

EXTRAORDINARY

REGD. NO. JK—33



**THE
JAMMU & KASHMIR GOVERNMENT GAZETTE**

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Separate paging is given to this part in order that it may be filed as a
separate compilation.

PART III

Laws, Regulations and Rules passed thereunder.

GOVERNMENT OF JAMMU AND KASHMIR
CIVIL SECRETARIAT—DEPARTMENT OF FOREST,
ENVIRONMENT AND ECOLOGY

Notification

Srinagar, the 29th June, 2015.

SRO-200.—In exercise of powers conferred by section 63 of the Biological Diversity Act, 2002 (Central Act 18 of 2003), the Government of Jammu and Kashmir hereby makes the following rules, namely :—

1. *Short title and commencement.*—i. These rules may be called the Jammu and Kashmir Biological Diversity Rules, 2015.

ii. They shall come into force from the date of their publication in the Government Gazette.

2. *Definitions.*—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 constituted under sub-section (1) of section 8 of the Act ;
- (c) “Board” means the J&K State Biodiversity Board established under section 22 of the Act ;
- (d) “Biodiversity Management Committee” means a Committee constituted by the local bodies under sub-section (1) section 41 of the Act ;
- (e) “Form” means the Forms appended to these rules ;
- (f) “Government” means the Government of Jammu and Kashmir ;
- (g) “Member” means a member of the J&K State Biodiversity Board and includes the Chairperson thereof ;
- (h) “Section” means section of the Act ;
- (i) “Member-Secretary” means the Member-Secretary of the J&K State Biodiversity Board ;
- (j) “Year” means the financial year commencing on the First day of April ; and
- (k) Words and expressions used but not defined in these rules shall have the same meaning respectively as assigned to them in the Act.

3. *Terms and conditions of Service of the Chairperson and Members.*— i. The Chairperson of the Board shall hold office for a term of three years and shall be eligible for re-appointment ; Provided that no Chairperson shall hold office beyond the age of 65 years.

ii. The Chairperson may resign from his office by giving at least one month's notice in writing to the State Government.

iii. The Chairperson of the Board shall be entitled to such salary and allowances, as may be determined by the State Government from time to time.

iv. Every non-official member of the Board shall hold office for a term not exceeding three years from the date of his/her nomination

v. The non-official member of the Board shall be entitled to sitting allowance, travelling allowance, daily allowance and such other allowance(s) as may be prescribed by the Government.

vi. A non-official member of the Board may resign from his membership at any time by giving notice in writing under his hand to the Government and the seat of that member shall become vacant.

vii. Any casual vacancy in the Board shall be filled up by fresh appointment and the person so appointed shall hold office only for the remainder of the term of the member in whose place he was appointed.

4. *Removal of member of the Board.*—No member of the Board shall be removed from the office on the grounds specified in section 11 of the Act without due and proper enquiry by an officer not below the rank of Principal Secretary appointed by the Government for the purpose and without giving a reasonable opportunity to the member of being heard.

5. *Appointment of Ex-officio Members.*—Five Ex-officio members shall be appointed from the following departments/organizations of the State Government as long as they hold their respective office :—

i. Administrative Secretary, Forest Department ;

- ii. Administrative Secretary, Agriculture Production Department ;
- iii. Pr. Chief Conservator of Forests, J&K ;
- iv. Chief Wildlife Warden, J&K ;
- v. Director, State Forest Research Institute (Member-Secretary).

6. *Head Office of the Board.*— The Board shall be located in the Office of the Director, State Forest Research Institute, Srinagar/Jammu.

7. *Functions and powers of Member-Secretary of the Board.*—

i. The Member-Secretary shall be responsible for day to day administration of the Board.

ii. All orders or instructions to be issued by the Board shall be under the signature of the Member-Secretary.

iii. The Member-Secretary shall be incharge of all the confidential papers of the Board and shall be responsible for their safe custody. He shall produce such papers whenever directed by the Board.

iv. The Member-Secretary shall have the powers to sign Memorandum of Understanding with various local, national and international organizations after due approval of the Board. 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.

8. *Meetings of the Board.*—i. The Board shall meet at least twice in a year, at the Head Office of the Board or at such other place as may be decided by the Chairperson.

ii. The Chairperson shall upon a written request from not less than five members of the Board or upon a direction of the Government call for a special meeting of the Board.

iii. The members shall be given at least fifteen days notice for holding an ordinary meeting and three days notice for holding a special meeting, specifying the purpose, the time and venue at which such meeting is to be held.

iv. Every meeting shall be presided over by the Chairperson and in his absence by the senior most ex-officio member.

v. The decision of the Board at a meeting shall, if necessary, be taken by a simple majority of the members present through voting and the Chairperson or in his absence the member presiding the board shall have a second or casting vote.

vi. Each member shall have one vote.

vii. The quorum at every meeting of the Board shall be Five.

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

ix. 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 in such other manner as the Member-Secretary of the Board may, in the circumstances of the case think fit.

x. Every member who is in any way, whether directly, indirectly or personally concerned or interested in a matter to be discussed in the meeting shall disclose the nature of his concern or interest and after such disclosure, the member concerned or interested shall not attend that meeting.

xi. The Board may dispose off urgent matters by circulation of papers, if so desired by the Chairperson. All resolutions and decisions thus made be considered at the next meeting of the Board for ratification.

xii. The Board may evolve such procedure for the transaction of its business, as it may deem fit.

9. *Appointment of Expert Committee by the Board and their Entitlements.*— i. The Board may constitute any number of committees, sub-committees, for such purposes as it deems fit for the efficient discharge of the duties and its functions consisting of full time/part time members.

ii. The members of Expert Committee constituted under sub-section (1) shall be entitled to such other allowance(s) or fee(s), as may be fixed by the State Government for attending the meeting(s) of the Committee or Board.

iii. The Board may invite any person whose assistance or advice is considered useful to be obtained in performing any of its functions, and to participate in the deliberations of any of its meetings. Such person associated with the Board shall be entitled to get allowances, as prescribed by the Government.

10. *General Functions of the State Biodiversity Board.*—The Board shall perform the following functions :—

- (i) Lay down procedure and guidelines to govern the activities under section 23 of the Act ;
- (ii) Advise the Government on any matter concerning 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 ;
- (iii) Provide technical assistance and guidance to the departments of the State Government and Biodiversity Management Committees for coordination of the activities ;
- (iv) Regulate by granting of approval(s) or otherwise requests for commercial utilization or biosurvey and bioutilization of any biological resource by Indians ;
- (v) Facilitate updating and implementation of State bio-diversity Strategy and Action Plan ;

- (vi) Commission studies and sponsor investigations and research ;
- (vii) Engage consultants for specific periods, 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 three years the Board shall seek prior approval of Government for such engagement ;
- (viii) Collect, compile and publish technical and statistical data, manuals, codes and guides relating to conservation of biological diversity, sustainable use of its components and fair and equitable sharing of benefits arising out of the use of biological resource and knowledge ;
- (ix) Organize through mass media a comprehensive awareness programme amongst all stakeholders regarding conservation of biological diversity, sustainable use of its components and fair and equitable sharing of benefits arising out of the use of biological resource and knowledge ;
- (x) Plan and organize training programmes for personnel engaged or likely to be engaged for programmes in the conservation of biological biodiversity and sustainable use of its components ;
- (xi) Take steps to build up database and to create information and documentation system for biological resources and associated traditional knowledge through biodiversity registers and electronic data base, to ensure effective management, promotions and sustainable uses ;
- (xii) Give directions to Local Bodies/Biodiversity Management Committees in writing and through appropriate oral means, for the effective implementation of the Act ; and to facilitate their meaningful participation in all measures relating to conservation, sustainable use and equitable benefit sharing ;

- (xiii) To devise methods for ensuring protection of right including intellectual property rights over biological resources and associated knowledge, maintaining confidentiality of such information as appropriate, the protection of the information recorded in People's Biodiversity registers ;
- (xiv) Sanction grant-in-aid and grants to the Biodiversity Management Committees for specific purposes ;
- (xv) Undertake physical inspection of any area within its jurisdiction in connection with the implementation of the Act ;
- (xvi) 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 sector and administrative levels to contribute effectively for conservation and sustainable use ;
- (xvii) Prepare annual budget of the Board ;
- (xviii) The Board shall have full powers for granting administrative and technical sanctions to all the estimates. It may, however, delegate such administrative and technical powers to the Chairperson/Member-Secretary of the Board any other employee of the Board, as may be deemed necessary ;
- (xix) Recommend creation of posts to the Government for the effective discharge of functions by the Board and to create such posts :

Provided that no such posts, whether temporary or permanent, of any nature shall be created without the prior approval of the Government ;
- (xx) Shall have power to acquire, hold and dispose property, both movable and immovable and enter into contract for the same ;

- (xxi) Perform such other functions, as may be necessary to carry out the provisions of the Act or as may be prescribed by the State Government from time to time.

11. *Powers and Duties of the Chairperson.*—i. The Chairperson shall ensure that the affairs of the Board are run efficiently and in accordance with the provisions of the Act and rules made thereunder.

ii. The Chairperson shall have the powers of general superintendence over the officers and staff of the Board and may also issue necessary directions for the conduct and management of the affairs of the Board.

iii. The Chairperson shall preside over all meetings of the Board and shall ensure that all decisions of the Board are implemented in proper manner.

iv. 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.

12. *Employees of the Board and their conditions of service.*—

i. The Board may appoint such officers and other employees as it considers necessary for the efficient discharge of its functions.

ii. The appointment in general shall be on contractual basis or on deputation, unless otherwise decided by the State Government.

iii. The Board shall approve the method of recruitment to the posts in the Board.

13. *Procedure for access/collection of biological resources for certain purposes.*—i. Any citizen of India or body corporate, association or organization registered in India shall make prior intimation of biosurvey and bioutilization for commercial purposes in Form I appended to these rules to the Board. Every application shall be accompanied by a fee as may be fixed and notified by the Board in the form of Demand Draft.

ii. The Board after due appraisal of the application and after consultation with the Biodiversity Management Committee concerned and after collecting such other additional information, as it may deem necessary, shall take decision on the application as far as possible within a period of two months of the receipt of the application.

iii. On being satisfied with the merit of the application, the Board may allow the application in the form of a written agreement signed by the Member-Secretary or an officer duly authorized by the Board on the one part and the applicant on the other subject to such terms and conditions as it may deem necessary.

iv. The form of agreement shall be prescribed by the Board and shall contain such conditions as the Board may consider necessary to protect the biological diversity of the State.

v. The conditions for access to/collection may specifically provide measures for conservation and protection of biological resources to which access/collection is being granted.

vi. The Board shall have full right to reject any application for good and sufficient reasons, but before rejecting any application it shall give the applicant reasonable opportunity of being heard.

vii. Any information given in the form referred to in the sub-rule (1) for prior intimation shall be kept confidential and shall not be disclosed either intentionally or unintentionally to any person not concerned thereto.

14. *Revocation of agreement.*— i. The Board may either *suo-moto* or on the basis of any complaint, revoke the written agreement in the circumstances specified below :—

- a. On the ground of reasonable belief that the person accessing has violated any of the provisions of the Act ;
- b. That the person has violated any of the terms of the agreement ; and

- c. On account of overriding public interest with reference to the protection of the environment and conservation of biological diversity and protection of the rights, livelihoods and knowledge of local communities.

ii. The revocation order shall be made only after making such enquires as required after giving the person so affected reasonable opportunity of being heard.

iii. The Board shall send a copy of such withdrawal or revocation order to the Biodiversity Management Committees and the local body concerned for prohibiting the person concerned from utilizing the biological resources and also to assess the damage, if any, caused and take steps to recover the damage.

15. *Restriction or prohibition on activities related to access to biological resources.*— i. The Board, if it deems necessary and appropriate shall take the steps to restrict or prohibit the access to biological resources for the following reasons that the access :—

- a. Is for any endangered taxa, or taxa that are likely to become threatened due to such access ;
- b. Is for any endemic and rare species ;
- c. Is likely to result in adverse effect on the livelihoods, culture or indigenous knowledge of the local people ;
- d. May result in adverse environmental impact which may be difficult to control and mitigate ;
- e. May cause genetic erosion or affecting the ecosystem function ;
- f. For resources may be for purposes contrary to National/State interest and other related International agreements entered in to by the Country.

ii. Any order of restriction shall be made only after making such inquiries as required after consulting the concerned Biodiversity Management Committees and giving the person so affected an opportunity of being heard.

16. *Application and operation of State Biodiversity Fund.*—

i. The State Biodiversity Fund shall be deposited in a bank as approved by the Board in the name of J&K Biodiversity Fund.

ii. The State Biodiversity Fund shall be operated by the Member-Secretary of the Board or by such officer of the Board as may be authorized by the Board in this behalf.

iii. The “State Biodiversity Fund” shall have separate heads of accounts receipts from—

- (a) Central Government ;
- (b) National Biodiversity Authority ;
- (c) State Government ;
- (d) Fee, royalty and other receipts.

iv. The Board shall frame guidelines to ensure that decisions regarding the management and use of the fund are transparent and accountable to the public.

17. *Annual Report and Annual Statement of Accounts.*— i. The Board shall prepare its annual report for each financial year giving detailed account of its activities, achievements and annual statement of accounts and submit the same to the State Government.

ii. The Board shall lay down the procedure for upkeep of the accounts. The accounts of the Board shall be audited by a Chartered Accountant on panel of Comptroller and Auditor General (CAG) appointed for the purpose by the Board. The Accountant General may as well audit the accounts.

iii. The Board shall submit the annual report of the Preceding Financial Year together with the audited statement of accounts to the Government by the 31st of the Month of October.

18. *Establishment and Management of Biodiversity Heritage sites.*— i. The Board shall, in consultation with the local bodies and other key stakeholders, take necessary steps to facilitate setting up of areas of significant biodiversity values as Heritage Sites. Following recommendation from the Board, the State Government shall issue notification to this effect.

ii. The Board shall frame guidelines on the selection, management and other aspects of Heritage Sites ensuring that these provide decision making role for relevant Biodiversity Management Committees.

19. *Constitution and functions of Biodiversity Management Committees.*— i. Every local body shall constitute a Biodiversity Management Committee within its area of jurisdiction.

ii. The Biodiversity Management Committees as constituted under sub-rule (1) shall have six persons nominated by the local body, of which there shall be atleast two women members and one from Scheduled Caste/ Scheduled Tribe. These six local knowledgeable persons being so nominated should be drawn from amongst the—

- herbalists ;
- agriculturalists ;
- non-Timber Forest Produce collectors/traders
- fisher folk ;
- representatives of user associations/community workers
- academicians
- any person/representative of organization, on whom the local body trusts that he/she can significantly contribute to the mandate of the Biodiversity Management Committee.

All the persons should be residents of the said local body and should be in the voters list. The tenure of the members shall be three years or till a new committee is constituted. Any member may resign at any time by giving in writing to the Chairperson of the Biodiversity Management Committee.

iii. Every Biodiversity Management Committee shall have atleast six special invitees from amongst Forest, Agriculture, Horticulture, Animal Husbandry, Health, Fisheries and Education Department to be nominated by the concerned local body.

iv. The Chairpersons of the Block Development Council (BDC)/ Urban Local Body concerned shall be *Ex-officio* Chairman of the Biodiversity Management Committee and will have tenure as long as he continues as Chairperson of the Block Development Council (BDC)/Urban Local Body.

v. Every meeting of the Biodiversity Management Committee shall be presided over by the Chairperson and in his absence, by a member, to be nominated by the members present from among themselves.

vi. In matters related to wild biological diversity and/or biodiversity found in forest land, it shall be mandatory for the Biodiversity Management Committee to seek assistance of the concerned Joint Forest Management Committee (JFMC), Village Forest Management Committee (VFMC) and/or Eco-Development Committee (EDC). This will be applicable to areas other than recorded forests and protected areas notified under Wildlife Protection Act, 1978.

vii. The local Members of the Legislative Assembly/Legislative Council and Member of Parliament would be special invitees to the meetings of the Biodiversity Management Committees at different levels.

viii. A technical support group comprising of experts in the field of biodiversity drawn from Government Agencies, Non-Government Organizations, academic and research field, community and individuals shall be established by State Biodiversity Board. The expert group shall lend support to Biodiversity Management Committees.

ix. The Biodiversity Management Committees shall prepare the people's Biodiversity Registers in consultation with local population. The Register shall contain comprehensive information on availability and knowledge of local biological resources, their medicinal or any other use or any other traditional knowledge associated with them.

x. The Board shall provide guidance and technical support to the Biodiversity Management Committees for preparing People's Biodiversity Registers, and shall ensure that all information recorded in such Registers receives legal protection against misuse and appropriation by outside agencies and individuals.

xi. The Biodiversity Management Committee and local bodies will be responsible for ensuring the protection of the knowledge recorded in the people's Biodiversity Registers, especially to regulate its access to outside agencies and individuals through Prior Informed Consent (PIC).

xii. The People's Biodiversity Registers shall be maintained and validated by the Biodiversity Management Committees.

xiii. The other function of the Biodiversity Management Committee is to advise on any matter referred to it by the State Biodiversity Board or Authority for granting approval, to maintain data about the local Vaid, Hakims and practitioners using the biological resources.

xiv. The Biodiversity Management Committee shall also maintain a Register giving information about the details of the access to biological resources and traditional knowledge granted, details of the collection fee imposed and details of the benefits derived and the mode of their sharing.

xv. The Biodiversity Management Committee may decide the terms on which it would permit access to biodiversity resources and associated knowledge to different parties for various purposes within their jurisdiction and levy charges by way of collection fees from any person for accessing or collecting any biological resources for commercial purpose from the area falling within its jurisdiction. The major share of levy charged for the material collected/cultivated from private land should be given to the owner/cultivator of the land/knowledge holder(s) and the balance should be

deposited in Local Biodiversity Fund of Biodiversity Management Committee. The levy charged for the material collected/cultivated from Government land should be totally deposited in Local Biodiversity Fund of Biodiversity Management Committee.

xvi. The Biodiversity Management Committee shall take initiative to generate awareness regarding the biological resources available in the locality, their economic and ecological importance and the need to conserve them.

xvii. The Biodiversity Management Committee shall report any incidence of misuse of biological resource to the concerned Range Officer (Territorial) or to the Member-Secretary of the Board or any other officer authorized under the Biological Diversity Act, 2002.

xviii. No suit, prosecution or other legal proceedings shall lie against the members of Biodiversity Management Committee or the forest officer for anything which is in good faith done or intended to be done under the Act or the rules or regulations made thereunder.

20. *Local Biodiversity Fund.*—i. Every Biodiversity Management Committee shall have its local biodiversity fund.

ii. The Board shall provide to the Biodiversity Management Committee any loan or grant received from the State Government, Central Government or from the Authority for the purpose of the Act. The Biodiversity Management Committee can also access such funds from other sources as it identifies, or as specified by the Board.

iii. The Local Biodiversity Fund shall be operated by the Biodiversity Management Committees. The Board shall lay down the operational guidelines for operation of the fund.

iv. The fund shall be used for the conservation and promotion of biodiversity in the areas falling within the jurisdiction of the concerned Biodiversity Management Committee and for the benefit of the local community in so far such use is consistent with conservation of biodiversity.

v. The account of the Local Biodiversity Fund shall be prepared in such forms as prescribed by the Board and during such time, as may be prescribed by the Board.

21. *Annual Report and Annual Statement of Accounts of Biodiversity Management Committee.*—i. The Biodiversity Management Committee shall prepare the annual report for each year giving detailed accounts of its activities. The annual report shall invariably contain—

- (a) The name of the Committee ;
- (b) The period of which the report relates ;
- (c) The incumbency of office for the period ;
- (d) Detailed statement of programmes of action for the year ;
- (e) Detailed report on the activities performed during the year ;
- (f) A brief account of financial position of the Committee.

ii. The accounts of the Local Biodiversity Fund shall be audited as prescribed by the Board.

iii. The Biodiversity Management Committee shall submit the audited statement of accounts to the Board and a copy to the local body concerned by the 31st of the Month of October following.

22. *Removal of doubts.*—Where a doubt arises as to the interpretation of any of the provisions of these rules, the matter shall be referred to the Government, whose decision thereon shall be final.

23. *Appeal for settlement of disputes.*— i. Aggrieved by any order, decision or policy of the Board, a Biodiversity Management Committee or local body, may prefer an appeal in Form II appended to the rules to Government of Jammu and Kashmir in the Forest Department. For disputes between Biodiversity Management Committees regarding their respective jurisdiction or any other matter, an appeal may be filed before the Chairperson in the Form IIA appended to these rules.

ii. The memorandum of appeal shall state the facts of the case, the grounds relied upon by the appellant for preferring the appeal and the relief sought for, and shall be accompanied by an authenticated copy of the order, direction or policy decisions, as the case may be, by which the appellant is aggrieved. The Memorandum of Appeal shall be duly signed by the authorized representative of the appellant.

iii. The Memorandum of Appeal shall be submitted in quadruplicate accompanied with the authenticated copy of the order, directions or policy decisions as the case may be, by which the appellant is aggrieved, either in person or through a registered post with acknowledgement due, within 30 days from the date of the order, direction or policy decision :

Provided that if the appellate authority is satisfied that there was good and sufficient reason for the delay in preferring the appeal, the appellate authority, for reasons to be recorded in writing allow the appeal to be preferred after the expiry of the aforesaid period of 30 days but before the expiry of 45 days from the date of the order, direction or policy decision as the case may be.

iv. The notice for hearing of the appeal shall be given in Form III by a registered post with an acknowledgement due.

v. Every Memorandum of Appeal shall be accompanied by a fee to be prescribed by the Board.

24. *Complaint and manner of giving notice under section 61.—*

i. A complaint under section 61 for cognizance of any offence under the Act shall be made before the appropriate Court of Law by officers of the State Biodiversity Board or by Forest officers not below the rank of Range Officers in their respective jurisdiction or any other officer notified by the Government under the Biological Diversity Act, 2002.

ii. The manner of giving notice under clause (b) of section 61 shall be as follows :—

a. If violation of any provision of the Biological Diversity Act, 2002 is detected or observed by any person or groups of

persons or agencies or organizations or benefit claimers in matters falling within the jurisdiction of National Biodiversity Authority/State Biodiversity Board, a complaint may be made to the National Biodiversity Authority/State Biodiversity Board in Form-IV appended to these rules ;

- b. The person giving the notice shall send it to the Chairman of the National Biodiversity Authority/State Biodiversity Board as the case may be by registered post acknowledgement due :

Provided that the period of thirty days mentioned in clause (b) of section 61 of the Act shall be reckoned from the date of receipt of the notice by the Chairman, National Biodiversity Authority/State Biodiversity Board.

25. *Framing of Guidelines by State Biodiversity Board.*—Without prejudice to any of the provisions of Biological Diversity Act, 2002 and Biological Diversity Rules, 2004 of Government of India and J&K Biodiversity Rules, 2014 framed by the Government of J&K, the J&K Biodiversity Board may frame guideline(s) as it may deem fit and necessary for carrying out the purpose of the Act within the State with the prior approval of the Government.

(Sd.) RAKESH K. GUPTA, IAS,

Principal Secretary to Government,
Department of Forest, Environment and Ecology .

FORM-I

(See rule 13)

Application form for access to biological resources and associated traditional knowledge

Part–A :

- (i) Full particulars of the applicant :
 - (ii) Name :
 - (iii) Permanent address :
 - (iv) Address of the contact person/agent, if any, in India :
 - (v) Profile of the organization (personal profile in case the applicant is an individual). Please attach relevant documents of authentication) :
 - (vi) Nature of business :
 - (vii) Turnover of the organization in INR :
2. Detailed and specific information about nature of access sought and biological material and associated knowledge to be accessed—
- (a) Identification (scientific name) of biological resources and its traditional use ;
 - (b) Geographical location (including Village, Block, District) of proposed collection ;
 - (c) Description/nature of traditional knowledge and its existing manifestations and uses (oral/documentated) ;
 - (d) Any identified individual/family/community holding the traditional knowledge ;

- (e) Quantity of biological resources to be collected (give the schedule) ;
 - (f) Time span in which the biological resources is proposed to be collected ;
 - (g) Name and number of person authorized by the company for making the selection ;
 - (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 ; and
 - (i) Whether any collection of the resources endangers any component of biological diversity and the risks which may arise from the access.
3. Details of any national/State 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 Intellectual Property Rights (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. Estimates of benefits that would flow to communities arising out of the use of accessed bioresources and traditional knowledge.
 8. Proposed mechanism and arrangements for benefit sharing.
 9. Any other information considered relevant.

Part-B :

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.

Signed

Name

Title

Place :

Date :

FORM II

[See Rule 23(1)]

Form of Memorandum of Appeal (In Quadruplicate)

**BEFORE THE GOVERNMENT OF JAMMU AND KASHMIR
IN THE FOREST DEPARTMENT**

Appeal No. _____ of 20 ____

.....

.....Appellant(s)

.....

Vs.

The Jammu and Kashmir Biodiversity Board
Respondent(s).

The appellant begs to prefer this Memorandum of Appeal against the order dated.....passed by the respondent on the following facts and grounds :—

a. Facts :

(Here briefly mention the facts of the case).

b. Grounds :

(Here mention the grounds on which the appeal is made) :—

i)

ii)

iii)

3. Relief Sought :

i)

ii)

iii)

4. Prayer :

(a) In the light of what is stated above, the appellant respectfully prays that the order/decision of the respondent be quashed/set-aside.

(b) The policy/guideline/rules/regulations framed by the respondent be quashed/modified/annulled to the extent_____.

(c) _____

5. The amount of Rs._____ (Rupees) as fee for this appeal has been paid to _____ vide order No._____ dated _____.

Signature of the applicant with seal

Address _____

Date :_____

Place :_____

VERIFICATION

I, the applicant do hereby declare that what is stated above is true to the best of my information and belief.

Verified on _____ day of _____

Date : Signature of the applicant with seal

Place : Address.....

Signature of the authorized representative of the appellant.

Enclosures :—Authenticated copy of the order, direction or policy decision,
against which the appeal has been preferred.

FORM II-A

[See Rule 23(1)]

Form of Memorandum of Appeal (In Quadruplicate)

**BEFORE THE JAMMU AND KASHMIR BIODIVERSITY
BOARD**

Appeal No. _____ of 20 ____

.....Appellant (s)

.....

Vs.

.....Respondent(s)

The appellant begs to prefer this Memorandum of Appeal against the order dated _____ passed by the respondent on the following facts and grounds :—

c. Facts :

(Here briefly mention the facts of the case).

d. Grounds :

(Here mention the grounds on which the appeal is made) :

i)

ii)

iii)

3. Relief Sought :

i)

ii)

iii)

4. Prayer :

- (a) In the light of what is stated above, the appellant respectfully prays that the order/decision of the respondent be quashed/setaside ;
- (b) The policy/guidelines/rules/regulations framed by the respondent be quashed/modified/annulled to the extent_____.
- (c) _____.

5. The amount of Rs._____ (Rupees) as fee for this appeal has been paid to_____ vide order No._____ dated_____.

Date..... Signature of the applicant with seal

Place Address.....

VERIFICATION

I, the applicant do hereby declare that what is stated above is true to the best of my information and belief.

Verified on_____ day of_____

Date..... Signature of the applicant with seal

Place Address.....

Signature of the authorized representative of the appellant.

Enclosures :—Authenticated copy of the order, direction or policy decision, against which the appeal has been preferred.

FORM-III

[See rule-23(4)]

**BEFORE _____ MINISTRY OF ENVIRONMENT AND FORESTS,
JAMMU AND KASHMIR**

OR

**CHAIRPERSON, J&K STATE BIODIVERSITY BOARD
(as the case may be)**

Appeal No. _____ of 20 _____

Between

_____ Appellant(s)

Vs.

_____ Respondent(s)

NOTICE

Please take notice that the above appeal filed by the appellant, against the order/direction/policy decision (give details) is fixed for hearing on _____ at _____.

The copies of the appeal memorandum and other annexure filed along with the appeal are sent herewith for your reference.

Please note that if you fail to appear on the date or other subsequent date of hearing of the appeal, the appeal would be disposed of finally by placing you *ex-parte*.

Authorized signatory on behalf of the
Appellate Authority (Seal)

Date _____

Place _____

FORM IV

FORM OF NOTICE

[Rule 24(2)]

By Registered Post/Acknowledgement due

From,

Shri _____

To,

Subject :—Notice under section 61(b) of the Biological Diversity Act, 2002.

Whereas an offence under the Biological Diversity Act, 2002 has been committed/is being committed by_____.

1. I/we hereby give notice under section 61(b) of the Biological Diversity Act, 2002 of my/our intention to file a complaint in the Court against.....for violation of the provisions of Biological Diversity Act, 2002.
2. In support of my/our notice, I am/we are enclosing herewith following documents as evidence of proof.

Place _____

Date _____

Signature.

- Explanation* :—1. In case of notice to be given in the name of a company, documentary evidence authorizing the person to sign the notice on behalf of the company shall be enclosed to the notice.
2. Give the name and address of the alleged offender. In case of using biological resource/knowledge/research/biosurvey and bioutilization/the IPR/patent, without the approval of the Authority, the details thereof and the commercial utilization, if any, may be furnished.
3. Documentary evidence shall include photograph, technical report, etc. for enabling enquiry into the alleged offence/violation.