



# JOURNAL OF BIODIVERSITY AND CONSERVATION

## Importance of Biological Diversity Act (2002) in the Conservation of Medicinal Plants

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### ARTICLE INFO

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#### Article History

Received: 3 December 2020

**Keywords:** *Biological diversity act, conservation, medicinal plants*

Received in revised form: 20 December 2020

Accepted: 12 January 2021

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### ABSTRACT

The Biological Diversity Act ,2002 established by parliament of India , for preservation and conservation of Biological Diversity, sustainable use of its components and fair and equitable sharing of the benefits arising out of the use of Biological resources, knowledge and for matters connected therewith or incidental thereto. This act was born out of India's attempt to realize the objectives enshrined in the United Nations Convention on Biological Diversity (CBD) 1992 which recognizes the sovereign rights of states to use their own Biological Resources. The Act aims at the conservation of biological resources and associated knowledge as well as facilitating access to them in a sustainable manner and through a just process for purposes of implementing the objects of the Act it establishes the National Biodiversity Authority. The present study highlights the importance of Biological Diversity Act (2002) in the conservation of medicinal plants in diversity of present days.

### INTRODUCTION

The Biodiversity Act (2002) covers conservation, use of Biological resources and associated knowledge for commercial or research purposes or for Bio-survey and bio-utilization (Anonymous 1994). Technically it's meant to achieve three main objectives:

1. Conservation of Biodiversity.
2. Sustainable use of Biological resources.

3. Equity in sharing benefits from such uses of resources.

India has taken a number of initiatives towards conservation of nature, natural resources and Biodiversity at international,

national and regional levels. Some of initiative includes some act such as: Biodiversity Act (2002), wildlife protection Act etc. Some of the significant initiatives includes the world Heritage convention(1972), Convention on International Trade in Endangered Species of Flora and Fauna (CITES)1975, Ramsar Convention on Wetland (1975), FAO's International undertaking on Plant Genetic Resources (1983), Convention on Biological Diversity (1992), UN Convention to combat Desertification (1994), Trade related Intellectual property Rights (WTO-1994), Cartagena protocol for Bio-safety to CBD (2000), International treaty on plant Genetic Resources for food and Agriculture(FAO2001), Global strategy for plant Conservation (2002), The Bonn Guidelines on Access to Genetic Resources and fair and equitable sharing of the benefits arising out of their utilization (2002) among others. Consequent upon the ratification of CBD by India on 18<sup>th</sup> February 1994 and in pursuance of the conference of parties the government of India, Predominantly the ministry of Environment and Forests, has taken steps to implement the CBD provisions by Promulgating the Biological Diversity act,2002 in the parliament of India , recognizing the urgent need to develop human resources , capabilities and public policy in order to take an active part in the new economy associated with the use of Biological Diversity and Biotechnology, seventeen biodiversity rich countries has formed a group known as likeminded Megadiverse countries (LLMC) . In a recent meeting held in new Delhi (2005), this group has adopted the “New Delhi Ministerial Declaration of LLMCs on access and benefit sharing “, which is a new beginning towards international regime on access and benefit sharing as a legally

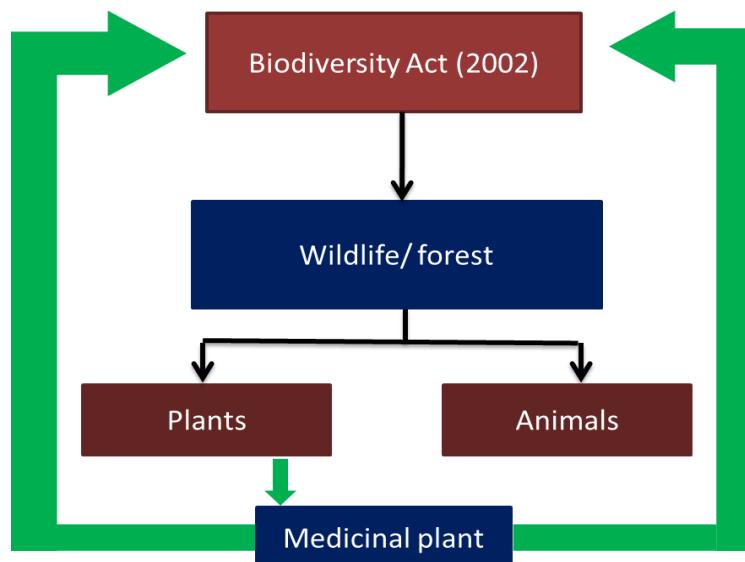
binding instrument. The government of India brought the CBD into force from 19<sup>th</sup> may 1994. This convention provides a framework for the sustainable management and conservation of India's natural resources. In order to regulate access to biological resources of the country with the purpose of securing equitable share in benefits arising out of the use of biological resources and associated knowledge, to conserve and sustainable use of biological diversity legislation was required. Legislation was also required in order to respect and protect traditional knowledge of local communities and to secure benefit sharing with local people who have conserved the biological resources and inherited knowledge and information relating to their use of biological resources. Accordingly the Biological diversity Act (2002) was formulated after intensive consultation with various stake holders. In accordance with the sec 8 of Biodiversity act a National Biodiversity Authority (NBA) was established in the year 2003 which is responsible for its implementation (Venkataraman 2009; Agarwal 2009; Mudgal & Hajra 1997; Venkataraman 2006).

### **Role and Provisions of Biodiversity Act (2002)**

Under section 8 of Biodiversity Act 2002. provides that,” without prejudice to the provisions of any other law for the time being in force, the central Government, in consultation with the concerned state Government, may from time to time notify any species which is on the verge of extinction or likely to become extinct in the near future as a threatened species and prohibit or regulate collection thereof for any purpose and take appropriate steps to rehabilitate and preserve those species.” So, the above provision of Biodiversity Act

2002, shows about the notification of threatened species that, the conservation of some specific plants and Medicinal plants ([http://en.wikipedia.org/wiki/Convention\\_on\\_Biological\\_Diversity](http://en.wikipedia.org/wiki/Convention_on_Biological_Diversity));

[http://www.academia.edu/242307/Critical\\_Review\\_of\\_Biodiversity\\_Act\\_2002](http://www.academia.edu/242307/Critical_Review_of_Biodiversity_Act_2002); Biodiversity Act 2002, <http://www.nbaindia.org/act/act-ch3.htm> )



**Figure 1: Role of biodiversity act in the conservation of medicinal plant**

### Constitutional view

The Indian constitution guarantees a set of fundamental rights to its citizens under part iii of the constitution. Some of these fundamental rights are guaranteed to citizen and non-citizens as well. Art 21 and 14 are two of the fundamental right guaranteed even to non-citizens. It is necessary to examine how article 14 is violated by the Biodiversity Act, 2002. The act distinguishes citizens of India and other persons on the basis of citizenship and residential status ([Ministry of environment and Forests: http://envfor.nic.in/](http://envfor.nic.in/))

### CONCLUSION

India has made a legal policy and framework regarding biodiversity which enables it to address some crucial issues with regard to protection of biodiversity.

But the present policy is far from being adequate, since some major concerns as discussed above are yet to be addressed. The only way to overcome such a situation is by making amendments in the legislation and adopting stronger protective community participation. It is also necessary to include all life forms including human genes into the broader definition of biological resources to prevent any form of exploitation. The civil society organizations should also try to create awareness among the local communities about the Biodiversity Act, 2002. Also since change cannot achieve through isolated efforts, it is essential to build formal and informal networks among Civil Society Associations, Farmers, Grassroots Organization, Scientific and Academic institutions and government Organizations. This would lead to better conservation and protection of biodiversity

(Ahluwalia & Malhotra 2008; Chandrakar 2012).

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