



TRAINING WORKSHOP

ON

BIO-DIVERSITY: LAW & POLICY

(29th AUGUST, 2014)

SPONSORED BY

UP STATE BIO-DIVERSITY BOARD,
LUCKNOW



One day – training workshop on “Bio Diversity: Law and Policy” was conducted on August 29, 2014 in the Library Hall of Dr. R.M.L. National Law University. The Program was sponsored by U.P. State Biodiversity Board, Gomti Nagar, Lucknow. The Participants in the training program were Divisional Forest Officers (DFOs) of the state of Uttar Pradesh. The participants from across the state attended the training programme with full zeal and enthusiasm.

The inaugural session was presided over by Mrs. Pratibha Singh, Special Secretary of Forest Department and Prof. Gurdip Singh, the Vice Chancellor of the host university. The key note address delivered by Mrs Pratibha Singh was emphasized on the importance of our Earth and its biodiversity and also the Earth is the only home for we human beings, so we should take care of it. She also focused on bio diversity law in India and the activities of the U.P. forest Department for preserving, protecting and safeguarding the state bio-diversity.



Mrs. Pratibha Singh



Prof. Gurdip Singh

The first technical address was by Prof. Gurdip Singh, a renowned expert in environmental and bio-diversity law, who is also presently the Vice Chancellor of the University and is the main motivational leader/commander of this prestigious law university and also a living and guiding force behind all academic and field extension activities with respective wings/organizations of government and private sector. Prof. Singh delivered on the international perspectives of bio-diversity particularly linking the Indian legislation with the international convention on bio-diversity along with its two optional protocols, namely Cartagena Protocol and Nagoya Protocol on bio-diversity. This session was a spell bound session with a divine oratory by an expert doyen of the field.

The next session was on “Case Laws on Bio-Diversity Act 2002” by Prof. Amar Pal Singh, a subject expert and also 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 Program 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.



Prof. Amar Pal Singh

Prof. 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. The developed world in the name of natural resources being a common heritage of mankind has

been exploiting the natural resources of the developing world ruthlessly without sharing the benefits arising out of these resources. At the national level the understanding was that this sovereignty over natural resources would be translated into the sovereignty of people over their natural resources. The Bio-Diversity Act 2002, proceeding with the objectives of conservation, sustainable use and fair and equitable benefit sharing of natural resources has created three tier structure for the purpose of regulating access and exploitation of bio-diversity resources. However the way the legislation has been designed the dream of achieving the objective of translating the sovereignty of the country over natural resources in to the sovereignty of people is simply not possible. Designed as a typical top down model law, the legislation vests the authority of providing permission to access biodiversity in the National Bio-diversity authority, whereas the task of inventorying the bio-diversity resources in the given region has been entrusted to the local Bio-Diversity Management Committee, which is not equipped technically or financially to accomplish the task.

Further the creation of the so called peoples' bio-diversity registers have not been given any kind of legal sanctity which simply means that even if inventorised, the information would stand as loosely tagged information not useful in any significant way. One of a very important drawback of the legislation is that it has not been properly synchronized with existing legislations on forest and bio-diversity governance, leading to creation of number of contradictions which hamper the progressive implementation of the law and policy on bio-diversity governance. Even patent law has not been synchronised with the Bio-diversity law. For example the Traditional Knowledge is required to be respected and protected and in case its commercial use is made, it would be imperative to get it patented and the patentability of the product requires that the knowledge to be patented should not be

in the public domain. Traditional knowledge is all in public domain and therefore the same cannot be protected. Prof. Singh further emphasized that framing of a single national policy for bio diversity matters is problematic because every region has its own challenge in preserving bio diversity and a common policy is not sufficient to deal with it.

Summing up his session after a heavy discussion with the participants Prof. Singh said that despite all these limitations, the Bio-diversity law has certainly make a break with the past and there is a surge of awareness amongst the people to conserve the bio-diversity. 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 Bio-diversity resources conserved and used for the betterment of the lives of the people.



Dr. S C Sharma

Next session on “Science of Biodiversity- Problems and Issues faced by the Forest Officers” was taken up by Dr. S C Sharma, former director NBRI. Dr. Sharma has highlighted the degradation in forest areas and recommended for planting enough trees. He has further emphasized on the role of medicinal plants in the life of people.

After this session Mrs. Pratibha Singh has taken a session in which she emphasized over preparation of PBRs in state of Uttar Pradesh. She said that Govt. of Uttar Pradesh is planning to open one PBR in each district by the end of this year and a dozen of them have already been established. She discussed in detail the guidelines for making Peoples Biodiversity Register at district level. The trainees were asked to spot a village in their area for



Mrs. Pratibha Singh

preparation of PBR. The trainees were given to view the samples of the registers prepared by the board, thus it can help them for preparing the PBR in their respective divisions.



Mr. Vikas Bhati

The last technical session was on Biodiversity Protection Regime and this was taken up by Mr. Vikas Bhati, 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. He has also focussed about the patent aspects of Bio-Diversity components.

The closing session was on conceptual clarities of previous sessions as noted by Dr. Aditya Pratap Singh, Associate Professor, R.M.L.N.L.U. and the coordinator of the training programme, alongwith Dr. Manish Singh, Mr. Anil Sain, Mr. Vipull Vinod, and Mr. Aman Deep Singh, all faculty members of RMLNLU wherein the participants spoke at length about conceptual misunderstandings of previous sessions and also upon the need and utility of such programs/orientation workshops in the future

Glimpses of Training Programme on "Biodiversity: Law and Policy"

