

GOVERNMENT OF PUNJAB
DEPARTMENT OF SCIENCE, TECHNOLOGY & ENVIRONMENT

NOTIFICATION

The 23 December, 2004

No.2/41/2000-STE(1)/ 3942 - In exercise of powers conferred under section 22(1) of the Biological Diversity Act, 2002 (No.18 of 2003), the Governor of Punjab is pleased to constitute "The Punjab Biodiversity Board" to promote conservation of biodiversity of the country, sustainable use of its components and ensure fair and equitable sharing of benefits arising out of use of biological resources, knowledge and matters connected therewith.

The Punjab Biodiversity Board shall consist of the following members:-

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|-----|---|-------------------|
| 1. | Chief Minister, Punjab | Chairman |
| 2. | Parliamentary Secretary, Agriculture | Vice-Chairman |
| 3. | Chief Secretary, Government of Punjab | Ex-officio Member |
| 4. | Principal Secretary, Department of Science, Technology & Environment, Govt. of Punjab | Ex-officio Member |
| 5. | Financial Commissioner, Development, Government of Punjab | Ex-officio Member |
| 6. | Principal Secretary, Department of Forests & Wildlife, Government of Punjab | Ex-officio Member |
| 7. | Director (Environment), Punjab State Council for Science & Technology | Member Convenor |
| 8. | Officer In-charge, Zoological Survey of India, Dehradun | Expert |
| 9. | Officer In-charge, Botanical Survey of India, Dehradun | Expert |
| 10. | Brig. Sukhjot Singh (formerly Maharaja of Kapurthala) | Expert |
| 11. | Director, Extension Education, Punjab Agriculture University, Ludhiana | Expert |
| 12. | Dr. G.S. Kalkat, former Vice Chancellor, Punjab Agriculture University, Ludhiana | Expert |

Terms:

The term of office of Chairman and members (other than ex-officio members) shall be two years

Functions

The functions of the Punjab Biodiversity Board (PBB) as prescribed u/s 23 of the said Act shall be as under:

- a. Advise the State Government, subject to any guidelines issued by the Central Government, on matters relating to the conservation of biodiversity, sustainable use of its components and equitable sharing of the benefits arising out of the utilization of biological resources;
- b. Regulate by granting of approvals or otherwise requests for commercial utilization or bio-survey and bio-utilization of any biological resource by Indians;
- c. Perform such other functions as may be necessary to carry out the provisions of The Biological Diversity Act, 2002 or as may be prescribed by the State Government.

Powers

The powers of the PBB as prescribed u/s 24 of the said Act are as under:

- (1) Any citizen of India or a body corporate, organization or association registered in India intending to undertake any activity referred to in section 7 of The Biological Diversity Act, 2002 shall give prior information in such form as may be prescribed by the State Government to the Punjab Biodiversity Board;
- (2) On receipt of an intimation under sub-section (1), the Punjab Biodiversity Board may, in consultation with the local bodies concerned and after making such enquiries as it may deem fit, by order, prohibit or restrict any such activity 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;

Provided that no such order shall be made without giving an opportunity of being heard to the person affected.

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

Further, the provisions of Sections 9 to 17 of The Biological Diversity Act, 2002 shall apply to Punjab Biodiversity Board as prescribed u/s 25 of the said Act.

Finance, Accounts and Audit

Provisions under Chapter-VIII, Section 31 to 35 of The Biological Diversity Act, 2002 shall apply to PBB as under:

1. As prescribed u/s 31 of the said Act, the State Government may, after due appropriation made by the State Legislature by law in this behalf, pay to Punjab Biodiversity Board by way of grants or loans such sums of money as the State Government may think fit for being utilized for the purposes of The Biological Diversity Act.
2. As prescribed u/s 32 of the said Act :
 - (1) There shall be constituted a Fund to be called the Punjab Biodiversity Fund and there shall be credited thereto –
 - (a) Any grants and loans made to the PBB u/s 31 of the said Act;
 - (b) All grants or loans made by the National Biodiversity Authority;
 - (c) All sums received by the PBB from such other sources as may be decided upon by the State Government.
 - (2) The State Biodiversity Fund shall be applied for –
 - (a) The management and conservation of heritage sites;
 - (b) Compensating or rehabilitating any section of the people economically affected by notification under sub-section (1) of section 37 of the said Act;
 - (c) Conservation and promotion of biological resources;
 - (d) Socio-economic development of areas from where such biological resources or knowledge associated thereto has been accessed subject to any order made u/s 24 of the said Act, in consultation with the local bodies concerned;
 - (e) Meeting the expenses incurred for the purposes authorized by the said Act.
 - (3) As prescribed u/s 33 of The Biological Diversity Act, 2002, the PBB shall prepare, in such form and at such time in each financial year as may be prescribed, its annual report, giving a full account of its activities during the previous financial year, and submit a copy thereof to the State Government.
 - (4) As prescribed u/s 34 of The Biological Diversity Act, 2002, the accounts of PBB shall be maintained and audited in such manner

as may, in consultation with the Accountant-General of the State, be prescribed and the PBB shall furnish, to the State Government, before such date as may be prescribed, its audited copy of accounts together with auditor's report thereon.

- (5) As prescribed u/s 35 of The Biological Diversity Act, 2002, the State Government shall cause the annual report and auditor's report to be laid, as soon as may be after they are received, before the House of State Legislature.

Terms of reference of PBB

1. The activities of PBB shall be governed by provisions of The Biological Diversity Act, 2002.
2. The PBB shall consult the National Biodiversity Authority and the Biodiversity Management committees (as and when these are constituted) while taking any decisions relating to the use of biological resources and knowledge associated with such resources.
3. The PBB shall, in the discharge of its functions and duties under the Biological Diversity Act, be bound by such directions on questions of policy as the State Government may give in writing to it from time to time :

Provided that the PBB shall, as far as practicable, be given an opportunity to express its views before any direction is given u/s 49 (1).
4. The Punjab State Council for Science & Technology (PSCST), under the aegis of Department of Environment, Govt. of Punjab (which has been identified as nodal agency for activities related to biodiversity conservation and preparation of State Biodiversity Strategy and Action Plan vide notification No. 2/41/2000-STE(1)/1608 dated 22.8.2000 of the State Government) will function as the secretariat of the PBB.
5. The Board would meet from time to time as required. Not less than one third number of members of the Board shall form the quorum. However, the requirement of quorum would not apply to a meeting adjourned for half an hour for want of quorum.

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6. TADA of non-official members would be paid out of funds provided by the State Government for the purpose/State Biodiversity fund. TADA of official members would be borne by their parent departments.

Dated: Chandigarh the
20th December, 2004


ROMILA DUBEY
Principal Secretary to Government of Punjab
Deptt. of Science, Technology & Environment
and Non-Conventional Energy

Endst. No.2/41/2000-STE(1)/ 3943-53

Dated: 23-12-04

A copy is forwarded to the following for information and necessary action:-

1. The Secretary to Chief Minister, Punjab for the kind information of Hon'ble Chief Minister, Punjab.
2. PA to Parliamentary Secretary, Agriculture for the kind information of Parliamentary Secretary.
3. The Secretary to Chief Secretary, Government of Punjab for the kind information of Chief Secretary.
4. Principal Secretary, Department of Science, Technology & Environment, Govt. of Punjab.
5. Financial Commissioner, Development, Government of Punjab
6. Principal Secretary, Department of Forests & Wildlife, Government of Punjab
7. Director (Environment), Punjab State Council for Science & Technology
8. Officer In-charge, Zoological Survey of India, Dehradun
9. Officer In-charge, Botanical Survey of India, Dehradun
10. Brig. Sukhjit Singh (formerly Maharaja of Kapurthala)
11. Director, Extension Education, Punjab Agriculture University, Ludhiana
12. Dr. G.S. Kalkat, former Vice Chancellor, Punjab Agriculture University, Ludhiana


Special Secretary

Endst. No.2/41/2000-STE(1)/ 3954

Dated: 23-12-04

A copy alongwith a spare copy of the above notification is forwarded to Controller, Printing & Stationery, Punjab for publication in the ordinary official gazette of the Punjab State. He is requested to send 25 copies of the above notification to the State Government for record.

