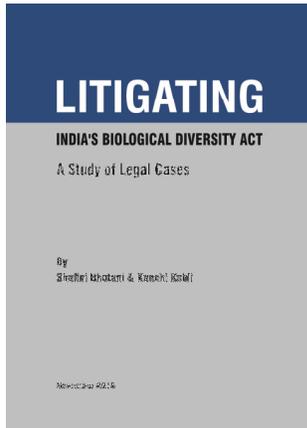


## NEW on the Biodiversity Law!

### LITIGATING INDIA'S BIOLOGICAL DIVERSITY ACT: A Study of Legal Cases

Shalini Bhutani | Kanchi Kohli



It has been almost fifteen years since India enacted its Biological Diversity (BD) Act in 2002. Since then the country has had a formal legal regime that regulates conservation of, access to and use of both biological material as well as people's knowledge associated with it.

Over the years there has been both academic and activist studies that have focused on an analysis of the executive rules, regulations and other notifications issued since the Act came into force. However, relatively little is known about the various instances of how and why disputes or what violations of the BD Act have landed up in Indian courts or before benches of the

National Green Tribunal.

This study attempts to put forward an analysis of the key legal cases to both understand the trends of how the BD Act is being litigated upon as well as to assess of how the orders and judgments passed in these cases come to bear on biodiversity use, local governance and resource conservation.

It presents an analysis of about fifty decided and ongoing legal cases from 2004 to the present 2016. These cases broadly cover the following five themes:

- biopiracy and bioresources smuggling,
- access and benefit sharing,
- definitional issues,
- matters of ecosystem conservation and;
- overall concerns of implementation of the law

**The study has been co-authored by Shalini Bhutani & Kanchi Kohli, under a collaborative effort between Kalpavriksh Environmental Action Group and the Foundation for Ecological Security (FES).**

For copies please write to the authors: [biodcampaign@gmail.com](mailto:biodcampaign@gmail.com)

*More details of the previous analysis on the Biodiversity Regime carried out as part of the Campaign for Conservation and Community Control over Biodiversity can be accessed here: <http://kalpavriksh.org/index.php/conservation-livelihoods1/biodiversity-campaign/campaign-for-conservation-and-community-control-over-biodiversity>*

Announcement: 5 December 2016