

UPSC Syllabus Topic : GS Paper 2 Social Justice – Mechanisms, laws, institutions and Bodies constituted for the protection and betterment of vulnerable sections (Tribals).

Concerns Surrounding Recent Amendments to Biological Diversity Law Raise Fears of Loss for Tribals

Introduction: Balancing Biodiversity Access, Research, and Community Benefits

This article explores the apprehensions arising from the recently enacted Biological Diversity (Amendment) Act, 2023, with a focus on the potential adverse impact on tribal communities and the biodiversity they traditionally safeguard.

Key Amendments and Issues:

- 1. Access and Benefit Sharing (ABS) Exemption for Ayush:**
 - The amendment raises concerns by exempting Ayush practitioners from paying compensatory amounts (ABS) to tribal communities. This exemption, ranging from 0.1 to 0.5% of sales, may curtail the revenue crucial for the livelihoods of tribal communities dependent on herbs and medicinal plants.
- 2. Ambiguity in Definitions:**
 - The term 'Ayush practitioner' lacks clear definition, leading to potential regulatory gaps. The ambiguity poses challenges in regulating individuals who cultivate and sell herbs without formal company registration, thereby evading ABS contributions.
- 3. Decriminalisation of Biodiversity Offences:**
 - While the intent behind decriminalising biodiversity offences is to alleviate stakeholder fears and enhance compliance, it raises environmental concerns. The potential for reduced legal repercussions may inadvertently lead to environmental exploitation and degradation.

Concerns for Tribals and Biodiversity Conservation:

- 1. Erosion of Tribal Livelihoods:**
 - The ABS exemption for Ayush practitioners may result in a direct economic impact on tribal communities, jeopardizing their traditional livelihoods linked to herbs and medicinal plants.
- 2. Regulatory Challenges and Unregulated Cultivation:**
 - The absence of a clear definition for 'Ayush practitioner' creates regulatory challenges. Unregistered cultivation and sales of herbs may go unregulated, undermining the intended benefits of the ABS framework.
- 3. Environmental Impact of Decriminalisation:**
 - The reduced fear of legal consequences due to decriminalisation might inadvertently lead to environmental exploitation. Balancing compliance with biodiversity protection is crucial for sustainable environmental practices.

Way Forward: Balancing Economic Interests and Conservation

- 1. Clarification of Definitions:**
 - Clearly defining 'Ayush practitioner' and implementing stringent regulations on cultivation and trade will address regulatory ambiguities.
- 2. Community Consultation:**
 - Involving tribal communities in decision-making processes and ensuring their interests are considered will contribute to a more inclusive and sustainable approach.
- 3. Revisiting Decriminalisation:**
 - Reassessing the impact of decriminalisation on biodiversity conservation and considering measures to mitigate potential environmental harm.

Striking a balance between promoting research and development, ensuring fair benefits for local communities, and safeguarding biodiversity is imperative. A nuanced approach that addresses the concerns of tribal communities and environmental sustainability is essential for the effective implementation of the Biological Diversity (Amendment) Act, 2023.