

FOREST, ECOLOGY AND ENVIRONMENT SECRETARIAT
NOTIFICATION
No. FEE 151 ENV 2005, DT.3RD May, 2006
KARNATAKA BIOLOGICAL DIVERSITY RULES, 2005

In exercise of the powers conferred under Section 63 of the Biological Diversity Act, 2002, and in super session of G.O. No. FEE 125 ENV 2003(dt. 21.11.2003 & 31.12.2003) the Government of Karnataka in consultation with Karnataka Biodiversity Board here by makes the following rules, namely:-

CHAPTER - I

PRELIMINARY

- 1 Short title & Commencement:-** (1) These Rules may be called the Karnataka Biological Diversity Rules, 2005
(2) These rules shall come into force on the date of publication in the Official Gazette.
- 2 Definitions:** In these rules, unless the context otherwise requires
 - (a) "Biodiversity Heritage Sties", mean natural areas, sites or features consisting of physical, physiographical, biological or geological or groups of such formations constituting the habitat of threatened species of plants and animals of outstanding universal value from the point of view of science or conservation;
 - (b) "Board" means the Karnataka Biodiversity Board established under Section 22 of the Act;
 - (c) "Chairperson" means the Chairperson of the Board or, as the case may be of the Biodiversity Management Committee
 - (d) "Committee" means the committee constituted by the Board under section 25 of the Act ;
 - (e) "Government" means the Government of Karnataka;
 - (f) "Member" means a member of the Karnataka Biodiversity Board or as the case may be, of a Biodiversity Management Committee; or that of a committee constituted by the Board
 - (g) "Secretary" means the Executive Secretary of the Board; or as the case may be, of a Biodiversity Management Committee
 - (h) "Register" means the Register maintained for the purpose of documentation of Biological Diversity as required under Section 41(1) & under Section 42 of the Act.
 - (i) Words and expressions used but not defined in these rules shall have the meaning respectively assigned to them in the Biodiversity Act, 2002 and in the Biodiversity Rules, 2004 of the Central Government.

CHAPTER II: KARNATAKA BIODIVERSITY BOARD

3.- Composition and Membership :

(1) As prescribed under section 22(4) of the Act, the Board shall consist of -

- i. a Chairman, 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 State Government ,
- ii. not more than five ex-officio members to be appointed by the State Government representing the departments of Forest, Ecology and Environment, Agriculture and Horticulture, Rural Development and Panchayat Raj, Science and Technology and Indian System of Medicine and
- iii. not more than five non-official members to be appointed by the State Government having expertise in modern and traditional approaches to conservation of biological diversity, sustainable use of biological resources and equitable sharing of benefits arising out of the use of biological resources,

(2) The Head Office of the Board shall be at Bangalore.

(4) Chairperson : Appointment, tenure of office and conditions of service, etc.,

- i. The Chairperson of the Board shall be appointed by the State Government.
- ii. Every appointment of Chairperson under Sub-rule (1) shall be made either on deputation or by selection from outside the State Government. In case the appointment is through deputation, the chairperson shall not be below the rank of Principal Secretary to the Government of Karnataka.
- iii. The Chairperson shall hold the office for a period of three years and shall be eligible for re-appointment. Provided that, no Chairperson shall hold office beyond the age of sixty five years.
- iv. The salary, allowances and other conditions of service of the Chairperson shall be such as may be specified by the State Government, from time to time.
- v. The Chairperson may resign from his Office by giving at least one month notice in writing to the State Government.

5. Non-official Members : Term of office, allowances, removal and filling up of vacancies:

- i. Every Non-official member of the Board shall hold office for a term not exceeding three years at a time from the date of publication of their appointment in the official gazette.
- ii. Every non-official member, of the Board, shall be entitled to such allowances and traveling expenses as are applicable to non-official members of Commissions and Committees of State Government.
- iii. A non-official member of the Board, may resign 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.
- iv. A casual vacancy of a non-official member in the Board, arising from death, resignation or from the circumstances indicated under section 11 of the Act, 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
- v. No member of the Board shall be removed from his office on any ground specified in section 11 of the Act, without a due and proper inquiry by an officer not below the rank of a Secretary to the Government appointed by the State Government, without giving such member a reasonable opportunity of being heard.

6. Executive Secretary:

- i. The Government shall, in consultation with the Board, appoint the Executive Secretary, through deputation.
- ii. The Executive Secretary shall be a supertime scale officer of Indian Administrative service/Indian Forest Service/Karnataka Administrative service having adequate knowledge and experience in conservation and management of biological resources.
- iii. The terms and conditions of deputation shall be determined by the State Government
- iv. The Secretary shall be responsible for coordinating and convening the meetings of the Board, maintenance of the records of the proceedings of the Board and such other matters as may be assigned to him by the Board.
- v. The Secretary shall function under the direction of the Chairperson
- vi. The Secretary shall perform such other functions as may be assigned to him by the Board or Government from time to time.

7. Powers, Functions and duties, of the Board.

The Board may perform the following functions, namely:-

- i. advice the Government, subject to any guidelines issued by the Central Government, on matters concerning the conservation of biodiversity, sustainable use of its components and fair and equitable sharing of benefits arising out of use of biological resources and knowledge. Advice the State Government on matters concerning notification on threatened species and advice the State Government on appropriate measures to integrate conservation, promotion and sustainable use of biological diversity into relevant sectoral or cross-sectoral plans, programmes and policies;
- ii. regulate by granting of approval or otherwise requests for commercial utilization or bio-survey and bio-utilization of any biological resource by Indians;
- iii. prohibit or impose – such restrictions in consultation with the concerned local Biodiversity Management Committee after such enquiries as it may deem fit, on any proposed activity indicated in section 7, for which intimation is required to be given to the Board, if it is of the opinion that such activity is detrimental or contrary to the objectives of conservation and sustainable use of biodiversity or equitable sharing of benefits arising out of such activity, after giving an opportunity of being heard to the person affected;
- iv. identify areas of biodiversity importance, in consultation with the local Biodiversity Management Committees and evolve appropriate regulations for their management and enable the State Government to notify in the official Gazette as Biodiversity Heritage Sites in accordance with Section 37 of the Act;
- v. evolve strategies, plans and programmes of action for conservation and sustainable use of biological diversity including measures for identification and monitoring of areas rich in biological resources, promotion of in situ and ex situ conservation of biological resources, incentives for research, native wisdom and its application, training and public education, to increase awareness and conservation consciousness concerning biodiversity and upon approval by the State Government, implement the same.
- vi. it shall also take immediate ameliorative measures, to protect and conserve any area rich in biological diversity, biological resources and their habitats

that are threatened by overuse or neglect, with the technical assistance extended by the Central Government and the National Biodiversity Authority in that regard, on being directed by the State Government;

- vii. commission studies and sponsor investigations and research besides physical inspection of any area in pursuit of the realization of the objectives of the Act;
- viii. sanction grants for specific purposes, extend technical assistance and guidance to local Biodiversity Management Committees, coordinate their activities and issue directions to them for the effective implementation of the Act and the Rules;
- ix. plan and organize training of personnel engaged or likely to be engaged in programmes for the conservation of biodiversity and sustainable use of its components;
- x. plan and organize through mass media, educational and research institutions and experts, comprehensive programmes regarding 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'
- xi. subject to the approval of and determination of terms and conditions of service by the State Government through regulation appoint such officers and other employees as it considers necessary for the efficient discharge of its functions under the Act and secure the services of consultants, on such terms as deemed fit, for a specific period not exceeding three years for providing technical assistance to the Board in the effective discharge of its functions;
- xii. delegate any member, officer of the State Biodiversity Board or any other person subject to such conditions, if any, as may be specified in the order , such of its powers and functions under the Act;
- xiii. receive grants-in-aid and grants from the National Biodiversity Authority, Grants or Loans from the Central and State Governments and prepare the Annual Budget of the Board incorporating its own receipts as also the devolution from the Central and State Governments;
- xiv. follow the policy directions issued in writing by the state Government from time to time;
- xv. consult the concerned Local Biodiversity Management Committee while taking any decision relating to the use of biological resources and knowledges associated with such resources

8. Powers and Duties of Chairperson:

- i. As the Chief Executive of the Board, the Chairperson shall have the overall control of the day-to-day activities of the Board.
- ii. Subject to the provisions of Section 10, the Chairperson shall have the powers of general superintendence over the officers and staff of the Board and he may issue necessary directions for the conduct and management of the affairs of the Board.
- iii. The Chairperson shall be in-charge of all the confidential papers and records of the Board and shall be responsible for their safe and secure custody
- iv. All orders and instructions to be issued by the Board shall be under the signature of the Chairperson or any other officer authorized by the Chairperson in that behalf.
- v. The Chairperson, either by himself or through an officer of the Board authorized for the purpose, may sanction and disburse all payments against the approved budget.
- vi. The Chairperson shall have full powers for granting administrative and technical sanction to all estimates,
- vii. 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.
- viii. The Chairperson shall exercise such powers and perform such other functions as may be delegated to him from time to time by the Board or the State Government.

9. Appointment of Committees and their Entitlements:

- i. The Board may constitute such number of committees as it deems fit for the efficient discharge of its duties and performance of its functions under the Act. Each committee so constituted, shall co-opt such number of persons, who are not members of the Board, as it may deem fit and the persons so co-opted shall have the right to attend the meetings of the committee and take part in its proceedings but shall not have the right to vote.
- ii. The members of the Committee under sub-rule(i) shall be entitled to receive such allowances or fees for attending the meetings of the Committee as may be fixed by the State Government.

10. Prior intimation for obtaining biological resources for certain purposes:

- i. 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 I.
- ii. Every application under sub-rule (i) shall be accompanied by a fee of one thousand rupees in the form of cheque or demand draft drawn in favour of the Board.
 - iii. 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 receipts.
 - iv. While disposing the application under sub-rule(iii), the Board may, by order, prohibit or restrict any activity deemed detrimental or contrary to the objectives 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.

11. Meetings of the Board:

- i. The Board shall meet at least four times in a year. There shall not be a gap of more than 3 months between two meetings. The meetings shall be held at the Head quarters of the Board or at such place decided by the Chairperson.
- ii. The Chairperson shall, upon a written request from not less than four members of the Board or upon a direction of the State Government, call a special meeting of the Board.
- iii. The members shall be given at least fifteen days' notice for holding an ordinary meeting and at least three days' notice for holding a special meeting specifying the purpose, the time and place at which such meeting is to be held. Notice of the meeting may be given to the members by delivering the same by a messenger or by sending through registered post to his last known place of residence or business or in such other manner as the Secretary of the Board may, in the circumstances of the case, think fit.
- iv. Every meeting shall be presiding over by the Chairperson and in his absence, by a presiding officer to be elected by the members present from amongst themselves.
- v. Each member shall have one vote. The decision of the Board at a 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.
- vi. The quorum at every meeting shall be four. If at any time fixed for any meeting or during the course of any meeting a quorum is not present, the Chairperson/Presiding officer shall adjourn the meeting to such hours on the following or on some other future date as he may fix. No quorum shall be necessary for the adjourned meeting. No fresh notice shall be required for the

- adjourned meeting. No matter, which had not been on the agenda of the original meeting, shall be discussed at such adjourned meeting.
- vii. No member shall be entitled to bring forward for the consideration of a meeting any matter of which he had not given ten days' notice unless the Chairperson in his discretion permits him to do so.

CHAPTER III

BIODIVERSITY MANAGEMENT COMMITTEE (BMC)

12. Formation, Composition and Membership:

- i. As per Section 41(1) of the Act every local body shall constitute a Biodiversity Management Committee within its area of jurisdiction for the purpose of promotion conservation, sustainable use and documentation of biological diversity including preservation of habitats, conservation of land races, folk varieties and cultivars, domesticated stocks and breeds of animals and micro organisms and chronicling of knowledge relating to biological diversity.
- ii. Biodiversity Management Committee constituted under sub rule(1) shall consist of a Chairperson and not more than six persons nominated by the local body, of whom not less than one third should be women and not less than 18% should belong to the Scheduled Castes/Scheduled Tribes. The Chairperson shall be elected from amongst the members of the committee, in a meeting to be chaired by Chairperson of the local body. The Chairperson of the local body shall have the casting vote in case of a tie. The term of office of the Chairperson and the members of the Committee shall be three years, from the date of their nomination and election respectively to the committee or till they cease to be the members of the local body, which ever is earlier.
- iii. The Secretary, the Executive Officer, the Chief Executive Officer, and the Chief Officer of the Gram Panchayat, Taluka Panchayat, Zilla Panchayat and Municipality, respectively, shall be the Secretary to the respective Biodiversity Management Committees. The functions of the Secretary includes making arrangements for conduct of the meetings and to record the proceedings of the meetings of the committee; maintenance and custody of all confidential papers and records of the committee and to exercise such powers and functions as may be delegated to him by the committee.
- iv. The local Member of the Legislative Assembly, Member of Legislative Council (if there is any) and Member of Parliament shall be special invitees to the meetings of the Committee.
- v. The Chairperson shall preside over all the meetings of the BMC and will be assisted by the secretary in ensuring the proper implementation of the

decisions taken. All orders and instructions issued by the committee shall be under the seal and signature of the Chairperson of the Committee.

13. Activities, Functions and Duties of BMC:-

- i. The principal function of the BMC is to prepare and maintain Peoples' Biodiversity Register in consultation with the local people. The Register shall contain comprehensive information on availability of local biological resources, knowledges associated with them and their application, as required under Section 41 of the Act and by conforming to the specifications stipulated by the National Biodiversity Authority. Both the National Biodiversity Authority and the State Biodiversity Board shall provide guidance and technical support to the BMC in the preparation of the Register and its maintenance in electronic database. The maintenance and validation of the Registers are the responsibility of the BMCs.
- ii. The BMC may levy charges by way of collection fees from any person for accessing or collecting any biological resource for commercial purposes from areas falling within its territorial jurisdiction. It shall also maintain a register containing information about the details of the access to biological resources and traditional knowledge granted, details of the collection fees imposed and the details of benefits derived and the mode of their sharing.

IV. FUNDS, ACCOUNTS, AUDIT AND ANNUAL REPORTS

14. State Biodiversity Fund, Accounts, Audit and Annual Report:

- i. The State Biodiversity Fund as constituted and applied as prescribed under Section 32 shall be operated by the Chairperson or by such other officer of the Board, as may be authorized by the Board. The Fund shall have two separate heads of accounts, one relating to the receipts from the Central and State governments and Biodiversity Authority and the other concerning the fee, license fee, royalty and their receipts of the Board.
- ii. The accounts of the Board shall be maintained and audited, in consultation with and as prescribed by the Accountant General of the State. The Board shall submit a copy of the audited accounts together with auditor's report thereon to the State Government by October 15 of each year.
- iii. 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 15 of each year.

- iv. 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.

15. Local Biodiversity Fund, Accounts, Audit and Annual Report

- i. The Local Biodiversity Fund constituted and applied as under section 42, 43 & 44 shall be operated under the seal and signature of the chairperson of the respective BMC. The Fund shall have two separate heads of accounts, one relating to receipts from the Authority, Government (Central and State) and the Board and other concerning fees and other receipts of the BMC.
- ii. The Accounts of each committee shall be maintained and audited, in consultation with and as prescribed by the Accountant General of the State.
- iii. The BMC shall prepare its annual report of activities for each financial year as specified in Form III.
- iv. The BMC 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 15, every year

V. GRIEVANCES AND DISPUTES SETTLEMENT

16. Dispute Resolution:

- i. There shall be a Dispute Resolution Committee constituted by the Board to hear grievances and resolve disputes arising from actions of the Board or BMCs or over issues of exercise of Jurisdiction among BMCs and other legal entities.
- ii. The Dispute Resolution Committee shall consist of a President and two other members. The appointments made by the Board after obtaining the approval of the State Government. A person shall not be qualified to be appointed as the President unless he is or has been, or is qualified to be a District Judge. One of the two remaining members shall be from the Board. The third member shall be a technical expert having adequate knowledge and experience concerning the subject.
- iii. While adjudicating any dispute under Sub-Rule (1), the Committee shall be guided by the principles of natural justice and shall follow such procedure as may be prescribed by the State Government.
- iv. The Committee shall have, for the purposes of discharging the functions under this Rule, the same powers as are vested in a civil court under the code of civil procedure, 1908. Every proceeding of the committee shall be deemed to be a judicial proceeding within the meaning of sections 193 & 228, and for the purposes of Section 196 of the Indian Penal Code. The Committee shall be

deemed to be a Civil The Chairperson Court for all the purposes of Section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973.

- v. Every order of the Committee shall be deemed a decree of the civil courts and shall be executable in the same manner as the decree of that court.



BACKGROUND AND EXPLANATIONS

Background Note for the preparation of the Draft Biodiversity Rules for Karnataka

I. Scope and Limitations for the Drafting Exercise:

The Draft Rules are framed as desired by the Karnataka Biodiversity Board (Vide letter of the Member Secretary, Karnataka Biodiversity Board. No. KBB/EST/12/2003-04 dt. 4th Oct. 2004). The drafting exercise is carried out strictly in accordance with the parameters set by THE BIOLOGICAL DIVERSITY ACT, 2002 and the Biological Diversity Rules, 2004, of Government of India. The Circular of the Secretary to Government of Karnataka (Panchayat Raj). Dept., of Rural Development and Panchayat Raj (dt. 13.12. 2004), in this regard, is also taken into account in the drafting exercise. An earlier draft of Rules (-initiated by the State Biodiversity Board) and a couple of other efforts at the State level, have been used for reference for the purpose. The views expressed in the meeting with the Member Secretary and the officers of the Board, are also incorporated in this draft.

The thrust of the National Legislation and the rules there under, is primarily to regulate commercial activities concerning Bio-resources and knowledges associated with it. Concerns of conservation, ensuring bio-safety and prevention of bio-piracy do not get equal and significant thrust. The Draft Rules, as evolved here, having been constrained, by the commands of the parent legislation and the Rules at the Centre, obviously follow the national mandate. It is hoped that a review of the Central Legislation and the Rules would be taken up after working the Rules for about an year, so as to ensure better and more effective safeguards against the abuse of the resource and address the conservation issue in a more significant manner. It is also hoped that the Bio-diversity Act would emerge as the umbrella-law for all biological diversity related legislations in India in future and not remain a sectoral legislative effort, as it is now.

II. EXPLANATIONS TO THE RULES:

1. The Rules should be read with the parent legislation (Biodiversity Act, 2002) and the Central Bio-diversity Rules, 2004.
2. **Rule 1: Commencement**: The Rules should first be laid before each house of the Karnataka State Legislature (as required under S.63 (3) of the Act and then notified in the Gazette, to come into force.
2. **Rule 2: Definitions**: Clause (a): Biodiversity Heritage Sites: Definition is adopted from Article 2 of the Convention for the protection of the World Cultural and Natural Heritage, 1972. The Definitions in the Rules are in addition to those in the act and the Rules framed by the Central Government.
3. **Rule 3: Composition of the Board** - Elaborates the stipulations under S.22(4&5) of the Act. The choice of departments and experts as attempted is to highlight the specialized nature of the Board and bring about the kind of coordinated and harmonious functioning required to effectively implement the law .
4. **Rule 4: Appointment etc., of the Chairperson**: The rule has to be read with Section 22(4)(1)of the Act. Since the statutory requirement is that of a person of eminence having adequate knowledge and experience on matters concerning Biological Diversity the choice, when made on deputation, should invariably be from those departments that have intimate association with conservation and sustainable use of biological diversity and their equitable sharing of benefits. Further, when this requirement is read with Section 10 of the Act (which is made automatically applicable to the State Biodiversity Board under Section 25) that confers the status of the Chief Executive to the Chairperson, it is clear that the legislative intent is to combine the knowledge and skills of a technocrat with administrative acumen of a bureaucrat. The Chairperson, obviously, should be some one who is an administrator, decision-maker, academician and researcher, all rolled into one.
5. **Rule 5. Membership**: The Rule is by and large a consolidation of the Central Rules (Rules 6, 7 & 8), with an explanation of the circumstances that result in casual vacancy to the position of a non-member in the Board.
6. **Rule 6: Executive Secretary**: The post is created, similarly on the lines of the Secretary to the National Biodiversity Authority under the Central Rules. The Secretary's role is a significant one. He would assist the Chairman ensuring smooth functioning of the activities of the Board. Since, he would be taken on deputation from Administrative services, he would be the liaison between the different agencies of the government and the Board. He would bring with him the much needed administrative skills and practical experience of a specialist functionary in the State Administration. As such, the rules require deputation of a Senior Officer of the Government to the Board. Further since he is not a member of the Board, like his counterpart at the national level, he shall be able to aid and advice the Board in the observance of administrative procedures and practices.
7. **Rule 7. Powers and Functions of the Board**:- The powers and functions of the Board are drawn from various provisions of the Act and Central Rules:-

- (1) & (2) Correspond to section 23(a) & (b) It is also a logical extension of the functions of conservation as envisaged in Section 36(3) & 38 of the Act & Rule 12(ii) of Central Rules;
 - (3) Corresponds to Section 24. In order to make this part of the rule effectively implementable, the State Government will have to issue a set of guidelines to the Board indicating the manner and form in which the prior intimation under Section 7 has to be given by the party interested to be engaged in the proposed activity. The guidelines may indicate the fee payable for processing the application and to decide on the same;
 - (4) Corresponds to Section 37. In framing the regulations for the management and conservation of Heritage Sites the State Government is required to consult the Central Government. The State Government is also required to frame schemes for compensating or rehabilitating those getting adversely economically affected by notification of the Regulations.
 - (5) Corresponds to Section 36(1) & (2) and Central Rules (12 (iii) & (iv) that concern protective and precautionary functions of the Central and State Governments and the engagement of the National Biodiversity Authority and the State Biodiversity Board in their specialized role
 - (6) Corresponds to Rule 12(vii) of the Central Rules
 - (7),(8),(9) & (10) - along with (6) are intended for coordination, harmonization of functioning of different layers of governance, capacity-building, education, awareness, discrimination of knowledge concerning the realization of objects and performance of a variety of functions of the Authorities under the Act and they correspond to Central Rule 12(iii),(iv),(v), (viii),(ix) & (xiv).
 - (11) Corresponds to Section 14 of the Act & Central Rules, 12 (xi) and (xii)
 - (12) Corresponds to Section 16 of the Act
 - (13) This is in accordance with Section 31 & 32 of the Act and Central Rule, 12(xii)
 - (14) is in accordance with Section 49 of the Act
 - (15) is in accordance with Section 41(2) of the Act.
8. **Powers and Duties of the Chairperson:** - are in accordance with Sections 10 & 12 of the Act and are an adaptation of Central Rules (Rule 13). The Chairpersons

status and functions are such that the incumbent should be functioning full time in that capacity.

9. **Committees of the Board**: is in accordance with Section 13 of the Act.
10. **Prior Intimation...**: The Rule combines the requirements of Sections 7, 23(b) and 24.
11. **Meeting of the Board**:- encapsulates the requirements under Section 12 of the Act.
12. &13. **Biodiversity Management Committee**: The Rules are in consonance with Constitutional Commands (Articles. 243B, 243G, 243N, 243Q,243W & 243ZF), Sections 2(h), 37 and 41 to 47 of the Biodiversity Act, 2002 and Central Biodiversity Rules (No.22).
- 14.&15: **Funds Reports, Accounts and Audit**:-The Rules framed are in accordance with Section 31 to 35 (in the case of the Board) and Section 42 to 47(in the case of Biodiversity Management Committee) of the Act.
- 16.**Dispute Resolution**: The Rule is inserted with the objective of providing an in-house dispute resolution mechanism at the State level. The orders issued under this Rule can be appealed against before the High Court by following the same procedure as is provided under Section 52 of the Act.



FORM - I
(See Rule 10)

Application form for prior intimation for obtaining Biological resources for commercial utilization or biosurvey and bioutilization.

Part - A

1. Full Particulars of the applicant

- a. Name:
- b. Permanent address:
- c. Address of the contact person / agent, if any:
- 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 INR

2. Details and specific information about nature biological material

- a) Identification (scientific name) of biological resources and its traditional use;
- b) Geographical location of proposed collection;
- c) Quantity of biological resources to be collected (give the schedule);
- d) Time span in which the biological resources is proposed to be collected;
- e) Name and number of persons authorized by the company for making the selection;
- f) 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;
- g) whether any collection of the resource endangers any component of biological diversity and the risks which may arise from the access.

3. Details of any national institution which will participate in the R&D activities.
4. Primary usage of biological resource identity of the location where the R&D will be carried out.
5. Estimation of benefits, that would flow to state/communities arising out of the use of accessed bioresources.
6. Proposed mechanism and arrangements for benefit sharing.
7. Details of Fees paid (Cheque/Draft No..... Drawn on date:..... Amount.....)
8. Any other information.

Part B

DECLARATION

I/we declare that:

- Collection of proposed biological resources shall not adversely affect the sustainability of the resources;
- Collection of proposed biological resources shall not entail any environmental impact;
- Collection of proposed biological resources shall not pose any risk to ecosystems;
- Collection of proposed biological resources shall not adversely affect the local communities.

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 14 (3))

KARNATAKA BIODIVERSITY BOARD

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

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

FORM - III
(see Rule 15 (3))

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.

Replacement for page number 14

ಅನುಬಂಧ II

Draft

KARNATAKA BIOLOGICAL DIVERSITY RULES, 2005

In exercise of the powers conferred under Section 63 of the Biological Diversity Act, 2002, and in super session of G.O. No. FEE 125 ENV 2003(dt. 21.11.2003 & 31.12.2003) the Government of Karnataka in consultation with Karnataka Biodiversity Board here by makes the following rules, namely:-

1 Short title & Commencement:-

- (1) These Rules may be called the Karnataka Biological Diversity Rules, 2005
- (2) These rules shall come into force on the date of publication in the Official Gazette.

2 Definitions: 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 Karnataka Biodiversity Board established under Section 22 of the Act
- (d) "Biodiversity Management Committee" means Committee established by the local bodies under Section 41 of the Act
- (e) "Chairperson" means the Chairperson of the State Biodiversity Board
- (f) "Fee" means any fee stipulated in the schedule of these Rules
- (g) "Form" means form appended to these Rules
- (h) "State Government" means the Government of Karnataka
- (i) "Member" means member of National Biodiversity Authority or a State Biodiversity Board, and includes the chairperson thereof
- (j) "Section" means section of the Act
- (k) "Member Secretary" means the Member Secretary of the Board
- (l) 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:

- (1) The Chairperson of the Board shall be the Principal Secretary to the Government (Forest, Ecology and Environment) or an eminent person having adequate knowledge and experience in the conservation and sustainable use of biodiversity and in matters relating to the equitable sharing of the benefits.

- (2) The Chairperson of the Board shall be appointed by the State Government.
- (3) In case the appointment under sub rule (2) is not that of a Principal Secretary (FEE) it shall be done on the recommendation of a three member search committee, headed by the Chief Secretary, appointed for the purpose.