

- (b) the penalty for contravention of the provisions referred to in section 55 of the Act shall not be less than one lakh rupees and may extend to fifty lakh rupees;
- (c) in case the damage caused, exceeds the amount of penalty under sub-rule (2) then the penalty shall be commensurate with the damage caused.

Explanation.- In this clause the expression damage, includes damage to the environment and value of the biological resource used and value of the products derived from it by violating the provisions of the Act;

- (d) in case of a failure or continued contravention, an additional penalty not exceeding one crore rupees may be imposed over and above the penalty under sub-rule (2) or (3);
- (e) any other things as may be considered by the Adjudicating Officer to be relevant for the conservation of biological diversity and protection of the environment.

(2) A penalty shall not be imposed without giving the person or entity concerned a reasonable opportunity of being heard in the matter.

(3) The penalty as imposed by the Adjudicating Officer under the Act shall be in addition to the liability to pay relief or compensation under section 55 of the Act and section 17 of the National Green Tribunal Act, 2010(19 of 2010).

26. Deposition of the penalty amount.— All amounts of penalties realised under these rules shall be deposited in the National Biodiversity Fund and all the amounts of penalties relating to offences under section 7 of the Act shall be deposited in the Biodiversity Fund of the State Biodiversity Board or the Union territory Biodiversity Council concerned, as the case may be.

THE FIRST SCHEDULE

Application Forms and Fees

Sl. no. (1)	Purpose of the application (2)	Application Fee (3)
1.	Application for seeking prior approval of the National Biodiversity Authority for access to biological resources or knowledge associated thereto for research or for bio-survey and bio-utilization by persons covered under section 3(2) of the Act.	
	For Individual	₹ 10,000.00
	For entity	₹ 20,000.00
2.	Application for seeking prior approval of the National Biodiversity Authority for access to biological resources or knowledge associated thereto for commercial utilization by persons covered under section 3(2) of the Act	
	For Individual	₹ 10,000.00
	For entity	₹ 20,000.00
3.	Application for seeking prior approval of the National Biodiversity Authority for sharing or transferring the results of research to section 3(2) persons for commercial purposes or otherwise.	
	For Individual	₹ 5,000.00
	For entity	₹ 10,000.00
4.	Application for prior registration with the National Biodiversity Authority to use the results of research for further research by the transferee (section 3(2) person)	
	For Individual	₹ 2,000.00
	For entity	₹ 5,000.00
5.	Application for seeking prior approval of the National Biodiversity Authority to use the results of research for commercial utilisation by the transferee (section 3(2) person)	
	For Individual	₹ 10,000.00
	For entity	₹ 20,000.00
6.	Application for seeking prior approval to use the results of research for obtaining intellectual property rights by the transferee (section 3(2) person)	
	For Individual	₹ 5,000.00
	For entity	₹ 10,000.00
7.	Application for seeking prior approval of the National Biodiversity Authority before grant of intellectual property rights by persons covered under section 3 (2) of the Act	

	For Individual	₹ 5,000.00
	For entity	₹ 10,000.00
8.	Application for registration with the National Biodiversity Authority before grant of intellectual property rights by persons covered under section 7 of the Act.	
	For Individual	₹ 2,000.00
	For entity	₹5,000.00
9.	Application for seeking prior approval of the National Biodiversity Authority for commercialisation of intellectual property rights by persons covered under section 7 of the Act.	
	For Individual	₹ 5,000.00
	For entity	₹ 10,000.00
10.	Form for declaration of the use of biological resource or associated traditional knowledge obtained from any foreign country, in India.	Nil
11.	Application cum format for obtaining certificate of origin for cultivated medicinal plants	₹ 200.00
12.	Format of book containing details of cultivated medicinal plants to be maintained by the Biodiversity Management Committee	Nil
13.	Application for seeking prior approval of the National Biodiversity Authority for sending /carrying the biological resources outside India by Indian researchers / institutions for conducting non-commercial research or research for emergency purposes.	₹ 1,000.00
14.	Form of Memorandum of Appeal before the Central Government for settlement of disputes	Nil
15.	Format of notice to be issued by the Ministry of Environment, Forest and Climate Change or National Biodiversity Authority for appearance before it	Nil
16.	Format of notice by any person/benefit claimer	Nil

THE SECOND SCHEDULE

[see rule 2(1)(g)]

FORM -1*{See section 3 of the Act and rule 13(1)}*

Application for seeking prior approval of the National Biodiversity Authority for access to biological resources or knowledge associated thereto for research or for bio-survey and bio-utilization by persons covered under section 3(2) of the Act.

(1)	Particulars of the applicant	
(i)	Category of the applicant	(Drop down menu) a. Individual b. Individual and Entity c. Entity
(ii)	Name of the applicant	
(iii)	Status of the applicant	(Drop down menu) a. NRI b. Non-Indian c. Entity covered under section 3(2) of the Act.
(iv)	Address of the applicant	