its special invitees so as to be assisted in efficient discharge of its functions.
- (5) The tenure of office of members of the Biodiversity Management Committee shall be three years.
- (6) The concerned Member of the Legislative Assembly and the concerned Member of Parliament would be special invitees to the meetings of the Biodiversity Management Committees.
- (7) Biodiversity Management Committee shall prepare, update and maintain People's Biodiversity Register in consultation with local people. The Register shall contain comprehensive information on availability and knowledge of local biological resources, their medicinal or any other use or any other traditional knowledge associated thereto.

- (8) The Biodiversity Management Committee shall advise on any matter, concerning grant of approval, referred to it by the State Biodiversity Board or National Biodiversity Authority and maintain data about the local *vaids* and local *hakims* using the biological resources.
- (9) The People's Biodiversity Register shall be prepared, updated and maintained by the Biodiversity Management Committee in such manner, as may be directed by the Board.
- (10) The Biodiversity Management Committee shall also maintain, in such manner as may be specified by the Board, a register containing information about the details of the access to biological resources and traditional knowledge, details of the collection of fees and details of the benefits derived and the mode of their sharing.
- (11) The Biodiversity Management Committee shall also take initiative to generate awareness regarding the biological resources available in the locality, their ecological and economic importance and the need to conserve them, and shall prepare action plans for this purpose.
- (12) The Biodiversity Management Committee shall determine and periodically update the status of regeneration of all important species and the quantum available within its area, by making inventory, under the technical guidance of the Board.
- (13) The Biodiversity Management Committee shall set up and maintain germplasm banks and seed centres or other centres of similar nature for promoting conservation of cultivars, folk variety and landraces under the technical guidance of the Board.
- (14) The Biodiversity Management Committee shall carry out such other function as may be assigned to by the Board.
- (15) All activities of the Biodiversity Management Committee shall be under direct control of the State Biodiversity Board.

22. Local Biodiversity Fund :

- (1) Every Biodiversity Management Committee shall have a local Biodiversity fund as provided under sections 42, 43 and 44 of the Act.
- (2) The Local Biodiversity Fund shall be operated jointly by the Chairperson, or by members to whom the power as such has been delegated, and such other officer of the respective Biodiversity Management Committee.

- (3) The Local Biodiversity Fund shall have following heads of accounts, namely
- (a) receipts from the National Biodiversity Authority or the Central Government,
 - (b) receipts from the Board or the State Government
 - (c) other receipts (including collection of fees)
- (4) The Local Biodiversity Fund shall be used for the purpose specified in sub-section (2) of section 44 of the Act.
- (5) The accounts of each committee shall be maintained and audited, in consultation with and as prescribed by the Accountant General of the State.
- (6) Biodiversity Management Committee shall prepare its annual report of activities for each financial year as specified in Form III.
- (7) The Biodiversity Management Committee shall submit the Annual Report, and copy of Audited Statement of Accounts together with a copy of Auditor's Report to the Deputy Commissioner of the District by October 15th of every year.

23. Appeal for settlement of disputes between Board, committee etc:

The board shall lay down the procedure for settlement of disputes between Board and Biodiversity Management Committees or amongst Biodiversity Management Committees, and between Biodiversity Management Committee and local bodies.

A.N. JHA,

Principal Secretary (Forest & Environment),
Government of Manipur.

FORM I

(See rule 15)

Application form for prior intimation to access / collection of Biological resources for commercial utilization and associated traditional knowledge

Every application shall be accompanied by a fee of Rs. 1000 (Rupees one thousand) only in the form of cheque or demand draft drawn in favour of the Board.

Part A

1. Full particulars of the applicant :

- a. Name :
- b. Permanent address :
- c. Address of the contact person/ agent, if any, in India :
- d. Profile of the organization (personal profile in case the applicant is an individual). Please attach relevant documents of authentication:
- e. Nature of business :
- f. Turnover of the organization in Indian Rupee

2. Details and specific information about nature of access sought and biological material and/or associated knowledge to be accessed

- a. Identification (scientific name) of biological resources and its traditional use :
 - b. Geographical location (including village, taluk and district) of proposed collection :
 - c. Description / nature of traditional knowledge and its existing manifestations and uses (oral/ documented) :
 - d. Any identified individual / family / community holding the traditional knowledge:
 - e. Quantity of biological resources to be collected :
 - f. Times span in which the biological resources are proposed to be collected.
 - g. Name and number of person authorized by the company for making the collection.
 - h. The purpose for which the access is requested including the type and extent of research, commercial use being derived and expected to be derived from it :
 - i. Whether any collection or use of the resource endangers any component of biological diversity and the risk which may arise from the access.
3. Estimation of benefits, that would flow to communities arising out of the use of accessed bio-resources and traditional knowledge
 4. Proposed mechanism and arrangements for benefit sharing
 5. Any other information

Part "B" : Declaration

I/we declare that :

- Collection and use of proposed biological resources shall not adversely affect the sustainability of the resources;
- Collection and use of proposed biological resources shall not entail any environmental impact ;
- Collection and use of proposed biological resources shall not pose any risk to biodiversity, including ecosystems, species, and genetic diversity
- Collection and use of proposed biological resources shall not adversely affect the local communities ;

I/we undertake to pay any fee and / or royalty, as may be levied by the Board or Biodiversity Management Committees. I/we further undertake to furnish any irrevocable bank guarantee, as may be prescribed by the Board. I/we further declare the information provided in the application form is true and correct and I / we shall be responsible for any incorrect / wrong information.

Place

Date

Signed

Name

Title

FORM II

(See Rule 19 (3))

Manipur Biodiversity Board

Annual Report for the Financial Year April – 200... to March 200...

- Introductory
- Constitution for the Board including changes therein.
- Constitution of the Committees by Board and meeting of the committees constituted by it
- Meeting of the Board
- Activities of the Board including the various functions performed under Section 23 of the Act.
- Prosecutions launched and convictions secured
- Finance and Accounts of the Board
- Visits to the Board by experts, Important persons etc.
- Any other important matter dealt with by the Board.

GRAM PANCHAYAT/TP/ZP/MUNICIPALITY/CORPORATION
BIODIVERSITY MANAGEMENT COMMITTEE

Annual Report for the Financial year April 200 .. to March 200...

1. Introductory
 2. Constitution of the BMC including changes therein
 3. Meeting of the BMC
 4. Activities of the BMC including the various functions performed under Section 41 of the Act.
 5. Prosecutions launched and convictions secured
 6. Finance and Accounts of the Board
 7. Visits to the BMC by experts, Important persons etc.
 8. Any other important matter dealt with by the Board.
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