

Changes to biodiversity law will weaken it: Jairam Ramesh

Parliamentary panel member flags exemption given to AYUSH practitioners

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Senior Congress leader Jairam Ramesh has expressed concern over the Biological Diversity (Amendment) Bill, 2021, which is in the final stages of consultations in the Joint Parliamentary Committee. He questioned the exemption given to AYUSH practitioners from the provisions of the law.

Mr. Ramesh, who is a member of the committee, in a letter addressed to other members and committee chairperson and BJP MP Sanjay Jaiswal, said that this exemption could open the law for abuse. The law was introduced in Parliament on December 16 last year by Union Environment Minister Bhupender Yadav, and was referred to the Joint Parliamentary Committee on December 20. The Bill amends the Biological Diversity Act, 2002 to simplify compliance requirements for domestic companies.



The biodiversity Bill makes a distinction between cultivated medicinal plants and forest-based plants. ■ SPECIAL ARRANGEMENT

Flagging the presentation made by the Environment Ministry last month before the committee, Mr. Ramesh said, “The Ministry is drawing a distinction between a registered AYUSH (Ayurveda, Yoga and Naturopathy, Unani, Siddha and Homeopathy) practitioner and a company, and exempting the former from the Act. This is an artificial distinction since the registered AYUSH practitioner may well be having informal links with a collective [family or otherwise], which may or may not have a company structure. This may well open doors for

large-scale exemptions.”

The government brought in the amended Bill because of the push from many AYUSH companies. In 2016, the Uttarakhand Biodiversity Board sent a notice to Divya Pharmacy run by Swami Ramdev and Acharya Balkrishna, stating that it violated the Biodiversity Act for using biological resources from the State for its ayurvedic formulations, without intimating the Board and that it was liable to pay an access and benefit-sharing fee. The company had unsuccessfully challenged the Board’s notice.

Mr. Ramesh also sounded an alarm on the distinction made in the law between cultivated biodiversity and forest-based biodiversity.

“It is not at all clear what the basis for this distinction will be and whether it can be sustained in practice,” he added. Multiple provisions of the Bill, he said, are aimed at diluting the authority of the National Biodiversity Authority (NBA).

The appointment of 16 ex-officio officers of the Government of India is one such, Mr. Ramesh said.

“The Ministry says NBA approval is required only at the time of commercialisation of a patent and not at the time of application for a patent. This is something that has very far-reaching implications and I can tell you that what will happen is that NBA approval at the time of commercialisation will be reduced to a formality and will become a *fait accompli*,” he wrote.