



INTERNATIONAL LAW
JOURNAL

**WHITE BLACK
LEGAL LAW
JOURNAL
ISSN: 2581-
8503**

Peer - Reviewed & Refereed Journal

The Law Journal strives to provide a platform for discussion of International as well as National Developments in the Field of Law.

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THE EVOLUTION OF BIOLOGICAL DIVERSITY GOVERNANCE IN INDIA: A CRITICAL ANALYSIS THE AMENDMENT ACT.

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ABSTRACT

India is rich in biological resources in various regions of the country as there are many species and have various genetic materials among the biological resources and to protect the biological resources and traditional knowledge associated with the practices of local communities and conservation of such resources in India, further to regulate the access of unauthorized usage of the Indian resources and to control the biopiracy and further in order to fulfil the international obligation towards conservation of biological resources. India has enacted the legislation in the Indian parliament in the year 2002, The Biological Diversity Act was focused on conservation and regulating the access of biodiversity through its three-tier authority and further amended the legislation. India's biological diversity governance has undergone a paradigm shift from the conservation heavy Biological Diversity Act (BDA), 2002, to the industry friendly Amendment Act of 2023. While the original framework was designed to prevent "biopiracy" and ensure equitable benefit sharing, the recent amendments have sparked a global debate regarding the dilution of regulatory oversight in favor of the "Ease of Doing Business." This paper examines the three-tier governance structure such as National, State, and Local levels and critiques the decriminalization of offenses and the exemption of AYUSH practitioners from Access and Benefit Sharing (ABS) requirements. By analysing the intersection of the Nagoya Protocol and India's sovereign rights over bio-resources, this study argues that where the procedural simplification is necessary for a bio-economy.

Keywords: Biological Diversity Act 2002, NBA, SBB, Access and Benefit Sharing (ABS), Biopiracy, 2023 Amendment, Traditional Knowledge.

I. INTRODUCTION

India is one of the seventh mega Biodiversity country in the world and biodiversity encompasses all variety of life in the earth with only 2.5% of the land and India accounts for 7.8% of recorded species of the world. Biodiversity in India is mainly recognized as three levels namely species level, genetic level and ecosystem level and survey conducted so far there are over 45,500 species of plants and 91,200 species of animals are found in India and centre for rich crop diversity. India is the home of 167 important cultivated species of plants and 320 species of their wild. India is the centre for the origin of several varieties of rice, mango, pigeon pea, turmeric, neem, jackfruit, sugarcane, bamboo, Coconut, ginger, goose berries etc. India's wealth of domesticated animals consists of livestock including the fish, poultry and animals breeds etc. where these resources are utilised in sustainable manner in such way India can utilized its benefits of foods, nutrition's, health and environment security for the present and future generation well-being.

India has responsibilities to secure it's own nation resources from any kind of biopiracy even within the country or outside the country in order to protect and conserve the biological resources of the state and to ensure the access to fair and equitable sharing of benefits arising out the commercial utilisation further to recognize the traditional knowledge of the local community for their practices associated with the biological resources. Before international regulation or the National legislation to protect the biological resources in India. The global community were facing various losses due to Biopiracy activities around the world and India also a victim of biopiracy in those days many national and local community have facing the economic loss and unauthorised usage of biological resources of the country was utilised by the third person for the purpose of profit making by obtaining the patent in their name using the biological resources of others without providing any monetary compensation or recognising the rights of local community on such usage which doesn't belongs to that person for the commercial benefits.

There are many biopiracy activities were taken placed before the commencement of international law and domestic legislation in India relating the protection of the biological resources and many national affect due to such activities. These are some

important biopiracy activities around the world. They are many cases involving misappropriate and unauthorised usage of the biological resources like turmeric, Basmati Rice, Neem and various medical plants. ¹In the case of 'Turmeric' where a researcher from the University of Mississippi centre of medicine obtained patent for over a method of promoting healing of wound by administering the turmeric into the patient afflicted with the wound. Whereas in India the turmeric has been used many centuries for its medicinal and culinary qualities and also used by the followers of the traditional medicine for healing wound. The Indian Council for Scientific and Industrial Research (CSIR) was launched legal proceedings against the medical centre to reverse the patent grant to them on the ground that patent application failed to meet the requirements of novelty.

In another case where Indian resources in foreign national was misappropriate, the Neem was granted patent by European patent office to the US department of agriculture and corporation W.R.Grace over process of extracting oil from the Neem tree. These practice and Neem was traditionally used by the Indian communities and later it was challenged by representing with local community and the patent was overturned in May 2000. It's was overturned in the European country but in the U.S some of the Neem related patent was unchallenged during those days. ²In Basmati rice case the patent by granted by US patent and trademark office (USPTO) to RiceTec, a Texas based company over rice was derived from the rational Basmati rice which product long associated with South Asia and economically significant in that areas. Later Indian government successfully challenged four out of twenty claims made by the RiceTec company and validity of the other claims was remains unchallenged.

So, the global community decided to end the Biopiracy and in order to protect and conserve the biological resources from unauthorised and misappropriation of usage of the resource by third party and further to regulate the access and determining the fair and equitable sharing of benefits arising out of the commercial utilisation. The United Nation adopted the international instrument through its conference called United National conference on Environment and Development held in 1992, at Rio de Janerio

¹ Biodiversity and Intellectual Property Rights, WWF international & CEIL Join Discussion, March 2001, P.6

² Joint Discussion on Biodiversity and Intellectual Property Rights by WWF International & CEIL, March 2001, P.6

Brazil. This instrument was called Convention on Biological Diversity (CBD) 1992. After this convention the biopiracy activities were reduced and many nations have started to enact their own domestic legislation for conservation and to protect the state biodiversity resources and further to recognise the rights of indigenous local communities for their traditional knowledge associated with such resources and practices with such application. On February 18, 1994 India also joined as a party to the UN convention to protect and conserve the Indian biological resources in India.

II. LEGAL FRAMEWORK ON BIOLOGICAL DIVERSITY GOVERNANCE IN INDIA

India has sovereign rights to explore over its own biological resources within its territorial jurisdiction and in the year 2002, the Indian government passed the legislation in the Indian Parliament for conservation of biological resources and to regulate the access to biodiversity and to determine the fair and equitable sharing of benefits arising out of the genetic resources by commercial utilisation and to safeguard the rights of indigenous communities and their traditional knowledge. Further in order to fulfill the international commitment to CBD by invoking Article 253 of the Indian Constitution the law was enacted. This enactment was known as The Biological Diversity Act, 2002. This Act came into force on February 5, 2003 and the Act consists of 65 sections with 12 Chapters. This enactment mainly sets up a three-tier structural regulating authority namely First The National Biodiversity Authority (NBA), Secondly The State Biodiversity Board (SBB) and finally the Biodiversity Management Committee (BMC) and there is a Fund for conservation of biological resources and other administrative purposes under this Act. Let's explore the authority structure and their function, power and action and before going in depth shall briefly define certain terms defined under the BD Act such as ³biological diversity means Variability among living organisms from all sources and their ecological complexes which they are part of and diversity includes species and between species and biological resources means plants, animals and microorganisms and their genetic material excluding the value added products, but it doesn't include human genetic material⁴ and further who are the benefit claimers means conservers of biological resources, creators and holders of traditional knowledge and information

³ Section 2 (b) of The Biological Diversity Act, 2002

⁴ Section 2 (c) of The Biological Diversity Act, 2002

relating usage of such resources and innovation and practice association with such application.

III. THREE-TIER STRUCTURAL AUTHORITY REGULATING THE ACCESS TO BIODIVERSITY.

(i) THE NATIONAL BIODIVERSITY AUTHORITY

The National Biodiversity Authority has a significant role in order regulate the access to biological resources of the nation and responsibilities to conserve the biological resources and to determine the fair and equitable sharing of benefits arising out of commercial utilisation by the genetic resources or by bio-survey or by the ways of biological research. The ⁵NBA regulates certain person to access such resources without the approval of the National Biodiversity Authority and whoever is not a citizen of India or a citizen of India who is a non-resident mention under the clause (30) of section 2 of Income Tax Act, 1961 and a body corporate, association or organisation which is not incorporated or registered in India or such entities incorporated or registered in India which as non-Indian participants in this share capital and management. The authority further restrict in transferring the results of biological research without the previous approval of the National Biodiversity Authority and however transfer doesn't include the publication of research papers and dissemination of knowledge in seminar or workshops as made in such manner under the guidelines issued by the central government and further the approval from the NBA not applicable for certain collaboration research project relating to the transfers or exchange of biological resources or information thereto between the institution including the government sponsored institution in India and with other foreign institution subject to the satisfaction of condition and policy guidelines of the central government. The NBA have vital role in regarding the intellectual property rights ⁶where no person shall apply for the IPR whatsoever in the name within India or outside for any invention based any research or information relating to biological resources obtained from the country has to obtain the prior approval from the National Biodiversity Authority before making such application for intellectual property rights by such persons or entities

⁵ Section 3 of BD Act,2002

⁶ Section 6 of BD Act,2002

and such application made for permission by NBA shall be disposed with ninety days from such request and while granting such approval by the authorities shall impose the benefits sharing fee or shall impose royalty or both including the condition for sharing of financial benefits arising out of such commercial utilisation for such rights.

Whereas the ⁷National Biodiversity Diversity Authority was established by the central government shall be a body corporate having perpetual succession and common seal have power to acquire, hold and dispose the property both immovable and movable property and shall enter into contract and shall be sued and be sued. The National Biodiversity Diversity Authority shall consist of many members lead by a Chairperson who is having adequate knowledge in conservation and sustainable usage of biological resources and in matter handling related to sharing of benefits such person shall be appointed by the central government and three ex officio member from ministries of Tribal affair and Environment, seven ex officio member from various central ministries and five non official member having scientific experience and specialised in conversation and sustainable usage of the biological resources and persons having knowledge in biological resources, creators and representatives may be a members to the national biodiversity Authority. The National Biodiversity Authority has certain powers and function under The Biological Diversity Act, 2002 for the purpose of making enactment for meaningful and to conserve the country resources and NBA shall have the duty to regulate certain activities relating biological resources such as Bio-utilisation, bio-survey and making research using the biological resources and regulating the unauthorised usage of traditional knowledge of local community by any individual or foreign entities. They shall grant the approval for biological related activities upon fulfilling all the condition and they shall advise central government upon the matter relating to conservation of the resources and it's sustainable usage of its components and determining the sharing of benefits arising out of biological resources. The National Biodiversity Authority on behalf of the central government shall oppose any intellectual property claiming outside India having been used or obtained the any biological resources or traditional knowledge associate with such biological resources which has been derived

⁷ Section 8 of The Biological Diversity Act,2002

India.⁸

While determining the access to fair and equitable sharing of benefits arising out of the commercial utilisation upon using the biological resources, application, innovation and traditional knowledge associate with such practice of application, the NBA shall be determined in the following ways with mutual agreement between the person applying for accessing to biological resources and with the benefit claimers by granting the joined ownership with NBA or with identification of benefit claimers and by setting up the venture capital fund for aiding the cause of benefits, further determine with payments of monetary and non-monetary compensation for the benefit claimers.

(ii) STATE BIODIVERSITY BOARD

The State Biodiversity Board under the Biological diversity 2002 legislation have significant space in regulating access to biological resources in India by the individuals citizen or body corporate or association or organisation incorporated or registered in India whoever access or obtain the biological resources shall be given ⁹prior intimation to state board for any commercial or bio-utilisation and bio-survey within India. This state biodiversity board have constitute by the respective concern state government in their official gazette such board shall have body corporate with perpetual succession and having a common seal with power to acquire, hold and dispose both movable and immovable property and shall enter into contact shall said name be sue and sued. The board shall consists of following members lead by chairperson and five ex officio member from the department of the state government having the adequate knowledge in conservation and sustainable usage of biological resources.

The State Biodiversity Board also has certain powers and function like NBA whereas the state board shall advise state government regarding the guidelines issued by central government matters relating to conservation and sustainable usage of its components and sharing of benefits from the commercial utilisation. Further it shall regulate by granting the approval bio-utilisation and bio-survey and perform such other functions for carry out the provision of BD Act and also

⁸ Section 18 of The Biological Diversity Act,2002

⁹ Section 7 of BD Act,2002

may be prescribed by state government. These are the state biodiversity board role under the biological diversity Act 2002.

(iii) BIODIVERSITY MANAGEMENT COMMITTEE

It is the third structural governing authority in order to protect and conserve the biological resources and traditional knowledge of the local communities of their practices associate with such resources. The Biodiversity Management Committee plays a important role at local panchayat and village levels for preservation of the resources.¹⁰The every local bodies shall constitute the Biodiversity Management Committee for promoting and conservation and sustainable usage of biodiversity. The committee shall document all biodiversity related resources including preservation and conservation a of land races, flock varieties and breeding of animals and domesticate stocks and chroming the knowledge relating to the biodiversity. Every BMC shall Maintain the People Biodiversity Register (PBR) to records all biodiversity resources and their traditional knowledge at local levels for the purpose to create repository of local knowledge and resources, to protect the intellectual property rights and identified the biodiversity for conservation it as details descriptions of all information relating to biological resources in that areas and it is a mandatory legal document. Whenever the National Biodiversity Authority and State Board taking decisions regarding the biological resources of particular locality the consultations of the respective committee is mandatory before taking any decision. Therefore the role of BMC is crucial for conservation and preservation of biological resources and traditional knowledge of the local community.

(iv) CRIMINAL PENALTIES UNDER THE BIOLOGICAL DIVERSITY ACT, 2002.

The Offences are rigid under 2002 Biological Diversity legislation were an a offence or contravention under this Act committed by a person or a companies are the time of in-charge or was responsible, the company conduct the business of the company are deemed to be guilty of the offence or contravention are subject to proceedings against companies and lies the punishment accordingly. Such

¹⁰ Section 41 of The Biological. Diversity Act,2002

offence are subject to penalties whoever contravene or attempt to or abets to contravene the provision of section 3, 4 and 6 of this Act shall be punished with the imprisonment for the term which may extend to ¹¹five year and with fine of ten lakhs rupees and further whoever contravene the provision of section 7 shall be punished with imprisonment for the term which may extend to three years. These offence are cognizable and non-bailable offence under the 2002 enactment. Any person aggrieved by the order or direction or determination of benefits sharing by National Biodiversity Authority or State Biodiversity Board appeal shall be lies with National Green Tribunal and earlier the appeal was made to High Court. These criminal penalties shifted to civil penalties in later stage of amendment.

IV. JUDICIAL INTERRUPTION TO SAFEGUARD THE BIODIVERSITY RESOURCES.

The Indian judiciary as vital role in safeguarding Biodiversity resource whenever there is a violation of provision of this Act and same time were is a administrative error though its various landmark decision the judiciary made his role clear to protect and conserve the country's biological resources. These are some of important landmark decision delivered by supreme court, ¹²In the case of '*Divya pharmacy*' whether the state biodiversity board (SBB) have power to determine the access to fair and equitable sharing of benefits arising of the commercial utilisation, this case were the petitioner involved in manufacturing of Ayurvedic Products by utilising the biological resources as raw materials for manufacturing the same. The primarily the issue is whether purely indian entities with no foreign participants has to provide benefits sharing arising out of biological resources under the biological diversity 2002 Act. The petitioner in this case was aggrieved by the notice sent by Uttarakhand Biodiversity Board (UBB) to pay Fair and equitable s benefits Sharing (FEBS) accordance with provision of BD Act, the petition contention is that the Indian entities are not to pay FEBS by stating that National Biodiversity Authority shall long has power determine and impose FEBS under the provision of section 2(g) of 2002 act and not to SBB, Further petitioner contention is that role of SBB is to give prior intimation and not to determine FEBS.

¹¹ Section 55 of BD Act,2002

¹² Divya Pharmacy V. Union Of India & Others 2018, W.P. No. 3437/2016

The contention from the respondent is that Act differentiate between the Indian and foreign entity only with respect to jurisdiction authority and act doesn't differentiate between whether Indian or foreign entity has to pay FEBS or not. The Court interpreted the objective and intention of the legislation as well the international treaty and obligation and held that the SBB as power to determine the FEBS and rejected the Divya Pharmacy claim and held the company liable to pay FEBS.

Whereas again Indian judiciary in the case of ¹³ESG the government has released 190 species as Normally Traded Commodities (NCT) free from any restriction or regulation these lead to Biopiracy from the backdoor, So the petition was filed against the Monsanto & Mahyco company involving the collaborative research with the agriculture University using the Indian local variety of Brinjal to develop genetically modified as BT Brinjal without obtaining any approval from the authorities under BD Act which is mandate for such activities. The Court emphasized that power to declare such NCT must be exercise extreme caution that Biopiracy would not occur under any guise of trade and further court highlights that NBA must be more proactive while monitoring such list before notify. Whereas the supreme court in this case address the conservation of critical e endangered Great Indian Bustard¹⁴ (GIB) balancing the conservation with need of infrastructure development like overhead power lines in habitat. Further SC recognised the fundamental rights is to be free from adverse effect of the climate change to protect the critically endangered species from power lines collision in the state of rajasthan and gujarat and the further highlights there must be balancing with biodiversity conservation and renewable energy goals implementation.

¹⁵In another case were the petition was filed before the National Green Tribunal seeking for direction to established the Biodiversity Management Committee (BMC) and maintain People Biodiversity Register (PBR) were most of the state in the country have not implemented the mandatory statutory provision. The NGT have issued the time bound order to form BMC & PBR at local levels, these actio lead to massive administrative drive. ¹⁶In Gene Campaign Case the Ministry of Environment, Forest

¹³ Environment Support Group and Another V. Union Of India & others AIR 2013

¹⁴ M.K. Ranjitsinh & Others V. Union Of India & Others 2024

¹⁵ Chandra Bhal Singh V. Union Of India AIR 2019

¹⁶ Gene Campaign V. Union Of India 2024 INSC 545

and Climate Change MoEFCC and The Genetic Engineering Appraisal Committee (GEAC) have approved the genetically modified GM Mustard HT DMH-11 which is first transgenic food crops marked in India and earlier GM Cotton is only genetically modified crops. These action lead to various health and environmental issues by hearing this PIL the court delivered split decision by justice Nagarathna quash the order of GEAC while justice Sanjay Karol upheld the grant of GEAC and further this matter referred to larger bench and the release of GM Crops are remain in Hold.

V. ANALYSING INDIA'S NEW LEGAL FRAMEWORK OF BIOLOGICAL DIVERSITY.

(i) THE BIOLOGICAL DIVERSITY (AMENDMENT) ACT, 2023

India is home of rich varieties of species and ecosystem that's play a vital role in improving the livelihood, agricultural and supports cultural heritage and by protection the biodiversity helps to prevent from the adverse effect of the climate change and prevent other environmental threats by preservation and conservation of biological resources with sustainable usages of its components. The action of new legal framework for biodiversity shifting towards the commercial liberalisation from rigid regulation for access to biological resources of the country through its earlier enactment. The significant changes has been made in the Biological Diversity (Amendment) Act, this amendment was introduced on August 2023 and amendment Act came into force on 1st April 2024. The amended law boost the commercialization and simplify the regulatory requirements for accessing the biological resources. It's aim to make balance between the conservation of the Biological resources with economic growth activities and promote ease of doing business by relaxing the statutory regulations.

This amendment exempting the Ayush medicine practitioner from the benefit sharing and exempted Ayush practitioner from the approval to access the Biological resources and it moves to facilitate the collaborative research and investment for biodiversity related production sectors and encourage the cultivation of medicinal plants varieties by relaxing the regulation burden upon the traditional Indian medicines practitioner and companies, further intended to promote sustainable utilisation of the resources and traditional knowledge association with the practice of the local community. It reduce the administration

procedures for obtaining process of patent application that there no requirement of prior approval of NBA for making intellectual property rights applications and main critiques and fears among the environmental activist that this amendment it decriminalization of all offences upon the violation of the provision of existing law it was shifted to civil penalties from criminal penalties by imposing fine up to ₹50 lakhs rupees were it was punished with imprisonment up to Five years with fine, these changes would leave space to Biopiracy that this civil penalties to multinational companies is not bigger values to pay if violate its rules and regulation. Further these amendment ensure the compliance with international agreement such as Nagoya Protocol for access and benefits sharing arising out their utilisations, which India is a party to Nagoya Protocol of convention biological diversity which as adopted on the 29th October 2010 in Nagoya Japan. India has sovereign rights to exploit their own Biological resources. Overall these amendment aim to reflect the government efforts to balance between the economic development and encourage the innovation and safeguard traditional knowledge and conservation of biodiversity in the country. Further this amendment expand the scope of definition of biological resources by including the term 'derivative' the naturally occurring, biochemical and its components, by-products are now within the ambit of regulatory procedure and also recognised and protect the codified traditional knowledge associate with biological resources.

(ii) BIODIVERSITY RUELS, 2025

In the year 2025, the National Biodiversity Authority has released certain set of rules relating determination of access to fair and equitable sharing of benefit, under the Biodiversity (Access to biological resources and fair and equitable sharing of benefits) Regulation, 2025 it was approval by central government on 29th April 2025. These rules brought guidelines in usage of Digital Sequence of Information (DSI) of biological resources and knowledge assoicate with are now under the scope of benefits sharing arising out of utilising digital resources and DSI was placed during COP16 of Convention on Biodiversity at Cali, Colombia. These rules further sets four types of slabs based upon annual turnover of a person or any industry accessing the biological resources, Firstly those who have annual turnover of up to ₹5 crores are exempted from sharing the benefit, Secondly a person or any industry having its annual turnover

of ₹5-₹50 crores are liable to sharing the benefits of 0.2 per cent from ex-factory sale price of the products and two slabs were a person or industry holding its annual turnover of ₹50-250 crores as to sharing their benefits of 0.4 per cent and annual turnover above ₹250 they are liable to share their benefits of 0.6 per cent of the ex-factory sale price of the products excluding government taxes¹⁷. The regulation further exempt the cultivated medicine plants users from sharing the benefit. In India the major users of the biological resources including the traditional medicine manufacturers and the regulations would puts the companies such as Patanjali with annual turnover of ₹34,157 crores in FY 2025 and Dabur India having revenue of ₹12,563 for full year of 2024-25 are in the top category. In case were the biological resources has high values of conservation and economic value than the benefit sharing shall not less than five percent and in case red sanders, sandalwood and threatened species would goes up to 20 per cent of its commercial use such resources are notified under section 38 of BD Act,2002. The simplification of these regulation and exempting AYUSH practitioner from obtaining prior approval of the SBB and after making the amendment favouring industries and ease doing business, India as significant growth with contribution of AYUSH manufacturing sector reach about 24 billion USD in 2024 and earlier it was around 18 billion USD in 2020 and combined with AYUSH service sector reach with 26 billion in 2024 and overall values exceeds 50 billion. According to the data of ministry of commerce the exports of AYUSH and herbal products worth increased to ₹5,907 crores in 2025 financial year and ₹5,580 crores in FY24. Ithe Indian AYUSH sector is projected it's growth of 200 billion by 2030 and it was around 43 billion by 2024 that was eight time over past decade¹⁸.

VI. CONCLUSION

India is a home of rich biological resources having over 45,500 species of plants and 91,200 animals are found in the country and it is the responsibility of state to conserve and preserve such resources and use such components in sustainable manner. The Biological Diversity Act,2002 through its three-tier regulating Authorities were

¹⁷ <https://www.downtoearth.org.in/wildlife-biodiversity/access-and-benefit-sharing-new-rules-for-use-of-biodiversity-put-in-place-by-centre>

¹⁸<https://www.ibef.org/industry/ayush#:~:text=Combined%20with%20the%20AYUSH%20service,and%20projected%20to%20reach%20Rs>

motoring biodiversity related activities and has various restriction in certain areas for accessing such resources, the offences are criminal in nature under 2002 enactment if any violation and contravention to such provision of law. Further the Biodiversity Act was amendment in 2023 these amendment brought various changes by decriminalization of offenses and exemption of prior approval and access to fair and equitable sharing of benefits are given to AYUSH practitioner and making the procedure easier for doing business and procedure for making application for intellectual property rights made easier. These changes was aimed developed the AYUSH sector and other industries, by emcouraging the investment and creating the employment opportunity. But manyenviromwmmtal law activists and bio-conservator aand traditional knowledge holder are of fear of these changes that was made in 2023 amendment because leads to Biopiracy again by exempting the Ayush petition from obtaining prior intimation to SBB and also exempted from access to fair and equitable sharing of benefits, further decriminalization will affect in protecting the resources and that the civil penalties will not be issue to multinational companies if they violate the provision of enactment.

It is to recommended that offences relating to biodiversity to be brought under scope of criminal penalties and also ensure all the person and companies has to pay access to benefits sharing (ABS) arising out of utilisation to be provide to indigenous local community for their biological resources and traditional knowledge assoicate with such practices including the AYUSH practitioner for the purpose of conservation of biological resources in india and before making policy the government consult with Biodiversity Management Committee and considering in mind that local indigenous peoples should not affect due to such policies. Further government should ensure the AYUSH medicines and it treatments to be affordable to all. Therefore, the procedural simplification may increase in bio-economy in the country, but should not create any negative impact upon conservation of biological resources and local indigenous peoples rights.