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EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित

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पर्यावरण एवं वन मंत्रालय

अधिसूचना

नई दिल्ली, 7 जनवरी, 2009

का.आ. 120(अ).—जैव-विविधता अधिनियम, 2002 (2003 का 18) की धारा 61 के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए केंद्र सरकार एतद्वारा दिनांक 17 नवम्बर, 2008 की अधिसूचना संख्या का.आ. 2708 (अ) में आगे निम्नलिखित संशोधन करती है, नामतः :

उपर्युक्त अधिसूचना में :—

तालिका में क्रम सं. 3, क्रम सं. 4 और उनके कॉलम सं. 2 और 3 में की गई अनुरूपी प्रविष्टियों के बाद निम्नलिखित का अन्तः स्थापित किया जाएगा, नामतः :—

क्रम सं.	जैव विविधता अधिनियम, 2002 की धारा 61 (क) के अंतर्गत शिकायत दर्ज करने के लिए प्राधिकृत अधिकारी	अधिकार क्षेत्र
(1)	(2)	(3)
4.	वन अधिकारी जो रेंज ऑफिसर के रैंक से कम न हों	उनके अपने-अपने अधिकार क्षेत्र में

[फा. सं. 28-14/2008-सीएस-III (एन बी ए)]

ए. के. गोयल, संयुक्त सचिव

टिप्पणी : मूल अधिसूचना दिनांक 17 नवम्बर, 2008 की अधिसूचना सं. का.आ. 2708(अ) के तहत भारत के राजपत्र, असाधारण में प्रकाशित की गई थी।

MINISTRY OF ENVIRONMENT AND FORESTS
NOTIFICATION

New Delhi, the 7th January, 2009

S.O. 120(F).—In exercise of the powers conferred by clause (a) of Section 61 of the Biological Diversity Act, 2002 (18 of 2003), the Central Government hereby make the following further amendments in the Notification No.S.O. 2708 (E), dated 17th November, 2008 namely :—

In the said Notification :—

In the TABLE, after Sl.No. 3, Sl.No. 4 and the corresponding entries in column No. 2 & 3 thereof, shall be inserted, namely :—

Sl.No.	Officer authorised to file complaints under Section 61 (a) of the Biological Diversity Act, 2002	Area of jurisdiction
(1)	(2)	(3)
4.	Forest Officers not below the rank of Range Officers	In their respective jurisdictions

[F. No. 28-14/2008-CS-III(NBA)]

A. K. GOYAL, Jt. Secy.

Note : The Principal Notification was published in the Gazette of India, Extraordinary *vide* Notification No. S.O. 2708 (E), dated 17th November, 2008.

SALIENT PROVISIONS OF BIOLOGICAL DIVERSITY ACT, 2002

- Section - 3: All foreign national require approval from NBA for obtaining Biological Resources.
- Section - 4: Indian individuals/entities to seek approval before transferring knowledge / research and material to foreigners.
- Section - 5: Guidelines for Government sponsored collaborative research projects.
- Section - 6: Prior approval of NBA before applying for any kind of IPR based on research conducted on biological material and or associated knowledge obtained from India.
- Section - 7: Indians required to provide prior intimation to State Biodiversity Boards for obtaining biological material for commercial purposes. SBB can regulate such access.
- Growers and cultivators of Biological Diversity and *vaid*s and *hakims* who are practicing Indian system of medicines and local people exempted.
- Section - 8: Establishment of NBA, its composition.
- Section - 13: Committees of NBA
- Section - 18: Functions and powers of NBA
- Section - 19: Approval by the NBA
- Section - 21: Determination of equitable benefit sharing by NBA
- Section - 22: Establishment of State Bio-diversity Boards
- Section - 23: Function of the State Bio-diversity Boards
- Section - 24: Powers of State Bio-diversity Boards
- Section - 26 : National Biodiversity Fund
- Section - 32: State Bio-diversity Fund
- Section - 36: Central Government to develop National strategies, plans etc. for conservation of biodiversity.
- Section - 36: (1A): Central Government to issue direction to State Governments to take corrective measures for conservation of biodiversity
- Section - 36 (3)(i): Impact assessment of developmental projects on biodiversity
- Section - 36 (3)(ii): Regulate release of GMOs
- Section - 36 (4): Measures for protecting the traditional knowledge
- Section - 37: Biodiversity heritage sites
- Section - 38: Notifications of threatened species
- Section - 39: Designation of repositories
- Section - 40: Exemption for normally traded commodities from purview of the act.
- Section - 41: Establishment of Biodiversity Management Committees by local bodies.
- Section - 42: Local Biodiversity Fund
- Section - 52 A: Appeals to High Court on the decision of NBA / SBB
- Section - 53 B: Orders of NBA / SBB at par with civil courts.
- Section - 55: Penalties - imprisonment upto 5 years and or a fine of 10 lakhs or to the extent of damage caused.
- Section - 59: Act to have effect in addition to other Acts
- Section - 61: Cognizance of offences
- Section - 62: Power of Central Government to make Rules
- Section - 63: Power of State Government to make Rules
- Section - 64: Power to make regulations
- Section - 65: Power to remove difficulties

MINISTRY OF ENVIRONMENT AND FORESTS

NOTIFICATION

New Delhi, the 17th November, 2008

S.O. 2708(E).—In exercise of the powers conferred by clause (a) of Section 61 of the Biological Diversity Act, 2002 (18 of 2003), the Central Government hereby authorises the officers specified in column (2) of the Table below, to file complaints with regard to offences punishable under the said Act, within the areas of jurisdiction specified against each in the corresponding entry in column (3) of the Table aforesaid, subject to the condition that the Central Government may revoke such authorisation or may itself exercise the powers under the said section, if in its opinion such a course of action is necessary in the public interest, namely :

TABLE

Sl. No.	Officers authorised to file complaints under Section 61(a) of the Biological Diversity Act, 2002	Area of Jurisdiction
(1)	(2)	(3)
1.	Officers of the National Biodiversity Authority, not below the rank of Scientist 'C'	Whole of India
2.	Officers of the State Biodiversity Boards, not below the rank of Scientist 'C'	Whole of the concerned State
3.	Officers of the Regional Offices of the Ministry of Environment and Forests, Government of India, not below the rank of Scientist 'C'	Whole of the States under the jurisdiction of the respective Regional Offices

[E. No. 28-14/2008-CS-III (NBA)]

A. K. GOYAL, Jt. Secy