BLOGS

Biological Diversity (Amendment) Bill, 2021 passed in Lok Sabha

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The Lok Sabha recently gave its assent to and passed the Biological Diversity (Amendment) Bill, 2021. The **Biological Diversity Act of 2002** needed to be amended as several Ministers, traditional medicine practitioners, State Governments and other relevant stakeholders had raised concerns about it.

The original law, the Biological Diversity Act, 2002 is an Act enacted by the Parliament of India. The Act aimed to preserve the biological diversity in India and provide a mechanism for the equitable sharing of benefits arising out of the use of traditional biological resources and knowledge.

Objectives of Biological Diversity Act, 2002

1. Halt indiscriminate use of biological resources
2. Promote sustainable use of biological resources
3. Rewarding people and communities helping in protecting the resources

Issues with the Biological Diversity Act, 2002

Bhupendra Yadav, Minister for Environment and Forests and Climate Change said that, “In the 20 years since the Act was in brought into force by the Vajpayee government, we have seen that there were problems and it was necessary to address them”.

The major concern being faced by several stakeholders was with regards to the fact that the Act imposed a heavy “compliance burden”. The stakeholders stated that per the provisions of the

original Act, it was hard to conduct collaborative research and investments and simplify patent application processes.

Changes brought about by the Amendment Bill

1. The Biological Diversity (Amendment) Bill, 2021 seeks to exempt registered AYUSH medical practitioners from informing the biodiversity boards before accessing biological resources.
2. Certain categories of biological resources users have been exempted from making any payment for access and benefit-sharing mechanism.
3. Ease of Compliance has been promoted.
4. Boost in Foreign Investment.
5. Simplifying patent application processes as well as speeding up of approval process in case of use of biological resources for scientific research.
6. Decriminalization of a range of biodiversity-related offences under the Act and substituting them with monetary penalties.

Criticism of the Biological Diversity Amendment Bill

Several environmental organizations have raised concerns about the new amendment. It is stated that the new amendment favors commercialization and there is a potential for “bio piracy”. There is also a lack of clarity on benefit sharing with local communities.

The new bill simplifies compliance requirements and decriminalizes offences under the Act thus, reducing the deterrent factor for criminals who can now get away with paying a penalty only.

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