



GOVERNMENT OF GOA

**The Goa Biological Diversity
Rules, 2017**



GOVERNMENT OF GOA

Department of Environment

Notification

71-10-2014/STE-DIR/494

In exercise of the powers conferred by sub-sections (1) and (2) of section 63 of the Biological Diversity Act, 2002 (Central Act 18 of 2003), the Government of Goa hereby makes the following rules, namely:—

1. **Short title and commencement.**— (1) These rules may be called the Goa Biological Diversity Rules, 2017.

(2) They shall come into force from the date of their publication in the Official Gazette.

2. **Definitions.**— (1) In these rules, unless the context otherwise requires,—

(a) “Act” means the Biological Diversity Act, 2002 (Central Act 18 of 2003);

(b) “Authority” means the National Biodiversity Authority established under sub-section (1) of section 8 of the Act;

(c) “Board” means the Goa Biodiversity Board established under section 22 of the Act;

(d) “Committee” means the Biodiversity Management Committee constituted by local body within its area under sub-section (1) of section 41 of the Act;

(e) “fee” means fee specified in these rules;

(f) “form” means form appended to the rules;

(g) “section” means a section of the Act;

(h) “Government” means the Government of Goa;

(2) Words and expressions used but not defined in these rules and defined in the Act shall have the same meaning respectively assigned to them in the Act.

3. **Terms and conditions of service of the Chairperson and Members of the Board.**— (1) The Chairperson of the Board shall hold the office for a term of three years and shall be eligible for re-appointment:

Provided that no Chairperson shall hold office as such after he attains the age of 65 years:

Provided further that continuance of the Chairperson in the office shall be at the pleasure of the Government.

(2) The Chairperson may resign from his office by giving at least one month's advance notice in writing to the Government.

(3) The Chairperson shall be entitled to such salary, allowances, leave and other perquisites, as may be determined by the Government from time to time.

(4) The Members other than ex officio members of the Board shall hold office for a term not exceeding three years from the date of their appointment.

(5) Every Member other than ex officio members shall be entitled to sitting allowance as may be fixed by the Government from time to time.

(6) A member other than ex officio member of the Board may resign from his office at any time by giving in writing under his hand addressed to the Government and the seat of that member in the Board shall become vacant.

(7) A casual vacancy in the Board arising from death, resignation or from the circumstances indicated under section 11 of the Act, shall be filled up by, a fresh appointment by the Government and the person so appointed to fill the vacancy shall hold office only for the remainder of the term of the member, in whose place he was appointed.

4. Member-Secretary of the Board.— (1) The Member-Secretary of the Board shall be appointed by the Government.

(2) The terms and conditions of appointment of Member-Secretary shall be determined by the Government.

(3) The Member-Secretary of the Board shall be responsible for day-to-day administration of the Board and for convening meetings, management of funds and implementation of various activities of the Board under the supervision/guidance of the Chairperson of the Board.

(4) All Orders and decisions of the Board shall be authenticated by the signature of the Chairperson or any other member authorised by the Board in this behalf.

(5) The Board either itself or through Member-Secretary authorized in this behalf may sanction and disburse all payments against the approved budget.

(6) The Member-Secretary shall be in charge of all the confidential papers of the Board and shall be responsible for their safe custody; he shall produce such papers whenever so directed by the Board or the Government.

(7) The Member-Secretary shall write and maintain confidential reports of all the officers and staff of the Board and shall get them countersigned by the Chairperson.

(8) The Member-Secretary shall exercise such other powers and perform such other functions, as may be delegated to him from time to time by the Board.

(9) The Member-Secretary shall act as 'Head of Office' of the Board.

5. Meetings of the Board.— (1) The Board shall meet at least four times in a year normally once in three months at its Headquarters or at such other place, as may be decided by the Chairperson. However the Board may meet more often if necessary, to discharge its functions hereunder.

(2) The Chairperson, shall, upon a written request from not less than five members of the Board or upon a direction of the Government, call a special meeting of the Board.

(3) Fifteen days' notice of an ordinary meeting and three days' notice of a special meeting specifying the purpose, the time and the place, at which such meeting is to be held, shall be given to the Members.

(4) Every meeting shall be presided over by the Chairperson and in his absence a presiding officer to be elected by the Members present from amongst themselves.

(5) The decision of the Board shall be taken in an unanimous manner after proper deliberation on the subject matter brought before it during the meeting.

(6) No Member shall be entitled to bring forward for the consideration of a meeting any matter of which he has not given ten days' notice unless the Chairperson in his discretion permits him to do so.

(7) Notice of the meeting may be given to the Member by delivering the same by messenger or sending it by registered post to his last known place of residence or business or by email provided by the member or in such other manner as the Member-Secretary of the Board may, in the circumstances of the case, think fit.

(8) In addition, the Board may evolve such other procedure for the transaction of its business as it may deem fit and proper.

6. Functions of the Board.— In addition to the functions of the Board as specified in section 23, the Board may perform the following functions, namely:—

(a) lay down the procedure and guidelines to govern the activities provided under sections 23 and 24 of the Act;

(b) provide technical assistance and guidance to the Department of the Government on conservation of ecology, environment and biodiversity of any nature;

(c) facilitate updating and implementation of State Biodiversity Strategy and Action Plan;

(d) commission studies and sponsor investigations and research;

(e) bio-conservation and preservation of unknown potential of every gene in every species of ecosystem;

(f) preparation of exhaustive inventory of the species available in natural habitat of useful biological communities and take steps to preserve them.

Note: This exercise is referred to as Peoples Biodiversity Registers (PBRs) and detailed in the guidelines and formats laid down by the Authority and as decided by the Board, from time

to time. PBRs shall be prepared by committee initially with the help of Technical Support Groups (TSGs) selected by Board. TSGs shall be for specific period not exceeding three years, for providing technical assistance. If it is necessary to engage any TSG beyond the period of three years, the Board shall seek prior approval of the Government for such an engagement. A validated PBR shall be endorsed by Member-Secretary of the Board. PBRs are the property of committee and its confidentiality shall be ensured by the committee and the Board shall ensure that the control of access to bioresource, bio survey or bio utilization is with committee. One copy of PBR shall be maintained each, by committee, the Board and Authority;

(g) engage consultant for a specific period, not exceeding three years, for providing technical assistance to the Board in the effective discharge of its functions provided that, if it is necessary and expedient to engage any consultant beyond the period of three years, the Board shall seek prior approval of the Government for such an engagement;

(h) collect, compile and publish technical and statistical data, manuals, codes or guides relating to conservation of biological biodiversity, sustainable use of its components and fair and equitable sharing of benefits arising out of the use of biological resources and knowledge associated thereto;

(i) organize through mass media a compressive programme regarding conservation of biological diversity, sustainable use of its components and fair and equitable sharing of benefits arising out of the use of biological resources and knowledge associated thereto;

(j) plan and organize training of personnel engaged or likely to be engaged in programmes for the conservation of biological diversity and sustainable use of its components;

(k) take steps to build up database and to create information and documentation system for biological resources and associated traditional knowledge through Peoples Biodiversity Registers (PBRs) by utilizing suitable methods such as electronic databases and online software based secured systems for data management, to ensure effective management, promotion and sustainable use;

(l) give directions to Committees in writing and through appropriate oral means for effective implementation of the Act, and to facilitate their meaningful participation in all measures relating to conservation, sustainable use and equitable benefit-sharing;

(m) report to the Government about the functioning of the Board and implementation of the Act and the rules made there under;

(n) to devise methods to ensure protection of rights including intellectual property rights (IPR) over biological resources and associated knowledge including systems of maintaining confidentiality of such information as appropriate, including the protection of the information recorded in Peoples Biodiversity Registers (PBRs);

(o) sanction grants-in-aid and grants to Biodiversity Management Committees for specific purposes;

(p) undertake physical inspection of any area in connection with the implementation of the Act;

(q) ensure that biodiversity and biodiversity-dependent livelihoods are integrated into all sectors of planning and management, and at all levels of planning from local to State, to enable such sectors and administrative levels to contribute effectively for conservation and sustainable use;

(r) prepare the annual budget of the Board incorporating all its receipts as also the devolution from the Government and Central Government provided that the local allocation by the Central Government/Authority if any, shall be operated in accordance with the budget provisions approved by the Central Government/Authority from time to time;

(s) frame regulations for laying down terms and conditions of service of its officers and other employees and if necessary recommend creation of posts to Government, for effective discharge of the functions by the Board:

Provided that no permanent post shall be created without prior approval of the Government;

(t) perform such other functions, as may be necessary to carry out the provisions of the Act or as may be directed by the Government from time to time.

7. Powers and functions of the Chairperson.— (1) The Chairperson may issue necessary directions for the conduct and management of the affairs of the Board.

(2) The Chairperson shall be the Chief Executive of the Board and shall have the powers of general superintendence over the Member-Secretary, officers and staff of the Board. He shall issue necessary directions for the conduct and management of the affairs of the Board, to approve official visits of Member-Secretary to attend meetings conducted by the Authority and conferences outside the State and also sanction leave etc. and exercise powers over other establishment matters pertaining to Member-Secretary.

(3) The Chairperson can delegate any of his powers to the Member-Secretary for specific period.

(4) The Chairperson shall have full powers for granting administrative and technical sanction to all estimates included in the budget of the Board.

(5) The Chairperson shall convene and preside over all the meetings of the Board and shall ensure that all decisions taken by the Board are implemented in proper manner.

(6) The Chairperson shall exercise such other powers and perform such other functions as may be delegated to him from time to time by the Board.

8. Terms and conditions of service of employees of the Board.— (1) The Board may appoint such officers and other employees as it considers necessary for the efficient discharge of its functions. The appointments in general may be on contractual basis or on deputation, unless otherwise decided by the Government.

(2) The terms and conditions of service of such officers and other employees of the Board shall be such as may be specified by regulations.

9. Procedure for access to/collection of biological resources.— (1) Any person who is a citizen of India or a body corporate, association or organization which is registered in India seeking access to/collection of biological resources and/or associated knowledge for commercial utilization or for bio-survey and bio-utilization for commercial utilization shall give prior intimation in Form I hereto to the Board.

(2) Every intimation under sub-rule (1) shall be accompanied by a fee of one thousand rupees in the form of a cheque or demand draft drawn in favour of “Goa Biodiversity Fund” payable at any nationalized bank at Panaji, Goa.

(3) A written agreement duly signed by the Member-Secretary of the Board and the applicant shall be binding on them for the access/collection. The form of the agreement shall be decided by the Board on case to case basis.

(4) The conditions for access to/collection of biological resources and associated knowledge, may specifically provide measures for conservation and protection of biological resources and knowledge-associated to which the access to/collection is being granted.

(5) In case of breach of terms and conditions of Agreement by the applicant, the Board shall terminate the agreement and the applicant shall immediately stop his activity referred to above.

10. Restriction or prohibition on activities related to access to biological resources and/or associated knowledge.— The Board may, in consultation with the local bodies concerned and after making such enquiries as it may deem fit, by order, if it deems necessary prohibit or restrict any such activity referred to in rule 9, by giving an opportunity of being heard to the person, if it is of opinion that such activity is detrimental or contrary to the objectives of conservation and sustainable use of biodiversity or equitable sharing of benefits arising out of such activity.

11. Operation of the Goa State Biodiversity Fund.— (1) The Goa State Biodiversity Fund shall be operated by the Member-Secretary of the Board or by such other officer of the Board as may be authorized by the Board in its behalf.

(2) The Goa State Biodiversity Fund shall have separate heads of accounts, and also two separate accounts in bank, one relating to the receipts (grants and loans) from the Authority and the Government, including receipts from such other sources as decided by the Government and the other concerning the fee and other receipts of the Board.

(3) The Board shall frame guidelines to ensure that decisions regarding the management and use of the Goa State Biodiversity Fund are transparent and accountable to the public.

(4) Goa State Biodiversity Fund shall have separate heads of account for receipt from,—

- (i) the Central Government,
- (ii) the Authority,
- (iii) the Government, and concerning the fee, and other receipt.

12. Annual Report and Annual Statement of Accounts.— (1) The Board shall prepare its annual report in Form II hereto before the 30th day of September every year giving a full account of its activities during the previous financial year and submit the same to the Government.

(2) The Board shall lay down procedure for maintenance and upkeep of the accounts. The accounts of the Board shall be audited annually by the Chartered Accountant appointed for the purpose by the Board. The Accountant General of the State of Goa may also audit the accounts; and the expenditure towards this shall be borne by the Board.

(3) The Board shall submit its audited copy of accounts together with the auditor's report to the Government by 30th day of June each year so as to enable the Government to lay the reports before the Legislative Assembly of Goa.

13. Local Biodiversity Fund.— (1) The management and the custody of the Local Biodiversity Fund shall be with committee and the said fund shall be operated by the committee. The Board shall lay down the guidelines for operation of the fund by the committee, including the ways for making its functioning transparent and accountable to all members of the relevant local body.

(2) The Local Biodiversity Fund shall be used for the conservation and promotion of biodiversity in the areas falling within the jurisdiction of the concerned local body and for the benefit of the community in so far such use is consistent with conservation of biodiversity.

(3) The committee shall prepare in Form III hereto its annual report, giving a full account of its activities during the previous financial year and submit a copy thereof to the concerned local body.

(4) The Board shall lay down procedure for maintenance and upkeep of accounts of the Local Biodiversity Fund. The accounts shall be audited by Chartered Accountant.

(5) The committee shall submit the audited copy of accounts together with auditor's report thereon to the local body concerned by the 30th day of the month of May to enable the local body to submit it along with annual report to the concerned District Magistrate.

FORM I
(See rule 9)

Prior intimation for access to/collection of biological resources/associated knowledge
for commercial utilization

Part A

1. Full particulars of the applicant

- (a) Name (individual/company/association/organization/other entity):
- (b) Permanent address (in case of legal entity, registered address):
- (c) Profile of the organization (personal profile in case the applicant is an individual).
(Please attach relevant documents of authentication):
- (d) Nature of business:
- (e) Turnover of the organization in Indian Rupees:

2. Details and specific information about nature of access sought and biological resources
and/or associated knowledge to be accessed

- (a) Identification (scientific name) of biological resources and its traditional use:—
- (b) Geographical location (including survey Nos. vaddo/ward, village, 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 resources are proposed to be collected:—
- (g) Names and number of persons 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 the risks which may arise from the access.

3. Estimation of benefits that would flow to communities arising out of the use of accessed
bio-resources and traditional knowledge.

4. Proposed mechanism and arrangements for benefit sharing.

5. Any other relevant information.

Part B
Declaration

I/we declare that:

* Collection and use of proposed biological resources shall not adversely affect the sustainability of the resources;

* Collection and use of proposed biological resources shall not entail any environment impact;

* Collection and use of proposed biological resources shall not pose any risk to biodiversity, including ecosystems, species, and genetic diversity;

* Collection and use of proposed biological resources shall not adversely affect the local communities;

I/we undertake to pay any fee as may be levied by the Board or the committee(s).

I/we further undertake to furnish any irrevocable bank guarantee as may be specified by the Board.

I/we further declare that, the information provided herein is true and correct and

I/we shall be solely responsible for any incorrect/wrong information.

Signed

Name

Title

Place:

Date:

FORM II

[See rule 12 (I)]

Form of Annual report for Goa Biodiversity Board

- (1) Name of the Board:
- (2) The Period to which report relates (financial year):
- (3) Introduction:
 - (a) Functions of the Board:
 - (b) Constitution of the Board:
 - (c) Names of the Chairperson and Members:
- (4) Board meetings:
- (5) Formation of BMC's:
- (6) People's Biodiversity Register (PBR):
- (7) Detailed report on the activities performed during the year:
- (8) Publication and publicity material:
- (9) Detail Financial report and accounts.

Signature of the Chairperson
Goa Biodiversity Board

Signature of the Member-Secretary
Goa Biodiversity Board

FORM III
[See rule 13(3)]

Form of Annual report for Biodiversity Management Committee of

- (1) The annual report shall invariably contain:
- (a) The name of the committee
 - (b) The period to which the report relates (financial year)
 - (c) The incumbency of office for the period (name of the Chairperson and Secretary)
 - (d) Detailed statement of programmes of action for the year
 - (e) Detailed report of activities performed during the year
 - (f) A brief account of financial position of the committee. Proofs to be enclosed indicating updated transaction entries of all the bank accounts of BMC.
 - (g) Map of Jurisdiction
 - (h) Progress of work in People's Biodiversity Register (PBR)
Documentation
Updation
Validation in consultation with the SBB and TSG
 - (i) Minutes of meeting
 - (j) BMC annual financial report with resolution of the BMC
 - (k) Details of local biodiversity fund utilization with justification
 - (l) BMC is required to furnish all the supporting vouchers, approvals & necessary proofs required for the purpose of auditing/accounting
 - (m) List of visitors
 - (n) List of persons provided access to biological resources and traditional knowledge by BMC
 - (o) Important communication between BMC-SBB-NBA
 - (p) Photographs, news clippings (if any)

Signature of the Chairperson
Biodiversity Management Committee
of

Signature of the Secretary
Biodiversity Management Committee
of

By order and in the name of the Governor of Goa.

Agnelo A. J. Fernandes, Director (Environment).

Saligao, 2nd March, 2017.