

## Proceedings of the Regional Consultation

on

### Biodiversity Conservation & Bioresource Governance

RCDC has been pursuing a bioresource governance programme in 5 GPs of 4 districts of Odisha. The programme aims at developing five model panchayats in natural resource governance in general and bioresource governance in particular.

The 73<sup>rd</sup> amendment in the Constitution of India provides for transfer of power to the PRIs. Accordingly, different states have differently vested a part of these powers to the GPs. The Biodiversity Act, 2002 followed by its Rules of 2004 provides for an additional responsibility, i.e. biodiversity conservation by the PRIs (and ULBs) primarily through the Biodiversity Management Committees (BMCs) at GP level. A study commissioned by RCDC in 4 states of India (Odisha, Jharkhand, Madhya Pradesh & Andhra Pradesh) revealed the status of actual implementation of this provision. A regional consultation was organized at Bhubaneswar on 28<sup>th</sup> December 2010 in Hotel New Marriot to share these findings and also to provide an opportunity to representatives from concerned states to share their own observations and experiences. This programme was attended by large number (more than 90) of PRI representatives and community representatives along with representatives from PRERAK, an NGO of Chhatisgarh. The Chief Guest was **Dr. R. Hampaiah, Chairman, Andhra Pradesh State Biodiversity Board**.

Bikash Rath, Sr. Programme Manager, RCDC welcomed the participants followed by a formal inauguration by Dr. Hampaiah jointly with some community- & PRI representatives. In his address Dr. Hampaiah remarked that our position is like that of a person who begs with a golden bowl in his hand. He meant to say that we have such a rich biodiversity and rich bioresource/natural resource, but still we are underdeveloped/poor because of failure in taking



**Bikash Rath giving welcome address**

optimum advantage of these resources. On the other hand, outsiders are taking maximum advantage of our resources. For instance, an American company takes *Aloe vera* from us at Rs.5 to Rs.6 per kg, but sells its extract at Rs.2000/kg. Star turtle is exported to be sold at a price of \$200/turtle. A number of such examples were cited by Dr. Hampaiah from the



**Dr. Hampaiah giving his inaugural address**

group of flowers, fruits, fishes, and forest products, etc. to convey the message that since our resources are so valuable, we need to keep a vigil on their exploitation so that biopiracy can be stopped and our people can get the due benefit from these resources while ensuring the sustainability. The Biodiversity Board has to ensure this, and locally the Biodiversity Management Committees have to implement this. Giving an example of successful intervention of the Biodiversity Board and the BMC, he mentioned how the Monsanto company, which sourced the BT bacteria from an area in Andhra Pradesh and established a Rs.30,000 crore market for BT Cotton & BT Brinjal, was ultimately forced by the local biodiversity authorities to pay the compensation/royalty. Since Odisha has a rich biodiversity, the Odisha State Biodiversity Board should therefore be very active for conservation and sustainable utilization of the same, he advised.

While the Biological Diversity Act of 2002 mandates for interventions for biodiversity conservation at national-, state-, and local level, it is the local level intervention (BMC) that is most important, he said. The Act helps to prevent unauthorized patenting of our traditional knowledge-based clues. So far few people have been caught in India for biopiracy, one while collecting butterflies in the Himalayan area and another while buying tarantula insects in Andhra. In the first case, the convict was released after the Prime Minister's office reportedly intervened on a plea that his was the 'first' such case reported after the promulgation of the Act, and in the second case escaped by bribing the people around him.

Bikash Rath informed the House that the State Biodiversity Board in Odisha had formulated draft Biodiversity Rules which were made public for comments, and that RCDC had submitted to the government specific suggestions on the same (so as to make it committed to the rights of the local communities). He further said that the Rules were yet to be finally notified.



**Mr. Prasanna Behera**

In this context Mr. Prasanna Behera of Nature, Environment & Wildlife Society, Angul said that it was only after his organization proposed to the state government to declare the

Mandaragiri hill as a bioheritage site that the State Biodiversity Board was formed in Odisha to address such issues<sup>1</sup>.

Mr. Sriram Gangadhar of Bio-India Biologicals, Hyderabad, who was introduced by Dr. Hampaiah as a trader who wants to



**Mr. Sriram Gangadhar**

(photo courtesy: Bio-India Biologicals)

<sup>1</sup> This claim is yet to be confirmed from independent sources.

develop his business while complying with the Biodiversity Act, and who has received permission from the State Biodiversity Board as well as the local BMC to procure & export neem leaves(extract) to Japan while paying due royalty to the BMC and fair price to the primary collectors, shared with the House that he would be interested in some other products too. Like, he said, he would be ready to procure dry lotus leaves(supposed to be used for cosmetic purpose) from Odisha. When asked about the procurement price of such leaves, he said since he is yet to start this trade hence he is not sure of the price, but he suggested that people should first see what is the cost of labour in getting a kg of dry lotus leaves, and accordingly they should decide the fair price. He further suggested that since sustainability is also our responsibility hence not all the villages should go for a single item, rather if one village collects neem leaves then another may collect lotus leaves.

There was a concern expressed in the House if the marketing opportunity would eventually led to unsustainable exploitation of bioresources. However, Bikash Rath clarified that the first priority of Biodiversity Act and its implementing agencies is conservation, and commercial utilization is permissible only in cases where sustainability has been ensured. He cited the example of how commercialization of sal seed collection has had no significant impact on the regeneration of sal forests.

As of the responsibility of the Panchayats to form BMCs and manage biodiversity, a Sarpanch from Deogarh district expressed his helplessness regarding a situation in his area where a trader assured the local people of good prices of *kali haldi*, but when the produce was actually harvested the trader did not turn up and people have been seeking now the Sarpanch's intervention in the matter to get justice. The point was, while Panchayats and Sarpanchs in particular are already preoccupied with so many responsibilities, this biodiversity management will but add to their difficulties<sup>2</sup>.

In this context while Mr.Bikash Rath said it is true that the PRIs have been entrusted with so many responsibilities without adequate infrastructure and resources, Dr. Hampaiah said that the National Biodiversity Authority has a provision for giving a grant of Rs.50,000/- to every panchayat for the purpose of biodiversity management. He also said that if the state government provides a matching grant then the GPs would be financially strengthened to implement biodiversity conservation.

Mr.Nigamnanda Swain, the consultant who had done a study on behalf of RCDC on the status of implementation of the Biological Diversity Act in 4 states, presented his findings. He said that while Madhya Pradesh was the first state to follow the Act, there has been hardly any known progress. Jharkhand has implemented the Act only on a pilot basis in two Blocks: Latehar and Hazaribag. Usually in all the states the Biodiversity Boards are mostly managed by the Chairperson and the Secretary, and although the Boards receive considerable grants from the

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<sup>2</sup> The matter was reported locally to the concerned government authorities following which an enquiry has been ordered, as reported in the media.

government they hardly make proper utilization of the same. The Boards are also not much transparent regarding their activities and fund utilization, and although they take up studies these are hardly publicized. In Andhra Pradesh, Madhya Pradesh, and Jharkhand only few BMCs have actually been formed or functional. However, the Andhra Pradesh Biodiversity Board is more active and transparent than other three states. For instance, it has shared that it has received Rs.115 lakhs and has allocated Rs.60 lakhs for 2010-11 for various activities. Further, it has also proposed an additional budget of Rs.142 lakhs<sup>3</sup>.

This was followed by a sharing from Ms. Hemalatta, Project Coordinator, Kovel Foundation, Vishakhapatnam who mentioned how her organization has been active in the conservation of the species *Sterculia urens*, which has otherwise been endangered because of its gum collection in the unsustainable manner. So far Kovel Foundation has planted 15000 such trees.

Mr.J.Demudu, the Sarpanch of Pedakota GP(Vishakhapatnam district) where Kovel Foundation works, said that there was no BMC in his GP. He mentioned how the rich forests 25 years back in his area gradually got depleted due to unsustainable exploitation, and how things have improved now after the intervention of Kovel Foundation. He suggested that the State Biodiversity Board should first take one or two GPs as models in the implementation of the Biodiversity Act, and then replicate it in other areas.

The consultation ended with a vote of thanks by Bikash Rath.

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<sup>3</sup> Although RCDC's study revealed state-level discrepancies in the activities of Biodiversity Boards, *Down to Earth* quoted CAG report which suggested that even at the central level, i.e. with the National Biodiversity Authority things were not so proper. NBA reportedly allowed commercial exploitation biological resources with very little monitoring, failed to notify many desired regulations, and did not even draw up lists of endangered medicinal plants, not to speak of initiatives for their conservation. Similarly, NBA's efforts in identifying threatened, endangered and endemic species were confined to only seven states out of 28 (Source: <http://www.downtoearth.org.in/node/2795>). However, Bikash Rath personally feels that it would be untrue to conclude that NBA was totally lax in monitoring, because he knows how NBA made repeated follow ups in a particular case in Odisha.