

GOVERNMENT OF KARNATAKA

No. FEE 186 ENV 2023

Karnataka Government Secretariat,
M. S. Building,
Bangalore, dated: 25 .10.2023.

Directions under Section 49(1) of the Biological Diversity Act, 2002

To comply with the provisions of the Biodiversity Act, 2002 and the Karnataka Biodiversity Rule, 2005 and to further implement the objectives of the said Act such as conservation of biological diversity, sustainable use of its components, benefits arising from commercial use, fair and equitable sharing and further implementation of its provisions with public interest, the State Government had directed the following directions vide DirectionNo.FEE 154 ENV 2018, dated 15.09.2020 under section 49 of said Act:

1. All citizens of India and Indian entities who fall under the ambit of Section 7, who are desirous to comply with the provisions of the Biological Diversity Act and Rules can give prior intimation to the Karnataka State Bio-diversity Board by making an application in Form I within a period of 60 days from the date of issuance of this direction.
2. Also taking into account that the Guidelines on Access to Biological Resources and Associated Knowledge and Benefits Sharing Regulations only came into force in 2014, a window of opportunity for compliance of the Act from date: 15.09.2020 to date: 15.11.2020 is to be provided. This window of opportunity is provided to the acts and approvals that were required to be obtained in the past subject to certain restrictions.
3. All such applications in Form I for ex post facto approvals will be scrutinized by the Board in a hearing and only on adequate and reasonable justification and by recording the reasons, the Board, if satisfied, may permit the application. The Board shall consider all such cases of ex post facto approvals on the basis of merit and shall ensure that only such cases are granted approval for future activities, which would have otherwise been approved in the normal course, had the Indian citizen/entity concerned applied in time for the prior approval.
4. The Board shall ensure that the Principles of Natural Justice such as fair hearing and a reasoned decision by the authority is strictly adhered to.

Further the Government of Karnataka directed the Board to take appropriate decisions and necessary measures within a period of 60 days from the date of issuance of this order i.e., 15.09.2020, including the course of action for matters related to the past.

Now, the Karnataka State Biodiversity Board has requested to extend the time for further period of 60 days, as the directions dated 15.09.2020 did not provide an opportunity to comply with the directions given thereof due to Covid-19 pandemic and limited publicity. In view of the above, there is a need to create awareness about the said Act to implement its provisions more effectively in the State.

Hence an opportunity is hereby given to all the citizens of India and Indian entities who fall under the ambit of Section 7 of the Biological Diversity Act, 2002 and desired to comply with the provisions of the said Act and Rule, to submit the Form-1 to Karnataka Biodiversity Board only for those activities for which approval was previously required within a period of 60 days from the date of publication in official Gazette of this direction along with concerned ABS amount.

Further, the Karnataka Biodiversity Board shall examine all applications for ex post facto approval for acquisition of biological resources in Form-I application through inquiry and if appropriate and reasonable justifications are recorded, such applications may be approved only if approved by the Board. All such cases of ex post facto approvals shall be considered on merit basis and it shall be ensured that permission for future activities is granted only in such cases where the person/entity normally applies for prior approval within fixed time and the Board shall take appropriate decisions and necessary measures within 60 days of issuing this direction, including the measures to be taken regarding previous cases.

These directions are issued with the approval of the Competent Authority.

By Order and in the name of the
Governor of Karnataka

(B N Praveen)

Under Secretary to the Government,
(Ecology and Environment)

Forest, Ecology and Environment Department

To;

1. The Member Secretary, Karnataka Biodiversity Board, Vana Vikasa Building, 18th Cross, Malleshwaram, Bengaluru.
2. PS to Hon'ble Minister for Forest, Ecology and Environment, Vikasasoudha, Bangalore.
3. PS to chief secretary to Government of Karnataka, Vidhana Soudha, Bangalore.
4. PS to Additional Chief Secretary to Government, Forest, Ecology and Environment. M S Building, Bangalore.
5. PS to Principal Secretary to Government (Ecology & Environment), Forest, Ecology & Environment Department, M. S. Building, Bangalore.
6. For e-gazette
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