



EVALUATING THE LEGAL FRAMEWORK AND IMPLICATIONS OF THE BIODIVERSITY (AMENDMENT) ACT, 2023: A CRITICAL PERSPECTIVE

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Abstract

In India's efforts to conserve its abundant natural heritage, the Biological Diversity (Amendment) Act, 2023 represents a major shift in the nation's biodiversity management. The amendments seek to bring clarity to provisions, provide solutions to emerging issues related to biodiversity, and promote research and investment in that sector. This paper critically examines the amendments in the Act, throwing light upon their legal impact as well as the socio-economic and environmental implications. The paper first discusses the historical background and rationale for amendment, referring to alignment with international standards, particularly Convention on Biodiversity and Nagoya Protocol, and to meeting the needs of evolving environment. Further, it discusses the key modifications brought to the Act, aiming to simplify the regulatory procedures, clarify the guidelines for Access and Benefit Sharing Mechanism, and broaden the definitions to remove ambiguity. This will also help the nation in enhancing its commercial potential related to bio-resources specifically in AYUSH and biotechnology sectors. This Act strives to balance the commercialization of resources with ensuring conservation and sustainable utilization. However, concerns have been raised by legal scholars, environmentalists, and indigenous rights activists that these amendments could hamper the conservation goals, disempower the indigenous and local communities with

respect to their participation in decision making and benefit sharing. The author addresses these challenges, briefly mentions the international perspective and the position of biodiverse countries like Africa and Brazil for a comparative approach, and lastly offers constructive suggestions to strengthen the implementation of the amended Act.

Keywords: Biodiversity, Conservation, Indigenous Rights, Amendment, Access and Benefit Sharing

Introduction

India is one of the megadiverse nations, endowed with rich biodiversity with its abundance of flora and fauna, and traditional knowledge that have sustained the local communities for generations. The biological assets of the country have drawn interest of the commercial and research organizations at international level. In the past, the biological resources were free and there was no regulation on it which paved the way for uncontrolled bioprospecting and posed a threat of biopiracy as the external players tapped into the resources without authorisation and without sharing the benefits with the communities. These issues caught international attention and therefore Convention on Biodiversity (CBD), 1992² was formulated which acknowledged the sovereign rights of the states over their biological resources and established the three fundamental pillars i.e. conservation, sustainable use and fair and equitable benefit

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2. Convention on Biological Diversity, June 5, 1992, 1760 U.N.T.S. 79.

sharing arising from the utilization of genetic resources.³

At the national level, the government has consistently acknowledged the necessity of safeguarding its natural heritage, considering the rising concerns about environmental degradation and global biodiversity issue. The international instruments impose an obligation on the member states to recognize these provisions through its domestic frameworks. India being a signatory complied with the international standards by enacting The Biodiversity Act, 2002. It provided three-tiered body – National Biodiversity Authority (NBA) State Biodiversity Board (SBB) and Biodiversity Management Committee (BMC) functioning at the central, state and at the grassroot level respectively. This Act served as a milestone for sustainable use and conservation of the nation's biodiversity. However, with the increasing issues raised such as compliance hurdles, cumbersome approval process, ambiguity in access procedures, at the national and at the international level, a legislative reform was required to deal with emerging challenges in biodiversity governance. Thus, the Indian Govt. brought into force the Biological Diversity (Amendment) Act, 2023⁴ which highlights a key turning point in India's approach in regulating biodiversity. The Biological Diversity (Amendment) Act, 2023⁵ was originally introduced in the Lok Sabha in December 2021 aimed at aligning the current framework with the changing conservation and commercial needs. The Bill was then referred to a Joint Parliamentary (JPC) for review and it was refined through extensive public consultations. The committee included the recommendations of the stakeholders and submitted a report with modifications in December 2022. After being reintroduced in parliament and receiving presidential assent in August 2023, it came into effect in April 2024. This Act was intended to align the domestic legislation with the international framework more closely and provide a platform for digital governance. Further, the amended Act seeks to address various issues including streamlining regulatory processes, fostering innovation and

research, reduce the compliance burden on small scale users, and encouraging sustainable use of biological resources.

Yet, there are arguments and criticisms from several environmentalist, legal experts, NGO workers that this amendment serves the commercial interest of the users and undermines the community rights and has less focus on environment protection which was one of the key principles of the original Act.

Key Changes Introduced in The 2023 Amendment

Expanded definitions

According to the Act, the term “Biological resources” is defined as “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.” It excludes human genetic material. As a result of the 2023 amendment to the Act, the definition of “Biological resources” was expanded to include “plants, animals, microorganisms, or parts of their genetic material and derivatives (excluding value-added products), with actual or potential use or value for humanity, but does not include human genetic material.” The term “derivatives” has taken the place of the term “by-product.” This shift was recommended by the Joint Parliamentary Committee to bring more clarity and avoid ambiguity in provisions which highlights the distinction between by-products that are used as raw materials for the purpose of deriving certain compounds or unrecognizable derivatives that comes under the Access and Benefit Sharing Mechanism and those that do not trigger such a mechanism.⁶

In Section 2(fa), the term “derivative” is defined as a “naturally occurring biochemical compound or metabolism of biological resources, even if it does not contain functional units of heredity.” This definition applies even if the derivative does not exist.⁷ The inclusion of the term ‘derivative’ appears to have been influenced

3. *Supra* note 2, art. 1.

4. Biological Diversity (Amendment) Act, 2023, No. 22, Acts of Parliament, 2023 (India).

5. *Supra* note 4.

6. Joint Parliamentary Committee Report on the Biological Diversity (Amendment) Bill, 2021, Lok Sabha Secretariat, p.4.12 (Dec 2022).

7. *Id.* S. 2(fa).

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from its usage in Article 2(3) of the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization⁸ and may provide interpretative reference of the expression. Nevertheless, the phrase “resulting from the genetic expression or metabolism of biological or genetic resources” is not included in the Amended Act, which is a departure from the definition that is provided by the Nagoya Protocol.

Access and benefit sharing provisions

The amended Act provides clear guidelines for obtaining “access to biological resources and associated traditional knowledge,” and for sharing benefits equitably. The intention is to ensure compliance with international framework such as the Nagoya Protocol on Access and Benefit-Sharing.

Compliance requirements for foreign entities

Under the latest amendments, foreign entities including foreign controlled Indian companies as per the Companies Act, 2013 are required to seek permission from the NBA before accessing ‘the biological resources or associated traditional knowledge’ from India for research or commercial purposes or for bio-utilization.⁹ These amendments are made in order to provide clarification regarding the legal framework that applies to entities that are controlled by foreign organizations.¹⁰ This measure ensures that such foreign access is regulated so that biological resources are safeguarded from any potential exploitation.

Guidelines for domestic entities

Indian companies citizens including traders / Manufacturers /cultivators must give prior notification to their respective State Biodiversity Boards before they access the biological resources for any commercial use.¹¹

Earlier prior notification was vaguely applied. The amended provision is stringent with respect to commercial use of resources which facilitates better monitoring of local enterprises and at the same time supporting innovation and research as well.

Exemptions for local communities

Local Communities including traditional healers, farmers, and other indigenous groups, are exempt from the requirement of providing prior intimation to the SBB for accessing the resources for traditional uses and sharing benefits.¹² This exemption acknowledges the role of these communities in maintaining the biodiversity protecting them from unnecessary burden of regulations and draws a clear line between the commercial and traditional use. The users of cultivated medicinal plants and its products are also exempted from any benefit sharing.¹³ Furthermore, the amendment clarifies the concept of benefit claimers which includes local communities, traditional knowledge holders and BMCs.¹⁴ Also, greater power has been given to NBA and SBBs to agree on different benefit sharing terms and provides the option of flexible models based on the type of user, nature of resource, commercialization, etc.¹⁵

Modification of IPR approval process under section 6

One of the goals of this Act is to streamline the procedure. To achieve this aim, the process of applying for patents on ‘biological resources and the associated traditional knowledge’ is simplified.¹⁶ Before the amendment, the approval for seeking patent on any biological resource was required before accessing the resources, now under the revised provision, the approval is required to be sought only before the grant of patent and not before that. Alos, the benefit sharing agreement should be in place before such grant. The

8. Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization, Oct. 29, 2010, 1760 U.N.T.S. 79.

9. Id. S. 3(2)(c).

10. Companies Act, No. 18 of 2013, S. 2(27) (defining foreign company and foreign control).

11. Supra note 4, S.7.

12. Supra note 4, S. 7(2).

13. Supra note 4, S. 7(2).

14. Id. S.2(a) Explanation.

15. Id. S. 21(1), (3).

16. Id. S. 6.

improvements are made with the intention of making collaborative research more accessible, foster innovation and promote the¹⁷ commercialization of biotechnological technology while simultaneously maintaining compliance with the legal and regulatory duties that are already in place.

Decriminalization of offenses

Section 55 of the Act, which had previously stated that violating Sections 3, 4, or 6 would result in imprisonment for up to 5 years, a fine of at least ten lakh rupees, or both, has now been altered as a result of the Amendment Act of 2023.¹⁸ The amended clause does away with the imprisonment aspect indicated under section 58 of the old Act of 2002 which has been removed by Section 39 of the Amendment Act of 2023¹⁹ imposing a greater penalty. Under the amended version of the Act, violation of above-mentioned provisions will no longer result in imprisonment, but the violator will be liable to pay a monetary penalty up to 50 lakh rupees. The intent behind this change was to make the law more facilitative for small and domestic users and at the same time deter the serious offenders.

The maximum penalty is one hundred times the minimum penalty, which indicates that there is a wide range of fines that can be imposed, ranging from one lakh rupees to one crore rupees.²⁰ Furthermore, the minimum penalty is reduced by one hundred times. The Act does not differentiate between different types of offenses based on the nature of the offense. The only difference that can be found in the Act is that it pertains to the penalties that are to be imposed in the event where there is non-compliance of the orders or directions issued by NBA or SBBs. Furthermore, an adjudicating official appointed by the Central Government under Section 55A, who shall not be below the 'rank of Joint Secretary to the Government of India or Secretary to the State Government' may impose a 'additional penalty of up to INR 1 crore'. By virtue of Section 55B, the

adjudicating officer empowered by the central govt., in conjunction with other officials who are authorized to carry out searches, seizures, and the collection of evidence, have the authority to carry out these activities.²¹

Concerns and Criticisms

The biodiversity (Amendment) Act, 2023, has drawn significant criticism from legal experts, environmentalists, civil society organizations, and indigenous rights groups, despite being presented as a progressive step to boost India's bioeconomy and expedite procedures.

Expansion of exemptions and potential for biopiracy

The potential for biopiracy and corporate monopolization of indigenous resources and knowledge is one particularly concerning consequence. The Act weakens the need for obtaining prior informed consent and benefit-sharing arrangements with local communities by expanding exemptions for AYUSH practitioners and codified traditional knowledge. The amendment's broad exemptions open a loophole that big pharmaceutical firms could take advantage of under the pretense of traditional use, even though traditional practitioners are essential to India's medical legacy. Commercial companies may be able to get around the protections intended to protect the knowledge's custodians, mainly tribal and rural populations that have been preserving it for generations because of the narrower definition of "research" and the exemption from approval for accessing codified traditional knowledge.

Risk of exclusion of local communities from benefit sharing

Another significant issue is the weakening of the Access and Benefit-Sharing (ABS) system. The idea that users of biological resources and related knowledge must share gains, whether monetary or otherwise, with the knowledge providers—typically rural or tribal communities—was one of the Biological Diversity Act's main

17. Notification No. S.O. 3232(E), Gazette of India, Extraordinary, pt. II sec. 3(ii), Ministry of Agriculture and Farmers Welfare (Dec. 17, 2014) (India).

18. Biological Diversity (Amendment) Act, 2023, § 55, No. 10, Acts of Parliament, 2023 (India).

19. Id. S. 39.

20. Id S. 55A (2)

21. Id. S. 55B.

tenets.²² The new regulation, however, is vague about how exemptions for AYUSH practitioners or codified knowledge will be tracked to avoid abuse. The most likely scenario is that substantial amounts of business operations would not be covered by benefit-sharing regulations, depriving communities of their just compensation. Social justice and India's adherence to international accords such as the Nagoya Protocol, which require just and equitable benefit-sharing, are both compromised by this.

Marginalization of local institutions and BMCs

The marginalization of local communities and decentralization initiatives are the subject of yet another significant critique. The intent of the original Act was to empower the Panchayats, community institutions, and BMCs (bottom-up governance). However, under the amended version of Act the role of Gram Sabhas and local biodiversity custodians- who are essential for on-the-ground enforcement and monitoring has been reduced and given to the SBBs.²³ Under section 7, the SBBs are now empowered to grant approval to Indian users for access of biological resources for any purpose including research, and ensure compliance procedures.²⁴ At the grassroots level, the BMCs and the local bodies who are the closest to these resources are not involved in decision making and there is no provision made for mandating Prior informed consent from them.

Decriminalization concerns and weak enforcement

The amendment's decriminalization of offenses and move toward a system of only monetary penalties are arguably its most contentious features. Although the goal is to ease the anxiety of legitimate researchers and promote scientific endeavors, the elimination of criminal liability—in the absence of sufficient control mechanisms—may encourage violations. Administrative sanctions frequently rely on the judgment of enforce-

ment officials and may not be transparent, in contrast to criminal laws that carry the danger of imprisonment or judicial scrutiny. Such a system, according to critics, is susceptible to corruption and might greatly lessen the deterrent impact required to safeguard delicate ecological resources. For instance, over-exploitation of a certain resource or illegal access to endangered animals may no longer be considered major crimes but rather only carry a fine.

Moreover, implementation difficulties and legal issues are probably going to continue. The amendment adds several new words and ideas, such “codified traditional knowledge” and “Indian entities,” but it doesn't give them thorough definitions or explain how they would be applied. Furthermore, it's unclear how regulations would apply to foreign companies that operate through Indian subsidiaries or how “internal use” will be tracked to make sure it doesn't turn into commercial exploitation.²⁵ Lack of clarity increases the possibility of exploitable legal loopholes, especially in areas with little state capacity or enforcement infrastructure. Furthermore, there are worries about the possibility of excessive executive discretion in the absence of sufficient legislative scrutiny because the amendment grants the Central Government significant authority to create regulations and issue guidelines.

Lastly, environmental organizations, tribal organizations, and civil society have all strongly opposed the amendment. Many contend that there was insufficient public consultation or parliamentary discussion before it was passed. The credibility of the amendment is weakened, and the democratic process is undermined by the absence of substantial stakeholder involvement, especially with indigenous groups and biodiversity experts. This exclusion is a significant defect in a law that directly affects millions of people who rely on rivers, forests, and traditional knowledge systems.²⁶ The Act's potential to undermine India's larger environmental pledges under the UN Sustainable Development

22. Joint Parliamentary Committee Report on the Biological Diversity (Amendment) Bill, 2021, Lok Sabha Secretariat (Dec. 2022).
23. Notification No. S.O. 1352(E), Gazette of India, Extraordinary, Ministry of Environment, Forests, and Climate Change (Apr. 7, 2016) (India).
24. Biological Diversity Act, 2002, § 7, No. 18, Acts of Parliament, 2002 (India).
25. National Biodiversity Authority, Guidelines on Access and Benefit Sharing Mechanism (2014) (India).
26. United Nations Development Programme, The Nagoya Protocol: Facts and Implications (2012).

Goals (SDGs)²⁷, especially Goal 15 which emphasizes on land-based ecosystems, is another point of contention raised by critics.

Implementation Framework – The Biodiversity Rules, 2024

The Govt. of India has notified the new rules i.e. The Biodiversity Rules, 2024 which came into effect on 24th December 2024 replacing the old rules i.e. The Biodiversity Rules, 2004 bring out the operational framework of the Biodiversity Amendment Act, 2023. These rules have addressed some concerns of the Amendment Act while others remain unresolved.

Simplified access procedures and expedited timelines

Different forms have been prescribed for submission based on the purpose of access which reflects greater procedural clarity. Payment is not restricted to physical form and can be made digitally as well. The duration of the deadlines is short for completing the process as well as for disposal of applications. For instance, the timeframe for granting the permission or rejection of an application is within 90 days from the date of receiving the complete application.²⁸

Exemptions for cultivated medicinal plants and AYUSH practitioners

These rules confirm the exemptions for AYUSH practitioners from benefit sharing but require “certificate of origin” from the respective BMC for the users of cultivated medicinal plants. For obtaining the certificate, the user needs to submit a self-declaration form containing the details of the user, plant species and the land where it is cultivated.²⁹ This is done to prevent unnecessary burden on small users as well as to keep a check on the misuse of the exemption. While this rule serves as an important tool if implemented properly, but it remains unclear whether the BMCs are empowered to inspect and verify the authenticity of details provided. Therefore, the effectiveness of this safeguard will depend on

the monitoring and enforcement power of the BMCs which has been limited since the past.

Inclusion of Digital Sequence Information (DSI)

The new rules include DSI derived from biological resources.³⁰ This will enable the authorities to regulate access even of the digital data of the genetic resources and it will enable the potential users to access the biological resource without having the need to access the physical form of the sample. For the usage of DSI linked resource, permission must be sought from the NBA or the respective SBB as in the case of physical form. Digital records must be maintained for such access for better transparency. Considering the global development, inclusion of DSI is a progressive move but it raises new concerns in regulating access and equitable benefit sharing as the NBA is empowered to frame guidelines regarding the same but as of now it lacks procedural clarity as to how it will be implemented.

Elucidation of institutional roles

These rules reiterate and expands the duties of the NBA, SBBs and BMCs. It specifies that BMCs must be consulted in the matter of ABS so that they participate in decision making and, requires the SBBs to maintain digital records.³¹ Despite the elaborate rules on supporting BMCs, the rules do not mention anything regarding PIC from the local communities, reflecting lack of community participation and representation.

Comparative and International Legal Perspective

In order to conduct an in-depth analysis of the effects of the Biodiversity (Amendment) Act, 2023, it is necessary to compare and contrast the aforementioned Act with the international legal frameworks and biodiversity legislations of other countries. The CBD, of which India is a party, and the Nagoya Protocol on Access and Benefit-Sharing (ABS), which is an extended instru-

27. United Nations, *Transforming Our World: The 2030 Agenda for Sustainable Development*, U.N. Doc. A/RES/70/1 (Oct. 21, 2015).

28. Biological Diversity Rules, 2024, G.S.R. 901(E), Gazette of India, pt. II sec. 3(i) (Dec. 24, 2024) (India).

29. Id r. 19(1).

30. Id r. 20.

31. Id. r. 22.

ment of the CBD, constitute the international regime that is the most appropriate. Some experts believe that the relaxation of regulations, particularly for AYUSH practitioners and Indian players with foreign investment, can be in direct opposition to the goal of ensuring equitable access and protecting the rights of local communities. This is even though the Indian amendment is supposed to harmonize with the Nagoya Protocol by easing access and making it easier to share benefits.

To provide an example, the Biodiversity Law of Brazil (Law No. 13.123/2015), which was changed after the country ratified the Nagoya Protocol, established a centralized online platform for monitoring the use of genetic resources, mandated the sharing of benefits, and included strong punishments for illegal access. While India has recently taken steps to decriminalize defaults, Brazil continues to apply administrative and criminal consequences for deterring bio piracy. This contrasts with India's recent stance.³² Another example is the Biodiversity Act of South Africa³³ which includes specific provisions on bioprospecting, benefit-sharing contracts, and mandated community engagement in resource usage. The Act places a significant emphasis on the protection of indigenous rights and traditional knowledge.

On the other hand, the amendment that was brought in 2023 has been criticized for prioritizing ease of doing business over environmental justice and social justice. A number of individuals are of the opinion that it is heavily biased in favor of commercial access, which comes at the expense of the preservation of biodiversity as well as the engagement of the community.³⁴ When compared to other developing countries that have embraced a people-focused approach, the absence of required community consultation in access and benefit-sharing (ABS) is seen to be a step backward.

Additionally, India is pitted against best practices from throughout the world if it decides to decriminalize the charges found in the Act.³⁵ The Nagoya Protocol recom-

mends that member states establish legal punishments that are both effective and proportionate to ensure compliance. Through the elimination of criminal consequences and the replacement of them with changeable monetary fines, India has the potential to be perceived as watering down its regulatory bite, so tarnishing its reputation as a vigilant protector of the environment.

Consequently, even though the amendment presents itself as a progressive reform that is in line with global commitments, the fact that it de facto deviates from the global norms that are already in place raises significant concerns regarding the impact that it will have on the preservation of ecological diversity and indigenous rights in the long run.³⁶

Recommendations

1. Strengthen the role of Local institutions in Benefit Sharing Agreements – The powers of NBA and the central govt. should not be absolute. In terms of benefit sharing agreements, Indigenous communities and local bodies should be consulted and have a participatory role in the decision making³⁷ as they are the actual custodians of the resources and the associated knowledge. It is suggested NBA should only be a facilitator in negotiations and fair and equitable benefit sharing agreements.
2. Exemptions offered to AYUSH practitioners, Vaid, hakims, and consumers of codified traditional knowledge should be carefully monitored keeping in mind the access and benefit-sharing standards of the CBD and Nagoya Protocol.³⁸ There should be a systematic tracking mechanism so that the exempted usage is not diverted for commercial purposes.
3. It is imperative to bring back the criminal provisions so as to impose a stringent punishment which will serve as a stronger deterrent in instances of violations of indigenous peoples'

32. Lei No. 13.123, de 20 de maio de 2015, Diário Oficial da União [D.O.U.] de 21.5.2015 (Braz.).

33. National Environmental Management: Biodiversity Act 10 of 2004 (S. Afr.).

34. Ministry of Environment, Forest and Climate Change, Annual Report 2022–23 (India)..

35. Lok Sabha Debates, *Biological Diversity (Amendment) Bill*, (Aug. 2023), <https://loksabhadocs.nic.in>.

36. Notification No. S.O. 3450(E), Gazette of India, Extraordinary, pt. II sec. 3(ii) (Oct. 2023).

37. T.M.C. Asser Institute, *Implementation of the Nagoya Protocol in National Law: Comparative Insights* (2020).

38. Press Trust of India, *Parliament Passes Bill to Amend Biodiversity Act*, The Hindu (Aug. 4, 2023).

rights and causing harm to the biodiversity. It is suggested that the offences should be differentiated between less severe and more serious violations. Monetary fines shall be imposed for minor violations and imprisonment should be given in case of grave and intentional offences.

4. The adjudicating officers appointed under the amended Act to handle the violations should not only be govt. officials but a person of judicial domain so that while adjudicating the matter, the jurisprudential aspect and the objectives behind the statute are taken into consideration.
5. For the purposes of ABS, there remains ambiguity in distinction between purely domestic companies and those which are registered in India but have foreign control and management which creates regulatory loopholes. It is suggested that the current provision should be revised to clearly demarcate the difference to ensure that there is no misuse of the additional protection granted to the domestic companies.

Conclusion

The Biological Diversity (Amendment) Act of 2023 reflects a significant shift in India's approach towards biodiversity governance and its critical analysis becomes essential as it has a direct impact on the indigenous communities, and their rights of benefit sharing as established by the Nagoya Protocol. The objectives of this amendment include easing the compliance procedures, encouraging scientific research, safeguarding rights of the indigenous communities and promote sustainable development. These amendments are extremely significant because they have an impact on research and innovation in a wide range of sectors, including traditional medicine domains that include AYUSH disciplines, research and bio-surveying organizations, indigenous communities with traditional knowledge,

and intellectual property rights sectors that are dependent on biological resources. They also have an impact on pharmaceutical and biotechnology companies who have operations in both the domestic and international markets. At the same time, it raises concerns about the fair and equitable sharing of benefits as there is no direct participation of the local communities in consultation, exemptions provided to traditional healers, vaidas, domestic companies, etc can lead to potential misuse if not monitored, which will ultimately result in the exploitation of the local groups. In the view of Prof. M.K Ramesh³⁹, who is a former legal expert with NBA and a retired professor, NLSIU, Bengaluru, this exemption would give a 'free pass' to the AYUSH industry.⁴⁰ He points out that it will cause damage to the significant regulatory protections provided for the tribal and forest-based communities engaged in conservation practices. Furthermore, by establishing the authority of an adjudicating officer, who is appointed and controlled by the government with lack of judicial training, it empowers the government and its executive officials with centralized decision making. The amended Act appears to be more industry-centric and does not favor the indigenous communities.

To completely align with the principles of Nagoya Protocol in its true spirit, it is important that India adopts a balanced approach that ensures conservation and fair and equitable benefit sharing as well. This requires clarity in the definitions, administrative efficiency, mandatory participation of the local communities, tracking benefit sharing, and conducting awareness programmes and workshops related to the ABS mechanism, conservation of biological resources and protection of traditional knowledge. The true test of the latest amendments lies in their effective implementation, ensuring India's diverse biological resources and rights of indigenous communities with respect to these resources are protected while striking a balance between commercialization and conservation.

39. Priyansha Chouhan, *The Amended Biodiversity Act Puts Profits Over People*, *Frontline* (Dec. 20, 2023), <https://frontline.thehindu.com/environment/how-the-amended-biodiversity-act-puts-profits-over-people/article67657862.ece>.

40. Id.