

PROMINENT ACT / LAWS / RULES COVERING MEDICINAL PLANTS IN INDIA

Legislation on Protection of Plant Species:

The adverse effects of various factors have taken to availability of raw material at alarming situation. Although, there is legislation enacted for the protection of plant species available in India, but very few people are aware of it. The Wildlife Protection Act of 1972 has separate provision enlisted in schedule VI for plant species. Besides this there are other acts and conventions to address the issues. Some of them are The Indian Forest Act, 1927, Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), Foreign Trade (Development and Regulation) Act, 1992, Export Import Policy, Forest Right Act and The Biological Diversity Act, 2002, etc.

1. The Indian Forest Act, 1927:

The Act has made adequate provision to maintain the working freedom to the State Government. It made provisions for the States to make their own rules under the Act. This act has sheltered too many regulatory / legislative instruments to cover both Timber and Non-Timber Forest Produce which includes medicinal plants.

2. The Wildlife (Protection) Act, 1972:

This act designed to protect wildlife entities of both plant and animal origin. The chapter IIIA of the Act deals with the wild flora. Specified plants (under schedule VI, section 2) are prohibited from picking, uprooting etc. under section 17A, cultivation of specified plants without license is prohibited under section 17 C and dealing in specified plants without license is also prohibited under section 17 D. There are six plants listed under this act which include Kuth (*Saussurea lappa*).

3. Export and Import Policy:

Under policy, the export of 29 plants, plant portions and their derivatives and extracts as such obtained from the wild except the formulations made there from, is prohibited. Plant and plant portions, derivative and extracts of the cultivated varieties of 29 listed plant species (excluding Red sanders) will be allowed for export subject to production of a certificate of cultivation. Some of the prominent plant species covered are – *Saussurea costus*, *Rauwolfia serpentina*, *Podophyllum hexandrum*, *Dioscorea deltoidea*, *Taxus wallichiana*, *Aquilaria malaccensis*, *Aconitum sps*, *Coptis teeta*, *Dactylorhiza hatagirea*, *Nardostachys grandiflora*, *Picrorhiza kurrooa*, and *Swertia chirata*, etc.

4. CITES (Convention on International Trade of Endangered Species of Wild Fauna and Flora):

The Convention came into force in 1975 and its aim is to ensure that the international trade in wild animals and plants and their parts and products is not detrimental to the survival of the species. All CITES (Appendix I & II) listed plants species obtained from the wild are prohibited for export from India. Only cultivated / artificially propagated plant species are allowed to export under CITES export permit and Legal Procurement Certificate (LPC) from designated authority. Prominent species covered under list are – *Saussurea costus*, *Rauwolfia serpentina*, *Podophyllum hexandrum*, *Dioscorea deltoidea*, *Pterocarpus santalinus*, *Picrorhiza kurooa*, *Taxus wallichiana*, *Aquilaria spp.*, *Nardostachya grandiflora*.

5. The Biological Diversity Act, 2002:

This act is for conservation of biological diversity, sustainable use of its components and fair and equitable sharing of the benefits arising out of the use of biological resources, knowledge and for matters connected therewith or incidental thereto. This legislation brought under international obligations under the convention of Biological Diversity, is another independent law. By its spirit, it goes beyond the NTFP and covers all sorts of Biological resources including the microbial origin. This law also has added tremendous complexity to the core legislation by creating opportunities for generation of multiple instruments under its ambit.