

POLICY PAPER

Policy Brief Series/
October 2017

BIODIVERSITY HERITAGE SITES (BHS)

The Convention on Biological Diversity (CBD) with its focus on in-situ conservation of biological diversity has laid stress on establishment of Protected Areas (PAs). India, a party to the internationally binding convention, in order to meet the objectives of CBD had promulgated the Biological Diversity Act, 2002. In order to ensure conservation and development of areas with significant biodiversity, the Act provides for their declaration as 'biodiversity heritage sites'. Given the relevant legal provisions, this brief looks at the status of biodiversity heritage sites in India. This analysis reveals that across 29 states, 12 areas have been given the 'legal conservation tag'.

I. Overview of the Biological Diversity Act, 2002

The Convention on Biological Diversity (CBD), adopted at the Rio Earth Summit, 1992 is based on three fold objectives: conservation of biological diversity, sustainable use of its components and fair and equitable sharing of benefits arising out of the utilization of genetic resources. The primary requirement for the first objective, as noted by CBD, is the in-situ conservation of ecosystems and natural habitats and the maintenance and recovery of viable populations of species in their natural surroundings ^a. To ensure in-situ conservation of biological diversity, every contracting party to the CBD is required to establish a system of Protected Areas (PA) ^b. PAs are geographical defined areas which are designated or regulated and managed to achieve specific conservation objectives ^c. The CBD also mandates parties to develop guidelines for selection, establishment and management of such areas ^d.

In order to fulfill the objectives of CBD, India enacted the Biological Diversity Act, 2002 (BD Act, 2002). The Act is built on the objectives of conservation of biological diversity, sustainable use of its components and to ensure fair and equitable sharing of benefits arising out of the use of biological resources and associated knowledge. For its implementation, the BD Act, 2002 institutes a three tier structure: National Biodiversity Authority (NBA) at the apex level, State Biodiversity Boards (SBB) at state level and Biodiversity Management Committees (BMCs) at local body level. One of the salient features of the Act with respect to in-situ conservation is conserve and develop areas of importance from the standpoint of biological diversity by declaring them as biodiversity heritage sites (BHS). The Act grants State Governments the power to notify areas of biodiversity importance as BHS and in consultation with the Central Government to frame rules for their management and conservation.

Given the legal provisions, this policy brief looks at the status of BHS in India.



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- a Preamble of Convention on Biological Diversity, 1992
 - b Article 8 (a) of Convention on Biological Diversity, 1992
 - c Article 2 of Convention on Biological Diversity, 1992
 - d Article 8 (b) of Convention on Biological Diversity, 1992

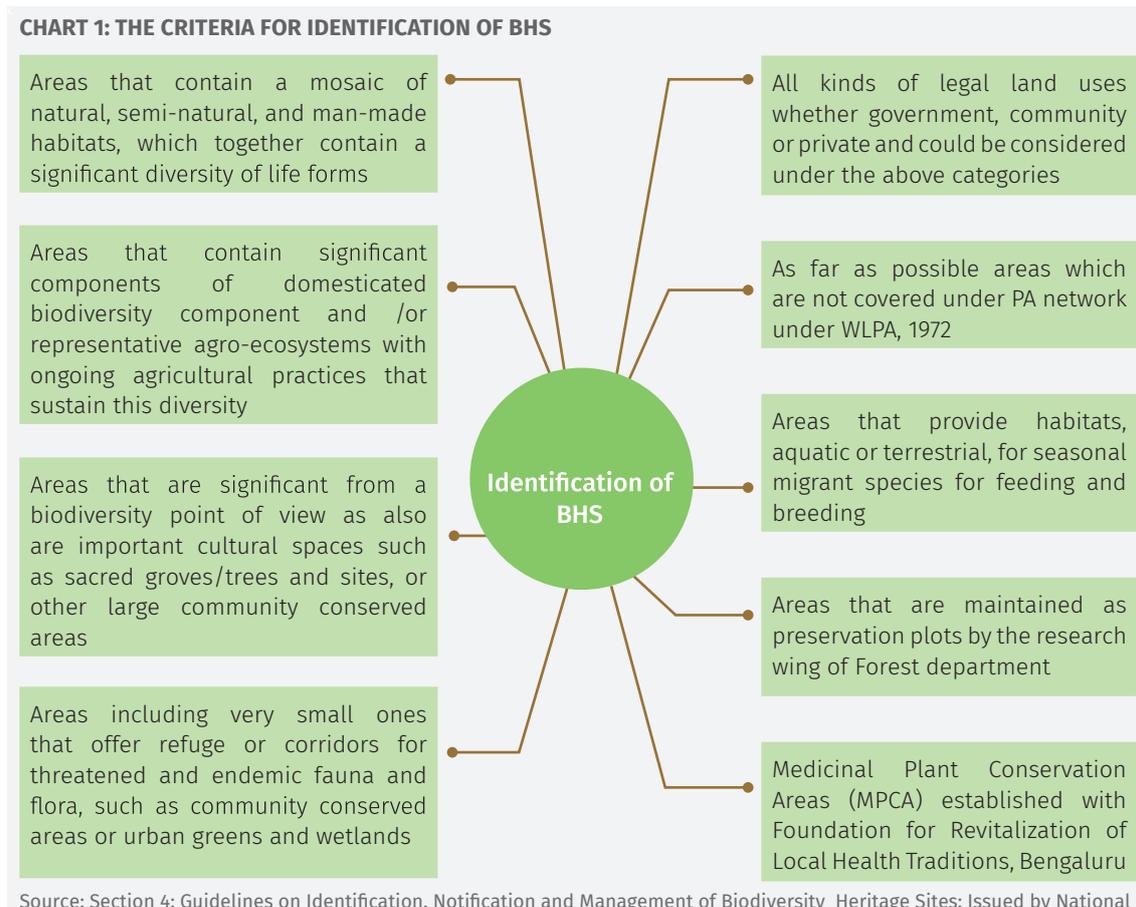
II. Legal Provisions Governing BHS

i. BHS and their Purpose

BHS are well defined areas that are unique, ecologically fragile ecosystems which may be terrestrial, coastal or spread over inland /marine waters. These biodiversity rich ecosystems consist of any one of the following components: richness of wild as well as domesticated species or intra-specific categories; high endemism; presence of rare and threatened species; keystone species; species of evolutionary significance; wild relatives/ancestors of domesticated/cultivated species or their varieties; past pre-eminence of biological components represented by fossil beds and having significant cultural, ethical or aesthetic values and are important for the maintenance of cultural diversity, with or without a long history of human association with them ^a.

The existing legally defined PA network in India consist of National Parks, Wildlife Sanctuaries, Conservation Reserves and Community Reserves as notified under India's Wildlife (Protection) Act, 1972. However, the purpose of the BHS provision is to as far as possible cover those sites which are not covered under the already existing PA network. The guidelines on BHS clarify that areas which have been designated, identified or notified (for example as PA, biosphere reserve etc.) under Acts or programmes may not be considered under this provision. The basic idea is to identify those areas important from biodiversity point of view which do not enjoy protection/ support under any other Act or programme^b.

Given the underlying aim behind declaring certain areas as BHS; areas having any of the following (see chart 1) characteristics may qualify for identification as BHS.



a Section 3.1: Guidelines on Identification, Notification and Management of Biodiversity Heritage Sites (BHS), Issued by National Biodiversity Authority

b Section 5: Guidelines on Identification, Notification and Management of Biodiversity Heritage Sites, released by Ministry of Environment, Forest and Climate Change (undated) Link to the Notification: <https://www.karnataka.gov.in/kbb/english/Documents/Guidelines%20and%20Format%20on%20Heritage%20SiteNEW.pdf>

ii. Process of Identification and Notification of BHS

The process of identification of BHS begins with the invitation of suggestions by SBBs for declaration of BHS through BMCs and other relevant community institutions including gram sabhas, panchayat, urban wards, forest protection committees, tribal councils. These suggestions are then consolidated to come up with the list of areas that can be designated as BHS. After this, public discussions are held amongst local bodies, gram sabhas, urban ward committees, and other relevant local institutions regarding BHS and implications of the same such as possible restrictions on resource use. After their approval, SBBs are then required to move for issuing a preliminary notification specifying the boundaries of the

Box 1

There might be suggestions wherein the communities may not be in a position to follow these guidelines, and may be in urgent need to declare BHS to ward off a threat or for other reasons. In some cases proposals may be coming from a community that has a proven track record of conservation, and has an urgent requirement for BHS to consolidate its position. In such situations, the requirement for these detailed studies may be waived for the purpose of the notification, but should be applied subsequent to the notification and no relocations and restrictions to access will be declared till then other than what the community is already imposing upon itself.

BHS. This notification is required to be published in the local media inviting suggestions and objections from the interested parties and stakeholders. Based on suggestions and objections raised, a team is constituted by the BMCs/ other relevant local institutions/SBBs in consultation with the local bodies for conducting studies to gain a clear understanding of the BHS. The study requires active participation of the local communities. Based on the submission of the survey report, final decision of the proposal is made by the SBB in a joint sitting of all stakeholders, at the proposed site. Based on the above, a draft notification announcement for declaring the BHS is made at the state level in an appropriate manner giving it wide media coverage particularly in the local language. After 30 days of the draft notification of the BHS, a public hearing is conducted by the BMC and the local body. The details about the BHS should be placed and comments received from the public recorded and attempts made to remove apprehensions of the local community that their traditional rights and privileges will remain unaffected post BHS notification. On declaration of the BHS, the SBB then writes to all the concerned government departments announcing the establishment of BHS^a.



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THAL KEDAR SACRED GROVE, PITHORAGARH, UTTARAKHAND

a. Section 6: Guidelines on Identification, Notification and Management of Biodiversity Heritage Sites (BHS), Issued by National Biodiversity Authority



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MAWPHLANG SACRED FOREST, EAST KHASI HILLS, MEGHALAYA

iii. Management and Monitoring of a BHS

Management of the BHS is the responsibility of the BMC. In case the BHS extends to more than one local body, the management of BHS becomes the responsibility of the BHS management committee constituted by the joint BMC. The BMC/BHS Management Committee will prepare and implement a management plan covering a period of 5-10 years. The Plan will consider and document the existing conservation related management practices. As a part of BHS management, any project/activity to be implemented by government or any other user agency, which is likely to have adverse impact on the BHS, may be avoided. Restriction in form of regulating the use of the resources may be warranted in some cases and such restriction may be totally voluntary on the part of community. Upon the receipt of the management plan, the SBB is required to constitute an expert committee to evaluate the same, and if necessary visit the BHS and hold consultations with the local communities and the local bodies and obtain their approval of the Management Plan.^a

For monitoring the implementation of the plan and provide recommendations for improvement, the SBB is required to constitute a state-level monitoring committee. Once the BHS is notified by the State Government, the NBA is required to financially support the initial establishment of BHS by allocating adequate funding support as seed money through SBBs. Simultaneously, the financial requirement of BHS is to be included in the annual budget of the local body^b.

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- a. Section 7: Guidelines on Identification, Notification and Management of Biodiversity Heritage Sites (BHS), Issued by National Biodiversity Authority
 - b. Section 8: Guidelines on Identification, Notification and Management of Biodiversity Heritage Sites (BHS), Issued by National Biodiversity Authority

III. Status of BHS in india

The status of BHS in India is summarized in the Chart 2 below.

Table 2: Biodiversity Heritage Sites in India (As on October 2017)

Name of the Site	Location	Ecological Value	Purpose of Notification
Nallur Tamarind Grove (Karnataka SSB n.d.) (Rao 2017)	BENGALURU, KARNATAKA	The Tamarind Grove at Nallur spread over 21.5 hectares is a scrubby patch consisting of more than 300 tamarind trees, most of them being 200 years old. Unlike other trees wherein with ageing, the trunk of the decays and hollows, Tamarind trees at Nallur have their roots grown from the middle of the trunks and those roots stretch to reach the soil, providing additional support and prolonging the life of trees. Additionally, these trees can spread and sprout and also give birth to new trees. The trees display diversity in terms of 5 different crown shapes, 3 different flowering and trunk styles. The grove is believed to have its origin during the period of Chola dynasty.	The grove was notified as a BHS to give a legal conservation status to the unique gene pool.
Hogrekan (Karnataka SSB n.d.)	CHIKMANGLUR, KARNATAKA	The moderately wooded revenue land (1015 hectares) under the possession of Forest Department has dry deciduous vegetation and is linked with Baba Budangiri and Kemmanugundi (hill ranges in the Western Ghats), adjoining Bhadra Wildlife Sanctuary and Yemmedoddi Tiger Reserve and also serves as wildlife corridor between Kudremukha and Bhadra Wildlife Sanctuary. The area has unique shola vegetation and grassland with number of floral species which are unique and having a lot of medicinal value.	The area was declared as a BHS to avoid threats from encroachments and proposals for mining

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NALLUR TAMARIND GROVE

MA SIRAJ



Name of the Site	Location	Ecological Value	Purpose of Notification
University of Agricultural Sciences, GKVK Campus (Karnataka SBB n.d.) (Chandra 2010) (Shridharan 2009)	BENGALURU, KARNATAKA	Out of the 559 hectares of GKVK Campus, 167 hectares has been developed with a wide variety of agricultural and biotechnology research plots. The campus is considered one of the greenest areas in Bangalore. The botanical garden supports collection of germplasms of 600 species of important plants. The biodiversity of the campus includes 13 species of mammals, 10 species of reptiles, 165 species of birds and 530 plant species.	The GKVK Campus was notified as a BHS owing to a proposal for construction of a link road (motorway) through the campus which will adversely affects the biodiversity of the campus.
Ambaragudda (Karnataka SBB n.d.) (The Hindu 2010) (Karnataka SBB 2010)	SHIMOGA, KARNATAKA	The Ambaragudda is a revenue land spread between Sharavathi Wildlife Sanctuary, Someshwara Wildlife Sanctuary and Kudremukh National Park. In addition acting as a wildlife corridor, it is the source of origin of five tributaries of River Sharavati. Ambaragusda is rich in forest diversity and harbors a wide range of biological diversity. The plant resources of this area comprises evergreen, semi-evergreen and shola forests, while main fauna are tiger, panther, bison, bear, sambar, deer, giant squirrel, wild pig, lion tailed Macaque and variety of insects, birds, ants of special genera, amphibians and new variety of honey bee (<i>Batasio sharavatiensis</i>).	The area has been the center of local protests in late 2000s opposing large scale mining. Report by Western Ghats Task Force revealed that upper layer of soil had been eroded as a result of unscientific mining and that the iron ore contaminated soil had affected the fertility of agricultural land. The mining activity had reduced the groundwater recharge. Based on the recommendations of the Panel, the area was declared as BHS in order to prevent the landscape from soil erosion, protect the shola forest and the corridor for wild animals and watershed value of the region.



AMBARAGUDDA HILLS, WESTERN GHATS



GLORY OF ALLAPALI



TONGLU MPCA

Name of the Site	Location	Ecological Value	Purpose of Notification
Glory of Allapalli (Maharashtra Revenue and Forest Department 2014)(Maharashtra Forest Department n.d.)	GADCHIROLI, MAHARASHTRA	Glory of Allapali is situated in compartment No. 76 in the Allapali forest range. The 6 hectare Reserved Forest is a permanent preservation plot that was first identified for conservation in 1953 owing to its crop composition, its uniqueness and pristine original climax vegetation. The plot has been preserved since then from all non-biotic interference like forestry operations, grazing etc. No activities have been carried out inside the preservation plot since its first formation with an intention to maintain the original vegetation and study the plant succession patterns and natural vegetation of the species forming the over wood, under wood and ground flora.	The BHS tag was given owing to its biological, ethical and historical value.
Tonglu Medicinal Plant Conservation Area (MPCA) (West Bengal Environment Department 2015) (MOEF 2010)	DARJEELING, WEST BENGAL	The Tonglu MPCA is spread over 230 hectares within Tonglu Reserved Forest. Close to 25 medicinal plant species have been recorded in the MPCA with the flagship species being <i>Aconitum bisma</i> , <i>A. ferox</i> , <i>A. spicatum</i> , <i>Berberis aristata</i> , <i>Panaxpseudo ginseng</i> , <i>Picorhiza kurroa</i> , <i>Podophyllumhexandrum</i> , <i>Swertiachirayita</i> , <i>Thalictrumfoliolosum</i> .	The MPCA were given the legal conservation tag owing to presence of endangered and endemic medicinal plants.
Dhotrey Medicinal Plant Conservation Area (MPCA) (West Bengal Environment Department 2015) (MOEF 2010)	DARJEELING, WEST BENGAL	The Dhotrey MPCA is spread over 180 hectares within Dhotrey Reserved Forest. More than 40 medicinal plant species have been recorded in the MPCA with the major flagship species being <i>Taxus wallichiana</i> , <i>Panaxpseudo ginseng</i> , <i>Swertia chirayita</i> .	

Name of the Site	Location	Ecological Value	Purpose of Notification
Chilkigarh Kanak Durga Sacred Grove (West Bengal Environment Department 2015) (Bhakat 2007)	JHARGRAM, WEST BENGAL	Chilkigarh Kanak Durga is the largest sacred grove in West Bengal. The 56 acre relic forest patch is near its climax stage. The grove represents mixed vegetation type with deciduous, semi-deciduous and evergreen species with several co-dominant species. The forest houses 105 species of medicinal plants including the endangered species like <i>Crataeva nurvala</i> , <i>Gymnema sylvestre</i> , <i>Holarrhena antidysenterica</i> , <i>Rauwolfia serpentina</i> , <i>R. tetraphylla</i> , <i>Strychnosnux-vomica</i> and <i>Tylophora asthmatica</i> . Owing to protection offered on socio-religious grounds, the sacred grove provides optimum conditions congenial for the growth of plants. As a result, some of the floristic elements attain maximum dimensions.	The area was notified as a BHS in order to strengthen conservation of the sacred grove. This tag gives legal recognition to the traditional conservation initiatives of the community.
Ameenpur Lake (Telangana Environment Forest Science and Technology Department 2016) (Suvarna Chandrappagari 2010) (Special Correspondent 2016)	TELANGANA	The Ameenpur Lake is one of the few fresh urban fresh water bodies supporting rich biodiversity. Around 219 species of birds (migratory and residents), 250 plant species (including rare and medicinal), 9 fish species, 26 aquatic beetles, 41 butterfly species, 33 species of invertebrates, 12 amphibian species, 33 reptile species, 9 species of wild animals and millet diversity is available in the area.	The lake was given the BHS tag in order to strengthen the conservation of the biodiversity of lake. Ameenpur lake is particularly strengthened by encroachments, industrial pollutants, illegal commercial and killing of migratory birds.

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DHOTREY MPCA



AMEENPUR LAKE

THE NEWS



APARNA MENON, THE BETTER INDIA

MAJULI RIVER

Name of the Site	Location	Ecological Value	Purpose of Notification
<p>Longku Forest, Dialong Village</p> <p>(Manipur Forest and Environment Department 2017) (Brijit Singh, Brajeshkumar, Meetei, & Singh 2016)</p>	<p>TAMENGLONG, MANIPUR</p>	<p>This BHS comprises of 11.35 km² of Longku Forest and another 2 km² watershed areas of Joulangpang-Khoukao waterfalls. The Rongmei tribes of Dailong and other villages of Tamenglong district were conserving forest in the form of sacred groves known as “Raengan”, meaning gateway conservation (resting) site of the farmers which is precursor to all conservation activities of these tribes in Tamenglong district. The type of habitats includes Montane Wet Temperate Forest, Tropical Evergreen Forest, and Semi Evergreen Forest and Riparian forest. The area contains more than 159 species including 16 species of ethno-medicinal used by the local tribes. This includes the globally rare and endemic species of Indian wild orange (<i>Citrus indica</i>) and Jewel orchid (<i>Anoectochilus albolineatus</i>).</p> <p>A total of 101 avian species including the 2 endemic species: <i>Grey sibia</i> (<i>Heterophasia gracillis</i>) and Darjeeling woodpecker (<i>Dendrocopos darjellensi</i>), 8 mammalian species, 10 species of snakes have been recorded including rare and endemic Cherrapunji Keelback (<i>Hebius xenura</i>).</p>	<p>The Longku Forest assumes importance from the biodiversity point of view especially, due to the presence of endemic species.</p>
<p>Majuli River Island</p> <p>(Assam Environment and Forest Department 2017) (BirdLife International 2015)</p>	<p>ASSAM</p>	<p>The Majuli River Island in River Brahmaputra is the largest river island in India. The fertile floodplains and highly productive wetlands support a wide variety of resident and migratory birds. More than 250 species of birds have been recorded. These include the two globally endangered species of vultures (Oriental White-backed Vulture and Slender-billed Vulture), two endangered species (Greater Aadjutant and Bengal Florican) and 9 vulnerable species (Spot-billed Pelican, Lesser Adjutant, Baer’s Pochard, Pallas’s Fish-Eagle, Greater Spotted Eagle, Swamp Francolin, Marsh Babbler, Jerdon’s Babbler and Black-breasted Parrotbill). Majuli has been categorized as an Important Bird Area.</p>	<p>The area faces conservation issues such as Agricultural intensification and expansion, growth of anthropogenic pressures, fishing, brick kilns, siltation, flood and erosion. The BHS tag would help strengthen conservation which faces threats such as habitat alteration, cutting of nesting trees etc.</p>

Name of the Site	Location	Ecological Value	Purpose of Notification
Ghariyal Rehabilitation Centre (Forest Department Uttar Pradesh 2016) (Uttar Pradesh SBB 2015)	LUCKNOW, UTTAR PRADESH	The Ghariyal Rehabilitation Centre (10 hectares) within Kukrail Reserved Forest was established to provide ex-situ conservation of critically endangered Gharial (<i>Gaviallis gangeticus</i>) and 14 species of Turtles. The area is also rich in floral and faunal diversity and provides habitat for seasonal migrant species of some birds.	The Centre was notified as BHS owing to its contribution towards conservation of Gharials and turtles.



ABHISHEK, ON A OCEAN TRIP

GHARIAL REHABILITATION CENTRE

IV. Conclusion

It is clear that even after 15 years of the promulgation of the BD Act, 2002 only 12 sites have been notified as BHS, which is grossly inadequate. Yet, it is significant that the provision of BHS is not just being to strengthen biodiversity conservation but is also being seen as a way to stem loss of biodiversity from ecosystems facing threat. The provision of the BHS may be especially useful where ecologically destructive projects are to be averted, as is the case of Ambaragudda hills. Further, as shown in the above table, the provisions for declaring BHS provides legal recognition to community initiatives such as sacred natural sites, which have been traditionally protected due to sacred belief associated with them. Legal recognition to traditional conservation practices may provide incentives for local communities to continue their nature friendly beliefs while leading to conservation of species and ecosystems (Gokhale & Pala 2012). The provision of BHS will be especially useful in giving legal protection to areas outside national parks and wildlife sanctuaries. These areas act as corridors, refuge and buffers for a large number of species to thrive. The BHS provisions could thereby help in expanding the PA network in the country which is currently just 4.9% of the total land area (SC NBWL 2018).

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SUGGESTED CITATION: LIFE (2017): "Policy Brief on Biodiversity Heritage Sites (BHS)", New Delhi: Legal Initiative for Forest and Environment



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