



WEST BENGAL BIODIVERSITY BOARD

(DEPARTMENT OF ENVIRONMENT, GOVERNMENT OF WEST BENGAL)

IMPORTANT NOTICE

This is to inform that as per Section 7 of The Biological Diversity Act, 2002, any Indian citizen or body corporate or association or registered organization (like Herbal Industries, Forest based Industries, Agriculture based Industries, Poultry and Dairy Farming, Fishery, Fish Traders and Exporters etc.) in West Bengal has to intimate in Form-I (Application Form for access to biological resources and associated traditional knowledge), along with application fee to West Bengal Biodiversity Board before accessing the biological resources of West Bengal for commercial utilization.

Violation of this provision of the Act may attract penalties as per Sections 55(2), 56 and 57.

Those who are already involved in commercial utilization of bio-resources of West Bengal are also needed to intimate the West Bengal Biodiversity Board (in specified format) within 30th November, 2014.

* **Biological resources-** It means plants, animals and micro-organisms or parts thereof, their genetic material and by-products (excluding value added products) with actual or potential use or value, but does not include human genetic material;

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

* **Section 55(2) of Biological Diversity Act, 2002-** Whoever contravenes or attempts to contravene or abet the contravention of the provisions of section 7 or any order made under sub-section (2) of section 24 shall be punishable with imprisonment for a term which may extend to three years, or with fine which may extend to five lakh rupees, or with both.

* **Section 56 of Biological Diversity Act, 2002**-If any person contravenes any direction given or order made by the Central Government, the State Government, the National Biodiversity Authority or the State Biodiversity Board for which no punishment has been separately provided under this Act, he shall be punished with a fine which may extend to one lakh rupees and in case of a second or subsequent offence, with fine which may extend to two lakh rupees and in the case of continuous contravention with additional fine which may extend to two lakh rupees everyday during which the default continues.

* **Section 57 of Biological Diversity Act, 2002-(1)** Where an offence or contravention under this Act has been committed by a company, every person who at the time the offence or contravention was committed was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence or contravention and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence or contravention was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence or contravention.

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

Explanation.- For the purposes of this section,-

- (a) "company" means any body corporate and includes a firm or other association of individuals; and
- (b) "director", in relation to a firm, means a partner in the firm.

**Member Secretary
WBBB**