

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
Department of Zoology and Botany
Kanoria PG Mahila Mahavidyalaya, Jaipur
J.L.N. Marg, Jaipur- 302015, Rajasthan
Phone: 0141- +91-141-2707539, +91-141-2706672
E-Mail- admin@kanoriacollegee.in

Seema
Principal
Kanoria PG Mahila Mahavidyalaya
JAIPUR

Proceedings of the
National Seminar

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

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Editors:

Dr. Sunita Shekhawat

Associate Professor

Department of Zoology

Kanoria PG Mahila Mahavidyalaya

J.L.N Marg, Jaipur Rajasthan

Dr. Ritu Jain

Assistant Professor


Department of Botany

Kanoria PG Mahila Mahavidyalaya

J.L.N Marg, Jaipur, Rajasthan

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Published by: Organizing Secretary of the National Seminar, Kanoria PG Mahila Mahavidyalaya, Jaipur.

ISBN: 978-93-5396-760-4.


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A Review: Legal framework on Environmental Protection

Priyanka Jangid

Assistant Professor, Department of Chemistry
Kanoria PG Mahila Mahavidyalaya, Jaipur
Email: priyankajangid88@gmail.com

Abstract

'Our environment' is our surrounding. This includes living and nonliving things around us. The environmental problems in India are growing rapidly. The increasing economic development and a rapidly growing population that has taken the country from 300 million people in 1947 to more than one billion people today is putting strain on the environment, infrastructure and the country's natural resources. Environmental pollution is one of the most serious problem facing humanity and other life forms on our plants. Global warming, ozone depletion, air pollution, water pollution, rain forest destruction are some major issues related to environment. Climate change, compensatory afforestation management, pollution control, transparency in environmental and forestry clearances are some major regulatory framework or key initiatives for environment protection.

Keywords: Infrastructure, compensatory afforestation, transparency.

Introduction

The environmental problems in India are growing rapidly. Industrialization process and overexploitation of country's resources lead to degradation of resources. The environment comprises all entities i.e. living, non-living, natural and manmade things. Environmental concerns relate to their degradation through actions of humans. Unfavourable change in any component of the environment which causes discomfort in normal life is known as 'Environmental Pollution.' The need for conservation and sustainable use of natural resources has been expressed in Indian scriptures which is reflected in the constitutional, legislative and policy framework. Several environmental legislations existed before India's independence in 1947 but their framework came only after UN conference on Human Environment (Stockholm, 1972). [1]

Intellectual Property and Environmental Law

The trade and environment Committee has mainly focused on the relationship between

the WTO's intellectual property agreement and the convention on Biological Diversity (CBD). Intellectual property in the WTO is known as "TRIPS"- trade related aspects of intellectual property rights. The links between the TRIPS agreement and the environment are complex. Discussions on the issues related to them are mainly taking place in the TRIPS council. The aim of TRIPS is mainly to avoid patents being issued for inventions that are not new.

Innovation policies together with the environmental laws play a role in addressing many global environmental issues. Intellectual property rules fundamentally affect the quality and availability of innovative ideas and products and are important in achieving sustainable development, ensuring human health and protecting the environment. Sustainable development is development that meets the needs of the present without compromising the ability of future generations to meet their own needs. There are three pillars of sustainable development which are economic

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