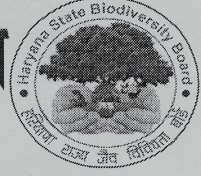




हरियाणा राज्य जैव विविधता बोर्ड, पंचकूला

Haryana State Biodiversity Board, Panchkula



S.C.O. No. 206, 2nd Floor, Sector-14, Panchkula, Haryana

Email: sbbhry18@gmail.com, Website: sbb.haryanaforest.gov.in, Contact No. 0172-4046984, 2930434

अनुपालना के लिए नोटिस

इस नोटिस द्वारा सभी सम्बंधित के ध्यान में लाया जाता है कि जैविक विविधता अधिनियम, 2002 की धारा 7 के तहत कोई भी व्यक्ति जो भारत का नागरिक है या भारत में पंजीकृत निकाय कॉरपोरेट, एसोसिएशन या संगठन, संबंधित राज्य जैव विविधता बोर्ड को पूर्व सूचना दिये बिना, किसी भी जैविक संसाधन का वाणिज्यिक उपयोग या जैव सर्वेक्षण अथवा जैव उपयोग नहीं करेंगे। बशर्ते कि इस खंड के प्रावधान क्षेत्र के स्थानीय लोगों और समुदायों पर लागू नहीं होंगे, जिसमें जैव विविधता के उत्पादक और काश्तकार तथा वैद्य एवं हकीम, जो स्वदेशी चिकित्सा का अभ्यास कर रहे हैं, शामिल हैं।

जैविक विविधता अधिनियम, 2002 की धारा 7 और 24 तथा जैविक विविधता नियम, 2004 के नियम 14 एवं जैविक संसाधनों तक पहुंच और संबद्ध ज्ञान और लाभ साझाकरण विनियम, 2014 के नियम 2 के साथ पठित, ऐसी पूर्व सूचना 1000 रुपये (केवल एक हजार रुपये) के शुल्क के साथ निर्धारित प्रारूप में दिया जाना आवश्यक है। 1000 रुपये के डिमाण्ड ड्राफ्ट जो पंचकूला में किसी भी बैंक पर देय, 'सदस्य सचिव, हरियाणा राज्य जैव विविधता बोर्ड' के पक्ष में आहरित हो, निर्धारित फार्म (फार्म-1 और फार्म-ए) में भरकर बोर्ड को भेजी जाये। 'पूर्व सूचना' प्रस्तुत करने की प्रक्रिया बोर्ड की अधिकारिक वेबसाइट sbb.haryanaforest.gov.in पर भी विस्तृत रूप में उपलब्ध है।

हरियाणा राज्य से जैविक संसाधनों को प्राप्त करने वाले लाभार्थियों अथवा उन लाभार्थियों, जिन की हरियाणा राज्य में उत्पादन अथवा व्यवसायिक ईकाइयां हैं, को इस अधिसूचना के जारी होने की तारीख से एक महीने की अवधि के भीतर उपरोक्त कानूनी प्रावधानों को कड़ाई से पालन करने के लिये अधिसूचित किया जाता है, ऐसा नहीं करने पर जैव विविधता अधिनियम, 2002 की धारा 55, 56 व 57 तथा जैविक विविधता नियम, 2004 के प्रावधानों के तहत उल्लंघनकर्त्ताओं के विरुद्ध दण्डात्मक कार्यवाही शुरू की जायेगी।

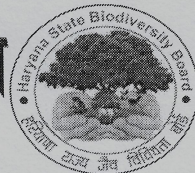
अध्यक्ष

हरियाणा राज्य जैव विविधता बोर्ड
पंचकूला।



हरियाणा राज्य जैव विविधता बोर्ड, पंचकुला

Haryana State Biodiversity Board, Panchkula



S.C.O. No. 206, 2nd Floor, Sector-14, Panchkula, Haryana

Email: sbbhry18@gmail.com, Website: sbb.haryanaforest.gov.in, Contact No. 0172-4046984, 2930434

NOTICE FOR COMPLIANCE

It is hereby brought to the notice of all concerned that as per Section 7 of the Biological Diversity Act, 2002, “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 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 Vaid and Hakims, who have been practising indigenous medicine.”

As per Sections 7 & 24 of the Biological Diversity Act, 2002, read with Rule 14 of the Biological Diversity Rules, 2004 and Regulation 2 of Guidelines on Access to Biological Resources and Associated Knowledge and Benefits Sharing Regulations, 2014, such prior intimation is required to be given in the prescribed format along with a fee of Rs. 1,000/- (Rupees One Thousand Only) by filling up the prescribed forms (Form-I & Form-A) along with a Demand Draft for Rs. 1,000/- drawn on any Bank at Panchkula in favour of ‘Member Secretary, Haryana State Biodiversity Board’. The procedure for furnishing ‘prior intimation’ is also elaborated at the official website of the Board: www.sbb.haryanaforest.gov.in.

Parties accessing the biological resources from Haryana/ having their manufacturing/ trading units in Haryana are hereby notified to strictly comply with the above legal provisions within a period of one month from the date of issue of this notification, failing which penal action will be initiated against the violators under Sections 55, 56 & 57 of the Biological Diversity Act, 2002 and the Biological Diversity Rules, 2004.

Chairman
Haryana State Biodiversity Board
Panchkula

FORM I

(See rule 14)

APPLICATION FORM FOR ACCESS TO OR COLLECTION OF BIOLOGICAL RESOURCES FOR COMMERCIAL UTILIZATION AND ASSOCIATED TRADITIONAL KNOWLEDGE

PART A

1.	Full particulars of the applicant:	
	(I) Name:	
	(II) Permanent Address:	
	(III) Address of the contact person/ agent, if any:	
	(IV) Profile of the organization (personal profile in case the applicant is an individual). Please attach relevant documents of authentication:	
	(V) Nature of business:	
	(VI) Turnover of the organization in Rupees:	
2.	Details and specific information about nature of access sought and biological material and/or associated knowledge to be accessed:	

	(I) Identification (Scientific name) of biological resources and its traditional use:	
	(II) Geographical location (including Grama Panchayat, Janpad and District) of the proposed collection:	
	(III) Description/nature of traditional knowledge and its existing manifestations and uses(oral/ documented):	
	(IV) Any identified individual/family / community holding the traditional knowledge:	
	(V) Quantity of biological resources to be collected:	
	(VI) Time span in which the biological resources are proposed to be collected:	
	(VII) Name the number of persons authorized by the company for making the selection:	
	(VIII) The purpose for which the access is requested including the type and extends of research, commercial use being derived and expected to be derived from it:	
	(IX) Whether any collection or use of the resource endangers any component of biological diversity and the risks 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 India/Communities arising out of the use of accessed bioresearches and traditional knowledge:	
8.	Proposed mechanism and arrangements for benefit sharing:	
9.	Any other relevant information:	

Part B

Declaration

I/ we declare that:

- Collection of proposed biological resources shall not adversely affect the sustainability of the resources;
- Collection of proposed biological resources shall not entail any environmental impact;
- Collection of proposed biological resources shall not pose any risk to ecosystems;
- 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.

Place

Signed

Date

Name

Title

FORM A

(See regulation 2)

Information to be furnished for use of biological resources by the applicant Self-disclosure

Common Name of the biological resource proposed to be used: _____				
Scientific Name : _____				
Plants or animals or parts thereof traded : _____				
Specific purpose of access : _____				
Location/ source from where procured*	Quantity in Kgs	Rate per unit	State Biodiversity Board	Prospective Buyers/Users (if known)

*List of local body/BMCs, if already identified shall be attached.

Undertaking

1. I have read and understood the terms and conditions of ABS guidelines and I undertake to abide by relevant legal provisions applicable to biological resource.
2. I undertake to obtain the approval of the NBA/SBB before making any change in the stated purpose.
3. I undertake to furnish/ share the relevant records with the NBA/ SBB, as and when required.
4. I further declare that the Information provided in the form is true and correct and I shall be liable for any incorrect/ wrong information and willful suppression of the facts.

Signature

Name of the trader/ company/manufacturer/
Authorized Representative

Complete Address of the trader/ company/
manufacturer along with phone number and email
address

Place

Date



हरियाणा राज्य जैव विविधता बोर्ड, पंचकूला

Haryana State Biodiversity Board, Panchkula



S.C.O. No. 206, 2nd Floor, Sector-14, Panchkula, Haryana
Email: sbbhry18@gmail.com Contact No. 0172-4046984, 4049396

No. HSBB/ 643

Dated 28-06-2021

To

State Licensing Authority (ASU)
Directorate of AYUSH, Haryana
Sector 3, Panchkula.

Subject:

Compliance of Provisions regarding Access to Biological Resources and Associated Knowledge and Benefit Sharing Regulations, 2014 under Biological Diversity Act, 2002 by ASU Pharmacies in the State.

Ref:

Your office letter No. 45/Misc./Drug/AY/HR/2020/24803 dated 28.08.2020.

With respect to the subject mentioned above, it is intimated that Haryana State Biodiversity Board (HSBB) was established as per the provisions of Biological Diversity Act, 2002 to protect and preserve the biodiversity in the State. This Act is to be implemented through a three tier decentralized mechanism i.e. at the National, State and Local body level. The National Biodiversity Authority (NBA) has been established at the National level with its Headquarters in Chennai (Tamil Nadu). The State Biodiversity Boards have been formed in all the States including Haryana and Biodiversity Management Committees (BMCs) have been constituted at the level of local bodies.

As per the Biological Diversity Act, 2002, Section-2 (C) "Biological resources means plants, animals and micro-organisms or their parts, their genetic material or by-products (excluding value added products) with actual or potential use or value but does not include human genetic material".

Section 7 of Biological Diversity Act 2002 states 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 except after giving prior intimation to the State Biodiversity Board concerned.*

The list of all the traders, manufacturers, firms and companies dealing in bio-resources had been sought from you by this office. The list of 717 ASU Pharmacies registered with you had been received by this office vide your office letter under reference.

HSBB had advertised in leading newspapers on 27-09-2020 requesting all traders, manufacturers, firms and companies who are collecting bio-resource from the state of Haryana to get themselves registered with the Board as per provisions under Section-7 of the Biological Diversity Act. However, the Board has received only a lukewarm response so far.

In the meantime, a letter has been received from the Ayurvedic Drugs Manufacturers Association, Haryana vide its letter No. 2021-22/04 dated 15.06.2021 (copy enclosed) in which the Association has claimed that the Pharmacies in Haryana do not collect any bio-resource from the State of Haryana and they also do not intend to get any facility from the State Biodiversity Board.

On above issue, a clarification was sought by HSBB from National Biodiversity Authority (NBA), Chennai. The NBA has clarified on the whole issue vide its letter No. 9/33/2005-Tech dated 22.06.2021 (copy enclosed). The abstract of the clarification is reproduced below:-

1. *HSBB has full rights as per law to ensure that the manufacturers or traders involved in biological resources, obtain the required approvals from the National Biodiversity Authority or from the concerned State Biodiversity Board from where the resource is collected. In case, the manufacturer or trader has not obtained the required approvals from the SBB(s) in whose jurisdiction the biological resources were accessed, they have to take the approval from the place (HSBB) where the manufacturing units are located.*
2. *In case the manufacturer has already paid the ABS to the concerned SBB from where the resources were collected, the approvals in the form of agreement shall be produced before the Haryana State Biodiversity Board where the manufacturing unit is located and this shall be accepted as proof of legal compliance by the manufacturer / trader.*
3. *In case the bio resources are collected from other states and it is declared by the manufacturer / trader that they have not taken the required approval from the concerned SBB, then the HSBB where the manufacturing unit is located shall accord approvals and collect the ABS amount which shall be shared with the concerned SBB (from where the bio-resource was accessed) who shall distribute the ABS amount to the beneficiaries / Biodiversity Management Committees. Upto 2.5% of the ABS amount can be used by the HSBB (where the manufacturing unit is located) and upto 2.5% can be used by the concerned SBB (from where the bio resource is accessed) to whom the amount is transferred as administrative charges. In case of any dispute in this regard, the matter can be referred to NBA for adjudication.*
4. *A single Form-I application (for manufacturer) and Form-A application (for trader) may be accepted from an entity using multiple biological resources. As approvals are in the form of agreement, the SBB shall enter into an agreement with the manufacturer or trader for a specified period incorporating the ABS obligations as per the existing Regulations.*

As per above, it is amply clear that all the ASU Pharmacies have to comply with the legal provisions of *Access to Biological Resources and Associated Knowledge and Benefit Sharing Regulations, 2014 under Biological Diversity Act, 2002*, failing which penal action can be initiated by HSBB against the violators as per Sections 55, 56 & 57 of Biological Diversity Act, 2002 and Biological Diversity Rules, 2004.

You are requested to direct all the District AYUSH Officers to further direct all the ASU Pharmacies to comply with the legal provisions of *Access to Biological Resources and Associated Knowledge and Benefit Sharing Regulations, 2014 under Biological Diversity Act, 2002*.

Encl: As above.

WHS
Chairman
Haryana State Biodiversity Board
Panchkula.

Endst. No. 644-45

dated 28-06-2021

A copy is forwarded to the following:

1. All District AYUSH Officers in Haryana for information and necessary action.
2. Sh. Anup Bhardwaj, President, Ayurvedic Drugs Manufacturers Association, Haryana, 430, HSIIDC, Sector 3, Karnal w.r.t. this letter No. 2021-22/04 dated 15.06.2021 for information and necessary action.

WHS
28/06/2021
Chairman
Haryana State Biodiversity Board
Panchkula.

Ayurvedic Drugs Manufacturers Association Haryana

Redg.Off. :- 430 HSIIDC, Sector-3, Karnal-132001

President
Anup Bhardaj
8685844444

Gen Secretary
Vaibhav Kakkar
9813244147

Treasurer
R.K. Sharma
9416269633

Ref.No.2021-22/04

Date. 15-06-2021

सेवा में
श्रीमान चेयरमैन साब
हरियाणा राज्य जैव विविधता बोर्ड
पंचकूला (हरियाणा)

महोदय

कुशलक्षेम उपरांत, आपसे निवेदन करना चाहते हैं कि हमारी राज्य एसोसिएशन की आयुष इकाइयों को आपके विभाग से जिला कोर्डिनेटर अधिकारियों द्वारा फ़ोन करके हरियाणा राज्य जैविक विविधता बोर्ड में रजिस्ट्रेशन हेतु कहा जा रहा है और आयुष इकाइयों द्वारा की गई बिक्री और कच्चे माल की खरीद की जानकारी मांगी जा रही है।

मान्यवर, हमारी एसोसिएशन की आयुष इकाइयां राज्य जैविक विविधता बोर्ड के किसी भी वन क्षेत्र या जंगल एरिया से किसी भी रूप में/किसी भी तरह की जड़ी बूटियों को एकत्रित नहीं करती हैं और ना ही वो भविष्य में राज्य जैविक विविधता बोर्ड से किसी भी तरह की सुविधा लेना चाहती है।

हमारी इकाइयां ज्यादातर मार्केट से एक्सट्रेक्ट पर्सेस करती हैं थोड़ी मात्रा में रॉ हर्ब्स भी खरीदती हैं वह सभी किसी ना किसी ट्रेडर से GST देकर लेती हैं जिसका भुगतान प्रतिमाह कर दिया जाता है और अपनी रॉ हर्ब की खरीद फ़ोरेवर्त रिन्यूअल के समय आयुष विभाग को समय समय पर दी जाती रही है। हमारी जयतातर फार्मेसिया इतनी छोटी हैं की उनके पास ना तो अकाउंटेंट हैं ना ही कोई सॉफ्टवेयर वह इस तरह का रिकॉर्ड मेन्टेन करने में असमर्थ हैं।

एक तरफ तो गवर्मेंट व्यापार को आसान करना चाहती हैं दूसरी तरफ उनपर कागज़ी कार्यवाही व वित्तीय बोझ डाला जा रहा है। जिसे वहन करने में हम असमर्थ हैं। यह रिकॉर्ड या तो एक्सट्रेक्ट निर्माता या ट्रेडर दे सकते हैं कि उन्होंने जड़ी बूटी कहा से खरीदी।

आप से निवेदन है कि कृपया इस कार्यवाही का बोझ छोटी फार्मेसियों पर न डाले आपकी अति कृपा होगी।

धन्यवाद



अनूप भारद्वाज
प्रधान



National Biodiversity Authority
राष्ट्रीय जैव विविधता प्राधिकरण
(Statutory body of Ministry of Environment, Forest and Climate Change, Government of India)



J. Justin Mohan, IFS
Secretary

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5th Floor, CSIR Road, TICEL Bio Park,
Taramani, Chennai - 600 113, Tamil Nadu, India.

5 वां तल, सीएसआईआर रोड, टाइकल बायो पार्क,
तरमणि, चेन्नई - 600113 तमिल नाडु, भारत.

No. 9/33/2005-Tech

22/06/2021

To

The Member Secretary,
Haryana State Biodiversity Board.

Sir,

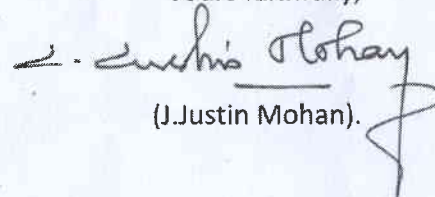
Sub: Clarification on ABS – regarding

Ref: Your letter no. HSBB/609 dated 21-06-2021

Kindly refer to the subject and reference cited above. The clarification to the queries sought by HSBB pertaining to ABS is provided below: -

1. Haryana State Biodiversity Board (HSBB) has full rights as per law to ensure that the manufacturers or traders involved in biological resources, obtain the required approvals from the National Biodiversity Authority or from the concerned State Biodiversity Board from where the resource is collected. In case, the manufacturer or trader has not obtained the required approvals from the SBB(s) in whose jurisdiction the biological resources were accessed, they have to take the approval from the place where the manufacturing units are located.
2. In case the manufacturer has already paid the ABS to the concerned SBB from where the resources were collected, the approvals in the form of agreement shall be produced before the Haryana State Biodiversity Board and this shall be accepted as proof of legal compliance by the manufacturer / trader.
3. In case the bio resources are collected from other states and it is declared by the manufacturer / trader that they have not taken the required approval from the concerned SBB, then Haryana SBB shall accord approvals and collect the ABS amount which shall be shared with the concerned SBB who shall distribute the ABS amount to the beneficiaries / Biodiversity Management Committees. Upto 2.5% of the ABS amount can be used by the Haryana SBB and upto 2.5% can be used by the concerned SBB to who the amount is transferred as administrative charges. In case of any dispute in this regard, the matter can be referred to NBA for adjudication.
4. A single Form I application (for manufacturer) and Form A application (for trader) may be accepted from an entity using multiple biological resources. As approvals are in the form of agreement, the Haryana SBB shall enter into an agreement with the manufacturer or trader for a specified period incorporating the ABS obligations as per the existing Regulations.

Yours faithfully,


(J. Justin Mohan).

विषय: ए.बी.एस. के सम्बन्ध में स्पष्टीकरण।

संदर्भ: आपका पत्र क्रमांक एच.एस.बी.बी./609 दिनांक 21.06.20221

एचएसबीबी ने जैविक संसाधनों का उपयोग करते हुए विनिर्माण इकाइयों से एबीएस संग्रह पर स्पष्टीकरण का अनुरोध किया है। इस संबंध में, सभी एसबीबी और यूटीबीसी के लाभ के लिए निम्नलिखित स्पष्टीकरण प्रदान किया गया है

1. एसबीबी/यूटीबीसी को कानून के अनुसार यह सुनिश्चित करने का पूरा अधिकार है कि जैविक संसाधनों में शामिल निर्माता या व्यापारी राष्ट्रीय जैव विविधता प्राधिकरण या संबंधित राज्य जैव विविधता बोर्ड से आवश्यक अनुमोदन प्राप्त करें जहां से संसाधन एकत्र किया जाता है। मामले में, निर्माता या व्यापारी ने एसबीबी (एस) से आवश्यक अनुमोदन प्राप्त नहीं किया है जिनके अधिकार क्षेत्र में जैविक संसाधनों का उपयोग किया गया था, उन्हें उस स्थान से अनुमोदन लेना होगा जहां विनिर्माण इकाइयां स्थित हैं।
2. यदि निर्माता ने संबंधित एसबीबी को पहले ही एबीएस का भुगतान कर दिया है, जहां से संसाधन एकत्र किए गए थे, तो समझौते के रूप में अनुमोदन राज्य जैव विविधता बोर्ड के समक्ष प्रस्तुत किया जाएगा जहां विनिर्माण इकाई स्थित है और इसे प्रमाण के रूप में स्वीकार किया जाएगा। निर्माता / व्यापारी द्वारा कानूनी अनुपालन का।
3. यदि अन्य राज्यों से जैव संसाधन एकत्र किए जाते हैं और निर्माता / व्यापारी द्वारा यह घोषित किया जाता है कि उन्होंने संबंधित एसबीबी से आवश्यक अनुमोदन नहीं लिया है, तो एसबीबी जहां विनिर्माण इकाई स्थित है, अनुमोदन प्रदान करेगा और एबीएस एकत्र करेगा राशि जो संबंधित एसबीबी (जहां से जैव संसाधन का उपयोग किया गया था) के साथ साझा की जाएगी जो लाभार्थियों / जैव विविधता प्रबंधन समितियों को एबीएस राशि वितरित करेगी। एबीएस राशि का 2.5% तक एसबीबी (जहां निर्माण इकाई स्थित है) द्वारा उपयोग किया जा सकता है और 2.5% तक संबंधित एसबीबी (जहां से जैव संसाधन का उपयोग किया जाता है) द्वारा उपयोग किया जा सकता है, जिसे राशि प्रशासनिक शुल्क के रूप में स्थानांतरित की जाती है। इस संबंध में किसी भी विवाद के मामले में, मामले को निर्णय के लिए एनबीए को भेजा जा सकता है।
4. एक एकल फॉर्म। आवेदन (निर्माता के लिए) और फॉर्म ए आवेदन (व्यापारी के लिए) एक इकाई से कई जैविक संसाधनों का उपयोग करके स्वीकार किया जा सकता है। चूंकि अनुमोदन समझौते के रूप में हैं, एसबीबी मौजूदा विनियमों के अनुसार एबीएस दायित्वों को शामिल करते हुए एक निर्दिष्ट अवधि के लिए निर्माता या व्यापारी के साथ एक समझौता करेगा।