Appendix
PROTECTION OF PLANT VARIETIES AND FARMERS' RIGHTS
ACT, 2001 (53 OF 2001)

CHAPTER I
PRELIMINARY

1. Short title and commencement -
   (1) These rules may be called the Protection of Plant Varieties and Farmers' Rights Rules, 2003.
   (2) They shall come into force on the date on which the Act shall come into force.

2. Definitions - In these rules, unless the context otherwise requires, -
   a. "Act" means the Protection of Plant Varieties and Farmers' Rights Act, 2001(53 of 2001);
   b. "Authority" means the Protection of Plant Varieties and Farmers' Rights Authority established under sub-section (1) of section 3;
   c. "Chairperson" means the chairperson of the Authority appointed under clause (a) of sub-section (5) of section 3;
   d. "fee' means the fee specified in the Second Schedule;
   e. "Form" means a Form specified in the First Schedule;
   f. "Gazette" means the Official Gazette of the Government of India;
   g. "journal" means the monthly Journal of the Authority;
   h. "non-official member" means a member of the Authority other than a member, ex-officio;
   i. "notice" means a notice issued by the Tribunal or the Registrar or the Authority under the Act;
   j. "Registrar" means a Registrar of Plant Varieties appointed under sub-section (4) of section 12 and includes the Registrar General of Plant Varieties appointed under sub-section (3) of that section;
   k. "Schedule" means a Schedule annexed to these rules;
   l. "section" means a section of the Act;
   m. "representation" means any written communication addressed to the Authority or the Registrar in any proceeding under the Act;
   n. all other words and expressions used, but not defined in these rules, but defined in the Act, shall have the meanings respectively assigned to them in the Act.

3. Details of particulars to be furnished while making an application or representation --
   (1) Save in case of forms specified by the Authority under the Act, every person making an application or representation under the Act or these rules, shall furnish the particulars in the Forms specified in the First Schedule;
   (2) If any application or representation has been filed without furnishing all the particulars as specified in the relevant Forms specified in the First Schedule, the Authority or the Registrar, as the case may be, shall give one month's notice to the applicant or the person, who has filed the application or the representation to file such particulars.
   (3) In the event the applicant or the person, who has filed the application or the representation, defaults or fails to rectify the application or the representation, as the case may be, in terms of the notice under sub rule (2) within one month as allowed, the said application or the representation shall be liable to be rejected without any further notice.
   (4) Where no Form is specified for any purpose, the applicant may adopt as nearly as may be a Form specified in the First Schedule with such modifications and variations as may be considered necessary.
4. Office of the Authority -

(1) The office of the Authority shall, for all proceedings under the Act, be the head office of the Authority at New Delhi or the branch office, as the case may be, within whose territorial limits –

a. the applicant for registration of the plant variety or the farmers’ right has his principal place of business or domicile; or

b. the applicant for registration of the plant variety or the farmers’ right, whose name is first mentioned in the application, resides or has his principal place of business or domicile, if the application is made jointly in the names of two or more persons; or

c. the agent or licensee of the registered breeder has his principal place of business or domicile.

(2) Notwithstanding anything contained in sub-rule (1), until the branch offices are established, the appropriate office for all proceedings under the Act shall be the head office of the Authority at New Delhi.

5. Address for service of notices, etc.

(1) Every person including the applicant, concerned in any proceeding to which the Act or these rules apply, shall furnish to the Authority or the Registrar the complete address for service in India and that address shall be treated for all purposes connected with such proceedings or the rights granted, as the address of the person or persons in the proceedings.

(2) Unless such an address is given, the Authority or the Registrar shall be under no obligation either to proceed or deal with any proceeding or to send any notice that may be required to be given under the Act or these rules.

6. Procedure regarding application, representation and issue of notices -

(1) Every application or representation shall be made in writing, signed by the applicant or the person who has made the representation, and delivered to the Registrar or the Authority at its office.

(2) The names and addresses of the applicants and other persons shall be given in full, together with their nationality and such other particulars, as are necessary for their identification and for sending communications to them.

(3) (a) All applications, representations and documents filed or required to be filed under the Act or the rules shall be filed in triplicate:

Provided that in cases where the Registrar or the Authority requires more than three copies of such applications, representations, or documents, the applicant or the person, who has filed the application or the representation, shall be required to supply as many copies as is specified by the Authority or the Registrar.

(b) In case of failure to furnish the required number of copies within a period of three months, the Registrar or the Authority may reject the application or the representation or may treat the application or representation as withdrawn.

(4) Any application, representation or document required to be sent to or filed with the office of the Authority or the Registrar may be delivered either by hand or by registered letter with acknowledgement due or electronic mail, addressed to the Authority or to the Registrar at their office.

(5) If any application or a representation or document is delivered to the Authority or the Registrar by hand, an acknowledgement receipt shall be issued by the Authority or the Registrar’s office with its seal.

(6) In case of delivery by registered post with acknowledgement due or by electronic mail, it shall be presumed to have been filed, or given at the time when the same has been received by the office concerned.

(7) Any written communication addressed to an applicant or the holder of any right under the Act, at his address in the Register of Plant Varieties maintained under the Act or at the address furnished under rule 5 in any proceedings under the Act or these rules, at the address appearing on the application or notice of opposition or reply or counter reply or any such representation, shall be presumed to be properly addressed:
(8) Provided that in cases where the receipt of such a representation or application has been delayed beyond the normal period of delivery or transmission, such a delay may be condoned.

(9) All notices and written communications addressed to an applicant or to any holder of right, in any proceeding under the Act or these rules, and all documents forwarded to the applicant or the holder of any right or an opponent shall, except when they are sent by special messenger, be sent by registered post acknowledgement due or by electronic mail.

(10) (a) The acknowledgement receipt issued by the office concerned or the postal certificate receipt shall be the sufficient proof as to the delivery or sending of any document under the Act or these rules.

(b) In case of transmission by electronic mail, the electronic receipt with the recognised digital signature, by the applicant or the person, who has made the representation, shall be the proof of the receipt.

7. Application not to be admitted in certain cases -
No application or representation shall be made to the authority or registrar covering the subject-matter already included in an earlier application made by the same person, and such subsequent application shall not be admitted by the registrar or the authority, as the case may be.

8. Fees -
(1) The amount of fees payable in respect of the registration of plant varieties and grant of any right under the Act or any application or notice of opposition or reply or counter reply required to be filed under the Act and other matters shall be as per the rates specified in the Second Schedule.

(2) (a) The fees payable may either be paid in cash or may be sent by money order or postal order or bank draft or cheque payable to the Authority or the Registrar, as the case may be, at their respective offices, drawn on a scheduled bank at the place where the office is situated.

Explanation: For the purposes of these rules, “scheduled bank” means a bank included in the Second Schedule to the Reserve Bank of India Act, 1934 (2 of 1934).

(b) Any cheque or draft (not including the fees in cash) on which the value specified therein cannot be collected in cash within the time allowed for the payment of the fees, shall be accepted at the discretion of the Registrar.

(c) The stamps shall not be received in the payment of any fees payable under these rules.

(d) Where a fee is payable in respect of the filing of a document or application or representation, the date on which the entire fee is paid shall be the date of filing of the document or the representation.

(3) Where any test is required to be conducted under any of these rules, the applicant or the concerned person shall be required to pay the requisite fee specified in the Second Schedule.

(4) Any application or representation or document shall be liable to be rejected on account of non-payment of fees and no test shall be conducted unless and until the parties interested deposit the required amount of fees as specified in the Second Schedule.

9. Size, etc., of documents -
All documents and copies of documents, except affidavits and drawings, sent to or left at the office of the Authority or otherwise furnished to the Registrar shall be written, typewritten, lithographed, or printed (either in the Hindi or in the English language unless otherwise directed or allowed by the Authority or the Registrar-General) in large and legible characters with deep indelible ink with lines widely spaced upon one side only of strong white paper of a size of approximately 33.00 centimetres by 20.50 centimetres (13 inches by 8 inches) or 29.7 centimetres by 21 centimetres (11 3/4 inches by 8 1/4 inches) with a margin of at least four centimetres (one and a half inches) on the left-hand part thereof.

10. Affidavits -
The affidavits required to be filed under these rules shall be dated and signed at the foot and shall contain a statement that the facts and matters stated therein are true to the best of the knowledge, information and belief of the person making the affidavit.

CHAPTER II
PLANT VARIETIES AND FARMERS' RIGHTS PROTECTION AUTHORITY

11. Manner of Selection and Appointment of the Chairperson -
(1) The Chairperson shall be appointed by the Central Government on the basis of a panel of names recommended by a Selection Committee comprising of the following, namely:-
a. Secretary, Department of Agriculture and Co-operation, Government of India – Chairman.
b. Secretary, Department of Agriculture Research and Education, Government of India – Member.
c. One Expert nominated by Ministry of Agriculture, Government of India – Member.
(2) The Department of Agriculture and Cooperation of the Central Government shall act as the nodal department for the selection and appointment of the Chairperson.
(3) The Chairperson shall be of the rank of the Secretary to the Government of India and the appointment as chairperson shall either be on deputation or on contract basis.
(4) If the Selection Committee constituted under sub rule (1), recommends any person who is not a government servant but fulfills qualifications given in clause (a) of sub-section (5) of section 3, such appointment may be made on contract basis.

12. Term of Office of the Chairperson -
The Chairperson shall hold office for a term of five years or up to the age of sixty-five years, whichever is earlier, and shall be eligible for re-appointment: Provided that no Chairperson shall hold office for a total period exceeding ten years, or after he has attained the age of sixty-five years, whichever is earlier.

13. Salary, allowances, conditions of service, leave, pension, provident fund etc. of the Chairperson -
The Chairperson shall be entitled to such salary, allowances, leave, pension, provident fund and other perquisites as are admissible to a Secretary to the Government of India.

14. Resignation or removal of the Chairperson from office in certain cases -
(1) The Chairperson may resign from his office by giving notice in writing to the Central Government.
(2) The Central Government shall remove the Chairperson from office if he, -
a. is or at any time has been, adjudicated as an insolvent;
b. has been convicted of an offence which, in the opinion of the Central Government, involves moral turpitude;
c. has become physically or mentally incapable of acting as the Chairperson;
d. has failed in discharging the duties and responsibilities under the Act and the rules made hereunder.
e. has acquired such financial or other interest as is likely to affect prejudicially his function as the Chairperson;
f. has, in the opinion of the Central Government, so abused his position as to render his continuation in office detrimental to the public interest;
g. any other substantiated ground which is unbecoming of a public servant under the Government of India: Provided that the chairperson shall not be removed under this sub-rule unless he has been given a reasonable opportunity of being heard in the matter.

15. Term and allowances of non-official members -
(1) Every non-official member of the Authority shall hold office for a period of three years from the date of his appointment.
(2) The Central Government shall appoint new non-official member of the Authority within six months of the expiration of the term of the non-official member.

(3) A non-official member shall be entitled to sitting allowance and travelling expenses, at such rate as may be fixed by the Central Government from time to time in this regard.

16. Proceedings of the Authority -

(1) The Authority shall meet at least twice in a year at the head quarters of the Authority or at such place as may be decided by the Chairperson.

(2) The Chairperson shall, upon a written request of not less than five members of the Authority or upon a direction of the Central Government, call a special meeting of the Authority.

(3) At least fifteen days' notice of an ordinary meeting and three days' notice of a special meeting specifying the purpose, the time and the place at which such meeting is to be held, shall be given to the members.

(4) Every meeting shall be presided over by the Chairperson and in his absence, by a Presiding Officer to be chosen by the members present from amongst themselves.

(5) The decision of the Authority shall be taken by a majority of the votes of the members present and voting and in the event of equality of votes, the Chairperson or in his absence, the member presiding over the meeting shall have a second or casting vote.

(6) Every member shall have one vote.

(7) The quorum for the meeting of the Authority shall be five.

(8) No member shall be entitled to bring forward for the consideration of a meeting any matter of which he has not given ten days' notice to the Member-Secretary unless the Chairperson, in his discretion, permits him to do so.

(9) The notice of the meeting may be given to the members 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 Chairperson or the Member-Secretary may, in the circumstances of the case, think fit.

17. Chairman and proceedings of the Standing Committee -

(1) The Chairperson shall select a member of the Standing Committee appointed by him under sub-section (7) of section 3 from amongst the members of that Committee to preside over its meeting.

(2) In the absence of the member selected under sub-rule (1), the meeting of the Standing Committee shall be presided over by the member who shall be elected by the members present at meeting from amongst themselves.

(3) The decision in the meeting of the Standing Committee shall be taken by a majority of the members present and voting and in the event of equality of votes, the member selected under sub-rule (1) or in his absence, the member presiding over the meeting shall have a second or casting vote.

(4) Every member shall have one vote.

(5) The quorum for the meeting of the Standing Committee shall be three.

(6) The convener of the Standing Committee may, in consultation with the Authority, determine the venue of its meetings any where in India; and serve notice of such meeting to all members at least fifteen days in advance.

18. Appointment of Expert Committee by the Authority -

(1) The Authority may appoint such experts or consultants as it considers necessary to seek guidance and assistance in technical areas demanding specialized advisory inputs, to enable the Authority for efficient discharge of its duties and functions.

(2) The Authority may appoint such other committees as may be necessary for the efficient discharge of its duties and functions.

(3) The Authority may, in consultation with the Central Government, fix the quantum of remuneration, payable to the experts and consultants.

19. Salary, Allowances and Conditions of service of the Registrar-General -

(1) The Registrar-General shall be an official equivalent to the rank of the
Additional/Joint Secretary to the Government of India and he shall be appointed by the Authority on deputation or transfer or on contract basis.

(2) The Registrar-General shall be governed by the Central Government rules in respect of his salary and other allowances including pension, leave, travelling and daily allowances as are admissible to an Additional Secretary to the Government of India.

(3) The Registrar-General shall be a person having proven managerial, or legal or Intellectual Property Rights or agricultural development experience.

(4) The term of office of the Registrar-General shall be a period of five years or until he attains the age of sixty years, whichever is earlier : Provided that no candidate who may not have at least two years tenure in the office shall be appointed as Registrar-General.

(5) A person on completion of one term as Registrar-General shall be eligible for a second term of three years or until he attains the age of sixty years, whichever is earlier.

20. The method of appointment of officers and other employees of the Authority -

(1) The Authority may make recruitment and appointment to the posts of officers specified in the Fourth Schedule.

(2) The Authority shall after advertising the posts in the Employment News and atleast one national daily recruit officers and other employees of the Authority by the method of direct recruitment or contract basis by selection after conducting interview.

(3) Notwithstanding anything contained in sub-rule (1) and subject to the approval of the Central Government the Authority may also appoint such other officers and employees as may be required by it on transfer or deputation basis or on contract basis.

(4) The salary, allowances and other conditions of service of the officers and employees of the Authority shall be the same as applicable to Central Government servants of equivalent rank.

(5) If any question on the service conditions of any officer or employee of the Authority arises, it shall be decided by the Central Government.

21. Powers and Duties of the Chairperson -

(1) In addition to the duties specified in the Act, the Chairperson shall have powers of general superintendence and directions in the conduct and management of the affairs of the Authority, to enable the Authority in effectively discharging its duties and overseeing the compliance of the provisions of the Act, and the rules and regulations made thereunder.

(2) The Chairperson shall also discharge such other duties and functions as the Authority may by general or special order in writing delegate to him or the Central Government may authorise him to discharge from time to time.

(3) The Chairperson shall convene, preside over and conduct the meetings of the Authority and be responsible for carrying out all decisions taken by the Authority.

(5) The Chairperson shall guide and facilitate the development of new plant varieties by protecting the rights of the breeders, researchers, farmers, and community of farmers as provided under the Act.

(6) The Chairperson shall facilitate and act on his satisfaction for compulsory licensing of registered plant varieties and advise the Central and the State Governments on the
22. General functions of the Authority -

(1) The Authority shall advice the Central Government in relation to the provisions contained in the sub-section (2) of section 29 for specifying and notifying the genera and species for the purposes of registration of new plant varieties other than extant varieties and farmers’ varieties.

(2) The Authority shall register extant varieties under clause (a) of sub-section (2) of section 8 within such period as may be determined by it with suitable test criteria to conform distinctiveness, uniformity and stability (hereinafter referred to as DUS) of such varieties.

(3) The Authority shall develop DUS test and other test criteria and conduct such tests for characterization of each variety of crop species notified by the Central Government.

(4) The Authority shall compile and maintain a database on all varieties of common knowledge including all registered extant and farmers’ varieties and such varieties being cultivated outside India for each crop species prior to grant for registration for new varieties belonging to such species.

(5) The Authority shall be entitled to call for and procure the details of any crop variety under use in the country for the purpose of bringing the same into its database.

(6) Any public or private institution, community or individual involved in the production and use of seed of such varieties shall be required to provide full information on its characteristics or a true sample of seed of such variety.

(7) The Authority shall keep a record of the production and sale of seed of all registered varieties.

(8) It shall be necessary for all breeders of registered varieties to supply certified figures on annual seed production and sales to the Authority within a period not exceeding three months from the completion of such reporting period.

(9) The Authority, if required shall also be entitled to call for such figures specifically relating to any region of the country.

23. Matters to be included in the National Register of Plant Varieties -

The National Register of Plant Varieties shall contain the following particulars of each registered variety, namely:

(1) Registration Number;
(2) Nationality of Breeder(s);
(3) Denomination as granted;
(4) Date of Grant of Registration;
(5) Date on which application was received;
(6) Provisional number given to the application;
(7) Date of Gazette notification;
(8) Grouping of the plant variety (new, extant or farmers);
(9) Classification of the variety (typical variety, hybrid variety or essentially derived variety);
(10) Denomination of variety, Common Crop name to which the variety belongs, Taxonomical Lineage of the Crop in Botanical names;
(11) Key Passport data of the variety;
(12) Essential characters making the variety distinct;
(13) Starting date of protection;
(14) Expiry date of protection;
(15) Date of revocation with other details (grounds etc.);
(16) Name and address of the applicant(s);
(17) Address for service of document(s);
(18) Name and address of the breeder(s) (in case breeder is not the applicant);
(19) Name and address of the legal representative (if applicable);
(20) Name, address and other details of the licensee and terms of license (if applicable);
(21) Name, address and other details of the agent with jurisdictional rights, if any (if appointed);
(22) Type of crop;
(23) Name of the family, genus, species, variety and common name;
(24) Name and address of the breeder of initial variety (in case of essentially derived variety);
(25) Details of the acquisition of propagating material/seeds (if applicable);
(26) Details of parental material used in the development (if applicable);
(27) Name and address of the contributor(s) of genetic material (if applicable);
(28) Any other feature specified by the Authority or Registrar-General;
(29) Country of origin of the plant variety;
(30) Brief description of the variety along with characteristic details of the nearest variety including results of DUS testing, supplemented with the drawings or photographs or both;
(31) In case of compulsory licensing, name and address of licensee with other details (terms and conditions, revocation, etc), if applicable;
(32) Declaration and details of the renunciation to the variety (if applicable);
(33) Details of benefit sharing;
(34) Details of opposition, revocation, restoration, maintenance (whatever applicable);
(35) In the case of varieties protected outside India prior to registration in the country, following additional information shall be entered in the National Register of plant varieties namely: -

a. Name of the country (Les) where protection is made along with the denomination of the variety in each of them,
b. Date of first protection with country,
c. Variation in important trait with respect to first filing,
d. Country wherein the Variety was first commercialized with date,
e. Any other feature specified by the Authority or Registrar-General;
(36) In case of a convention application, the following information shall also be furnished, namely: -

a. Name of the convention country
b. Passport data of the convention application
c. Date of application
d. (d) Date of grant of registration
e. Registration number
f. Denomination as accepted
g. Date of Gazette notification
h. Starting date of protection
i. Expiry date of protection
j. Whether the variety has been sold or otherwise disposed of within and outside the country, if so, details thereof
(37) Any changes made in any entry.

CHAPTER III
REGISTRATION OF PLANT VARIETY

24. Registration of Extant Plant Varieties under sub-section (2) of section 15 -
(1) The Registrar shall register every extant variety within three years from the date of its notification under the Act, with respect to the genera and species eligible for registration subject to conformity to the criteria of distinctiveness, uniformity, and stability as laid down under the regulations:
Provided that the Registrar may, for reasons to be recorded in writing, register an extant variety after the expiry of the said period of three years.

25. Application to authorize a person to register a variety under clause (e) of sub-section (1) of section 16

An application to authorize a person to register a variety under clause (e) of sub-section (1) of section 16 shall be made in Form PV-1, given in the First Schedule, by a person specified in sub-section (1) of that section.

26. The fee payable under clause (g) of sub-section (1) of section 18 for making application for registration of plant variety

The fee for making application for registration of a plant variety under section 14 shall be such as specified in column (3) of the Second Schedule for the purpose.

27. Proof of the right of making application under sub-section (3) of section 18

(1) Where an application for registration is made by the successor or assignee of the breeder under sub-section (3) of section 18, he shall furnish documentary proof, at the time of making such application or within six months of making such an application, as to the right to make such an application for registration.

(2) The documentary proof, in case of an assignment, shall be furnished in the manner specified in Form PV-2, given in the First Schedule and in case of succession, or a succession certificate or any other document in support of succession proving the applicant to be the successor shall be furnished.

28. Fee for conducting tests under section 19

The applicant shall deposit the requisite fee for the purpose as specified in column (3) of the Second Schedule, with the Registrar for conducting the required tests under section 19.

29. Manner and method for conducting tests under section 19

(1) (a) The Authority shall charge separate fees for conducting DUS test and special test on each variety.

(b) The special tests shall be conducted only when DUS testing fails to establish the requirement of distinctiveness.

(c) The DUS testing shall be field and multi-location based for at least two crop seasons and special tests be laboratory based.

(d) The fee for DUS and special tests shall be such as provided in column (3) of the Second Schedule for the purpose.

(2) If the Registrar, after initial scrutiny of the application for registration, is satisfied that the application is in order, he shall notify the applicant to deposit the requisite fee, as specified in column (3) of the Second Schedule, within a period of two months for conducting the DUS test.

(3) On receipt of the fee, demanded under sub-rule (1), the Registrar shall consider the application for further processing.

(4) The DUS test shall be necessary for all new varieties except essentially derived variety.

(5) The manner of testing essentially derived varieties shall be decided by the Authority on a case-to-case basis.

(6) The DUS test shall be conducted on a minimum of two locations.

(7) The Authority may recognize and empanel institutions having adequate facilities for conducting DUS or special tests in the country for conducting such tests.

(8) The Authority shall notify the adopted methods of conducting the DUS and special tests.

(9) The Authority shall develop and publish in its journal guidelines for the DUS test for each crop.

(10) The samples of seeds or propagules in respect of which an application for registration has been made and parental lines under registration submitted for the DUS and special tests and deposited at the National Gene Bank shall present the maintainable standards of genetic purity, and uniformity and germination, sanitary and phytosanitary standards.
30. **Advertising of application for registration under section 21** -

(1) Every application for registration of a variety which has been accepted and the details thereof including specifications shall, upon such acceptance under sub-section (1) of section 20, be advertised by the Registrar in the manner specified in **Form - 0-1** of the **Third Schedule**.

(2) In every such advertisement under sub-rule (1), the Registrar shall mention the place or places where a specimen of the variety may be inspected.

(3) The contents of such advertisement shall include -
   - (a). name, passport data and source of parental line or initial variety used to develop the variety in respect of which an application for registration has been made;
   - (b). description of the variety bringing out its character profile as specified under the DUS test Schedule;
   - (c). essential characteristics conferring distinctiveness to the variety;
   - (d). important agronomic and commercial attributes of the variety;
   - (e). photographs or drawings, if any, of the variety submitted by the applicant; and
   - (f). claim, if any, on the variety.

31. **Notice of opposition under sub-section (2) of section 21** -

(1) Any interested person, may within three months from the date of advertisement of an application for registration, may give a notice of opposition to the registration of a plant variety in **Form PV-3** of the **First Schedule**.

(2) The fee payable for filing an opposition referred to in sub-rule (1) shall be as specified in column (3) of the **Second Schedule**:
   - Provided that no such fee shall be payable in respect of an opposition made by a farmer or group of farmers, or village community.

(3) A copy each of the notice of opposition received against a specific application shall be referred to the applicant by the Registrar within three months from the last date of filing of opposition.

(4) An applicant shall be entitled to submit point-wise counter statement to the opposition not later than two months from the date of service of the copy of the notice of opposition, failing which the Registrar shall decide the merits of the opposition and notify his decision by giving reasons therefor.

(5) Every counter-statement under sub-rule (4) shall be in **Form PV-4** of the **First Schedule**.

(6) The copies of counter to opposition submitted by the applicant within the time specified in sub-rule(4), shall be conveyed to the person opposing the application, within a period of thirty days of its receipt, requiring the opposing person to submit the final opposition within a period of thirty days from the date of service of the counter from the applicant.

(7) The Registrar, may at his discretion, allow any correction of error or amendments in the notice of opposition or counter statement if such alteration is requested by the persons concerned in writing.

(8) (a) The security referred to in sub-section (8) of section 21 shall be payable as an amount decided by the Authority.
   - (b) In case the opposition is found to be frivolous, the Registrar may direct payment of cost as determined by him to the applicant from out of the security amount received and the balance of the security amount shall be deposited in the Authority.
   - (c) In case the opposition succeeds, the security amount shall be refunded to the opposition party.

32. **Compliance with Time Schedule** -

(1) The time schedule provided for advertisement, opposition, defence, hearing and
amendment of specification under these rules shall not be extended and failure in compliance with these time schedules shall forfeit the opportunity granted.

33. **Manner of submitting evidence and time limit for filing notice of opposition, counter-statement or producing evidences under section 21**

(1) Any evidence, upon which the opponent may rely, shall be submitted in duplicate to the Registrar with a copy to the applicant within one month from the receipt of counter-statement of the applicant.

(2) Any evidence upon which the applicant may rely shall be submitted in duplicate to the Registrar with a copy to the opponent within thirty days from the date of receipt of opponent's evidence.

(3) No further evidence shall be submitted by either party except by leave or directions of the Registrar.

(4) The copies of all the documents, except plant variety application, referred to in the notice of opposition or in any counter-statement filed in connection with the opposition shall be in triplicate unless the Registrar directs otherwise.

(5) Where a document, is in a language other than English, and is referred to or relied upon in the notice, statement or evidence, an attested translation in English thereof shall be furnished in triplicate.

(6) The time-limit for filing the evidence shall not ordinarily be extended except by a special order of the Registrar given on an application filed by the person seeking extension of time and on payment of the fee specified in the Second Schedule and such an application for extension shall be in Form- PV 5 of the First Schedule.

34. **Application for the registration of essentially derived variety under section 23**

(1) The application for registration of an essentially derived variety shall be accompanied by the following documents, namely:
   
   (a) an affidavit sworn by the applicant stating that such a variety does not contain any gene or gene sequence involving terminator technology;
   
   (b) a statement giving details of the brief description of the characteristics of the variety to substantiate novelty, distinctiveness, uniformity and stability; and
   
   (c) the details of parental material used.

(2) The application under sub-rule (1) shall be accompanied by the fee as specified for the purpose in column (3) of the Second Schedule.

35. **Manner and method for conducting test under section 23**

The tests referred to in sub-section (3) of section 23 shall be conducted by the Authority in consultation with the Central Government.

36. **Certificate of registration under section 23**

The Registrar shall issue to the applicant a certificate of registration of an essentially derived variety in the manner specified in Form O-2 of the Third Schedule and send a copy of the registration to the Authority and to such other body (ies) as may be notified by the Central Government for information.

**CHAPTER IV**

**REGISTRATION AND BENEFIT SHARING**

37. **Certificate of registration under section 24**

(1) The certificate of registration of a plant variety, other than an essentially derived variety, under sub-section (2) of section 24 shall be in Form O-2 of the Third Schedule.

(2) The Registrar shall issue the certificate of registration under sub-section (2) of section 24 within three years of the date of filing of application subject to the fulfillment of all other requirements.

(3) A copy of the certificate of registration issued under sub-section (2) of section 24 shall be sent to the Authority; and to such other body or agency, which the Central Government may, by notification in the official gazette specify.

38. **Notice to the applicant under section 24**
(1) If, within a period of twelve months, the application for registration of a plant variety other than an essentially derived variety is not completed in the circumstances given in sub-section (3) of section 24, the Registrar shall issue thirty days notice to the applicant at the address of his principal place of business in India, or if he, has no principal place of business in India, at the address for service in India stated in the application, but if the applicant has authorized an agent for the purpose of the application, the notice shall be sent to the agent and a duplicate thereof to the applicant for filing of the application or such further time as the Registrar may allow for completion of registration.

(2) The notice under sub-rule (1) shall be in Form O-3 of the Third Schedule.

39. Renewal and revision of registration under section 24 -

(1) (a) On receipt of an application from the applicant, the Authority may review and renew the initial duration of registration as mentioned in sub-section (6) of section 24.
(b) Every application for review and renewal under sub-rule (1) shall be made in Form PV-6 of the First Schedule and filed during twelve to eighteen months prior to the expiry of the initial period of registration.
(c) Every application under sub-rule (1) shall be accompanied with the fee payable for the remaining years under the initial period of registration, at the rate fixed for the year preceding the year of application, along with arrears, if any.

(2) (a) The renewal of registration may be applied for either for the remaining period of total aggregate duration of validity of the registration or for any period within such remaining period.
(b) In case, the applicant prefers for a period less than the total aggregate duration, no application shall be entertained for the further renewal of registration.

(3) (a) The fee payable for such extended period of registration beyond nine years in the case of trees and vines and six years in the case of other crop varieties, as the case may be, shall be based on average annual fee levied during the last two years of the said initial period of registration.
(b) The annual fee shall be uniform for the extended period of the registration and be payable in advance in single instalment.

(4) The Authority shall within such intervals as it thinks appropriate publish a list of varieties registered as well as renewed under the Act with the particulars of the period of registration, name and address of right holders periodically in its journal and in the Official Gazette.

40. Publication of contents of the certificate inviting claims for benefit sharing under section 26 -

Upon the issuance of the registration certificate under sub-section (8) of section 23, or sub-section (2) of section 24, the Authority shall, for the purpose of inviting claims for benefit sharing under the Act, shall advertise the following details of the registration certificate, namely -

(a) the registration number along with the date of grant,
(b) the name and address of the applicant or breeder in whose name the certificate has been issued or registered,
(c) denomination of the variety,
(d) name of the family, genus, species, variety and common name,
(e) parentage and geographical location of the variety,
(f) the details of the distinguishing features or the characteristics,
(g) in case of 'essentially derived variety', the details of the 'initial variety' from which the 'essentially derived variety' is claimed to have been derived.
(h) the name and address of the contributor, nature and amount of the contribution or the community knowledge used in the development of the plant variety.
(i) the terms and conditions of the agreement, if any, entered into between the breeder and the contributor.
(j) if the variety is sold or otherwise disposed of, details thereof.

41. Benefit sharing claim under section 26 -
(1) Upon the publication of the particulars of a certificate under sub-section (1) of section 26, a person or group of persons or firm or a non-governmental organization can make a claim under sub-section (2) of that section for benefit sharing in Form PV-7 of the First Schedule within a period of six months from the date of such publication. Provided that in special circumstances, the Authority may extend the time limit beyond the period of six months.

(2) The person or persons or firm or the non-governmental organization, who has made an application for benefit sharing, shall provide the following information, namely:

(a) the contribution made by the person or the group of persons or firm or community or the non-governmental organisations to the genetic development of the plant variety;

(b) the capacity in which the person or the group of persons or the non-governmental organisation is making the claim for benefit sharing;

(c) in case of “essentially derived varieties”, the terms and conditions in which authorisation has been given;

(d) the commercial viability or the actual market performance of the variety so registered.

(3) An applicant for benefit sharing shall pay the fee as specified for the purpose, in column (3) of the Second Schedule.

42. Opposition to a claim for benefit sharing under section 26 -

(1) On receipt of a copy of the claim for benefit sharing, the registered breeder of the plant variety may accept the claim and accordingly intimate the same to the Authority within a period of three months from the date of such receipt.

(2) In the eventuality of the plant breeder failing or defaulting to tender the intimation under sub-rule(1) within the period of three months, referred to in sub-rule(1) it shall be presumed that he has no opposition to such claim and the claim shall be decided accordingly.

(3) If, within a period of three months of receipt of notice of claim, the breeder of the plant variety files his opposition to the claim for benefit sharing, such an opposition shall be taken into consideration while disposing or deciding the claim for benefit sharing.

(4) Every notice of opposition, under sub-rule(3) shall be in Form PV-8 of the First Schedule.

(5) The Authority, upon receiving the reply from the registered breeder, shall furnish a copy of such reply to the claimant for benefit sharing.

(6) The registered breeder or the claimant to benefit sharing shall furnish supporting document and other evidence, which shall be duly considered by the Authority while disposing of any claim for benefit sharing.

43. Determination of benefit sharing under section 26 -

The Authority shall, by order, determine the amount of benefit sharing to a variety according to clauses (a) and (b) of sub-section (5) of section 26 and taking into account the following criteria, namely:

(a) the contribution of the claimant in selecting, conserving and providing the genetic material,

(b) the contribution of such genetic material in providing one or more traits which conferred high commercial value to the variety, and

(c) the contribution of such genetic material to impart high combining ability to the parents of the hybrid variety relating to benefit sharing.

44. Reference for recovering benefit sharing under section 26 -

In case of default or failure on the part of the breeder of the variety to deposit the amount of benefit sharing in the Gene Fund, as per the order of the Authority of section 26, required under sub-section(6) within a period of three months from the date of such order, the Registrar shall make a reference to the District Magistrate under sub-section (7) of that section 26 in Form O-4 of the Third Schedule.

45. Application for registration of title of agent or licensee under section 28 -
(1) An application under sub-section (4) of section 28 for registration as an agent or licensee, as the case may be, shall be made in Form PV-9 of the First Schedule.

(2) The application for title by a licensee or an agent shall be accompanied by three attested copies of the agreement or instrument of entitlement or any other documentary evidence.

(3) The proposed agent or licensee may also be required to produce such other documents and information as may be required by the Registrar in support of the proof of title.

(4) The applicant under sub-section (4) of section 28 shall pay the fee as specified for the purpose in column (3) of the Second Schedule.

46. Reference of disputes of entitlement under section 28 -

(1) While referring a dispute under sub-section (4) of section 28 to the Authority for determination the Registrar shall furnish all the relevant information related to dispute with three copies of all the documents and evidence available with his office.

(2) On receipt of an order of the Authority in respect of the dispute, the Registrar shall furnish copies of the order to the persons involved for necessary compliance.

47. Certificate of registration of entitlement under section 28 -

The certificate of registration to be issued to a registered licensee or an agent by the Registrar under sub-section (4) of section 28 shall be in Form O-5 of the Third Schedule.

48. Application and procedure for varying or cancelling terms of registration under section 28 -

(1) An application under clauses (a), (b), (c), (d), or (e) of sub-section (9) of section 28 for variation or cancellation of the terms of registration of a registered breeder or his successor or any other person shall be in Form PV-10 of the First Schedule.

(2) Every applications under sub-rule (1) shall be accompanied by a fee as specified for the purpose in column (3) of the Second Schedule.

49. Notice and proceedings under section 28 -

(1) The Registrar shall issue notice of every application under sub-section (10) of section 28 in Form O-6 of the Third Schedule to the registered breeder or the agent or the licensee.

(2) Any person to whom a notice has been issued under sub-rule (1) and who intends to oppose or intervene in any proceedings under section 28, shall, within three months of the receipt of such notice, give notice of opposition or intervention to the Registrar in Form PV-11 of the First Schedule.

(3) On receipt of a notice of opposition or intervention the Registrar shall furnish a copy of it to the applicant.

(4) The Registrar may accept or refuse the application or accept it subject to any condition, modification or limitation as directed by the Authority and shall inform the parties in writing accordingly.

CHAPTER V

SURRENDER AND REVOCATION OF CERTIFICATE OF REGISTRATION AND RECTIFICATION AND CORRECTION OF REGISTER

50. Surrender of certificate of registration under section 33 -

The registered breeder may at any time, by giving notice to the Registrar offer to surrender his certificate of registration of plant variety in Form PV-12 of the First Schedule, under sub-section (1) of section 33.

51. Procedure on application for surrender of certificate of registration under section 33 -
(1) The Registrar shall give notice in Form O-7 of the Third Schedule, every notice of offer made under rule 50 to the registered agent or the licensee relating to such certificate.

(2) (a) Any person who has been given a notice of surrender of certificate of registration under sub-rule (1), who intends to oppose the surrender, shall within three months of the receipt of such notice, give notice of opposition to the Registrar in Form PV-13 of the First Schedule, and shall send therewith a written statement setting out the nature of the opponents' interest, the facts relied upon along with the notice of opposition.

(b) The Registrar shall thereupon serve the notice of opposition along with the written statement received by him to the applicant.

(3) If the applicant desires to contest the opposition, he shall file or leave at the appropriate office a reply statement setting out fully the grounds upon which the opposition is contested, within a period of three months from the date of receipt of the copy of the written statement by him under sub-rule (2) and deliver to the opponent a copy thereof.

(4) The applicant or any person to whom a notice under sub-rule (1) has been issued may, make an application to the Registrar in Form PV-14 of the First Schedule, for seeking an opportunity of being heard.

(5) On receipt of an application, under sub-rule (4), the Registrar may fix the time and place of hearing and issue notice to the parties accordingly and the interested parties may appear and give or file evidence in support of their case.

(6) The Registrar may accept or refuse the application or accept it subject to any condition, amendments, modifications or limitations and shall, accordingly, inform the parties in writing.

(7) If the Registrar accepts the registered breeder's offer of surrender of the plant variety, he shall by order direct the registered breeder to return the certificate of registration and on receipt of such certificate, the Registrar shall, by order, notify the surrender in the Official Gazette.

52. Application for revocation of protection granted to a breeder under section 34 -

Any person may make an application to the Authority in Form PV-15 of the First Schedule, for revocation of protection granted to a breeder in respect of a variety on any of the grounds laid down under clauses (a) to (h) of section 34.

53. Procedure on application for revocation under rule 52 -

(1) The Authority shall issue notice in Form O-8 of the Third Schedule, to the registered breeder of any application received by it under rule 52.

(2) (a) In case the registered breeder intends to oppose the application for revocation of protection, he shall, within three months from the date of receipt of such notice, give notice of opposition to the Authority in Form PV-16 of the First Schedule, and shall send therewith a written statement, setting out the facts upon which he bases his case and the relief sought.

(b) The Registrar shall serve the notice of opposition along with the written statement received by him to the applicant.

(3) If the applicant desires to contest the opposition, he shall file or leave at the appropriate office, a reply setting out the grounds upon which the opposition is contested, within a period of three months from the date of receipt of the copy of the written statement by him under sub-rule (2) and deliver to the opponent a copy thereof.

(4) (a) The applicant and the registered breeder may make an application to the Registrar in Form PV-17 of the First Schedule, seeking an opportunity of being heard.
(b) The Registrar may, on receipt of such application, fix such time and place for hearing
and issue notice to the parties accordingly and the interested parties may appear and give
or file evidence in support of his case.
(c) The Registrar may, accept or refuse the application or accept it subject to any
condition, amendments, modifications or limitations and shall, accordingly inform the
parties in writing.
(5) If the Authority accepts the application for revocation of the plant variety, it may direct,
by order, the registered breeder to return the certificate of registration and on receipt of
such a certificate, the Registrar shall by order notify the revocation of the plant variety in
the Official Gazette.
54. Payment of annual fee for retention of registration under section 35 -
The registered breeder, agent and licensee shall pay an annual fee for retention of
registration at such rate as specified for the purpose in column (3) of the Second
Schedule.
55. Application for cancellation or change of certificate of registration under section
36-
(1) Any person may make an application for changing the certificate of registration on the
grounds laid down under sub-section (1) of section 36 to the Registrar.
(2) Every application under sub-rule (1) shall be made in Form PV-18 of the First
Schedule and shall be accompanied by a statement of the grounds on which it is made.
56. Procedure on application for cancellation or change of certificate of registration
under section 36 -
The Registrar may accept or refuse the application or accept it subject to any condition,
amendment, modification or limitation as he may think fit to impose and shall inform
the concerned parties in writing accordingly:
Provided that no application shall be rejected unless the applicant has been given a
reasonable opportunity to make a representation against such rejection.
57. Application to rectify the register under section 36 -
Any person may make an application to the Registrar, in Form PV-19 of the First
Schedule, stating the grounds on which it is made, for making, expunging or varying
the entry on the grounds laid down under sub-section (2) of section 36.
58. Procedure on application to rectify the Register under rule 57 -
The Registrar may accept or refuse the application for making, expunging or varying
the entry or accept it subject to any condition, amendment, modification or limitation
as he may think fit to impose and shall inform the concerned parties in writing
accordingly:
Provided that no application shall be rejected unless the applicant has been given a
reasonable opportunity to make a representation against such rejection.
59. Cancellation or change of registration or rectification of the Register by the
Registrar under section 36 -
(1) The Registrar while exercising the powers under sub-section (4) of section 36 to cancel
the registration, may make changes to the registration, or in case of rectification of the
register, shall give notice in Form O-9 of the Third Schedule to the registered
breeder, agent or licensee, if any, and to any other person who appears to the Registrar to
have any interest in the plant variety, and shall state the grounds on which the Registrar
intends to take any action.
(2) If any person who has been given a notice under sub-rule (1) intends to oppose the action
of the Registrar, he shall within three month from the date of the receipt of such notice,
give the notice of opposition to the Registrar in Form PV-20 of the First Schedule,
and shall send therewith a written statement setting out the facts upon which he bases his case and the relief sought for.

(3) The Registrar after hearing the person to whom a notice under sub-rule (1) has been given may pass such order as he may think fit and shall, accordingly, inform the parties in writing.

60. Application for correction of Register by the registered breeder under section 37 -
An application for correction of the Register may be made by the registered breeder of the plant variety to the Registrar under sub-section (1) of section 37 in Form PV-21 of the First Schedule, for making any change as laid down in clauses (a) to (c) of sub-section (1) of that section.

61. Procedure on application for correction of the Register under rule 60 -
The Registrar may accept or refuse the application made under rule 60 for correction of register or accept it subject to any condition, amendments, modifications or limitations as he may think fit and shall, accordingly, inform the parties in writing.

62. Application for correction of the Register by the registered agent or licensee under section 37 -
An application for correction of the Register may also be made by the registered agent or the licensee to the Registrar under sub-section (2) of section 37 in Form PV-22 of the First Schedule on the grounds laid down in sub-section (2) of that section.

63. Provided that no application shall be rejected unless the applicant has been given a reasonable opportunity to make a representation against such rejection.

64. Alteration of denomination of a registered variety under section 38 -

(1) An application, to delete any part or to add or to alter the denomination of a registered variety, under sub-section (1) of section 38, shall be made by the breeder to the Registrar in Form PV-23 of the First Schedule.

(2) The Registrar may determine whether and subject to what conditions, if any, the amendments shall be allowed.

(3) (a) The Registrar shall advertise the application for alteration in denomination in the Gazette or a journal or a daily newspaper and shall also advertise the nature of the proposed alteration in the denomination therein.

(b) The Registrar shall issue notice to all the persons, who, in his opinion, may have an interest in the matter.

65. Procedure on application for alteration of denomination under rule 64 -

(1) Any interested person may, within three months from the date of advertisement of an application for alteration in denomination of a registered variety, under sub-section (2) of section 38, give a notice of opposition to the proposed change in denomination of a registered variety in Form PV-24 of the First Schedule.

(2) The Registrar shall serve a notice to the breeder about the opposition received for the proposed change in denomination and shall give an opportunity to both the parties of being heard, if so desired, before deciding the matter.

(3) In the event of leave being granted for alteration of denomination, the denomination as so altered shall be advertised in Gazette or a journal or a daily newspaper in Form O-11 of the Third Schedule.

CHAPTER VI
FARMERS' RIGHTS

66. Claim for compensation under section 39 -

(1) Any farmer, group of farmers or the organisation of the farmers may make an application, under sub-section (2) of section 39, to the Authority to claim compensation.

(2) Every application under sub-rule (1) shall be in Form PV-25 of the First Schedule.

67. Procedure on application for claim for compensation under rule 66 -
(1) The Authority shall give notice to the registered breeder about the compensation claim received in respect of the registered variety.

(2) After receiving a notice from the Authority under sub-rule (1), the registered breeder may, within three months from the date of receipt of such notice, file notice of opposition in Form PV-26 of the First Schedule.

(3) In the eventuality of the breeder failing or defaulting to tender his opposition, within a period of three months, from the date of receipt of the notice for compensation, it shall be presumed that he has no opposition to such claim and accordingly such claim shall be decided.

(4) The Authority shall, upon receiving opposition from the breeder give opportunity to both the parties of being heard and may direct the breeder to pay such compensation to the farmer, the group of farmers or the organisation of the farmers, as the case may be as it deems fit.

68. Issue of notice under section 41 -

(1) On receiving the report from the centre notified under sub-section (1) of section 41, in respect of claims filed by a person or group of persons or governmental or non-governmental organisation, for compensation to the people of any village or local community for their contribution in the development of new variety, and if satisfied, the Authority may issue notice to the registered breeder or his assignee or registered agent in Form O-12 of the Third Schedule.

(2) Upon receiving the notice from the Authority, the registered breeder or his assignee or registered agent may file objection to the claim for compensation within three months in Form PV-27 of the First Schedule.

(3) The Authority, upon receiving objection from the registered breeder or his assignee or registered agent, shall give opportunity of being heard to both the parties and after deciding on the eligibility for and quantum of compensation shall, direct the breeder to pay compensation to the person, the group of persons or governmental or non-governmental organisation which has made the claim under sub-section (1) of section 41 and deposit the requisite funds within a period of two months with the Gene Fund.

69. Manner of receiving benefit sharing under section 45 -

The breeder of a variety or essentially derived variety shall deposit the amount of benefit sharing, as required under sub-section (6) of section 26, with the Gene Fund.

70. Manner of applying the Gene Fund under section 45: -

(1) The Authority shall pay the amount of benefit sharing, compensation required for use of genetic material towards evolution of new and essentially derived variety, to meet expenditure incurred for conservation and sustainable use of genetic resources and for the framing of schemes related to benefit sharing.

(2) The Gene Fund shall be applied for meeting the following purposes in accordance with the priority made hereunder :-

(a) to support and reward farmers, community of farmers, particularly the tribal and rural communities engaged in conservation, improvement and preservation of genetic resources of economic plants and their wild relatives, particularly in areas identified as agro-biodiversity hot spots;

(b) for capacity building on ex situ conservation at the level of the local body, particularly in regions identified as agro-biodiversity hot spots and for supporting in-situ conservation;

(c) on benefit sharing and compensation in accordance with sub-section (5) of section 26 and sub-section (3) of section 41; and

(d) on transaction cost of administering the Gene Fund.
CHAPTER VII

COMPULSORY LICENSE

71. Compulsory licensing under section 47 -

(1) Any interested person may, after the expiry of three years from the date of issuance of a certificate of registration of a variety make an application to the Authority, in the Form PV-28 of the First Schedule along with the fee specified under the Second Schedule under sub-section (1) of section 47 for grant of compulsory license.

(2) The application for compulsory license under sub-section (1) shall –

(a) specifies particulars of variety denomination, generic and specific name of the variety or varieties concerned,

(b) contain the grounds for issue of compulsory license with supporting documents, and

(c) be supported by -

i) qualification, technical and financial capabilities of the person making such request with evidence,

ii) particulars of the holder of the right to the variety,

iii) written evidence that the person, making such request, has exhausted all measures for voluntary license.

(3) If after considering the application under sub-rule (1), the Authority is satisfied that a prima facie case has not been made for grant of compulsory license, it shall notify the applicant accordingly.

(4) On receipt of an application for grant of compulsory license under sub-rule(1), the Authority shall serve notice to the breeder of such variety or his assignee or registered agent inviting his opposition within one month from the receipt of such notice.

(5) On receiving a notice under sub-rule(4), the registered breeder or his assignee or registered agent may give notice of opposition in Form PV-29 of the First Schedule, which shall be supported by documentary proof to substantiate the ground or grounds of opposition.

(6) If after giving an opportunity to both the parties of being heard, the Authority is satisfied that there is a need for the grant of compulsory license, he may order the breeder or his assignee or registered agent to license the variety on such terms of royalties and other remuneration as it may deem fit.

72. Manner of making material available under section 50 -

The Authority shall make available to the licensee of such compulsory license, the reproductive material of the licensed variety from the Gene Bank or any other centre, including the initial breeder of such variety.

73. Revocation of compulsory license under section 52 -

1 (a) Any person in respect of compulsory license aggrieved may, under sub-section (1) of section 52, make an application in Form PV-30 of the First Schedule to the Authority, for revocation of compulsory license on any of the grounds specified in sub-section (1) of section 47 or section 52.

(b) The application under sub-rule(1), shall be supported by evidence.

2. The Authority on its own motion or on receipt of the application from the aggrieved person under sub-rule(1), may give notice to the licensee.

3. The licensee may file an opposition to an application under sub-rules (1) or a proceeding under sub-rule(2), in Form PV-31 of First Schedule with the Authority,

4. The Authority shall after considering the opposition filed under sub-rule (3) and after giving an opportunity to the licensee of being heard passing an order of revocation or refuse to grant such order.

CHAPTER VIII
FINANCE, ACCOUNTS AND AUDIT

74. **Financial and administrative powers of the Chairperson under section 63**

(1) The Chairperson shall exercise such financial and administrative powers over the functions of the Authority as are exercisable by a Head of Department under the General Financial Rules in accordance with the accounts and financial rules of the Government of India.

(2) The Chairperson may, delegate such financial and administrative powers in writing as he may deem fit, to a member or any subordinate officer of the Authority not below the rank of a Registrar or equivalent subject to the condition that the member or officer so authorised shall, write exercise such delegated powers continue to be under the direction, control and supervision of the Chairperson.

CHAPTER IX
MISCELLANEOUS

75. **Manner of authorising registered agent or registered licensee under section 81**

(1) A breeder of a variety or its propagating material or essentially derived variety or its propagating material registered under the Act, may make an application under section 81, in Form PV-32 of the First Schedule, for authorising the registered agent or registered licensee or his assignee to institute appropriate proceedings in any court of law on his behalf.

(2) Where any authorization has been made under sub-rule (1), the service upon the agent of any document relating to any proceeding or matter under the Act or these rules shall be presumed to be a service upon the person so authorizing him; and all communications directed to be made to a person in respect of any proceeding or matter may be addressed to such agent, and all appearances before the Authority relating thereto may be made by or through such agent.

(3) Notwithstanding any thing contained in sub-rules (1) and (2), the Authority may, if it considers necessary, require the signature or presence of an applicant, opponent or party to such proceeding or matter.

76. **Manner of issuing certified copy under section 84**

Any interested person may, under section 84, make an application in Form PV-33 of the First Schedule, along with fee specified in the Second Schedule, to the Authority or Registrar for obtaining certified copies of any entry in the Register, certificates or extracts of plant variety application or other records maintained by the Authority and any document required in any proceedings under this Act and pending before such Authority or Registrar, and he may make a request in similar manner and for similar purpose to inspect such entry or document.

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<td>Application for correction in National Plant Variety Register</td>
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<tr>
<td>PV 20</td>
<td>Section 36(4) and Rule 59</td>
<td>Notice of Opposition for Application for correction in National Plant Variety Register</td>
</tr>
<tr>
<td>PV 21</td>
<td>Section 37(1) and Rule 60</td>
<td>Application for correction in National Plant Variety Register by Owner/Breeder</td>
</tr>
<tr>
<td>PV 22</td>
<td>Section 37(2) and Rule 62</td>
<td>Application for correction in National Plant Variety Register by Registered Agent or Licensee</td>
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<td>Section 39(2) and Rule 66</td>
<td>Application for Claiming Compensation</td>
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<td>Section 41(3) and Rule 68</td>
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<td>Section 47(1) and Rule 71(1)</td>
<td>Application for grant of compulsory license</td>
</tr>
<tr>
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<td>Section 52(1) and Rule 73(1)</td>
<td>Application for Revocation of Compulsory License</td>
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<td>Serial number (1)</td>
<td>Fees payable on matters (2)</td>
<td>Amount of fee (3)</td>
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</tr>
<tr>
<td>1.</td>
<td>Conducting Tests</td>
<td>Dependent on the nature and type of test subject to a maximum of Rs. 50,000/- per entry</td>
</tr>
<tr>
<td>2.</td>
<td>Notice of Opposition</td>
<td>Rs 1500/-</td>
</tr>
<tr>
<td>3.</td>
<td>Extension of Time</td>
<td>Rs. 1500 per month</td>
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<tr>
<td>4.</td>
<td>Fees for Registration of Essentially Derived Varieties</td>
<td>Individual-5000 Educational-7000 Commercial-10000</td>
</tr>
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<td>5.</td>
<td>Renewal Fee</td>
<td>Individual-5000 Educational-7000 Commercial-10000 Per year</td>
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<td>6.</td>
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<td>Rs 5000</td>
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<td>7.</td>
<td>Application for Registering as Agent /Licensee</td>
<td>Rs 10000</td>
</tr>
<tr>
<td>8.</td>
<td>Application for variation/cancellation of the terms of Registration</td>
<td>Individual-3000 Educational-5000 Commercial-7000</td>
</tr>
<tr>
<td>9.</td>
<td>Notice of Opposition to Application for variation/cancellation of terms of Registration</td>
<td>Rs.1500/-</td>
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## Third Schedule

(See rule 2(c))

**Forms To Be Used By Registrar And The Central Government**

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<th>Sections and Rules</th>
<th>Title</th>
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<td>Form of advertisement</td>
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<td>O-2</td>
<td>Section 23(8) and 24(2) and Rule 36, 37</td>
<td>Certificate of registration</td>
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<td>O-3</td>
<td>Section 24(3) and Rule 38</td>
<td>Notice for non completion of registration</td>
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<tr>
<td>O-4</td>
<td>Section 26(7) and Rule 44</td>
<td>Reference to District Magistrate for collection of benefit sharing amount</td>
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<tr>
<td>O-5</td>
<td>Section 28(4) and Rule 47</td>
<td>Certificate of registration as agent/licensee</td>
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<td>O-6</td>
<td>Section 28(10) and Rule 49</td>
<td>Notice to breeder/agent/licensee</td>
</tr>
<tr>
<td>O-7</td>
<td>Section 33(2) and Rule 51</td>
<td>To notify offer made for surrender of registered variety</td>
</tr>
<tr>
<td>O-8</td>
<td>Section 34 and Rule 53</td>
<td>Notice of application for revocation of registered variety</td>
</tr>
<tr>
<td>O-9</td>
<td>Section 36(4) and Rule 59</td>
<td>Change in National Register</td>
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<td>O-10</td>
<td>Section 37(2) and Rule 63</td>
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<td>O-11</td>
<td>Section 38(2) and Rule 65(3)</td>
<td>Advertisement of Alteration in Denomination</td>
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<td>O-12</td>
<td>Section 41(1) and Rule 68</td>
<td>Notice for change in Denomination</td>
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## Fourth Schedule

(See rule 20(1))

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<tr>
<th>Sl. No (1)</th>
<th>Name of post (2)</th>
<th>Number of posts (3)</th>
<th>Equivalent Post under the Central Government (4)</th>
<th>Scale of pay (5)</th>
<th>Qualifications and experience (6)</th>
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</thead>
<tbody>
<tr>
<td>1</td>
<td>Financial Advisor</td>
<td>1</td>
<td>Director</td>
<td>14,300 – 18,300</td>
<td>A Degree from a recognized University or equivalent at least eight years experience in financial/Accounts management.</td>
</tr>
<tr>
<td>2</td>
<td>Legal Advisor</td>
<td>2</td>
<td>Deputy Secretary</td>
<td>10,000 – 15,200</td>
<td>An Advocate at least eight years practice as such and having special knowledge in Intellectual Properties, Management and Transactions.</td>
</tr>
<tr>
<td>3</td>
<td>Senior Accounts Officer</td>
<td>1</td>
<td>Under Secretary</td>
<td>10,000 – 15,200</td>
<td>A Degree in Commerce from a recognized University or equivalent with at least eight years experience as an Accounts Officer.</td>
</tr>
<tr>
<td>No.</td>
<td>Position</td>
<td>Required Qualification</td>
<td></td>
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</tr>
<tr>
<td>4</td>
<td>Accounts Officer</td>
<td>A Degree in Commerce or Economics as one of the subject at Degree level from a recognized University with at least six years experience on accounts related matters.</td>
<td></td>
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</tr>
<tr>
<td>5</td>
<td>Technical Assistant</td>
<td>A Degree in Agricultural Science or allied field like botany or biotechnology with at least 4 year experience in plant varietal improvements and seed development activities.</td>
<td></td>
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<tr>
<td>6</td>
<td>Computer Assistant</td>
<td>A Degree from a recognized University in Computer Applications and at least one year experience in Data Base Management.</td>
<td></td>
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</tr>
</tbody>
</table>
An Act to provide for conservation of biological diversity, sustainable use of its components and fair and equitable sharing of the benefits arising out of the use of biological resources, knowledge and for matters connected therewith or incidental thereto.

Whereas India is rich in biological diversity and associated traditional and contemporary knowledge system relating thereto;
And whereas India is a party to the United Nations Convention on Biological Diversity signed at Rio Janerio on the 5th day of June, 1992;
And whereas the said Convention came into force on the 29th December, 1993;
And whereas the said Convention reaffirms the sovereign rights of the States over their biological resources;
And whereas the said Convention has the main objective of conservation of biological diversity, sustainable use of its components and fair and equitable sharing of the benefits arising out of utilization of genetic resources;
And whereas it is considered necessary to provide for conservation, sustainable utilization and equitable sharing of the benefits arising out of utilization of genetic resources and also to give effect to the said Convention.

Be it enacted by Parliament in the Fifty-third Year of the Republic of India as follows:-

CHAPTER I
PRELIMINARY

1. (1) This Act may be called the Biological Diversity Act, 2002.
(2) It extends to the whole of India.
(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint:
Provided that different dates may be appointed for different provisions of this Act and any reference in any such provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.

2. In this Act, unless the context otherwise requires:-
(a) “benefit claimers” means the conservers of biological resources, their by products, creators and holders of knowledge and information relating to the use of such biological resources, innovations and practices associated with such use and application;
(b) “biological diversity” means the variability among living organisms from all sources and the ecological complexes of which they are part and includes diversity within species or between species and of eco-systems;
(c) “biological resources” 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;
(d) “bio-survey and bio-utilisation” means survey or collection of species, sub-species, genes, components and extracts of biological resource for any purpose and includes characterization, inventorisation and bioassay;
(e) “Chairperson” means the Chairperson of the national Biodiversity Authority or, as the case may be, of the State Biodiversity Board;
(f) “commercial utilization” 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;
(g) “fair and equitable sharing” means sharing of benefits as determined by the National Biodiversity Authority under section 21;
(h) "local bodies" means Panchayats and Municipalities, by whatever name called, within the meaning of clause (1) article 243B and clause (1) of article 243Q of the Constitution and in the absence of any Panchayats or Municipalities, institutions of self-government constituted under any other provision of the Constitution or any Central Act or State Act;

(i) "member" means a member of the National Biodiversity Authority or a State Biodiversity Board and includes the Chairperson;

(j) "National Biodiversity Authority" means the National Biodiversity Authority established under section 8;

(k) "prescribed" means prescribed by rules made under this Act;

(l) "regulations" means regulations made under this Act;

(m) "research" means study or systematic investigation of any biological resource or technological application, that uses biological systems, living organisms or derivatives thereof to make or modify products or processes for any use;

(n) "State Biodiversity Board" means the State Biodiversity Board established under section 22;

(o) "sustainable use" means the use of components of biological diversity in such manner and at such rate that does not lead to the decline of the biological diversity thereby maintaining its potential to meet the needs and aspirations of present and future generations;

(p) "value added products" means products which may contain portions or extracts of plants and animals in unrecognizable and physical inseparable form.

CHAPTER II

Regulation of Access to Biological Diversity

3. (1) No person referred to in sub-section (2) shall, without previous approval of the National Biodiversity Authority, obtain any biological resource occurring in India or knowledge associated thereto for research or for commercial utilization or for biosurvey and bio-utilisation of India, and such institutions in other countries, if such collaborative research projects satisfy the conditions specified in sub-section (3).

(2) All collaborative research projects, other than those referred to in sub-section (1) which are based on agreements concluded before the commencement of this Act and in force shall, to the extent the provisions of agreement are inconsistent with the provisions of this Act or any guidelines issued under clause (a) of sub-section (3), be void:

(3) For the purposes of sub-section (1), collaborative research projects shall –

(a) conform to the policy guidelines issued by the Central Government in this behalf;

(b) be approved by the Central Government

6. (1) No person shall apply for any intellectual property right, by whatever name called, in or outside India for any invention based on any research or information on a biological resource obtained from India without obtaining the previous approval of the National Biodiversity Authority before making such application:

(2) The persons who shall be required to take the approval of the National Biodiversity Authority under sub-section (1) are the following, namely :-

(a) a person who is not a citizen of India;

(b) a citizen of India; who is a non-resident as defined in clause (30) of section 243 of 1961 of the Income-tax Act, 1961;

(c) a body corporate, association or organization –

(i) not incorporated or registered in India; or

(ii) incorporated or registered in India under any law for the time being in force which has any non-Indian participation in its share capital or management.

4. No person shall, without the previous approval of the National Biodiversity Authority, transfer the results of any research relating to any biological resources
occurring in, or obtained from, India for monetary consideration or otherwise to any person who is not a citizen of India who is non-resident as defined in clause (30) of the Income-tax Act, 1961 or a body corporate or organization which is not registered or incorporated in India or which has any non-Indian participation in its share capital or management.

Explanation – For the purposes of this section, “transfer” does not include publication of research papers or dissemination of knowledge in any seminar or workshop, if such publication is as per the guidelines issued by the Central Government.

5. (1) The provisions of sections 3 and 4 shall not apply to collaborative research projects involving transfer or exchange of biological resources or information relating thereto between institutions, including Government sponsored institutions. Provided that if a person applies for a patent, permission of the National Biodiversity Authority may be obtained after the acceptance of the patent but before the sealing of the patent by the patent authority concerned:

Provided further that the National Biodiversity shall dispose of the application for permission made to it within a period of ninety days from the date of receipt thereof.

6. (2) The National Biodiversity Authority may, while granting the approval under this section, impose benefit sharing fee or royalty or both or impose conditions including the sharing of financial benefits arising out of the commercial utilization of such rights.

(3) The provisions of this section shall not apply to any person making an application for any right under any law relating to protection of plant varieties enacted by Parliament.

(4) Where any right is granted under law referred to in sub-section (3), the concerned authority granting such right shall endorse a copy of such document granting the right to the National Biodiversity Authority.

7. No person, who is a citizen of India or a body corporate, association or organization which is registered in India, shall obtain any biological resource for commercial utilization, or bio-survey and bio-utilisation for commercial utilization except after giving prior intimation to the State Biodiversity Board concerned. Provided that the provisions of this section shall not apply to the local people and communities of the area, including growers and cultivators of biodiversity, and voids and hakims, who have been practising indigenous medicine.

CHAPTER III

NATIONAL BIODIVERSITY AUTHORITY

8. (1) With effect from such date as the Central Government may, by notification in the Official Gazette, appoint, there shall be established by the Central Government for the purposes of this Act, a body to be called the National Biodiversity Authority.

(2) The National Biodiversity Authority shall be a body corporate by the name aforesaid, having perpetual succession and a common seal, with power to acquire, hold and dispose of property, both movable and immovable, and to contract, and shall by the said name sue and be sued.

(3) The head office of the National Biodiversity Authority shall be at Chennai and the National Biodiversity Authority may, with the previous approval of the Central Government, establish offices at other places in India.

(4) The National Biodiversity Authority shall consist of the following members, namely:-

(a) a Chairperson, who shall be an eminent person having adequate knowledge and experience in the conservation and sustainable use of biological diversity and in matters relating to equitable sharing of benefits, to be appointed by the Central Government;

(b) there ex officio members to be appointed by the Central Government, one representing the Ministry dealing with Tribal Affairs and two representing the
9. The term of office and conditions of service of the Chairperson and the other members other than ex officio members of the National Biodiversity Authority shall be such as may be prescribed by the Central Government.

10. The Chairperson shall be the Chief Executive of the National Biodiversity Authority and shall exercise such powers and perform such duties, as may be prescribed.

11. The Central Government may remove from the National Biodiversity Authority any member who, in its opinion, has –
   (a) been adjudged as an insolvent; or
   (b) been convicted of an offence which involves moral turpitude; or
   (c) become physically or mentally incapable of acting as a member; or
   (d) so abused his position as to render his continuance in office detrimental to the public interest; or
   (e) acquired such financial or other interest as is likely to affect prejudicially his functions as a member.

12. (1) The National Biodiversity Authority shall meet at such time and place and shall observe such rules of procedure in regard to the transaction of business at its meetings (including the quorum at its meetings) as may be prescribed.

   (2) The Chairperson of the National Biodiversity Authority shall preside at the meetings of the National Biodiversity Authority.

   (3) If for any reason the Chairperson is unable to attend any meeting of the National Biodiversity Authority, any member of the National Biodiversity Authority chosen by the members present at the meeting shall preside at the meeting.

   (4) All questions which come before any meeting of the National Biodiversity Authority shall be decided by a majority of votes of the members present and voting and in the event of equality of votes, the Chairperson or, in his absence, the person presiding, shall have and exercise a second or casting vote.

   (5) Every member who is in any way, whether directly, indirectly or personally, concerned or interested in a matter to be decided at 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.

   (6) No act or proceeding of the National Biodiversity Authority shall be invalidated merely by reason of –
      (a) any vacancy in, or any defect in the constitution of, the National Biodiversity Authority; or
      (b) any vacancy in, or any defect in the constitution of, any defect in the
appointment of a person acting as a member; or
(c) any irregularity in the procedure of the National Biodiversity Authority not affecting the merits of the case.

13. (1) The National Biodiversity Authority may constitute a committee to deal with agro-biodiversity.

Explanation — For the purposes of this sub-section, “agro-biodiversity” means biological diversity of agriculture related species and their wild relatives.

(2) Without prejudice to the provisions of sub-section (1), the National Biodiversity Authority may constitute such number of committees as it deems fit for the efficient discharge of its duties and performance of its function under this Act.

(3) A committee constituted under this section shall co-opt such number of persons, who are not the members of the National Biodiversity Authority, as it may think fit and the persons so co-opted shall have the right to attend the meetings of the committee and take part in its proceedings but shall not have the right to vote.

(4) The persons appointed as members of the committee under sub-section (2) shall be entitled to receive such allowances or fees for attending the meetings of the committee as may be fixed by the Central Government.

14. (1) The National Biodiversity Authority may appoint such officers and other employees as it considers necessary for the efficient discharge of its functions under this Act.

(2) The terms and conditions of service of such officers and other employees of the National Biodiversity Authority shall be such as may be specified by regulations.

15. All orders and decisions of the National Biodiversity Authority shall be authenticated by the signature of the Chairperson or any other member authorized by the National Biodiversity Authority in this behalf and all other instruments executed by the National Biodiversity Authority shall be authenticated by the signature of an officer of the National Biodiversity Authority authorized by it in this behalf.

16. The National Biodiversity Authority may, by general or special order in writing, delegate to any member, officer of the National Biodiversity Authority or any other person subject to such conditions, if any, as may be specified in the order, such of the powers and functions under this Act (except the power to prefer an appeal under section 50 and the power to make regulations under section 64 as it may deem necessary.

17. The salaries and allowances payable to the members and the administrative expenses of the National Biodiversity Authority including salaries, allowances and pension payable to, or in respect of, the officers and other employees of the National Biodiversity Authority shall be defrayed out of the Consolidated Fund of India.

CHAPTER IV
FUNCTIONS AND POWERS OF THE NATIONAL BIODIVERSITY AUTHORITY

18. (1) It shall be the duty of the National Biodiversity Authority to regulate activities referred to in section 3, 4 and 6 and by regulations issue guidelines for access to biological resources and for fair and equitable benefit sharing.

(2) The National Biodiversity Authority may grant approval for undertaking any activity referred to in section 3, 4 and 6.

(3) The National Biodiversity Authority may —
(a) advise the Central Government on matters relating to the conservation of biodiversity, sustainable use of its components and equitable sharing of benefits arising out of the utilization of biological resources;
(b) advise the State Governments in the selection of areas of biodiversity importance
to be notified under sub-section (1) of section 37 as heritage sites and measures for the management of such heritage sites;
(c) perform such other functions as may be necessary to carry out the provisions of this Act.

(4) The National Biodiversity Authority may, on behalf of the Central Government, take any measures necessary to oppose the grant of intellectual property rights in any country outside India on any biological resource obtained from India or knowledge associated with such biological resource which is derived from India.

CHAPTER V
APPROVAL BY THE NATIONAL BIODIVERSITY AUTHORITY

19. (1) Any person referred to in sub-section (2) of section 3 who intends to obtain any biological resource occurring in India or knowledge associated thereto for research or for commercial utilization or for bio-survey and bio-utilisation or transfer the results of any research relating to biological resources occurring in, or obtained from, India, shall make application in such form and payment of such fees as may be prescribed, to the National Biodiversity Authority.

(2) Any person who intends to apply for a patent or any other form of intellectual property protection whether in India or outside India referred to in sub-section (1) of section 6, may make an application in such form and in such manner as may be prescribed to the National Biodiversity Authority.

(3) On receipt of an application under sub-section (1) or sub-section (2), the National Biodiversity Authority may, after making such enquiries as it may deem fit and if necessary after consulting an expert committee constituted for this purpose, by order, grant approval subject to any regulations made in this behalf and subject to such terms and conditions as it may deem fit, including the imposition of charges by way of royalty or for reasons to be recorded in writing, reject the application. Provided that no such order for rejection shall be made without giving an opportunity of being heard to the person affected.

(4) The National Biodiversity Authority shall give public notice of every approval granted by it under this section.

20. (1) No person who has been granted approval under section 19 shall transfer any biological resource or knowledge associated thereto which is the subject matter of the said approval except with the permission of the National Biodiversity Authority.

(2) Any person who intends to transfer any biological resource or knowledge associated thereto referred to in sub-section (1) shall make an application in such manner as may be prescribed to the National Biodiversity Authority.

(3) On receipt of an application under sub-section (2), the National Biodiversity Authority may, after making such enquiries as it may deem fit and if necessary after consulting an expert committee for this purpose, by order, grant approval subject to such terms and conditions as it may deem fit, including the imposition of charges by way of royalty or for reasons to be recorded in writing, reject the application: Provided that no such order for rejection shall be made without giving an opportunity of being heard to the person affected.

(4) The National Biodiversity Authority shall give public notice of every approval granted by it under this section.

21. (1) The National Biodiversity Authority shall while granting approvals under section 19 or section 20 ensure that the terms and conditions subject to which approval is granted secures equitable sharing of benefits arising out of the use of accessed biological resources, their by-products, innovations and practices associated with their use and applications and knowledge relating thereto in accordance with mutually agreed terms and conditions between the person applying for such approval, local bodies concerned and the benefits claimers.
(2) The National Biodiversity Authority shall, subject to any regulations made in this behalf, determine the benefit sharing which shall be given effect in all or any of the following manner, namely:

(a) grant of joint ownership of intellectual property rights to the National Biodiversity Authority, or where benefit claimers are identified, to such benefit claimers;
(b) transfer of technology;
(c) location of production, research and development units in such areas which will facilitate better living standards to the benefit claimers;
(d) association of Indian scientists, benefit claimers and the local people with research and development in biological resources and bio-survey and bio-utilisation;
(e) setting up of venture capital fund for aiding the cause of benefit claimers;
(f) payment of monetary compensation and other non-monetary benefits to the benefit claimers as the National Biodiversity Authority may deem fit.

(3) Where any amount of money is ordered by way of benefit sharing, the National Biodiversity Authority may direct the amount to be deposited in the National Biodiversity Fund:
Provided that where biological resource or knowledge was a result of access from specific individual or group of individuals or organizations, the National Biodiversity Authority may direct the amount to be paid directly to such individual or group of individuals or organizations in accordance with the terms of any agreement and in such manner as it deems fit.

(4) For the purposes of this section, the National Biodiversity Authority shall, in consultation with the Central Government, by regulations, frame guidelines.

CHAPTER VI
STATE BIODIVERSITY BOARD

22. (1) With effect from such dates as the State Government may, by notification in the Official Gazette, appoint in this behalf, there shall be established by that Government for the purposes of this Act, a Board for the State to be known as the (name of the State) Biodiversity Board.

(2) Notwithstanding anything contained in this section, no State Biodiversity Board shall be constituted for a Union territory and in relation to a Union territory, the National Biodiversity Authority shall exercise the powers and perform the functions of a State Biodiversity Board for that Union territory:
Provided that in relation to any Union territory, the National Biodiversity Authority may delegate all or any of its powers or functions under this sub-section to such person or group of persons as the Central Government may specify.

(3) The Board shall be a body corporate by the name aforesaid, having perpetual succession and a common seal, with power to acquire, hold and dispose of property, both movable and immovable, and to contract, and shall by the said name sue and be sued.

(4) The Board shall consist of the following members, namely:

(a) a Chairperson who shall be an eminent person having adequate knowledge and experience in the conservation and sustainable use of biological diversity and in matters relating to equitable sharing of benefits, to be appointed by the State Government;
(b) not more than five ex officio members to be appointed by the State Government to represent the concerned Departments of the State Government;
(c) not more than five members to be appointed from among the experts in matters relating to conservation of biological diversity, sustainable use of biological
resources and equitable sharing of benefits arising out of the use of biological resources.

(5) The head office of the State Biodiversity Board shall be at such place as the State Government may, by notification in the Official Gazette, specify.

23. The functions of the State Biodiversity Board shall be to –
(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-utilisation of any biological resource by Indians;
(c) perform such other functions as may be necessary to carry out the provisions of this Act or as may be prescribed by the State Government.

24. (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 shall give prior intimation in such form as may be prescribed by the State Government to the State Biodiversity Board.
(2) On receipt of an intimation under sub-section (1), the State 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 intimation shall be kept confidential and shall be disclosed, either intentionally or unintentionally, to any person not concerned thereto.

25. The provisions of sections 9 to 17 shall apply to a State Biodiversity Board and shall have effect subject to the following modifications, namely:–
(a) references to the Central Government shall be construed as references to the State Government:
(b) references to the National Biodiversity Authority shall be construed as references to the State Biodiversity Board:
(c) reference to the Consolidated Fund of India shall be construed as reference to the Consolidated Fund of the State.

CHAPTER VII
FINANCE, ACCOUNTS AND AUDIT OF NATIONAL BIODIVERSITY AUTHORITY

26. The Central Government may, after due appropriation made by Parliament by law in this behalf, pay to the National Biodiversity Authority by way of grants or loans such sums of money as the Central Government may think fit for being utilized for the purposes of this Act.

27. (1) There shall be constituted a Fund to be called the National Biodiversity Fund and there shall be credited thereto –
(a) any grants and loans made to the National Biodiversity Authority under section 26;
(b) all charges and royalties received by the National Biodiversity Authority under this Act; and
(c) all sums received by the National Biodiversity Authority from such other sources as may be decided upon by the Central Government.
(2) The Fund shall be applied for –
(a) channeling benefits to the benefit claimers;
(b) conservation and promotion of biological resources and development of areas from where such biological resources or knowledge associated thereto has been accessed;
(c) socio-economic development of areas referred to in clause (b) in consultation with the local bodies concerned.

28. The National Biodiversity Authority shall prepare, in such form and at such time each financial year as may be prescribed, its annual report, giving a full account of its activities during the previous financial year and furnish, to the Central Government, before such date as may be prescribed, its audited copy of accounts together with auditors’ report thereon.

29. (1) The National Biodiversity Authority shall prepare a budget, maintain proper accounts and other relevant records (including the accounts and other relevant records of the National Biodiversity Fund) and prepare an annual statement of account in such form as may be prescribed by the Central Government in consultation with the Comptroller and Auditor-General of India.

(2) The accounts of the National Biodiversity Authority shall be audited by the Comptroller and Auditor-General of India at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the National Biodiversity Authority to the Comptroller and Auditor-General of India.

(3) The Comptroller and Auditor-General of India and any other person appointed by him in connection with the audit of the accounts of the National Biodiversity Authority shall have the same rights and privileges and authority in connection with such audit as the Comptroller and Auditor-General generally has in connection with the audit of the Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the National Biodiversity Authority.

(4) The accounts of the National Biodiversity Authority as certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf together with the audit report thereon shall be forwarded annually to the Central Government.

30. The Central Government shall cause the annual report and auditor’s report to be laid, as soon as may be after they are received, before each House of Parliament.

CHAPTER VIII
FINANCE, ACCOUNTS AND AUDIT OF STATE BIODIVERSITY BOARD

31. The State Government may, after due appropriation made by the State Legislature by law in this behalf, as the State Government may think to fit for being utilized for the purposes of this Act.

32. (1) There shall be constituted a Fund to be called the State Biodiversity Fund and there shall be credited thereto;
   a. any grants and loans made to the State Biodiversity Board under section 31;
   b. any grants or loans made by the National Biodiversity Authority;
   c. all sums received by the State Biodiversity Board 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;
   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 under section 24, in consultation with the local bodies concerned;
e. meeting the expenses incurred for the purposes authorized by this Act

33. The State Biodiversity Board 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.

34. The accounts of the State Biodiversity Board shall be maintained and audited in such manner as may, in consultation with the Accountant-General of the State, be prescribed and the State Biodiversity Board shall furnish, to the State Government, before such date as may be prescribed, its audited copy of accounts together with auditor’s report thereon.

35. 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.

CHAPTER IX

DUTIES OF THE CENTRAL AND THE STATE GOVERNMENTS

36. (1) The Central Government shall develop national strategies, plans, programmes for the conservation and promotion and sustainable use of biological diversity including measures for identification and monitoring of areas rich in biological resources, promotion of in situ, and ex situ, conservation of biological resources, incentives for research, training and public education to increase awareness with respect to biodiversity.

(2) Where the Central Government has reason to believe that any rich in biological diversity, biological resources and their habitats is being threatened by overuse, abuse or neglect, it shall issue directives to the concerned State Government to take immediate ameliorative measures; offering such State Government any technical and other assistance that is possible to be provided or needed.

(3) The Central Government shall, as far as practicable wherever it deems appropriate, integrate the conservation, promotion and sustainable use of biological diversity into relevant sectoral or cross-sectoral plans, programmes and policies.

(4) The Central Government shall undertake measures, -

(i) wherever necessary, for assessment of environmental impact of that project which is likely to have adverse effect on biological diversity, with a view to avoid or minimize such effects and where appropriate provide for public participation in such assessment;

(ii) to regulate, manage or control the risks associated with the use and release of living modified organisms resulting from biotechnology likely to have adverse impact on the conservation and sustainable use of biological diversity and human health.

(5) The Central Government shall endeavour to respect and protect the knowledge of local people relating to biological diversity, as recommended by the National Biodiversity Authority through such measures, which may include registration of such knowledge at the local, State or national levels, and other measures for protection, including sui generic system.

Explanation – For the purposes of this section,-

(a) “ex situ conservation” means the conservation of biological diversity outside their natural habitats;

(b) “in situ conservation” means the conservation of ecosystems and natural habitat and the maintenance and recovery of viable populations of species in their natural surroundings and, in the case of domesticated or cultivated species, in the surroundings where they have developed their distinctive properties.

37. (1) Without prejudice to any other law for the time being in force, the State Government may, from time to time in consultation with the local bodies, notify in the Official Gazette, areas of biodiversity importance as biodiversity heritage sites under this Act.
(2) The State Government, in consultation with the Central Government, may frame rules for the management and conservation of all the heritage sites.
(3) The State Government shall frame schemes for compensating or rehabilitating any person or section of people economically affected by such notification.

38. Without prejudice to the provisions of any other law for the time being in force, the Central Government, in consultation with the concerned State Government, may from time to time notify any species which is on the verge of extinction or likely to become extinct in the near future as a threatened species and prohibit or regulate collection thereof for any purpose and take appropriate steps to rehabilitate and preserve those species.

39. (1) The Central Government may, in consultation with the National Biodiversity Authority, designate institutions as repositories under this Act for different categories of biological resources.
(2) The repositories shall keep in safe custody the biological material including voucher specimens deposited with them.
(3) Any new taxon discovered by any person shall be notified to the repositories or any institution designated for this purpose and he shall deposit the voucher specimens with such repository or institution.

40. Notwithstanding anything contained in this Act, the Central Government may, in consultation with the National Biodiversity Authority, by notification in the Official Gazette, declare that the provisions of this Act shall not apply to any items, including biological resources normally traded as commodities.

CHAPTER X
BIODIVERSITY MANAGEMENT COMMITTEES

41. (1) Every local body shall constitute a Biodiversity Management Committee within its area for the purpose of promoting conservation, sustainable use and documentation of biological diversity including preservation of habitats, conservation of land races, folk varieties and cultivars, domesticated stocks and breeds of animals and microorganisms and chronicling of knowledge relating to biological diversity.

Explanation – For the purposes of this sub-section,
(a) “cultivar” means a variety of plant that has originated and persisted under cultivation or was specifically bred for the purpose of cultivation;
(b) “folk variety” means a cultivated variety of plant that was developed, grown and exchanged informally among farmers;
(c) “landrace” means primitive cultivar that was grown by ancient farmers and their successors.

(2) The National Biodiversity Authority and the State Biodiversity Boards shall consult the Biodiversity Management Committees while taking any decision relating to the use of biological resources and knowledge associated with such resources occurring within the territorial jurisdiction of the Biodiversity Management Committee.

(3) The Biodiversity Management Committees may levy charges by way of collection fees from any person for accessing or collecting any biological resources for commercial purposes from areas falling within its territorial jurisdiction.

CHAPTER XI
LOCAL BIODIVERSITY FUND

42. The State Government may, after due appropriation made by State Legislature by law in this behalf, pay to the Local Biodiversity Funds by way of grants or loans such sums of money as the State Government may think fit for being utilized for the purposes of this Act.

43. (1) There shall be constituted a Fund to be called the Local Biodiversity Fund at every area notified by the State Government where any institution of self-government is functioning and there shall be credited thereto –

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(a) any grants and loans made under section 42;
(b) any grants or loans made by the National Biodiversity Authority;
(c) any grants or loans made by the State Biodiversity Boards;
(d) fees referred to in sub-section (3) of section 41 received by the Biodiversity Management Committees;
(e) all sums received by the Local Biodiversity Fund from such other sources as may be decided upon by the State Government.

44. (1) Subject to the provisions of sub-section (2), the management and the custody of the Local Biodiversity Fund and the purposes for which such Fund shall be applied, be in the manner as may be prescribed by the State Government.
(2) The Fund shall be used for conservation and promotion of biodiversity in the areas falling within the jurisdiction of the concerned local body and for the benefit of the community in so far such use is consistent with conservation of biodiversity.

45. The person holding the custody of the Local Biodiversity Fund shall prepare, in such form and during each financial year at such time 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 concerned local body.

46. The accounts of the Local Biodiversity Fund shall be maintained and audited in such manner as may, in consultation with the Accountant-General of the State, be prescribed and the person holding the custody of the Local Biodiversity Fund shall furnish, to the concerned local body, before such date as may be prescribed, its audited copy of accounts together with auditor’s report thereon.

47. Every local body constitution a Biodiversity Management Committee under sub-section (1) of section 41, shall cause, the annual report and audited copy of accounts relating to such Committee to be submitted to the District Magistrate having jurisdiction over the area of the local body.

CHAPTER XII
MISCELANEOUS

48. (1) Without prejudice to the foregoing provisions of this Act, the National Biodiversity Authority shall, in the discharge of its functions and duties under this Act, be writing to it from time to time:
Provided that the National Biodiversity Authority shall, as far as practicable, be given opportunity to express its views before any direction is given under this sub-section.
(2) The decision of the Central Government whether a question is one of policy or not shall be final.

49. (1) Without prejudice to the foregoing provisions of this Act, the State Biodiversity Board shall, in the discharge of its functions and duties under this 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 State Biodiversity Board shall, as far as practicable, be given an opportunity to express its views before any direction is given under this sub-section.
(2) The decision of the State Government whether a question is one of policy or not shall be final.

50. (1) If a dispute arises between the National Biodiversity Authority and a State Biodiversity Board, the said Authority or the Board, as the case may be, may prefer an appeal to the Central Government within such time as may be prescribed.
(2) Every appeal made under sub-section (1) shall be in such form as may be prescribed by the Central Government.
(3) The procedure for disposing of an appeal shall be such as may be prescribed by the Central Government;
Provided that before disposing of an appeal, the parties shall be given a reasonable opportunity of being heard.
If a dispute arises between the State Biodiversity Boards, the Central Government shall refer the same to the National Biodiversity Authority.

While adjudicating any dispute sub-section (4), the National Biodiversity Authority shall be guided by the principles of natural justice and shall follow such procedure as may be prescribed by the Central Government.

The National Biodiversity Authority shall have, for the purpose of discharging its functions under this section, the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 in respect of the following matters, namely:-

a. summoning and enforcing the attendance of any person and examining him on oath;
b. requiring the discovery and production of documents;
c. receiving evidence on affidavits;
d. issuing commissions for the examination of witness or documents;
e. reviewing its decisions;
f. dismissing an application for default or deciding it ex parte;
g. setting aside any order of dismissal of any application or any order passed by it ex parte;
h. any other matter which may be prescribed.

Every proceeding before the National Biodiversity Authority shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228, and for the purpose of section 196, of the Indian Penal Code and the National Biodiversity Authority shall be deemed to be a civil court for all the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973.

All members, officers and other employees of the National Biodiversity Authority or the State Biodiversity Board shall be deemed, when acting or purporting to act in pursuance of any of the provisions of this Act, to be public servants within the meaning of section 21 of the Indian Penal Code.

Any person, aggrieved by any determination of benefit sharing or order of the National Biodiversity Authority or a State Biodiversity Board under this Act, may file an appeal to the High Court within thirty days from the date of communication to him, of the determination or order of the National Biodiversity Authority or the State Biodiversity Board, as the case may be:

Provided that the High Court may, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal within the said period, allow it to be filed within a further period not exceeding sixty days.

Every determination of benefit sharing or order made by the National Biodiversity Authority or a State Biodiversity Board under this Act or the order made by the High Court in any appeal against any determination or order of the National Biodiversity Authority or a State Biodiversity Board shall, on a certificate issued by any officer of the National Biodiversity Authority or a State Biodiversity Board or the Registrar of the High Court, in the same manner as a decree of that court.

Explanation – For the purposes of this section and section 52, the expression “State Biodiversity Board” includes the person or group of persons to whom the powers or functions under sub-section (2) of section 22 have been delegated under the proviso to that sub-section and the certificate relating to such person or group of persons under this section shall be issued by such person or group of persons, as the case may be.

No suit, prosecution or other legal proceedings shall lie against the Central Government or the State Government or any officer of the Central Government or the State Government or any member, officer or employee of the National Biodiversity Authority or the State Biodiversity Board for anything which is in good faith done or intended to be done under this Act or the rules or regulations made there under:

(1) Whoever contravenes or attempts to contravene or abets the contravention of the provisions of section 3 or section 4 or section 6 shall be punishable with
imprisonment for a term which may extend to five years, or with fine which may extend to ten lakh rupees and where the damage caused exceeds ten lakh rupees such fine may commensurate with the damage caused, or with both.

(2) Whoever contravenes or attempts to contravene or abets 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.

56. 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 subsequent offence, with fine which may extend to two lakh rupees and in the case of continuous contravention with additional fine may extend to two lakh rupees everyday during which the default continues.

57. (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 was committed without the knowledge or that he had exercised all due diligence to prevent the commission of such offence or contravention.

(2) Notwithstanding anything contained in this 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

58. The offences under this Act shall be cognizable and non-bailable.

59. The provisions of this Act shall be in addition to, and not in derogation of, the provisions in any other law, for the time being in force, relating to forests or wildlife.

60. The Central Government may give directions to any State Government as to the carrying into execution in the State of any of the provisions of this Act or any rule or regulation or order made thereunder.

61. No Court shall take cognizance of any offence under this Act except on a complaint made by –

(a) the Central Government or any authority or officer authorized in this behalf by that Government; or

(b) any benefit claimer who has given notice of not less than thirty days in the prescribed manner, of such offence and of his intention to make a complaint, to the Central Government or the authority or officer authorized as aforesaid.

62. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-

a. terms and conditions of service of the Chairperson and members under section 9;

b. powers and duties of the Chairperson under section 10;

c. procedure under sub-section (1) of section 12 in regard to transaction of business at meetings;

d. form of application and payment of fees for undertaking certain activities under sub-section (1) of section 19;
e. the form and manner of making an application under sub-section (2) of section 19;
f. form of application and the manner for transfer of biological resource or knowledge under sub-section (2) of section 20;
g. form in which, and the time of each financial year at which, the annual report of the National Biodiversity Authority shall be prepared and the date before which its audited copy of accounts together with auditor’s report thereon shall be furnished under section 28;
h. form in which the annual statement of account shall be prepared under sub-section (1) of section 29;
i. the time within which and the form in which, an appeal may be preferred, the procedure for disposing of an appeal and the procedure for adjudication, under section 50;
j. the additional matter in which the National Biodiversity Authority may exercise powers of the civil court under clause (h) of sub-section (6) of section 50;
k. the manner of giving notice under clause (b) of section 61;
l. any other matter which is to be, or may be, prescribed, or in respect of which provision is to be made, by rules.

(3) Every rule made under this section and every regulation made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or regulation or both Houses agree that the rule or regulation should not be made, the rule or regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation.

63. (1) The State Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-

a. the other functions to be performed by the State Biodiversity Board under clause (c) of section 23;
b. the form in which the prior intimation shall be given under sub-section (1) of section 24;
c. the form in which, and the time of each financial year at which, the annual report shall be prepared under section 33;
d. the manner of maintaining and auditing the accounts of the State Biodiversity Board and the data before which its audited copy of the accounts together with auditor’s report thereon shall be furnished under section 34;
e. management and conservation of national heritage sites under section 37;
f. the manner of management and custody of the Local Biodiversity Fund and the purposes for which such Fund shall be applied under sub-section (1) of section 44;
g. the form of annual report and the time at which such report shall be prepared during each financial year under section 45;
h. the manner of maintaining and auditing the accounts of the Local Biodiversity Fund and the date before which its audited copy of the accounts together with auditor’s report thereon shall be furnished under section 46;
i. any other matter which is to be, or may be, specified.

(3) Every rule made by the State Government under this section shall be laid, as soon as may be after it is made, before each House of the State Legislature where it
consists of two Houses, or where such Legislature consists of one House, before that
House.

64. The National Biodiversity Authority shall, with the previous approval of the Central
Government, by notification in the Official Gazette, make regulations for carrying out
the purposes of this Act.

65. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central
Government may, by order, not inconsistent with the provisions of this Act, remove
the difficulty;
Provided that no such order shall be made after the expiry of a period of two years
from the commencement of this Act.
(2) Every order made under this section shall be laid, as soon as may be after it is
made, before each House of Parliament.
CONVENTION ON BIOLOGICAL DIVERSITY

5 JUNE 1992

Preamble

The Contracting Parties,

Conscious of the intrinsic value of biological diversity and of the ecological, genetic, social, economic, scientific, educational, cultural, recreational and aesthetic values of biological diversity and its components,

Conscious also of the importance of biological diversity for evolution and for maintaining life sustaining systems of the biosphere,

Affirming that the conservation of biological diversity is a common concern of humankind,

Reaffirming that States have sovereign rights over their own biological resources,

Reaffirming also that States are responsible for conserving their biological diversity and for using their biological resources in a sustainable manner,

Concerned that biological diversity is being significantly reduced by certain human activities,

Aware of the general lack of information and knowledge regarding biological diversity and of the urgent need to develop scientific, technical and institutional capacities to provide the basic understanding upon which to plan and implement appropriate measures,

Noting that it is vital to anticipate, prevent and attack the causes of significant reduction or loss of biological diversity at source,

Noting also that where there is a threat of significant reduction or loss of biological diversity, lack of full scientific certainty should not be used as a reason for postponing measures to avoid or minimize such a threat,

Noting further that the fundamental requirement for the conservation of biological diversity is the in-situ conservation of ecosystems and natural habitats and the maintenance and recovery of viable populations of species in their natural surroundings,

Noting further that ex-situ measures, preferably in the country of origin, also have an important role to play,

Recognizing the close and traditional dependence of many indigenous and local communities embodying traditional lifestyles on biological resources, and the desirability of sharing equitably benefits arising from the use of traditional knowledge, innovations and practices relevant to the conservation of biological diversity and the sustainable use of its components,
Recognizing also the vital role that women play in the conservation and sustainable use of biological diversity and affirming the need for the full participation of women at all levels of policy-making and implementation for biological diversity conservation,

Stressing the importance of, and the need to promote, international, regional and global cooperation among States and intergovernmental organizations and the non-governmental sector for the conservation of biological diversity and the sustainable use of its components,

Acknowledging that the provision of new and additional financial resources and appropriate access to relevant technologies can be expected to make a substantial difference in the world's ability to address the loss of biological diversity, Acknowledging further that special provision is required to meet the needs of developing countries, including the provision of new and additional financial resources and appropriate access to relevant technologies,

Noting in this regard the special conditions of the least developed countries and small island States,

Acknowledging that substantial investments are required to conserve biological diversity and that there is the expectation of a broad range of environmental, economic and social benefits from those investments,

Recognizing that economic and social development and poverty eradication are the first and overriding priorities of developing countries,

Aware that conservation and sustainable use of biological diversity is of critical importance for meeting the food, health and other needs of the growing world population, for which purpose access to and sharing of both genetic resources and technologies are essential,

Noting that, ultimately, the conservation and sustainable use of biological diversity will strengthen friendly relations among States and contribute to peace for humankind,

Desiring to enhance and complement existing international arrangements for the conservation of biological diversity and sustainable use of its components, and

Determined to conserve and sustainably use biological diversity for the benefit of present and future generations,

Have agreed as follows:

Article 1. Objectives

The objectives of this Convention, to be pursued in accordance with its relevant provisions, are the conservation of biological diversity, the sustainable use of its components and the fair and equitable sharing of the benefits arising out of the utilization of genetic resources, including by appropriate access to genetic resources
and by appropriate transfer of relevant technologies, taking into account all rights over those resources and to technologies, and by appropriate funding.

**Article 2. Use of Terms**

For the purposes of this Convention:

"**Biological diversity**" means the variability among living organisms from all sources including, inter alia, terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part; this includes diversity within species, between species and of ecosystems.

"**Biological resources**" includes genetic resources, organisms or parts thereof, populations, or any other biotic component of ecosystems with actual or potential use or value for humanity.

"**Biotechnology**" means any technological application that uses biological systems, living organisms, or derivatives thereof, to make or modify products or processes for specific use.

"**Country of origin of genetic resources**" means the country which possesses those genetic resources in in-situ conditions.

"**Country providing genetic resources**" means the country supplying genetic resources collected from in-situ sources, including populations of both wild and domesticated species, or taken from ex-situ sources, which may or may not have originated in that country.

"**Domesticated or cultivated species**" means species in which the evolutionary process has been influenced by humans to meet their needs.

"**Ecosystem**" means a dynamic complex of plant, animal and micro-organism communities and their non-living environment interacting as a functional unit.

"**Ex-situ conservation**" means the conservation of components of biological diversity outside their natural habitats.

"**Genetic material**" means any material of plant, animal, microbial or other origin containing functional units of heredity.

"**Genetic resources**" means genetic material of actual or potential value.

"**Habitat**" means the place or type of site where an organism or population naturally occurs.

"**In-situ conditions**" means conditions where genetic resources exist within ecosystems and natural habitats, and, in the case of domesticated or cultivated species, in the surroundings where they have developed their distinctive properties.
"In-situ conservation" means the conservation of ecosystems and natural habitats and the maintenance and recovery of viable populations of species in their natural surroundings and, in the case of domesticated or cultivated species, in the surroundings where they have developed their distinctive properties.

"Protected area" means a geographically defined area which is designated or regulated and managed to achieve specific conservation objectives.

"Regional economic integration organization" means an organization constituted by sovereign States of a given region, to which its member States have transferred competence in respect of matters governed by this Convention and which has been duly authorized, in accordance with its internal procedures, to sign, ratify, accept, approve or accede to it.

"Sustainable use" means the use of components of biological diversity in a way and at a rate that does not lead to the long-term decline of biological diversity, thereby maintaining its potential to meet the needs and aspirations of present and future generations.

"Technology" includes biotechnology.

**Article 3. Principle**

States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit their own resources pursuant to their own environmental policies, and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction.

**Article 4. Jurisdictional Scope**

Subject to the rights of other States, and except as otherwise expressly provided in this Convention, the provisions of this Convention apply, in relation to each Contracting Party:

(a) In the case of components of biological diversity, in areas within the limits of its national jurisdiction; and

(b) In the case of processes and activities, regardless of where their effects occur, carried out under its jurisdiction or control, within the area of its national jurisdiction or beyond the limits of national jurisdiction.

**Article 5. Cooperation**

Each Contracting Party shall, as far as possible and as appropriate, cooperate with other Contracting Parties, directly or, where appropriate, through competent international organizations, in respect of areas beyond national jurisdiction and on other matters of mutual interest, for the conservation and sustainable use of biological diversity.

**Article 6. General Measures for Conservation and Sustainable Use**

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Each Contracting Party shall, in accordance with its particular conditions and capabilities:

(a) Develop national strategies, plans or programmes for the conservation and sustainable use of biological diversity or adapt for this purpose existing strategies, plans or programmes which shall reflect, inter alia, the measures set out in this Convention relevant to the Contracting Party concerned; and

(b) Integrate, as far as possible and as appropriate, the conservation and sustainable use of biological diversity into relevant sectoral or cross-sectoral plans, programmes and policies.

Article 7. Identification and Monitoring

Each Contracting Party shall, as far as possible and as appropriate, in particular for the purposes of Articles 8 to 10:

(a) Identify components of biological diversity important for its conservation and sustainable use having regard to the indicative list of categories set down in Annex I;

(b) Monitor, through sampling and other techniques, the components of biological diversity identified pursuant to subparagraph (a) above, paying particular attention to those requiring urgent conservation measures and those which offer the greatest potential for sustainable use;

(c) Identify processes and categories of activities which have or are likely to have significant adverse impacts on the conservation and sustainable use of biological diversity, and monitor their effects through sampling and other techniques; and

(d) Maintain and organize, by any mechanism data, derived from identification and monitoring activities pursuant to subparagraphs (a), (b) and (c) above.

Article 8. In-situ Conservation

Each Contracting Party shall, as far as possible and as appropriate:

(a) Establish a system of protected areas or areas where special measures need to be taken to conserve biological diversity;

(b) Develop, where necessary, guidelines for the selection, establishment and management of protected areas or areas where special measures need to be taken to conserve biological diversity;

(c) Regulate or manage biological resources important for the conservation of biological diversity whether within or outside protected areas, with a view to ensuring their conservation and sustainable use;
(d) Promote the protection of ecosystems, natural habitats and the maintenance of viable populations of species in natural surroundings;

(e) Promote environmentally sound and sustainable development in areas adjacent to protected areas with a view to furthering protection of these areas;

(f) Rehabilitate and restore degraded ecosystems and promote the recovery of threatened species, inter alia, through the development and implementation of plans or other management strategies;

(g) Establish or maintain means to regulate, manage or control the risks associated with the use and release of living modified organisms resulting from biotechnology which are likely to have adverse environmental impacts that could affect the conservation and sustainable use of biological diversity, taking also into account the risks to human health;

(h) Prevent the introduction of, control or eradicate those alien species which threaten ecosystems, habitats or species;

(i) Endeavour to provide the conditions needed for compatibility between present uses and the conservation of biological diversity and the sustainable use of its components;

(j) Subject to its national legislation, respect, preserve and maintain knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity and promote their wider application with the approval and involvement of the holders of such knowledge, innovations and practices and encourage the equitable sharing of the benefits arising from the utilization of such knowledge, innovations and practices;

(k) Develop or maintain necessary legislation and/or other regulatory provisions for the protection of threatened species and populations;

(l) Where a significant adverse effect on biological diversity has been determined pursuant to Article 7, regulate or manage the relevant processes and categories of activities; and

(m) Cooperate in providing financial and other support for in-situ conservation outlined in subparagraphs (a) to (l) above, particularly to developing countries.

Article 9. Ex-situ Conservation

Each Contracting Party shall, as far as possible and as appropriate, and predominantly for the purpose of complementing in-situ measures:

(a) Adopt measures for the ex-situ conservation of components of biological diversity, preferably in the country of origin of such components;
(b) Establish and maintain facilities for ex-situ conservation of and research on plants, animals and micro-organisms, preferably in the country of origin of genetic resources;

(c) Adopt measures for the recovery and rehabilitation of threatened species and for their reintroduction into their natural habitats under appropriate conditions;

(d) Regulate and manage collection of biological resources from natural habitats for ex-situ conservation purposes so as not to threaten ecosystems and in-situ populations of species, except where special temporary ex-situ measures are required under subparagraph (c) above; and

(e) Cooperate in providing financial and other support for ex-situ conservation outlined in subparagraphs (a) to (d) above and in the establishment and maintenance of ex-situ conservation facilities in developing countries.

Article 10. Sustainable Use of Components of Biological Diversity

Each Contracting Party shall, as far as possible and as appropriate:

(a) Integrate consideration of the conservation and sustainable use of biological resources into national decision-making;

(b) Adopt measures relating to the use of biological resources to avoid or minimize adverse impacts on biological diversity;

(c) Protect and encourage customary use of biological resources in accordance with traditional cultural practices that are compatible with conservation or sustainable use requirements;

(d) Support local populations to develop and implement remedial action in degraded areas where biological diversity has been reduced; and

(e) Encourage cooperation between its governmental authorities and its private sector in developing methods for sustainable use of biological resources.

Article 11. Incentive Measures

Each Contracting Party shall, as far as possible and as appropriate, adopt economically and socially sound measures that act as incentives for the conservation and sustainable use of components of biological diversity.

Article 12. Research and Training

The Contracting Parties, taking into account the special needs of developing countries, shall:

(a) Establish and maintain programmes for scientific and technical education and training in measures for the identification, conservation and sustainable use of biological diversity and its
components and provide support for such education and training for the specific needs of developing countries;

(b) Promote and encourage research which contributes to the conservation and sustainable use of biological diversity, particularly in developing countries, inter alia, in accordance with decisions of the Conference of the Parties taken in consequence of recommendations of the Subsidiary Body on Scientific, Technical and Technological Advice; and

(c) In keeping with the provisions of Articles 16, 18 and 20, promote and cooperate in the use of scientific advances in biological diversity research in developing methods for conservation and sustainable use of biological resources.

Article 13. Public Education and Awareness

The Contracting Parties shall:

(a) Promote and encourage understanding of the importance of, and the measures required for, the conservation of biological diversity, as well as its propagation through media, and the inclusion of these topics in educational programmes; and

(b) Cooperate, as appropriate, with other States and international organizations in developing educational and public awareness programmes, with respect to conservation and sustainable use of biological diversity.

Article 14. Impact Assessment and Minimizing Adverse Impacts

1. Each Contracting Party, as far as possible and as appropriate, shall:

(a) Introduce appropriate procedures requiring environmental impact assessment of its proposed projects that are likely to have significant adverse effects on biological diversity with a view to avoiding or minimizing such effects and, where appropriate, allow for public participation in such procedures;

(b) Introduce appropriate arrangements to ensure that the environmental consequences of its programmes and policies that are likely to have significant adverse impacts on biological diversity are duly taken into account;

(c) Promote, on the basis of reciprocity, notification, exchange of information and consultation on activities under their jurisdiction or control which are likely to significantly affect adversely the biological diversity of other States or areas beyond the limits of national jurisdiction, by encouraging the conclusion of bilateral, regional or multilateral arrangements, as appropriate;

(d) In the case of imminent or grave danger or damage, originating under its jurisdiction or control, to biological diversity within the area under jurisdiction of other States or in areas beyond the limits of national jurisdiction, notify immediately the potentially affected States of such danger or damage, as well as initiate action to prevent or minimize such danger or damage; and
(e) Promote national arrangements for emergency responses to activities or events, whether caused naturally or otherwise, which present a grave and imminent danger to biological diversity and encourage international cooperation to supplement such national efforts and, where appropriate and agreed by the States or regional economic integration organizations concerned, to establish joint contingency plans.

2. The Conference of the Parties shall examine, on the basis of studies to be carried out, the issue of liability and redress, including restoration and compensation, for damage to biological diversity, except where such liability is a purely internal matter.

Article 15. Access to Genetic Resources

1. Recognizing the sovereign rights of States over their natural resources, the authority to determine access to genetic resources rests with the national governments and is subject to national legislation.

2. Each Contracting Party shall endeavour to create conditions to facilitate access to genetic resources for environmentally sound uses by other Contracting Parties and not to impose restrictions that run counter to the objectives of this Convention.

3. For the purpose of this Convention, the genetic resources being provided by a Contracting Party, as referred to in this Article and Articles 16 and 19, are only those that are provided by Contracting Parties that are countries of origin of such resources or by the Parties that have acquired the genetic resources in accordance with this Convention.

4. Access, where granted, shall be on mutually agreed terms and subject to the provisions of this Article.

5. Access to genetic resources shall be subject to prior informed consent of the Contracting Party providing such resources, unless otherwise determined by that Party.

6. Each Contracting Party shall endeavour to develop and carry out scientific research based on genetic resources provided by other Contracting Parties with the full participation of, and where possible in, such Contracting Parties.

7. Each Contracting Party shall take legislative, administrative or policy measures, as appropriate, and in accordance with Articles 16 and 19 and, where necessary, through the financial mechanism established by Articles 20 and 21 with the aim of sharing in a fair and equitable way the results of research and development and the benefits arising from the commercial and other utilization of genetic resources with the Contracting Party providing such resources. Such sharing shall be upon mutually agreed terms.

Article 16. Access to and Transfer of Technology

1. Each Contracting Party, recognizing that technology includes biotechnology, and that both access to and transfer of technology among Contracting Parties are essential elements for the attainment of the objectives of this Convention, undertakes subject to the provisions of this Article to provide and/or facilitate access for and transfer to other Contracting Parties of technologies that are relevant to the
conservation and sustainable use of biological diversity or make use of genetic resources and do not cause significant damage to the environment.

2. Access to and transfer of technology referred to in paragraph 1 above to developing countries shall be provided and/or facilitated under fair and most favourable terms, including on concessional and preferential terms where mutually agreed, and, where necessary, in accordance with the financial mechanism established by Articles 20 and 21. In the case of technology subject to patents and other intellectual property rights, such access and transfer shall be provided on terms which recognize and are consistent with the adequate and effective protection of intellectual property rights. The application of this paragraph shall be consistent with paragraphs 3, 4 and 5 below.

3. Each Contracting Party shall take legislative, administrative or policy measures, as appropriate, with the aim that Contracting Parties, in particular those that are developing countries, which provide genetic resources are provided access to and transfer of technology which makes use of those resources, on mutually agreed terms, including technology protected by patents and other intellectual property rights, where necessary, through the provisions of Articles 20 and 21 and in accordance with international law and consistent with paragraphs 4 and 5 below.

4. Each Contracting Party shall take legislative, administrative or policy measures, as appropriate, with the aim that the private sector facilitates access to, joint development and transfer of technology referred to in paragraph 1 above for the benefit of both governmental institutions and the private sector of developing countries and in this regard shall abide by the obligations included in paragraphs 1, 2 and 3 above.

5. The Contracting Parties, recognizing that patents and other intellectual property rights may have an influence on the implementation of this Convention, shall cooperate in this regard subject to national legislation and international law in order to ensure that such rights are supportive of and do not run counter to its objectives.

Article 17. Exchange of Information

1. The Contracting Parties shall facilitate the exchange of information, from all publicly available sources, relevant to the conservation and sustainable use of biological diversity, taking into account the special needs of developing countries.

2. Such exchange of information shall include exchange of results of technical, scientific and socio-economic research, as well as information on training and surveying programmes, specialized knowledge, indigenous and traditional knowledge as such and in combination with the technologies referred to in Article 16, paragraph 1. It shall also, where feasible, include repatriation of information.

Article 18. Technical and Scientific Cooperation

1. The Contracting Parties shall promote international technical and scientific cooperation in the field of conservation and sustainable use
of biological diversity, where necessary, through the appropriate international and national institutions.

2. Each Contracting Party shall promote technical and scientific cooperation with other Contracting Parties, in particular developing countries, in implementing this Convention, inter alia, through the development and implementation of national policies. In promoting such cooperation, special attention should be given to the development and strengthening of national capabilities, by means of human resources development and institution building.

3. The Conference of the Parties, at its first meeting, shall determine how to establish a clearing-house mechanism to promote and facilitate technical and scientific cooperation.

4. The Contracting Parties shall, in accordance with national legislation and policies, encourage and develop methods of cooperation for the development and use of technologies, including indigenous and traditional technologies, in pursuance of the objectives of this Convention. For this purpose, the Contracting Parties shall also promote cooperation in the training of personnel and exchange of experts.

5. The Contracting Parties shall, subject to mutual agreement, promote the establishment of joint research programmes and joint ventures for the development of technologies relevant to the objectives of this Convention.

Article 19. Handling of Biotechnology and Distribution of its Benefits

1. Each Contracting Party shall take legislative, administrative or policy measures, as appropriate, to provide for the effective participation in biotechnological research activities by those Contracting Parties, especially developing countries, which provide the genetic resources for such research, and where feasible in such Contracting Parties.

2. Each Contracting Party shall take all practicable measures to promote and advance priority access on a fair and equitable basis by Contracting Parties, especially developing countries, to the results and benefits arising from biotechnologies based upon genetic resources provided by those Contracting Parties. Such access shall be on mutually agreed terms.

3. The Parties shall consider the need for and modalities of a protocol setting out appropriate procedures, including, in particular, advance informed agreement, in the field of the safe transfer, handling and use of any living modified organism resulting from biotechnology that may have adverse effect on the conservation and sustainable use of biological diversity.

4. Each Contracting Party shall, directly or by requiring any natural or legal person under its jurisdiction providing the organisms referred to in paragraph 3 above, provide any available information about the use and safety regulations required by that Contracting Party in handling such organisms, as well as any available information on the potential adverse impact of the specific organisms concerned to the Contracting Party into which those organisms are to be introduced.
Article 20. Financial Resources

1. Each Contracting Party undertakes to provide, in accordance with its capabilities, financial support and incentives in respect of those national activities which are intended to achieve the objectives of this Convention, in accordance with its national plans, priorities and programmes.

2. The developed country Parties shall provide new and additional financial resources to enable developing country Parties to meet the agreed full incremental costs to them of implementing measures which fulfil the obligations of this Convention and to benefit from its provisions and which costs are agreed between a developing country Party and the institutional structure referred to in Article 21, in accordance with policy, strategy, programme priorities and eligibility criteria and an indicative list of incremental costs established by the Conference of the Parties. Other Parties, including countries undergoing the process of transition to a market economy, may voluntarily assume the obligations of the developed country Parties. For the purpose of this Article, the Conference of the Parties, shall at its first meeting establish a list of developed country Parties and other Parties which voluntarily assume the obligations of the developed country Parties. The Conference of the Parties shall periodically review and if necessary amend the list. Contributions from other countries and sources on a voluntary basis would also be encouraged. The implementation of these commitments shall take into account the need for adequacy, predictability and timely flow of funds and the importance of burden-sharing among the contributing Parties included in the list.

3. The developed country Parties may also provide, and developing country Parties avail themselves of, financial resources related to the implementation of this Convention through bilateral, regional and other multilateral channels.

4. The extent to which developing country Parties will effectively implement their commitments under this Convention will depend on the effective implementation by developed country Parties of their commitments under this Convention related to financial resources and transfer of technology and will take fully into account the fact that economic and social development and eradication of poverty are the first and overriding priorities of the developing country Parties.

5. The Parties shall take full account of the specific needs and special situation of least developed countries in their actions with regard to funding and transfer of technology.

6. The Contracting Parties shall also take into consideration the special conditions resulting from the dependence on, distribution and location of, biological diversity within developing country Parties, in particular small island States.

7. Consideration shall also be given to the special situation of developing countries, including those that are most environmentally vulnerable, such as those with arid and semi-arid zones, coastal and mountainous areas.

Article 21. Financial Mechanism

1. There shall be a mechanism for the provision of financial resources to developing country Parties for purposes of this Convention
on a grant or concessional basis the essential elements of which are described in this Article. The mechanism shall function under the authority and guidance of, and be accountable to, the Conference of the Parties for purposes of this Convention. The operations of the mechanism shall be carried out by such institutional structure as may be decided upon by the Conference of the Parties at its first meeting. For purposes of this Convention, the Conference of the Parties shall determine the policy, strategy, programme priorities and eligibility criteria relating to the access to and utilization of such resources. The contributions shall be such as to take into account the need for predictability, adequacy and timely flow of funds referred to in Article 20 in accordance with the amount of resources needed to be decided periodically by the Conference of the Parties and the importance of burden-sharing among the contributing Parties included in the list referred to in Article 20, paragraph 2. Voluntary contributions may also be made by the developed country Parties and by other countries and sources. The mechanism shall operate within a democratic and transparent system of governance.

2. Pursuant to the objectives of this Convention, the Conference of the Parties shall at its first meeting determine the policy, strategy and programme priorities, as well as detailed criteria and guidelines for eligibility for access to and utilization of the financial resources including monitoring and evaluation on a regular basis of such utilization. The Conference of the Parties shall decide on the arrangements to give effect to paragraph 1 above after consultation with the institutional structure entrusted with the operation of the financial mechanism.

3. The Conference of the Parties shall review the effectiveness of the mechanism established under this Article, including the criteria and guidelines referred to in paragraph 2 above, not less than two years after the entry into force of this Convention and thereafter on a regular basis. Based on such review, it shall take appropriate action to improve the effectiveness of the mechanism if necessary.

4. The Contracting Parties shall consider strengthening existing financial institutions to provide financial resources for the conservation and sustainable use of biological diversity.

Article 22. Relationship with Other International Conventions

1. The provisions of this Convention shall not affect the rights and obligations of any Contracting Party deriving from any existing international agreement, except where the exercise of those rights and obligations would cause a serious damage or threat to biological diversity.

2. Contracting Parties shall implement this Convention with respect to the marine environment consistently with the rights and obligations of States under the law of the sea.

Article 23. Conference of the Parties

1. A Conference of the Parties is hereby established. The first meeting of the Conference of the Parties shall be convened by the Executive Director of the United Nations Environment Programme not later than one year after the entry into force of this Convention. Thereafter, ordinary meetings of the Conference of the Parties shall be held at regular intervals to be determined by the Conference at its first meeting.
2. Extraordinary meetings of the Conference of the Parties shall be held at such other times as may be deemed necessary by the Conference, or at the written request of any Party, provided that, within six months of the request being communicated to them by the Secretariat, it is supported by at least one third of the Parties.

3. The Conference of the Parties shall by consensus agree upon and adopt rules of procedure for itself and for any subsidiary body it may establish, as well as financial rules governing the funding of the Secretariat. At each ordinary meeting, it shall adopt a budget for the financial period until the next ordinary meeting.

4. The Conference of the Parties shall keep under review the implementation of this Convention, and, for this purpose, shall:

   (a) Establish the form and the intervals for transmitting the information to be submitted in accordance with Article 26 and consider such information as well as reports submitted by any subsidiary body;

   (b) Review scientific, technical and technological advice on biological diversity provided in accordance with Article 25;

   (c) Consider and adopt, as required, protocols in accordance with Article 28;

   (d) Consider and adopt, as required, in accordance with Articles 29 and 30, amendments to this Convention and its annexes;

   (e) Consider amendments to any protocol, as well as to any annexes thereto, and, if so decided, recommend their adoption to the parties to the protocol concerned;

   (f) Consider and adopt, as required, in accordance with Article 30, additional annexes to this Convention;

   (g) Establish such subsidiary bodies, particularly to provide scientific and technical advice, as are deemed necessary for the implementation of this Convention;

   (h) Contact, through the Secretariat, the executive bodies of conventions dealing with matters covered by this Convention with a view to establishing appropriate forms of cooperation with them; and

   (i) Consider and undertake any additional action that may be required for the achievement of the purposes of this Convention in the light of experience gained in its operation.

5. The United Nations, its specialized agencies and the International Atomic Energy Agency, as well as any State not Party to this Convention, may be represented as observers at meetings of the Conference of the Parties. Any other body or agency, whether governmental or non-governmental, qualified in fields relating to conservation and sustainable use of biological diversity, which has informed the Secretariat of its wish to be represented as an observer at a meeting of the Conference of the Parties, may be admitted unless at least one third of the Parties present object. The admission and participation of observers shall be subject to the rules of procedure adopted by the Conference of the Parties.
Article 24. Secretariat

1. A secretariat is hereby established. Its functions shall be:

(a) To arrange for and service meetings of the Conference of the Parties provided for in Article 23;

(b) To perform the functions assigned to it by any protocol;

(c) To prepare reports on the execution of its functions under this Convention and present them to the Conference of the Parties;

(d) To coordinate with other relevant international bodies and, in particular, to enter into such administrative and contractual arrangements as may be required for the effective discharge of its functions; and

(e) To perform such other functions as may be determined by the Conference of the Parties.

2. At its first ordinary meeting, the Conference of the Parties shall designate the secretariat from amongst those existing competent international organizations which have signified their willingness to carry out the secretariat functions under this Convention.

Article 25. Subsidiary Body on Scientific, Technical and Technological Advice

1. A subsidiary body for the provision of scientific, technical and technological advice is hereby established to provide the Conference of the Parties and, as appropriate, its other subsidiary bodies with timely advice relating to the implementation of this Convention. This body shall be open to participation by all Parties and shall be multidisciplinary. It shall comprise government representatives competent in the relevant field of expertise. It shall report regularly to the Conference of the Parties on all aspects of its work.

2. Under the authority of and in accordance with guidelines laid down by the Conference of the Parties, and upon its request, this body shall:

(a) Provide scientific and technical assessments of the status of biological diversity;

(b) Prepare scientific and technical assessments of the effects of types of measures taken in accordance with the provisions of this Convention;

(c) Identify innovative, efficient and state-of-the-art technologies and know-how relating to the conservation and sustainable use of biological diversity and advise on the ways and means of promoting development and/or transferring such technologies;

(d) Provide advice on scientific programmes and international cooperation in research and development related to conservation and sustainable use of biological diversity; and
(e) Respond to scientific, technical, technological and methodological questions that the Conference of the Parties and its subsidiary bodies may put to the body.

3. The functions, terms of reference, organization and operation of this body may be further elaborated by the Conference of the Parties.

**Article 26. Reports**

Each Contracting Party shall, at intervals to be determined by the Conference of the Parties, present to the Conference of the Parties, reports on measures which it has taken for the implementation of the provisions of this Convention and their effectiveness in meeting the objectives of this Convention.

**Article 27. Settlement of Disputes**

1. In the event of a dispute between Contracting Parties concerning the interpretation or application of this Convention, the parties concerned shall seek solution by negotiation.

2. If the parties concerned cannot reach agreement by negotiation, they may jointly seek the good offices of, or request mediation by, a third party.

3. When ratifying, accepting, approving or acceding to this Convention, or at any time thereafter, a State or regional economic integration organization may declare in writing to the Depositary that for a dispute not resolved in accordance with paragraph 1 or paragraph 2 above, it accepts one or both of the following means of dispute settlement as compulsory:

   (a) Arbitration in accordance with the procedure laid down in Part 1 of Annex II;

   (b) Submission of the dispute to the International Court of Justice.

4. If the parties to the dispute have not, in accordance with paragraph 3 above, accepted the same or any procedure, the dispute shall be submitted to conciliation in accordance with Part 2 of Annex II unless the parties otherwise agree.

5. The provisions of this Article shall apply with respect to any protocol except as otherwise provided in the protocol concerned.

**Article 28. Adoption of Protocols**

1. The Contracting Parties shall cooperate in the formulation and adoption of protocols to this Convention.

2. Protocols shall be adopted at a meeting of the Conference of the Parties.

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3. The text of any proposed protocol shall be communicated to the Contracting Parties by the Secretariat at least six months before such a meeting.

Article 29. Amendment of the Convention or Protocols

1. Amendments to this Convention may be proposed by any Contracting Party. Amendments to any protocol may be proposed by any Party to that protocol.

2. Amendments to this Convention shall be adopted at a meeting of the Conference of the Parties. Amendments to any protocol shall be adopted at a meeting of the Parties to the Protocol in question. The text of any proposed amendment to this Convention or to any protocol, except as may otherwise be provided in such protocol, shall be communicated to the Parties to the instrument in question by the secretariat at least six months before the meeting at which it is proposed for adoption. The secretariat shall also communicate proposed amendments to the signatories to this Convention for information.

3. The Parties shall make every effort to reach agreement on any proposed amendment to this Convention or to any protocol by consensus. If all efforts at consensus have been exhausted, and no agreement reached, the amendment shall as a last resort be adopted by a two-third majority vote of the Parties to the instrument in question present and voting at the meeting, and shall be submitted by the Depositary to all Parties for ratification, acceptance or approval.

4. Ratification, acceptance or approval of amendments shall be notified to the Depositary in writing. Amendments adopted in accordance with paragraph 3 above shall enter into force among Parties having accepted them on the ninetieth day after the deposit of instruments of ratification, acceptance or approval by at least two thirds of the Contracting Parties to this Convention or of the Parties to the protocol concerned, except as may otherwise be provided in such protocol. Thereafter the amendments shall enter into force for any other Party on the ninetieth day after that Party deposits its instrument of ratification, acceptance or approval of the amendments.

5. For the purposes of this Article, "Parties present and voting" means Parties present and casting an affirmative or negative vote.

Article 30. Adoption and Amendment of Annexes

1. The annexes to this Convention or to any protocol shall form an integral part of the Convention or of such protocol, as the case may be, and, unless expressly provided otherwise, a reference to this Convention or its protocols constitutes at the same time a reference to any annexes thereto. Such annexes shall be restricted to procedural, scientific, technical and administrative matters.

2. Except as may be otherwise provided in any protocol with respect to its annexes, the following procedure shall apply to the proposal, adoption and entry into force of additional annexes to this Convention or of annexes to any protocol:

(a) Annexes to this Convention or to any protocol shall be proposed and adopted according to the procedure laid down in Article 29;
(b) Any Party that is unable to approve an additional annex to this Convention or an annex to any protocol to which it is Party shall so notify the Depositary, in writing, within one year from the date of the communication of the adoption by the Depositary. The Depositary shall without delay notify all Parties of any such notification received. A Party may at any time withdraw a previous declaration of objection and the annexes shall thereupon enter into force for that Party subject to subparagraph (c) below;

(c) On the expiry of one year from the date of the communication of the adoption by the Depositary, the annex shall enter into force for all Parties to this Convention or to any protocol concerned which have not submitted a notification in accordance with the provisions of subparagraph (b) above.

3. The proposal, adoption and entry into force of amendments to annexes to this Convention or to any protocol shall be subject to the same procedure as for the proposal, adoption and entry into force of annexes to the Convention or annexes to any protocol.

4. If an additional annex or an amendment to an annex is related to an amendment to this Convention or to any protocol, the additional annex or amendment shall not enter into force until such time as the amendment to the Convention or to the protocol concerned enters into force.

Article 31. Right to Vote

1. Except as provided for in paragraph 2 below, each Contracting Party to this Convention or to any protocol shall have one vote.

2. Regional economic integration organizations, in matters within their competence, shall exercise their right to vote with a number of votes equal to the number of their member States which are Contracting Parties to this Convention or the relevant protocol. Such organizations shall not exercise their right to vote if their member States exercise theirs, and vice versa.

Article 32. Relationship between this Convention and Its Protocols

1. A State or a regional economic integration organization may not become a Party to a protocol unless it is, or becomes at the same time, a Contracting Party to this Convention.

2. Decisions under any protocol shall be taken only by the Parties to the protocol concerned. Any Contracting Party that has not ratified, accepted or approved a protocol may participate as an observer in any meeting of the parties to that protocol.

Article 33. Signature

This Convention shall be open for signature at Rio de Janeiro by all States and any regional economic integration organization from 5 June 1992 until 14 June 1992, and at the United Nations Headquarters in New York from
Article 34. Ratification, Acceptance or Approval

1. This Convention and any protocol shall be subject to ratification, acceptance or approval by States and by regional economic integration organizations. Instruments of ratification, acceptance or approval shall be deposited with the Depositary.

2. Any organization referred to in paragraph 1 above which becomes a Contracting Party to this Convention or any protocol without any of its member States being a Contracting Party shall be bound by all the obligations under the Convention or the protocol, as the case may be. In the case of such organizations, one or more of whose member States is a Contracting Party to this Convention or relevant protocol, the organization and its member States shall decide on their respective responsibilities for the performance of their obligations under the Convention or protocol, as the case may be. In such cases, the organization and the member States shall not be entitled to exercise rights under the Convention or relevant protocol concurrently.

3. In their instruments of ratification, acceptance or approval, the organizations referred to in paragraph 1 above shall declare the extent of their competence with respect to the matters governed by the Convention or the relevant protocol. These organizations shall also inform the Depositary of any relevant modification in the extent of their competence.

Article 35. Accession

1. This Convention and any protocol shall be open for accession by States and by regional economic integration organizations from the date on which the Convention or the protocol concerned is closed for signature. The instruments of accession shall be deposited with the Depositary.

2. In their instruments of accession, the organizations referred to in paragraph 1 above shall declare the extent of their competence with respect to the matters governed by the Convention or the relevant protocol. These organizations shall also inform the Depositary of any relevant modification in the extent of their competence.

3. The provisions of Article 34, paragraph 2, shall apply to regional economic integration organizations which accede to this Convention or any protocol.

Article 36. Entry Into Force

1. This Convention shall enter into force on the ninetieth day after the date of deposit of the thirtieth instrument of ratification, acceptance, approval or accession.

2. Any protocol shall enter into force on the ninetieth day after the date of deposit of the number of instruments of ratification, acceptance, approval or accession, specified in that protocol, has been deposited.

3. For each Contracting Party which ratifies, accepts or approves this Convention or accedes thereto after the deposit of the thirtieth instrument of ratification, acceptance, approval or accession, it shall
enter into force on the ninetieth day after the date of deposit by such Contracting Party of its instrument of ratification, acceptance, approval or accession.

4. Any protocol, except as otherwise provided in such protocol, shall enter into force for a Contracting Party that ratifies, accepts or approves that protocol or accedes thereto after its entry into force pursuant to paragraph 2 above, on the ninetieth day after the date on which that Contracting Party deposits its instrument of ratification, acceptance, approval or accession, or on the date on which this Convention enters into force for that Contracting Party, whichever shall be the later.

5. For the purposes of paragraphs 1 and 2 above, any instrument deposited by a regional economic integration organization shall not be counted as additional to those deposited by member States of such organization.

Article 37. Reservations

No reservations may be made to this Convention.

Article 38. Withdrawals

1. At any time after two years from the date on which this Convention has entered into force for a Contracting Party, that Contracting Party may withdraw from the Convention by giving written notification to the Depositary.

2. Any such withdrawal shall take place upon expiry of one year after the date of its receipt by the Depositary, or on such later date as may be specified in the notification of the withdrawal.

3. Any Contracting Party which withdraws from this Convention shall be considered as also having withdrawn from any protocol to which it is party.

Article 39. Financial Interim Arrangements

Provided that it has been fully restructured in accordance with the requirements of Article 21, the Global Environment Facility of the United Nations Development Programme, the United Nations Environment Programme and the International Bank for Reconstruction and Development shall be the institutional structure referred to in Article 21 on an interim basis, for the period between the entry into force of this Convention and the first meeting of the Conference of the Parties or until the Conference of the Parties decides which institutional structure will be designated in accordance with Article 21.

Article 40. Secretariat Interim Arrangements

The secretariat to be provided by the Executive Director of the United Nations Environment Programme shall be the secretariat referred to in Article 24, paragraph 2, on an interim basis for the period between the entry into force of this Convention and the first meeting of the Conference of the Parties.
Article 41. Depositary

The Secretary-General of the United Nations shall assume the functions of Depositary of this Convention and any protocols.

Article 42. Authentic Texts

The original of this Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

IN WITNESS WHEREOF the undersigned, being duly authorized to that effect, have signed this Convention.

Done at Rio de Janeiro on this fifth day of June, one thousand nine hundred and ninety-two.

Annex I

IDENTIFICATION AND MONITORING

1. Ecosystems and habitats: containing high diversity, large numbers of endemic or threatened species, or wilderness; required by migratory species; of social, economic, cultural or scientific importance; or, which are representative, unique or associated with key evolutionary or other biological processes;

2. Species and communities which are: threatened; wild relatives of domesticated or cultivated species; of medicinal, agricultural or other economic value; or social, scientific or cultural importance; or importance for research into the conservation and sustainable use of biological diversity, such as indicator species; and

3. Described genomes and genes of social, scientific or economic importance.

Annex II

Part 1

ARBITRATION

Article 1

The claimant party shall notify the secretariat that the parties are referring a dispute to arbitration pursuant to Article 27. The notification shall state the subject-matter of arbitration and include, in particular, the articles of the Convention or the protocol, the interpretation or application of which are at issue. If the parties do
not agree on the subject matter of the dispute before the President of the tribunal is designated, the arbitral tribunal shall determine the subject matter. The secretariat shall forward the information thus received to all Contracting Parties to this Convention or to the protocol concerned.

Article 2

1. In disputes between two parties, the arbitral tribunal shall consist of three members. Each of the parties to the dispute shall appoint an arbitrator and the two arbitrators so appointed shall designate by common agreement the third arbitrator who shall be the President of the tribunal. The latter shall not be a national of one of the parties to the dispute, nor have his or her usual place of residence in the territory of one of these parties, nor be employed by any of them, nor have dealt with the case in any other capacity.

2. In disputes between more than two parties, parties in the same interest shall appoint one arbitrator jointly by agreement.

3. Any vacancy shall be filled in the manner prescribed for the initial appointment.

Article 3

1. If the President of the arbitral tribunal has not been designated within two months of the appointment of the second arbitrator, the Secretary-General of the United Nations shall, at the request of a party, designate the President within a further two-month period.

2. If one of the parties to the dispute does not appoint an arbitrator within two months of receipt of the request, the other party may inform the Secretary-General who shall make the designation within a further two-month period.

Article 4

The arbitral tribunal shall render its decisions in accordance with the provisions of this Convention, any protocols concerned, and international law.

Article 5

Unless the parties to the dispute otherwise agree, the arbitral tribunal shall determine its own rules of procedure.

Article 6

The arbitral tribunal may, at the request of one of the parties, recommend essential interim measures of protection.

Article 7

The parties to the dispute shall facilitate the work of the arbitral tribunal and, in particular, using all means at their disposal, shall:
(a) Provide it with all relevant documents, information and facilities; and

(b) Enable it, when necessary, to call witnesses or experts and receive their evidence.

Article 8

The parties and the arbitrators are under an obligation to protect the confidentiality of any information they receive in confidence during the proceedings of the arbitral tribunal.

Article 9

Unless the arbitral tribunal determines otherwise because of the particular circumstances of the case, the costs of the tribunal shall be borne by the parties to the dispute in equal shares. The tribunal shall keep a record of all its costs, and shall furnish a final statement thereof to the parties.

Article 10

Any Contracting Party that has an interest of a legal nature in the subject-matter of the dispute which may be affected by the decision in the case, may intervene in the proceedings with the consent of the tribunal.

Article 11

The tribunal may hear and determine counterclaims arising directly out of the subject-matter of the dispute.

Article 12

Decisions both on procedure and substance of the arbitral tribunal shall be taken by a majority vote of its members.

Article 13

If one of the parties to the dispute does not appear before the arbitral tribunal or fails to defend its case, the other party may request the tribunal to continue the proceedings and to make its award. Absence of a party or a failure of a party to defend its case shall not constitute a bar to the proceedings. Before rendering its final decision, the arbitral tribunal must satisfy itself that the claim is well founded in fact and law.

Article 14

The tribunal shall render its final decision within five months of the date on which it is fully constituted unless it finds it necessary to extend the time-limit for a period which should not exceed five more months.

Article 15

The final decision of the arbitral tribunal shall be confined to the subject-matter of the dispute and shall state the reasons on which
it is based. It shall contain the names of the members who have participated and the date of the final decision. Any member of the tribunal may attach a separate or dissenting opinion to the final decision.

Article 16

The award shall be binding on the parties to the dispute. It shall be without appeal unless the parties to the dispute have agreed in advance to an appellate procedure.

Article 17

Any controversy which may arise between the parties to the dispute as regards the interpretation or manner of implementation of the final decision may be submitted by either party for decision to the arbitral tribunal which rendered it.

Part 2

CONCILIATION

Article 1

A conciliation commission shall be created upon the request of one of the parties to the dispute. The commission shall, unless the parties otherwise agree, be composed of five members, two appointed by each Party concerned and a President chosen jointly by those members.

Article 2

In disputes between more than two parties, parties in the same interest shall appoint their members of the commission jointly by agreement. Where two or more parties have separate interests or there is a disagreement as to whether they are of the same interest, they shall appoint their members separately.

Article 3

If any appointments by the parties are not made within two months of the date of the request to create a conciliation commission, the Secretary-General of the United Nations shall, if asked to do so by the party that made the request, make those appointments within a further two-month period.

Article 4

If a President of the conciliation commission has not been chosen within two months of the last of the members of the commission being appointed, the Secretary-General of the United Nations shall, if asked to do so by a party, designate a President within a further two-month period.

Article 5

The conciliation commission shall take its decisions by majority vote of its members. It shall, unless the parties to the dispute otherwise agree, determine its own procedure. It shall render a
proposal for resolution of the dispute, which the parties shall consider in good faith.

Article 6

A disagreement as to whether the conciliation commission has competence shall be decided by the commission.

SIGNATORIES OF THE CONVENTION ON BIOLOGICAL DIVERSITY AT THE TIME OF THE UNITED NATIONS CONFERENCE ON ENVIRONMENT AND DEVELOPMENT

(RIO DE JANEIRO, 3-14 JUNE 1992)

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THE SCHEDULE

THE SEEDS BILL, 2004

A BILL
to provide for regulating the quality of seeds for sale, import and export and to facilitate production and supply of seeds of quality and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Fifty-Fifth Year of the Republic of India as follows:-

CHAPTER I
PRELIMINARY

Short title, 1.(1) This Act may be called the Seeds Act, 2004.
estent, (2) It extends to the whole of India.
application and commencement.

(3) Save as otherwise provided in this Act, it shall apply to-
   (a) every dealer; and
   (b) every producer of seed except when the seed is
       produced by him for his own use and not for sale.

(4) It shall come into force on such date as the Central
    Government may, by notification, appoint.

Definitions.

2. In this Act, unless the context otherwise requires, -
   (1) "agriculture" includes horticulture, forestry and cultivation of
       plantation, medicinal and aromatic plants;
   (2) "Central Seed Testing Laboratory" means the Central Seed
       Testing Laboratory established or declared as such under sub-section
       (1) of section 32;
   (3) "Certification Agency" means an agency established under
       section 26 or accredited under section 27 or recognised under section
       30;
   (4) "Chairperson" means the Chairperson of the Committee;
   (5) "Committee" means the Central Seed Committee constituted
       under sub-section (1) of section 3;
   (6) "container" means a box, bottle, casket, tin, barrel, case,
       receptacle, sack, bag, wrapper or other thing in which any article or
       thing is placed or packed;
   (7) "dealer" means a person who carries on the business of buying
       and selling, exporting, or importing seed, and includes an agent of a
       dealer;
   (8) "export" means taking out of India by land, sea or air;
   (9) "farmer" means any person who cultivates crops either by
       cultivating the land himself or through any other person but does not
       include any individual, company, trader or dealer who engages in the
       procurement and sale of seeds on a commercial basis;
   (10) "horticulture nursery" means any place where horticulture
       plants are, in the regular course of business, produced or propagated
       and sold for transplantation;
   (11) "import" means bringing into India by land, sea or air;
   (12) "kind" means one or more related species or sub-species of
       crop plants each individually or collectively known by one common
       name such as cabbage, maize, paddy and wheat;
   (13) "member" means a member of the Committee;
   (14) "misbranded" - A seed shall be deemed to be misbranded if-
       (i) it is a substitute for, or resembles in a manner likely to deceive,
           another variety of seed under the name of which it is sold, and is not
           plainly and conspicuously labelled so as to indicate its true nature;
       (ii) it is falsely stated to be the product of any place or country;
       (iii) it is sold by a name which belongs to another kind or variety of
           seed;
       (iv) false claims are made for it upon the label or otherwise;
(v) when sold in a package which has been sealed or prepared by, or at the instance, of the dealer and which bears his name and address, the contents of each package are not conspicuously and correctly stated on the outside thereof within the limits of variability prescribed under this Act;

(vi) the package containing it, or the label on the package bears any statement, design or device regarding the quality or the kind or variety of seed contained therein, which is false or misleading in any material particular or if the package is otherwise deceptive with respect to its contents;

(vii) it is not registered in the manner required by or under this Act;

(viii) its label contains any reference to registration other than the registration number;

(ix) its label does not contain a warning or caution which may be necessary, and sufficient, if complied with, to protect human, animal and plant life and health or to avoid serious prejudice to the environment;

(x) the package containing it or the label on the package bears the name of a fictitious individual or company as the dealer of the kind or variety; or

(xi) it is not labelled in accordance with the requirements of this Act or the rules made thereunder;

(15) "notification" means a notification published in the Official Gazette;

(16) "prescribed" means prescribed by rules made under this Act;

(17) "producer" means a person, group of persons, firm or organisation who grows or organizes the production of seeds;

(18) "registered kind or variety", in relation to any seed, means any kind, or variety thereof, registered under section 13;

(19) "Registration Sub-Committee" means the Registration Sub-Committee constituted under sub-section (1) of section 7;

(20) "regulation" means a regulation made by the Committee under this Act;

(21) "seed" means any type of living embryo or propagule capable of regeneration and giving rise to a plant of agriculture which is true to such type;

(22) "Seed Analyst" means a Seed Analyst appointed under section 33;

(23) "Seed Inspector" means a Seed Inspector appointed under section 34;

(24) "seed processing" means the process by which seeds and planting materials are dried, threshed, shelled, ginned or delinted (in cotton), cleaned, graded or treated;

(25) "spurious seed" means any seed which is not genuine or true to type;

(26) "State Government", in relation to a Union territory, means the
administrator thereof;
(27) "State Seed Testing Laboratory", in relation to any State, means the State Seed Laboratory established or declared as such under sub-section (2) of section 32 for that State;
(28) "transgenic variety" means seed or planting material synthesized or developed by modifying or altering the genetic composition by means of genetic engineering;
(29) "variety" means a plant grouping except micro-organism within a single botanical taxon of the lowest known rank, which can be
(i) defined by the expression of the characteristics resulting from a given genotype of that plant grouping;
(ii) distinguished from any other plant grouping by expression of at least one of the said characteristics; and
(iii) considered as a unit with regard to its suitability for being propagated, which remains unchanged after such propagation, and includes propagating material of such variety, extant variety, transgenic variety, farmers' variety and essentially derived variety.
Footnote: "essentially derived variety", in respect of a variety (the initial variety) shall be said to be essentially derived from such initial variety when it-
(a) is predominantly derived from such initial variety, or from a variety that itself is predominantly derived from such initial variety, while retaining the expression of the essential characteristics that result from the genotype or combination of genotypes of such initial variety;
(b) is clearly distinguishable from such initial variety; and
(c) conforms (except for the differences which result from the act of derivation) to such initial variety in the expression of the essential characteristics that result from the genotype or combination of genotypes of such initial variety;
Extant variety - "extant variety" means a variety available in India which is-
(a) notified under section 5 of the Seeds Act, 1966; or
(b) farmers' variety as defined in PVP Act; or
(c) a variety about which there is common knowledge; or
(d) any other variety which is in public domain.

CHAPTER II
THE CENTRAL SEED COMMITTEE, REGISTRATION AND OTHER SUB-COMMITTEES

Constitution of Central Seed Committee. 3. (1) The Central Government shall, by notification, constitute, for the purpose of this Act, a Committee to be called the Central Seed Committee.

Composition of the Committee. 4.(1) The Committee shall consist of a Chairperson, members, ex-officio and other members, to be nominated by the Central
Government.

(2) The Secretary to the Government of India in the Department of Agriculture and Co-operation, Ministry of Agriculture, shall be Chairperson, ex officio.

(3) The Committee shall consist of the following members, ex officio namely:-

(i) the Agriculture Commissioner, Department of Agriculture and Co-operation, Government of India;
(ii) the Deputy Director General (Crop Sciences), Indian Council of Agricultural Research;
(iii) the Deputy Director General (Horticulture), Indian Council of Agricultural Research;
(iv) the Joint Secretary in charge of seeds in the Department of Agriculture and Co-operation, Government of India;
(v) the Horticulture Commissioner, Department of Agriculture and Co-operation, Government of India;
(vi) a representative of the Department of Bio-technology, Government of India, not below the rank of Joint Secretary to the Government of India;
(vii) a representative of the Ministry of Environment and Forests, Government of India, not below the rank of Joint Secretary to the Government of India.

(4) The Committee shall consist of the following other members to be nominated by the Central Government, namely:-

(i) the Secretary (Agriculture) from five States, one each from three out of the five geographical zones of the country as mentioned in the Schedule on rotation basis;
(ii) Director, State Seed Certification Agency from one State which is not represented under clause (i);
(iii) Managing Director, State Seeds Corporation, from one State which is not represented under clause (i) or clause (ii);
(iv) two representatives of farmers;
(v) two representatives of seed industry;
(vi) two specialists or experts in the field of seed development.

(5) The Committee may associate with it, in such manner, on such terms and for such purposes as it may deem fit, any person whose assistance or advice it may desire in complying with any of the provisions of this Act, and a person so associated shall have the right to take part in the discussion of the Committee relevant to the purposes for which he has been associated, but shall not have the right to vote and shall be entitled to receive such allowances or fees as may be fixed by the Central Government.

(6) A Member nominated under sub-section (5) shall, unless his seat becomes vacant earlier by resignation, death or otherwise, be entitled to hold office for two years from the date of his nomination but shall be eligible for re-nomination provided that the said member
shall hold office only for so long as he holds the appointment by virtue of which his nomination was made.

(7) Save as otherwise provided, the terms and conditions of service of the members shall be such as may be prescribed.

(8) A member other than an ex officio member may resign his office by giving notice in writing to the Central Government and on such resignation being accepted, he shall be deemed to have vacated his office.

(9) A person shall be disqualified for being nominated or appointed as a member if he-

(i) has been convicted and sentenced to imprisonment for an offence which, in the opinion of the Central Government, involves moral turpitude; or

(ii) is an undischarged insolvent; or

(iii) is of unsound mind and stands so declared by a competent court.

(10) No act or proceeding of the Committee shall become invalid merely by reason of-

(i) any vacancy therein, or any defect in the constitution thereof; or

(ii) any defect in the appointment of a person acting as the Chairperson or a member of the Committee; or

(iii) any irregularity in the procedure of the Committee not affecting the merits of the case.

(11) The Central Government may, at any time, remove from office any member other than member, ex-officio after giving him a reasonable opportunity of showing cause against the proposed removal.

5. The Committee shall be responsible for and shall have all the powers for the effective implementation of this Act and shall advise the Central Government and the State Governments on matters relating to-

(a) seed programming and planning;

(b) seed development and production;

(c) export and import of seeds;

(d) standards for registration, certification and seed testing;

(e) seed registration and its enforcement;

(f) such other matters as may be specified by the Central Government.

6. The Committee may, by notification, specify—

(a) the minimum limits of germination, genetic and physical purity, and seed health, with respect to any seed of any kind of variety;

(b) the mark or label to indicate that such seed conforms to the minimum limits of germination, genetic and physical purity, and seed health specified under clause (a), and other particulars, such
7. (1) The Committee shall constitute a Sub-Committee to be called the Registration Sub-Committee consisting of a Chairman and such number of other members, to assist him in the discharge of the functions of the Committee, as may be prescribed.

(2) It shall be the duty of the Registration Sub-Committee-

(a) to register seeds of varieties after scrutinizing their claims as made in the application in such manner as may be prescribed;

(b) to perform such other functions as are assigned to it by the Committee.

(3) The Committee may appoint as many other Sub-Committees including a Sub-Committee on Seed Certification as it deems fit consisting wholly of the members of the Committee or wholly of other persons or partly of members of the Committee and partly of other persons as it thinks fit to exercise such powers and perform such duties as may be delegated to them.

8. The Committee may, subject to the previous approval of the Central Government, make regulations for the purpose of regulating its own procedure and the procedure of any Sub-Committee thereof.

9. The Central Government shall –

(a) appoint a person to be the Secretary of the Committee; and

(b) provide the Committee with such technical and other officers and employees as may be necessary for the efficient performance of the functions of the Committee under this Act.

10. (1) The Committee shall meet as and when necessary at such time and place and shall observe such procedure in regard to transaction of business at its meetings (including the quorum at meetings) as may be provided by regulations.

(2) The Chairperson or, in his absence, the Agricultural Commissioner or, in the absence of both the Chairperson and the Agriculture Commissioner, any member chosen by the members present from amongst themselves, shall preside at a meeting of the Committee.

(3) All questions at a meeting of the Committee shall be decided by a majority of votes of the members present and voting and in the case of an equality of votes, the Chairperson or, in his absence, the Agriculture Commissioner or, in the absence of both the Chairperson and the Agriculture Commissioner the person presiding shall have and exercise a second or casting vote.

11. Every State Government shall establish a State Seed Committee to –

(a) advise the Committee on registration of regional or local seeds of any kind or variety;
(b) advise the State Government on registration of seed producing units, seed processing units, seed dealers and horticulture nurseries;
(c) maintain, in each district, a list of seed dealers, seed producers, seed processing units and horticulture nurseries;
(d) seek information from persons engaged in the production, supply, distribution, trade or commerce in seeds of any kind or variety regarding stocks, prices, sales and other information in the manner as may be prescribed;
(e) advise the State Government and the Committee on all matters arising out of the administration and implementation of this Act; and
(f) carry out other functions assigned to, by, or under this Act.

CHAPTER III
REGISTRATION OF KINDS AND VARIETIES OF SEEDS, ETC.

12.(1) For the purposes of this Act, a register of all kinds and varieties of seed to be called the National Register of Seeds shall be kept by the Registration Sub-Committee wherein all specifications, as may be prescribed, shall be maintained.

(2) Subject to the directions of the Committee, the Register shall be kept under the control and management of the Registration Sub-Committee.

(3) The Registration Sub-Committee shall, within such intervals and in such manner as it thinks appropriate, publish the list of kinds and varieties of seed which have been registered during that interval.

13.(1) No seed of any kind or variety shall, for the purpose of sowing or planting by any person, be sold unless such seed is registered under sub-section (2) by the Registration Sub-Committee in such manner as may be prescribed.

(2) Subject to the provisions of sections 14 and 15, the Registration Sub-Committee may register, or refuse any kind or variety of seed on the basis of information furnished by the producer on the results of multi-locational trials for such period as may be prescribed to establish the performance of that seed.

(3) The Registration Sub-Committee may grant provisional registration as prescribed to the varieties of seeds which are available in the market on the date of commencement of this Act.

(4) Registration made under this Act shall be valid for a period of fifteen years in the case of annual and biennial crops, and eighteen years for long duration perennials.

(5) At the expiry of the period granted under sub-section (4), the kind or variety of seed may be re-registered for a like period by the Registration Sub-Committee on the basis of information furnished by the producer on the results of such trials as may be prescribed under sub-section (2) to re-establish performance of the kind or variety of seed.

(6) The Registration Sub-Committee shall have the power to issue
such directions to protect the interests of a producer against any abusive act committed by any third party during the period between the date of filing of application for registration and the date of decision by the Committee on such application.

**Procedure for registration.**

14.(1) Every application for registration under sub-section (1) of section 13 shall be made in such form and contain such particulars and be accompanied by such fees as may be prescribed.

(2) On receipt of any such application for the registration of a kind or variety of seed, the Registration Sub-Committee may, after such enquiry as it deems fit and after satisfying itself that the kind or variety of seed to which the application relates conforms to the claims made by the importer or by the seller, as the case may be, as regards the efficacy of the kind or variety of seed and its safety to human beings and animals, register the kind or variety, as the case may, of the seed on such conditions as may be specified by it and allot a registration number thereto and issue a certificate of registration.

(3) The Registration Sub-Committee may, having regard to the efficacy of the seeds and its safety to human beings and animals, vary the conditions subject to which a certificate of registration has been granted and may, for that purpose, require the certificate holder by notice in writing to deliver the certificate to it within such time as may be specified in the notice.

**Special provision for registration of transgenic varieties.**

15. (1) Notwithstanding anything contained in section 14, no seed of any transgenic variety shall be registered unless the applicant has obtained clearance in respect of the same as required by or under the provisions of the Environment (Protection) Act, 1986:

Provided that the Registration Sub-Committee may, subject to clearance under the said Act, grant provisional registration, for a period not exceeding two years on the basis of information furnished by the producer on the results of multi-locational trials in the prescribed manner.

(2) Save as otherwise provided in sub-section (1), the form and manner in which and procedure for registration of transgenic variety of seed and the fee payable thereto shall be the same as applicable in case of registration under section 14.
Cancellation of registration of seeds of kinds and varieties. 16.(1) The Registration Sub-Committee may cancel any registration granted under section 13 or section 15 or any one or more of the following grounds, namely:-
(a) that the holder of the certificate has violated any of the terms and conditions of the registration; or
(b) that the registration has been obtained by misrepresentation or concealment of essential data; or
(c) that the variety is not performing in accordance with the information provided by the producer under sub-section (3) of section 14 or has become obsolete or has outlived its utility; or
(d) that prevention of commercial exploitation of such variety of seeds is necessary.
(i) in the public interest;
(ii) to protect public order or public morality; or
(iii) to protect human beings, animal and plant life and health to avoid serious prejudice to the environment.
(2) No order of cancellation of registration under this section shall be made unless the holder thereof or the affected person concerned has been given a reasonable opportunity of showing cause in respect of the grounds for such cancellation.

Notification of cancellation of registration of seeds of kinds and varieties. 17. The Registration Sub-Committee shall notify the cancellation of registration of a seed of any kind or variety made under section 13 or any registration made under section 15 in the Official Gazette
Exclusion of certain kinds or varieties of seed from registration.

18. Notwithstanding anything contained in this Act, no registration of any kind or variety of seed shall be made under this Act, if prevention of commercial exploitation of such kind or variety is necessary to protect public order or public morality or human, animal or plant life and health, or to avoid serious prejudice to the environment.

(2) A kind or variety of seed containing any technology, which is harmful, or potentially harmful, shall not be registered.

Explanation.- For the purposes of this sub-section, the expression “technology” includes genetic use restriction technology and terminator technology.

Evaluation of performance.

19. The Committee may, for conducting trials to assess performance, accredit centers of the Indian Council of Agricultural Research, State Agricultural Universities and such other organizations fulfilling the eligibility requirements as may be prescribed, to conduct trials to evaluate the performance of any kind or variety of seed.

Compensation to farmer.

20. Where the seed of any registered kind or variety is sold to a farmer, the producer, distributor or vendor, as the case may be, shall disclose the expected performance of such kind or variety to the farmer under given conditions, and if, such registered seed fails to provide the expected performance under such given conditions, the farmer may claim compensation from the producer, distributor or vendor under the Consumer Protection Act, 1986.

Seed producers and seed processing units to be registered.

21.(1) No producer shall grow or organize the production of seed unless he is registered as such by the State Government under this Act.

(2) No person shall maintain a seed processing unit unless such unit is registered by the State Government under this Act.

(3) The State Government shall register a producer or seed processing unit if he or it meets the specifications prescribed by the Central Government in terms of infrastructure, equipment and qualified manpower.

(4) Every application for registration under sub-section (3) shall be made in such form and manner and shall be accompanied by such fee as may be prescribed.

(5) The State Government may, after making such enquiry and subject to such conditions as it thinks fit, grant a certificate for maintaining a seed producing or a seed processing unit in such form as may be prescribed.
(6) Every seed producing and processing units shall furnish periodic returns to the Seed Certification Agency in such form and at such time as may be prescribed on the quantity of seeds of different kinds or varieties processed by them.

(7) The State Government may, after giving the holder of certificate of registration under sub-section (1), or sub-section (2), as the case may be, suspend or cancel the registration if—
   (a) such registration has been obtained by misrepresentation as to a material particular relating to the specification in terms of infrastructure, equipment or availability of qualified manpower; or
   (b) any of the provisions of this Act or the rules made thereunder has been contravened.

22.(1) Every person who desires to carry on the business of selling, keeping for sale, offering to sell, bartering, import or export or otherwise supply any seed by himself, or by any other person on his behalf shall obtain a registration certificate as a dealer in seeds from the State Government.

(2) Every applicant for dealership under sub-section (1) shall be required to furnish information about seed stocks, sales and other related information as may be prescribed.

(3) Every application for registration under sub-section (1) shall be made in such form and manner and shall be accompanied by such fee as may be prescribed.

(4) The State Government may, after making such enquiry and subject to such conditions as it thinks fit, grant a certificate of registration as a dealer in seeds in such form as may be prescribed.

(5) Every dealer registered under this section shall furnish such information and returns regarding seed stocks, seed lots, expiry date of seed lots and other related information as may be prescribed to the State Government.

(6) The State Government may, after giving the dealer an opportunity of being heard, suspend or cancel a certificate granted under this Act if—
   (a) such registration had been obtained by misrepresentation of any material fact;
   (b) contravenes any of the provisions of this Act or the rules made thereunder.

23.(1) No person shall conduct or carry on the business of horticulture nursery unless such nursery is registered with the State Government.

(2) Every application for registration under sub-section (1) shall be made in such form and contain such
Duties of registration holders of horticulture nursery.

24. Every person who is a holder of a registration of a horticulture nursery under section 23 shall-
(a) keep a complete record of the origin or source of every planting material and performance record of mother trees in the nursery;
(b) keep a layout plan showing the position of the root-stocks and scions used in raising the horticulture plants;
(c) keep a performance record of the mother trees in the nursery;
(d) keep the nursery plants as well as the parent trees used for the production or propagation of horticulture plants free from infectious or contagious insects, pests or diseases affecting plants.
(e) furnish such information to the State Government on the production, stocks, sales and prices of planting material in the nursery as may be prescribed.

Regulation of sale of seeds of registered kinds and varieties.

25. No person shall himself, or by any other person on his behalf, carry on the business of selling, keeping for sale, offering to sell, bartering, import or export or otherwise supply any kind of seed of any registered kind or variety unless-
(a) such seed is identifiable as to its kind or variety;
(b) such seed conforms to the minimum limit of germination and genetic, physical purity, seed health specified under clause (a) of section 6;
(c) the container of such seed bears in the prescribed manner, the mark or label bearing the correct particulars thereof, specified under clause (b) of section 6;
(d) the container of such seed, in the case of transgenic varieties, bears a declaration to this effect as specified in sub-clause (2) of section 15;
(e) he complies with such other requirements as may be prescribed.

The Committee may, in consultation with the State Government, by notification, establish a State Seed Certification Agency for the State to carry out the functions
### Accreditation of Seed Certification Agencies

27. (1) The Committee may in consultation with the State Government and the State Seed Committee, accredit –

(a) organizations to carry out certification, on the fulfillment of such criteria, as may be prescribed, or

(b) individuals or seed producing organisations to carry out self-certification, in such manner as may be prescribed.

(2) The accredited individuals and seed producing organisations shall be subject to such inspection and control of the Committee, the concerned State Government and State Seed Certification Agency, as may be prescribed.

(3) The accreditation may be withdrawn by the Committee, for reasons to be recorded in writing and after giving to the concerned organization or individual, as the case may be, a reasonable opportunity of being heard.

### Grant of certificate by the State Seed Certification Agency

28. (1) Any person selling, keeping for sale, offering to sell, bartering or otherwise supplying any seed of any registered kind or variety may, if he desires to have such seed certified by the State Seed Certification Agency, apply to that Agency for the grant of a certificate for the purpose.

(2) Every application under sub-section (1) shall be made in such form, shall contain such particulars and shall be accompanied by such fee as may be prescribed.

(3) On receipt of an application under sub-section (1), the State Seed Certification Agency may, after such enquiry as it thinks fit and after satisfying itself that the seed to which the application relates conforms to the prescribed standards, grant a certificate in such form and on such conditions as may be prescribed:

Provided that such standards shall not be lower than the minimum limit of germination, genetic and physical purity specified for that seed under clause (a) of section 6.

### Revocation of certificate

29. If the State Seed Certification Agency is satisfied, either on a reference made to it in this behalf or otherwise, that–

(a) the certificate granted by it under section 28 has been obtained by misrepresentation as to an essential fact; or

(b) the holder of the certificate has, without reasonable cause, failed to comply with the conditions subject to which the certificate has been granted or has contravened any of the provisions of this Act or the rules made thereunder,

then, without prejudice to any other penalty to which the holder of the certificate may be liable under this Act, the State Seed Certification Agency may, after giving the holder
Recognition of seed certification agencies in foreign countries.

Appeals.

30. The Central Government may, on the recommendation of the Committee and by notification, recognise any seed certification agency established in any foreign country, for the purposes of this Act.

CHAPTER V
APPEALS

31. (1) Any person aggrieved by a decision of the Registration Sub-Committee under section 14, section 16 or section 27 or of the State Seed Certification Agency under section 28 or section 29 may, within thirty days from the date on which the decision is communicated to him, prefer an appeal to such authority (hereinafter referred to as the appellate authority) as the Central Government may think fit to constitute:

Provided that the appellate authority may entertain an appeal after the expiry of the said period of thirty days if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(2) An appellate authority shall consist of a single person or three persons as the Central Government may think fit, to be appointed by that Government.

(3) The form and manner in which an appeal may be preferred under sub-section (1), the fee payable for such appeal and the procedure to be followed by the appellate authority shall be such as may be prescribed.

(4) On receipt of an appeal preferred under sub-section (1), the appellate authority shall, after giving the appellant and the other party an opportunity of being heard, dispose of the appeal as expeditiously as possible.

CHAPTER VI
SEED ANALYSIS AND SEED TESTING

32. (1) The Central Government may, by notification, establish a Central Seed Testing Laboratory or declare any seed-testing laboratory as the Central Seed Testing Laboratory to carry out the functions entrusted to the Central Seed Testing Laboratory by or under this Act in the prescribed manner.

(2) The State Government may, in consultation with the Committee, and by notification, establish one or more State Seed Testing Laboratories or declare any seed testing laboratory in the Government or non-Government sector as a State Seed Testing Laboratory where analysis of seed of any
(3) Every Seed Testing Laboratory referred to in sub-section (1) shall have as many Seed Analysts as the Central Government may consider necessary.

(4) Every Seed Testing Laboratory referred to in sub-section (2) shall have as many Seed Analysts as the State Government may consider necessary.

33.(1) In case of the Central Seed Laboratory, the Central Government and in other cases the State Government may, by notification, appoint such persons as the Government thinks fit and having the prescribed qualifications to be Seed Analysts and define the local limits of their jurisdiction.

(2) Every Central Seed Testing Laboratory established or declared under sub-section (1) of section 32 and every State Seed Testing Laboratory established or declared under sub-section (2) of that section shall have as many Seed Analysts as the Central Government or the State Government, as the case may be, specify.

34.(1) The State Government may, by notification, appoint such persons as it thinks fit, having the prescribed qualifications, to be Seed Inspectors and define the areas within which they shall exercise jurisdiction.

(2) Every Seed Inspector shall be subordinate to such authority as the State Government may specify in this behalf.

35.(1) The Seed Inspector may-
(a) take samples of any seed of any kind or variety from-
(i) any person selling such seed; or
(ii) any person who is in the course of conveying, delivering or preparing to deliver such seed to a purchaser or a consignee; or
(iii) a purchaser or a consignee after delivery of such seed to him;
(b) send such sample for analysis to the Seed Analyst of the area within which such sample has been taken;
(c) enter and search, at all reasonable times, with such assistance, if any, as he considers necessary, any place in which he has reason to believe that an offence under this Act has been or is being committed and order in writing the person in possession of any seed in respect of which the offence has been or is being committed, not to dispose of any stock of such seed for a specific period not exceeding thirty days or, unless the alleged offence is such that the defect may be removed by the possessor of the seed, seize the stock of such seed;
(d) examine any record, register, document or any other
material object found in any place mentioned in clause (c) and seize the same if he has reason to believe that it may furnish evidence of the commission of an offence punishable under this Act; and

(e) exercise such other powers as may be necessary for carrying out the purposes of this Act or any rule or regulation made thereunder.

(2) The power conferred by this section includes the power to break-open any container in which any seed of any kind or variety may be contained or to break-open the door of any premises where any such seed may be kept for sale:

Provided that the power to break-open the door shall be exercised only after the owner or any other person in occupation of the premises, if he is present therein, refuses to open the door on being called upon to do so.

(3) Where the Seed Inspector takes any action under clause (a) of sub-section (1), he shall, as far as possible, call not less than two persons to be present at the time when such action is taken and take their signatures on a memorandum to be prepared in such form and manner as may be prescribed.

(4) The provisions of the Code of Criminal Procedure, 1973, or in relation to the State of Jammu and Kashmir, the provisions of any corresponding law in force in that State, shall, so far as may be, apply to any search or seizure under this section as they apply to any search or seizure made under the authority of a warrant issued under section 94 of the said Code, or, as the case may be, under the corresponding provisions of the said law.

CHAPTER VII

EXPORT AND IMPORT OF SEEDS

36. (1) All import of seeds—

(a) shall be subject to the provisions of the Plants, Fruits and Seeds (Regulation of Import into India) Order, 1989, or any corresponding order made under section 3 of the Destructive Insects and Pests Act, 1914;

(b) shall conform to minimum limits of germination, genetic and physical purity, and seed health as prescribed under section 6; and

(c) shall be subject to registration as may be granted on the basis of information furnished by the importer on the results of multi-locational trials for such period as may be prescribed to establish performance.

(2) The Central Government may, by notification, permit to import an unregistered variety in such quantity and subject to fulfilling such conditions as may be specified in that notification for research purposes.
The Central Government may, on the advice of the Committee, restrict, by notification, the export of seeds of any kind or variety if it is deemed that such export may adversely affect the food security of the country, or if it is felt that the reasonable requirements of the public will not be met, or on such other grounds as may be prescribed.

CHAPTER VIII
OFFENCES AND PUNISHMENT

38. If any person—
(a) contravenes any provision of this Act or any rule made thereunder; or
(b) imports, sells, stocks or exhibits for sale or barter; and or otherwise supplies any seed of any kind or variety deemed to be misbranded; or
(c) imports, sells, stocks or exhibits for sale or barter, or otherwise supplies any seed of any kind or variety without a certificate of registration; or
(d) obstructs the Committee, Registration Sub-Committee or Seed Certification Agency or Seed Inspector or Seed Analyst or any other authority appointed or duly empowered under this Act in the exercise of its powers or discharge of their duties under this Act or the rules made thereunder,
he shall, on conviction, be punishable — with fine which shall not be less than five thousand rupees but which may extend to twenty-five thousand rupees.

(2) If any person sells any seed which does not conform to the standards of physical purity, germination or health or does not maintain any records required to be maintained under this Act or the rules made thereunder he shall, on conviction, be punishable with fine which shall not be less than five thousand rupees but which may extend to twenty-five thousand rupees.

(3) If any person furnishes any false information relating to the standards of genetic purity, misbrands any seed or supplies any spurious seed or spurious transgenic variety, sells any non-registered seeds he shall, on conviction be punishable with imprisonment for a term which may extend to six months or with fine which may extend to fifty thousand rupees or with both.

39. When any person has been convicted under this Act for the contravention of any of the provisions of this Act or the rules made thereunder, the seed in respect of which the contravention has been committed shall be forfeited to the Central Government.

40. (1) Where an offence under this Act has been committed
companies. by a company, every person who at the time the offence 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 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 under this Act if he proves that the offence was committed without his knowledge and that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence 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 that offence and shall be liable to be proceeded against and punished accordingly.

Explanation. – For the purpose 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.

CHAPTER IX

POWER OF CENTRAL GOVERNMENT

41. The Central Government may give such directions to any State Governments as may appear to the Central Government to be necessary for carrying into execution in the State any of the provisions of this Act or of any rule made there under.

42. (1) Without prejudice to the foregoing provisions of this Act, the Committee shall, in the discharge of its functions and duties under this Act, be bound by such directions on questions of policy as the Central Government may give in writing to it from time to time.

(2) The decision of the Central Government whether a question is one of policy or not shall be final.

43. (1) Nothing in this Act shall restrict the right of the farmer to save, use, exchange, share or sell his farm seeds and planting material, except that he shall not sell such seed or planting material under a brand name or which does not conform to the minimum limit of germination, physical
purification, genetic purity prescribed under clause (a) or clause (b) of section 6.

(2) The Central Government may, by notification, and subject to conditions, if any, as it may specify therein, exempt from all or any of the provisions of this Act or the rules made thereunder, any educational, scientific or research or extension organization.

CHAPTER X
MISCELLANEOUS

44. No suit, prosecution or other legal proceeding shall lie against the Government or any person for anything which is in good faith done or intended to be done under this Act.

45. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as may appear to be necessary for removing the difficulty:

Provided that no order shall be made under this section after the expiry of two years from the date of commencement of this Act.

(2) Every order made under sub-section (1) shall be laid before each House of Parliament.

46. (1) The Central Government may by notification, make rules to carry out the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:

(a) the terms and conditions of service of members of the Committee under sub-section (7) of section 4;

(b) the matters to be specified under clause (f) of section 5;

(c) the functions of the registration sub-committee under sub-section (1) of section 7;

(d) the manner of scrutinizing applications under clause (a) of sub-section (2) of section 7;

(e) the specifications which shall be maintained in the National Register of Seeds of kinds or varieties under sub-section (1) of section 12;

(f) the manner of registration of seed of any kind or variety under sub-section (1) and (3) of section 13;

(g) the period for which multi-locational trials shall be conducted under sub-section (2) of section 13;

(h) the form of application and the particulars which should be furnished in such application under sub-section (1) of section 14;

(i) the eligibility requirement which an organization
shall fulfil for accreditation under section 19;

(j) the specification required to be fulfilled for registration as a producer or seed producing unit under sub-section (3) of section 21;

(k) the form and manner in which an application for registration under sub-section (3) of section 21 shall be made and the fee with which such application shall be accompanied under sub-section (5) of said section 21;

(l) the form in which a certificate for maintaining a seed producing or seed processing unit may be granted under sub-section (5) of section 21;

(m) the form in which and time within which periodic returns shall be filled under sub-section (6) of section 21;

(n) the information which an application for dealership in seeds shall be furnished under sub-section (2) of section 22;

(o) the form and manner in which an application for registration as seed dealer under sub-section (1) of section 22 shall be made and the fee which shall accompany such application under sub-section (3) of that section;

(p) the form in which a certificate of registration as a dealer in seeds shall be granted under sub-section (4) of section 22;

(q) the information and return which a registered dealer shall furnish to the State Government under sub-section (5) of section 22;

(r) the form in which an application for registration of a horticulture nursery shall be made, the particulars which such application shall contain and fee which shall accompany such application under sub-section (2) of section 23;

(s) the information on production, stocks, sales and prices of planting material in a nursery shall be furnished to the State Government under section 24;

(t) the requirement which a person carrying on business of selling, etc. of any registered kind or variety of seeds shall comply with under clause (e) of section 25;

(u) the criteria to be fulfilled under clause (a) and the manner of carrying out self-certification under clause (b) of sub-section (1) of section 27;

(v) the inspection and control of the Committee, the concerned State Government and the State Seeds Certification Agency for accrediting individuals and
seed producing organizations under sub-section (2) of section 27;

(w) the form of application and the particulars to be furnished in such application and the fee which shall accompany such application under sub-section (2) of section 28;

(x) the form in which and the conditions subject to which a certificate shall be granted under sub-section (3) of section 28;

(y) the form and manner in which an appeal shall be preferred and the fee which such appeal shall accompany under sub-section (3) of section 31;

(z) the manner in which a Central Seed Testing Laboratory established or declared under sub-section (1) of section 32 shall carry out its functions;

(za) the manner of carrying out analysis of seeds shall be made under sub-section (2) of section 32;

(zb) the qualifications which a person to be appointed as Seed Analysts shall possess under sub-section (1) of section 33;

(zc) the qualifications which a person to be appointed as Seed Inspector shall possess under sub-section (1) of section 34;

(zd) the form and manner in which the memorandum shall be prepared under sub-section (3) of section 35;

(ze) the grounds on which the Central Government may restrict export of seeds under section 37;

(ze) any other matter which is to be or may be prescribed.

47. (1) The Committee may, with the previous approval of the Central Government, by notification, make regulations not inconsistent with the provisions of this Act and the rules made thereunder, to provide for all matters for which provision is necessary or expedient for the purpose of giving effect to the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely:-

(a) the procedure for conduct of business to be transacted by the Committee or any Sub-Committee thereof under section 8;

(b) the procedure in regard to transaction of business at meetings of the Committee (including the quorum at meetings) under sub-section (1) of section 10.

48. Every rule and every regulation made under this Act shall be laid as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period
before Parliament.

of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or regulation or both Houses agree that the rule or regulation should not be made, the rule or regulation shall, thereafter, have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation.

Repeal and savings.

49. On the commencement of this Act, the Seeds Act, 1966 shall stand repealed;

Provided that such repeal shall not affect,-
(a) the previous operation of the law so repealed or anything duly done or suffered thereunder; or
(b) any right, privilege, obligation or liability acquired, accrued or incurred under the law so repealed; or
(c) any penalty, forfeiture or punishment incurred in respect of any offence committed against the Act so repealed; or
(d) any investigation, proceeding, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid; and any such investigation, proceedings, legal proceeding or remedy may be instituted, continued or enforced; any such penalty forfeiture or punishment may be imposed as if this Act had not been passed:

Provided further that, subject to the first proviso and any saving provisions made elsewhere in this Act anything done, any action taken, any rule made, any notifications or orders issued under the provisions of the Act so repealed shall, in so far as they are not inconsistent with the provisions of this Act, be deemed to have been done, taken, made or issued under the corresponding provisions of this Act, and shall continue to be in force accordingly, unless and until expressly or implied repealed by any thing done, action taken, rules made or, notification or orders issued under this Act.

(2) Notwithstanding such repeals any kind or variety of seeds that has been notified under the law as so repealed shall be deemed to have been registered under this Act, and any seed certification agency established under section 18 of the Seeds Act, 1966 shall be deemed to have been established or recognized, as the case may be, under this Act.
THE SCHEDULE
[See section 4(4)(i),(ii) and (iii) ]

GEOGRAPHICAL ZONES

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