

***A Brief Report on One Day Training Programme
on
“Biodiversity: Law and Policy”
(31st January, 2014)***



A one day Training Programme on “Biodiversity: Law and Policy” was conducted by U.P. State Biodiversity Board, Lucknow on January 31, 2014 in the Library Hall of Dr. Ram Manohar Lohia National Law University, Lucknow. The participants in the training programme were Conservators, Deputy Conservators (DFOs) of the state of U.P. There were 25 nominations from U.P. Forest Department which were attended by almost everyone with full zeal and enthusiasm from all over the state.



Shri Pawan Kumar

The inaugural session was presided over by Shri Pawan Kumar, Secretary, U.P. State Biodiversity Board, Lucknow, the Chief Guest for the occasion and by Prof. Gurdip Singh, the Vice Chancellor of the host university. The chief guest delivered his key note address on biodiversity law in India and the activities of the U.P. State Biodiversity Board for preserving, protecting and safeguarding the biodiversity of the state.

The next technical address was by Prof. Gurdip Singh, the Vice Chancellor of the University. Prof. Singh delivered on the international perspectives of biodiversity particularly linking the Indian legislation with the International Convention on Biodiversity Cartagena Protocol and Nagoya Protocol on biodiversity.



Prof. Gurdip Singh



Prof. (Dr.) Amar Pal

The next session was on “Ecology, Architecture and Infrastructure of Biodiversity Act 2002: A Critique” by Prof. Amar Pal Singh, the Head of Department of Legal Studies of the university. The session was given an introductory orientation by Dr. Aditya Pratap Singh, Associate Professor and the Coordinator of the training programme at Dr. R.M.L.N.L.U. The session was then, after the introductory remarks, handed over to Prof. (Dr.) Amar Pal Singh for a comprehensive discussion on the legislative structure of Bio Diversity Act, 2002. Dr. Singh said that one of the major achievements of Convention on Bio-diversity (CBD) at Rio (1992) was to ensure that the developing countries’ control over the natural resources in their jurisdiction received recognition.

Despite its limitations, the Biodiversity law has certainly made a break with the past and there is a surge of awareness amongst the people to conserve the biodiversity. It has also created useful structures for the purpose of protecting and conserving the biodiversity resources. The need of the hour is to ensure that the laws are made to synchronise with the existing law and sustained and concerted efforts are made to ensure that biodiversity resources conserved and used for the betterment of the lives of the people.

Dr. A. K. Tiwari, Associate Professor, Ram Manohar Lohia National Law University, in his deliberation explained to the participant the National Biodiversity Action Plan (2008) prepared by Ministry of Environment and Forest, Govt. of India. He also discussed the salient features of the National Environment Policy, 2006 and the Forest Policy of 1988. In his talk Dr. Tiwari highlighted the policy of the Supreme Court of India to apply certain principle such as-



Dr. A.K. Tiwari

1. Sustainable Development
2. Polluter Pays Principle
3. Precautionary Principle
4. Intergenerational Equity
5. Intra generational Equity and
6. Public Trust doctrine.

Further, with the help of selected case laws the aforesaid principles were elaborately explained to the participants so that they may appreciate the significance of the policies and principles relating to environmental protection in general and protection of biodiversity in particular.



Shri. Vikas Bhatti

The last technical session was on rights and responsibilities of the authorities with the Biodiversity Act and this was taken up by Mr. Vikas Bhatti, Assistant Professor, R.M.L.N.L.U. Mr. Bhatti in his deliberation explained to the participant that access and fair and equitable sharing of the benefits are the key components of the biodiversity conservation in India and elsewhere. For that purpose, a regime consisting of prior permission for access, and transfer of research results, and for claiming IPR's from NBA is necessary and prior information to the State Biodiversity Boards for obtaining biological material is necessary under the Biodiversity Act, 2002. He said that contravention of the same invites criminal penalty under the Act. The Cognizance of these offences can be taken by the forest officer not below the rank of range officer in their respective jurisdiction. However, there are issues of risk assessment which is feared to be techno-centric, i.e., led by technology. Measures as to documentation of biodiversity are crucial (like, TKDL) which can ensure a cost-effective and time saving tool to protect exploitation of biodiversity. Linkages with other sectors like seed, use of forest land etc. are crucial. A prompt and proactive approach is also required from the government agencies like Mahyco Biopiracy incident taught us. Sensitization at the grass root level is also necessary like the Peringamala panchayat disclosure episode. Induction of taxonomy experts can also help as a border measure can go long way to conserve and preserve our rich biodiversity.

The closing interaction and feedback was sought in the valedictory session under the leadership of Dr. Aditya Pratap Singh, Associate Professor, R.M.L.N.L.U., wherein the participants spoke programmes/orientation workshops in the future which is properly reflected in the feedback forms which the participants provided at the end of the session.

Glimpses of Training Programme on “Biodiversity: Law and Policy”



A view of Training Programme



A view of trainees



A view of group discussion