

PROCEEDINGS

59



National Seminar

on

IPR Management in Biodiversity Conservation: Implications of Access Benefit Sharing, TRIP/CBD and Biodiversity Acts

January 17-18, 2020



In collaboration with

GOVERNMENT OF RAJASTHAN
Rajasthan State Biodiversity Board



Jointly organized by

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Proceedings of the
National Seminar

on

**IPR Management in Biodiversity Conservation:
Implications of Access Benefit Sharing, TRIP/CBD
and Biodiversity Acts**

17-18 January, 2020

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INDEX

S. No.	Author(s)	Title	Page No.
1.	Dr. Abhishek Kr. Tiwari	Biodiversity and Genetically Modified Crops: Issues and Challenges	1-5
2.	Akanksha Ganda	Managing Intellectual Property Rights in the Advertising Industry	6-8
3.	Anamika Singh	Legal Issues and Environment Protection Laws in India	9-14
4.	Dr. Anita Gajraj	Intellectual Property Rights: A Significant Tool for Biodiversity Conservation	15-19
5.	Dr. Aparna B Rathore	Bioprospecting and Biopiracy: Impact on Biodiversity	20-24
6.	Bharati Pareek	Biodiversity and conservation of <i>Salvadora persica</i> (Linn.) in Indian Arid Zone	25-27
7.	Dr. Chetna Sharma, Dr. Shalini Sharma	Public Health and Intellectual Property Rights	28-31
8.	Divya Pareek	Intellectual Property Rights: Key to Entrepreneurs Sustainability	32-35
9.	Jyoti Kapil, Neetika Mathur	Intellectual Property Rights: Boon or Bane for Protecting the Farmer's Rights	36-40
10.	Prof (Dr.) Komal Audichya	The Biological Diversity Act 2002 and the Access and Benefit Sharing	41-47
11.	Dr. Kumud Tanwar, Dr. Swati Singh, Dr. Arti Mishra	Laws and Policy Framework for Environmental Protection	48-50
12.	Dr. Leena Bhatia	Intellectual Property Rights – A curse or a boon for India as a developing country	51-57
13.	Dr. Manisha Mathur	International Property Rights: An Overview of History of Patent Laws	58-63
14.	Medha Babel	Sustainable Forestry: An Approach of Biodiversity Management	64-65


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S. No.	Author(s)	Title	Page No.
15.	Dr. Meenakshi Punia	Bioprospecting and Biopiracy: Challenging Grounds for India and its Bio Diversity Laws	66-71
16.	Dr. Meenal Sharma	Role of Intellectual Property in Innovation and New Product Development	72-80
17.	Dr. Neelam Bageshwari, Dr. Sunita Shekhawat	Geographical Indication in Intellectual Property Rights	81-84
18.	Dr. Neeta Agrawa	Why Intellectual Property should be Protected	85-89
19.	Poonam Sharma, Kamakshi Tomar	Role of Government Agencies in the Regulation of IPR	90-92
20.	Priyanka Jangid	A Review: Legal Framework on Environmental Protection	93-95
21.	Dr. Ranjana Agrawa	Intellectual Property Rights in Science: Issues and Challenges	96-101
22.	Dr. Ritu Jain, Dr. Sunita Shekhawat	Bio-Diversity, Bio-Piracy & Bio-Prospecting: Indian Perspective	102-109
23.	Rukshar	Environmental Degradation and Management in India: A Review	110-113
24.	Dr. Surabhi Sharma	Awareness of IPR (Intellectual Property Rights) among the Research Scholars in Jaipur City	114-118
25.	Vandita Srivastava, Dr. Sangita Sinha	Enabling the Community through IPR Awareness	119-124
26.	Yogita Solanki, Reema Solanki, Pooja Mangal	Relevance of Access Benefit Sharing in Biodiversity Conservation	125-128
27.	डॉ. शीतल शर्मा	हमारी पारम्परिक बौद्धिक सम्पदा : अध्यात्म	129-132
28.	Dr. Nidhi Gupta	Biodiversity : A Review	133-136


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Laws and Policy Framework for Environmental Protection

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Abstract

'Environment' is a very cosmic term. As said by Barbara Ward "We have forgotten how to be good guests, how to walk lightly on the Earth as its other creatures do". The environment is at risk from a variety of sources of harm, mostly of human origin. In order to tackle this problem, it is important that we develop strategies for modifying human behavior towards environmentally benign practices and away from environmentally damaging ones. Environmental law has developed in response to materialize acquaintance and concern over issues impacting the entire world. Law has been described as "A way of regulating human ethics". In India, Environmental law is governed by the Environment Protection Act, 1986. This act is constrained by the Central Pollution Control Board and the numerous State Pollution Control Boards. Apart from this, there are also individual legislations specifically portrayed for the protection of Water, Air, Wildlife, etc. Such legislations constitute:-

- The Water (Prevention and Control of Pollution) Act, 1974
- The Water (Prevention and Control of Pollution) Cess Act, 1977
- The Forest (Conservation) Act, 1980
- Air (Prevention and Control of Pollution) (Union Territories) Rules, 1983
- The Biological Diversity Act, 2002 and the Wild Life Protection Act, 1972
- Batteries (Management and Handling) Rules, 2001
- Recycled Plastics, Plastics Manufacture and Usage Rules, 1999
- The National Green Tribunal established under the National Green Tribunal Act of 2010 has jurisdiction over all environmental cases dealing with a substantial environmental question and acts covered under the Water (Prevention and Control of Pollution) Act, 1974.
- Water (Prevention and Control of Pollution) Cess Rules, 1978
- Ganga Action Plan, 1986
- The Forest (Conservation) Act, 1980
- Wildlife protection Act, 1972
- The Public Liability Insurance Act, 1991 and the Biological Diversity Act, 2002. The acts covered under Indian Wild Life Protection Act 1972 do not fall within the jurisdiction of the National Green Tribunal Appeals can be filed in the Hon'ble Supreme Court of India.
- Basel Convention on Control of Transboundary Movements on Hazardous Wastes and Their Disposal, 1989 and Its Protocols
- Hazardous Wastes (Management and Handling) Amendment Rules, 2003

Keywords: Environment, Laws, and Legislations

Introduction

Environment is the key creation on earth for living things. Ecology is thus "the science of planetary housekeeping" so building on these annotations, environmental law¹ can be said

to be the law of planetary housekeeping. It is established with the aim of protecting the planet and it people from activities that upset the earth and its life sustaining capacity.