



**GOVERNMENT OF ANDHRA PRADESH**  
**ANDHRA PRADESH STATE BIODIVERSITY BOARD**



To  
The Companies Concerned (As per List from AYUSH dept./earlier communication)

**Ref No: 21/APSBDB/Notice/2008 Dated: 21.07.2020**

Sir/Madam,

**Sub:-** A.P State Biodiversity Board- Biological Diversity Act, 2002- Access Benefit Sharing (ABS)- Intimation to comply with the Provisions of the Act by Sector Specific Industries (Ayurveda, Pharma, Botanicals, Cosmetics etc.,)- Filing of ABS applications under the Act-Regarding

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**Greetings from Andhra Pradesh State Biodiversity Board!**

The Andhra Pradesh State Biodiversity Board is the nodal agency vested with the authority to implementing the Biological Diversity Act, 2002 ( the Act in short) and it is hereby informed that all Sector Specific Industries (Ayurveda, Pharma, Botanicals, Cosmetics etc.,) primarily have to submit intimation to the Board regarding the biological resources used by them for research or commercial utilization.

**Section -7 of the Biological Diversity Act, 2002** says that, *no person, who is a citizen of India or a body corporate, association or organization which is registered in India, shall obtain any biological resource for commercial utilization, or bio-survey and bio-utilization for commercial utilization except after giving prior intimation to the State Biodiversity Board concerned.*

**Rule 16 (1) of the Andhra Pradesh Biological Diversity Rules 2009**says that, *Any person seeking access to/ collection of biological resources and associated knowledge for research or for commercial utilization shall make an application to the Board in Form -1 appended to above rules. Every application shall be accompanied by a fee of Rs.1000/- in case such access is for research purpose and Rs.10,000/-for commercial utilization, and shall be in the form of a cheque or demand draft. The above fee shall be paid in favor of Member Secretary, A.P. State Biodiversity Board, Guntur. Form-I format is enclosed for ready reference. It is the responsibility of the applicant to give the details of the biological resources accessed/collected with their names, part(s), quantities etc., along with the name, address, contact details of the supplier/source(s).*

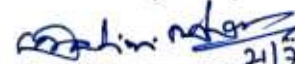
**Penal provisions**are prescribed under the Act in case of non-compliance or violation of the provisions of different sections under the Act viz., under Section 55 (1) & (2), Section 56, Section 57(1) & (2).A brief note on the important provisions of the Act is enclosed for information and ready reference.

Access Benefit Sharing (ABS) applications under Biological Diversity Act, 2002 have to be filed for accessing the biological resources for research or commercial uses by all Sector Specific Industries (Ayurveda, Pharma, Botanicals, Cosmetics etc.,). Public notices have been issued, interaction sessions were conducted and individual communications also sent to such industries/companies in the past to comply with the provisions of the Biological Diversity Act, 2002 and the Andhra Pradesh State Biological Diversity Rules, 2009 made there under.

Many companies/corporate bodies accessing/dealing with biological resource(s) for commercial uses are complying with the provisions of the Act either fully/partially. Many more companies are yet to comply with the provisions of the Act. All the companies are fully responsible for their omissions and commissions. This communication is issued as a follow up of earlier actions and to remind the Sector Specific Industries (Ayurveda, Pharma, Botanicals, Cosmetics etc.,) once again to comply with the provisions of the Biological Diversity Act 2002 and the AP State Biological Diversity Rules, 2009.

In this connection, it is requested to file your compliance as early as possible within (30) days from the date of dispatch of this communication through email. Further, for any other information regarding this communication you may contact the board through email: [apsbiodiversityboard@gmail.com](mailto:apsbiodiversityboard@gmail.com)

Authorized Signatory

  
(D. Nalini Mohan, IFS) 21/3/2020  
PCCF & Member Secretary  
A.P State Biodiversity Board

Encl: 1. Brief note on the BDA, 2002.

2. Form-1



**ANDHRA PRADESH STATE BIODIVERSITY BOARD**

**A BRIEF NOTE ON BIODIVERSITY ACT, 2002**

**NOTICE**

**On Mandatory Prior Intimation by Industries accessing on Biological Resources  
in Andhra Pradesh**

**Section -7 of the Biological Diversity Act, 2002** says that, *no person, who is a citizen of India or a body corporate, association or organization which is registered in India, shall obtain any biological resource for commercial utilization, or bio-survey and bio-utilization for commercial utilization except after giving prior intimation to the State Biodiversity Board concerned:*

*Provided that the provisions of this section shall not apply to the local people and communities of the area, including growers and cultivators of biodiversity, and vaidas and hakims, who have been practicing indigenous medicine.*

**As per the above Act Commercial utilization** means *end uses of biological resources for commercial utilization such as drugs, industrial enzymes, food flavours, fragrance, cosmetics, emulsifiers, oleoresins, colours, extracts and genes used for improving crops and livestock through genetic intervention, but does not include conventional breeding or traditional practices in use in any agriculture, horticulture, poultry, dairy farming, animal husbandry or bee keeping;*

**Rule 16 (1) of the Andhra Pradesh Biological Diversity Rules 2009** says that, *Any person seeking access to/ collection of biological resources and associated knowledge for research or for commercial utilization shall make an application to the Board in Form -1 appended to above rules. Every application shall be accompanied by a fee of Rs.1000/- in case such access is for research purpose and Rs.10,000/-for commercial utilization, and shall be in the form of a cheque or demand draft. The above fee shall be paid in favor of Member Secretary, A.P. State Biodiversity Board, Guntur.*

**Penal provisions under the Biological Diversity Act 2002.**

**Section 55. (1):** *Whoever contravenes or attempts to contravene or abets the contravention of the provisions of section 3 or section 4 or section 6 shall be punishable with imprisonment for a term which may extend to five years, or with fine which may extend to ten lakh rupees and where the damage caused exceeds ten lakh rupees such fine may commensurate with the damage caused, or with both.*

**(2)** *Whoever contravenes or attempts to contravene or abets the contravention of the provisions of section 7 or any order made under subsection (2) of*

section 24 shall be punishable with imprisonment for a term which may extend to three years, or with fine which may extend to five lakh rupees, or with both.

**Section 56:** *If any person contravenes any direction given or order made by the Central Government, the State Government, the National Biodiversity Authority or the State Biodiversity Board for which no punishment has been separately provided under this Act, he shall be punished with a fine which may extend to one lakh rupees and in case of a second subsequent offence, with fine which may extend to two lakh rupees and in the case of continuous contravention with additional fine may extend to two lakh rupees everyday during which the default continues.*

**Section 57. (1):** *Where an offence or contravention under this Act has been committed by a company, every person who at the time the offence or contravention was committed was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence or contravention was committed without the knowledge or that he had exercised all due diligence to prevent the commission of such offence or contravention.*

**(2)** *Notwithstanding anything contained in sub section (1), where an offence or contravention under this Act has been committed by a company and it is proved that the offence or contravention has been committed with the consent or connivance of, or is attributable to, any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of the offence or contravention and shall be liable to be proceeded against and punished accordingly.*

*Explanation:- For the purposes of this section,*

- *"company" means anybody corporate and includes a firm or other association of individuals; and*
- *"director", in relation to a firm, means a partner in the firm.*

**Hence**

1. All the industries based on Biological resources are mandated to abide by the provisions of the Biological Diversity Act, 2002 and A.P. Biological Diversity Rules 2009.

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## FORM - I

(See rule 16 (1))

Application Form for Access to / Collection of Biological Resources for  
Commercial Utilization and Associate Traditional Knowledge.

### PART - A

1. Full Particulars of the applicant:
  - (a) Name
  - (b) Permanent address:
  - (c) Address of the contact person, agent, if any, in India:
  - (d) Profile of the organization (personal profile in case the applicant is an individual). Please attain relevant documents of authentication):
  - (e) Nature of business:
  - (f) Turnover of the organization in Indian Rupee.
2. Details and specific information about nature of access sought and biological material and by associate knowledge to be accessed:-
  - (a) Identification (scientific name) of biological resources and its traditional use;
  - (b) Geographical location (including village, mandal and district) of proposed collection;
  - (c) Description/nature of traditional knowledge and its existing manifestations and uses (oral /documented)
  - (d) any identified individual /family /community holding the traditional knowledge;
  - (e) Quantity of biological resources to be collected;
  - (f) Time span in which the biological resource are proposed to be collected;
  - (g) Name and number of person authorized by the company for making the collection;
  - (h) The purpose for which the access is requested including the type and extent of research, commercial use being derived and expected to be derived from it;
  - (i) Whether any collection or use of the resource endangers any component of biological diversity and to risk which may arise from the access.
- (3) Details of any national institution which will participate in the Research and Development activities.

- (4) Primary destination of accessed resource and identity of the location where the R&D will be carried out.
- (5) The economic and other benefits including those arriving out of any IPR, patent obtained out of accessed biological resources and knowledge that are intended, or may accrue to the applicant or to the country that he/she belongs.
- (6) The biotechnological, scientific, social or any other benefits obtained out of accessed biological resources and knowledge that are intended, or may accrue to the applicant or to the country that he/she belongs.
- (7) Estimation of benefits that would flow to communities arising out of the use of accessed bio-resources at traditional knowledge.
- (8) Proposed mechanism and arrangements for benefit sharing.
- (9) Any other information.

Signature of the Applicant

Place

Name

Date

Title

### PART-B

#### Declaration

I/we declare that:

- (1) Collection of proposed biological resources shall not adversely affect the sustainability of the resources.
- (2) Collection of proposed biological resources shall not entail any environmental impact;
- (3) Collection of proposed biological resources shall not pose any risk to ecosystems;
- (4) Collection of proposed biological resources shall not adversely affect the local communities

I/We further declare the information provided in the application form is true and correct and I/We shall be responsible for any incorrect/wrong information.

Signed

Place

Name

Date

Title

B

Appe

Vs

Resp

pass

1.

2.

(i)

(ii)

(iii)

3.

(i)

(ii)

(iii)