

ND 011 - 07/10/20

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION 347/2016**

IN THE MATTER OF:

CHANDRA BHAL SINGH

...APPLICANT

VERSUS

UNION OF INDIA & ORS.

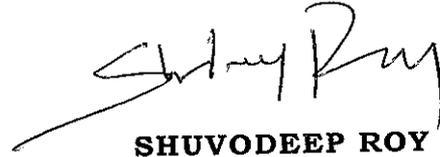
...RESPONDENTS

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Filed on 18.09.2020

Filed by



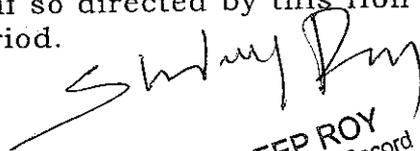
SHUVODEEP ROY

Advocate

50, Todarmal Road, 1st Floor,
Bengali Market, New Delhi -110001
Email: shuvodeep_roy@reddiffmail.com

Mob: 9818182688

I undertake to file duly notarized Affidavit on behalf of State of Tripura, if so directed by this Hon'ble Court, after the lock-down period.



SHUVODEEP ROY
Advocate, Advocate on Record
Supreme Court of India,
50 Todarmal Road, 1st Floor,
Bengali Market, New Delhi-110001.
Code-1672

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 347 OF 2016**

IN THE MATTER OF:

Chandra Bhal Singh

...Petitioner

VERSUS

Union of India and Ors.

...Respondents

**AFFIDAVIT ON BEHALF OF STATE OF TRIPURA IN
COMPLIANCE TO ORDER 18.03.2020**

I, Shri. Bajjoyanta Das, Deputy Resident
Commissioner to the Government of Tripura, Tripura
Bhawan, Kautilaya Marg, Chanakya Puri, New Delhi,
do hereby solemnly state and affirm as under.

1. That the deponent is the Deputy Resident Commissioner of the State of Tripura and is posted at Tripura Bhawan in New Delhi, and in course of discharge of his official duty the deponent has become conversant with the facts of the instant case and being duly authorized on this behalf by the State of Tripura,

the deponent is fully competent to swear the present affidavit.

2. That in the present case, vide order dated 09.08.2019, this Hon'ble Tribunal had issued direction for the constitution of Biodiversity Management Committees (BMCs) and preparation of People's Biodiversity Registers (PBRs) in all States by 31.01.2020.

True copy of the Order dated 09.08.2019 is hereby marked and annexed as **ANNEXURE A/1.** (Page no - 7 to 13)

3. That in compliance of the Order dated 9.8.2019, the Respondent-State had earlier filed an affidavit on 29.1.2020 (Page 2018-2030) giving details of status of constitution of BMCs and PBRs as on 20.1.2020. Therein, it was averred that Constitution of BMCs were 100% complete (1264 out of 1264) whereas PBRs were under preparation (482 documented and 782 under preparation).

It was submitted that the process of preparation of PBR is lengthy and tedious. The document is first initiated by a committee consisting of Sub-Divisional Magistrate, Sub-Divisional Forest Officer, Block Development Officer of respective block and various line departments/stakeholders. The process is supervised by the District Forest Officer. Thereafter, Technical Support Group (TSG) consisting various departments at district level does the vetting of the so prepared documents at block level. This draft PBR is then checked and corrected by the Experts Committee members group, consisting of working/retired academician from the University/College. The comments are then communicated back to the concerned committee at block/Sub-divisional level for incorporating/ modification in the draft document. The efforts were also made to involve NGOs/Institution in preparation of PBRs.

It is further submitted that the biggest challenge faced by the answering respondent in preparation of PBRs

was non-availability of trained man-power, shortage of funds, capacity building needs of community/BMCs, lack of awareness etc.

4. That by last Order dated 18.03.2020, this Hon'ble Tribunal, *inter alia*, noted on basis of Report of National Biodiversity Board, on behalf of MoEF & CC, dated 13.2.2020, that in some States, including the State of Tripura, the compliance regarding constitution of BMCs is 100%. This Hon'ble Tribunal has directed the MoEF&CC may continue to monitor the situation and file the updated status report as on 31.08.2020 and the States were also directed to ensure compliance.

True copy of the Order dated 18.03.2020 is hereby marked and annexed as **ANNEXURE A/2.** (Page no. 14 to 21)

5. That in compliance of the Order dated 18.3.2020 and in continuance of the earlier affidavit dated affidavit dated 29.1.2020, the Respondent-State submits that

the current status of BMCs/PBR constitution / documentation in State of Tripura as under:-

Constitution of BMCs	Total Number	Number of BMCs constituted	Number of remaining BMCs	PBRs documented	PBRs Remaining
District level	8	8	0	8	0
Block Level	58	58	0	58	0
Nagar Panchayat/ Municipality/ Municipal Corporation Level	20	20	0	20	0
Gram Panchayat/ Village Council (GP/VC)	1178	1178	0	1178	0
Total	1264	1264	0	1264	0

6. That, as is evident from the aforesaid figures, it is submitted that in the Respondent-State of Tripura, the constitution of the BMC was completed (100%) as on 20.01.2020 and the PBR documentation was completed (100%) on 14.02.2020. A small delay of 14 days in completing documentation of PBRs may be condoned considering the huge volume of work involved in preparation of PBRs.


DEPONENT
Bajoyanta Das
Deputy Resident Commissioner
Govt. of Tripura
Tripura Bhawan, New Delhi

VERIFICATION:-

I, the above named deponent, do hereby verify that the contents of the above affidavit are true and correct to the best of my knowledge and belief, no part thereof is false and nothing material has been concealed therein.

Verified at New Delhi on this the day of September,
2020.


DEPONENT
Bajoyanta Das
Deputy Resident Commissioner
Govt. of Tripura
Tripura Bhawan, New Delhi

Annexure A/1

Item No. 02

Court No. 1

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**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Original Application No. 347/2016
(I.A. No. 471/2019)

Chandra Bhal Singh

Applicant(s)

Versus

Union of India & Ors.

Respondent(s)

(Report filed in O.A. No.347/2016, I.A. No. 471/2019 filed for exemption of personal appearance on 09.08.2019 of the Special Principal Chief Conservator of Forest and Member Secretary of Assam State Biodiversity Board)

Date of hearing: 09.08.2019

CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE S.P. WANGDI, JUDICIAL MEMBER
HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER

For Applicant(s): Mr. Saurabh Sharma, Advocate

For Respondent(s): Mr. Leishangthem Roshmani Kh., Ms. Anupama Ngangom, Ms. Maibam Babina, Advocates for State of Manipur
Mr. Ayush Acharjee, Ms. Ishita Sachdeva, Advocates for PCC-DD&NH
Mr. Shurodeep Roy, Mr. Vinayak Gupta, Advocates for State of Assam
Mr. Shurodeep Roy, Mr. Kabir Shankar Bose, Advocates for State of Tripura
Ms. Ruchira Gupta, Mr. Anurag Sharma, Advocate for Goa State Bio Diversity Board
Mr. Rahul Khurana, Advocate for Haryana State Bio-Diversity Board
Mr. Edward Belho, Ms. Hoineithiam, Advocates for State of Nagaland
Mr. G. Indira, Mr. K.V Jagdishvaran, Advocates for Andaman and Nicobar Administration
Mr. Nishe Rajen Shonkar, Mr. Alim Anvar, Advocate for State of Kerala

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Mr. Raja Chatterjee, Mr. Piyush Sachdev, Ms. Runamoni Bhuyan, Advocates for State of West Bengal
Mr. Devraj Ashok, Advocate for Karnataka State Bio Diversity Board
Mr. Darpan K.M, Advocate for State of Chhattisgarh
Mr. Devashish Bharuk, Mr. Justine George, Advocates for State of Bihar
Mr. Siddhesh Kotwal, Ms. Arshiya Ghose, Advocate for State of Mizoram
Mr. C. Kannav, Advocate for State of Uttarakhand
Mr. D. Bharathi Reddy, Advocate for R-26
Mr. Chirag Reddy, Mr. Nishanth Patil Advocate for State of Chhattisgarh for State of Uttarakhand
Mr. Guntar Prabhakar, Mr. Guntar Pramod Kumar, Advocates for State of Andhra Pradesh
Mr. Nishant Talwar, Mr. Sakya Singla Chaudhari, Advocates for State of Punjab

ORDER

1. The issue for consideration is non-compliance of provisions of the Biological Diversity Act, 2002 (the Act) and Biological Diversity Rules, 2004 (the Rules) in as much as Biodiversity Management Committees (BMCs) have not been constituted as per Section 41 of the Act and People's Bio Diversity Registers (PBRs) have not been maintained, as required under Rule 22(6).
2. The Act was enacted to provide for conservation of biological diversity, sustainable use of its components and fair and equitable sharing of the benefits and for matters connected therewith or incidental thereto with a view to give effect to the United Nations Convention on Biological Diversity (CBD) which came into force on 29.12.1993. The Act seeks to regulate access to biological resources and fair and equitable sharing of benefits arising out of utilization of biological resources by constituting National Biodiversity Authority (NBA) to

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advise the Central Government and the State Governments on steps towards conservation of biodiversity, sustainable use of its components, equitable sharing of benefits and allied issues.¹ The Act also contains provision for establishment of State Biodiversity Boards to advise the State Government on the subject.² The Central Government has to develop national strategies, plans and programmes for conservation and promotion and sustainable use of biodiversity.³ At local level, every local body has to constitute BMCs. The Rules based on CBD provide that the BMC is to prepare PBRs containing comprehensive information on availability and knowledge of local biological resources, their medicinal or any other use and Traditional Knowledge (TK) associated with them.⁴

3. This Tribunal issued notices to all the States and Union Territories Boards and Authorities. The matter has been considered on several dates in the last two years. It is not necessary to refer to all the proceedings. Some State Boards have filed their respective affidavits mentioning the steps taken for enforcement of the Act and the Rules.
4. Vide order dated 12.04.2019, noticing huge gap in constitution of BMCs and preparation of PBRs, this Tribunal directed the said steps to be completed within three months and a report filed by MoEF&CC. The States which remained non-compliant were asked to furnish their explanation.

¹ Section 18(3) of the Biological Diversity Act, 2002.

² Section 23 of the Biological Diversity Act, 2002.

³ Section 36 of the Biological Diversity Act, 2002.

⁴ Rule 22(6) of the Biological Diversity Rules, 2004, Article 8(j) of the Convention on Biological Diversity.

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5. A report dated 02.08.2019 has been filed by the MoEF&CC to the effect that the Principal Secretaries of Panchayat Raj and Rural Development Departments were asked to expedite the setting up of the BMCs and three regional meetings were held with all the States and the State Biodiversity Boards. The statistics show that as against the need to constitute 317519 BMCs, 155838 BMCs have been constituted and 6868 PBRs have been documented, while 1692 PBRs are still in progress. The BMCs constituted are about 50%. The number of PBRs appears to be less than the PBRs reported earlier.
6. Having regard to the laudable objective to meet the necessity of conservation of biological diversity, delay of more than 16 years in complying with the mandate of law is a matter of serious concern.
7. We regretfully note that the matter on PBR progress noted is 'zero' in the States of Arunachal Pradesh, Bihar, Chhattisgarh, Gujarat, Jammu & Kashmir, Karnataka Madhya Pradesh, Manipur, Rajasthan, Sikkim, Tamil Nadu, Tripura, Uttar Pradesh and West Bengal. On the subject of BMC, there is zero progress in Bihar and Jammu & Kashmir.
8. This inadequate progress is in spite of repeated directions of this Tribunal. We asked all the learned counsel appearing in the matter to suggest a reasonable mechanism for ensuring compliance of law with a penal consequence for any further defaults.
9. India is one of the recognized mega-diverse countries of the world, harbouring nearly 7-8% of the recorded species of the world, and representing 4 of the 34 globally identified biodiversity hotspots. India

is also a vast repository of traditional knowledge associated with biological resources. So far, over 91,200 species of animals and 45,500 species of plants have been documented in the ten biogeographic regions of the country.⁵ The indigenous and local community are a repository of traditional knowledge and their knowledge and practices help in conservation and sustainable development of the biodiversity. In the past, India has already faced biopiracy⁶. There is, thus, urgent need to document the knowledge of the local community in the form of PBR.

10. As per certain studies⁷, PBRs help the State and the local community to become aware of the valuable resources being harvested in their area which can be utilised for the overall social and economic development of the State. Furthermore, PBRs also help in conservation of the traditional practices and knowledge of the local community. Studies on the issue of access and benefit sharing (ABS)⁸ show that non establishment of BMCs and absence of PBRs deprives the local community of the advantage of the biological resources. PBRs not only document the knowledge, they also help in identification of benefit claimers.

11. In above background, having considered the submissions made by the learned counsels, we direct as follows:

⁵ <https://www.cbd.int/countries/profile/default.shtml?country=in#facts>

⁶ Some examples of the cases of biopiracy in India are the Neem Case, the Basmati Case, the Tulsi case and the Turmeric Case in which the biological resources and traditional knowledge of the indigenous people in India were misappropriated and patents were obtained in relation to them in foreign countries without any prior approval from the Government of India.

⁷ Madhav Gadgil, **People's Biodiversity Register: Lesson Learnt**, http://repository.ias.ac.in/64107/1/13_PUB.pdf,

⁸ Refer: Pepsico Seaweed Case and the Kani Tribe case

(i) The Chief Secretaries of all the States, where the defaults are continuing, may consider giving a warning to the Panchayat Secretaries for their past failures, recording the same in their service record and give direction to the officers who are responsible for the job to ensure compliance with 100% constitution of BMCs and PBRs by 31.01.2020 failing which coercive measures may have to be considered against them. The Chief Secretaries may evolve a mechanism for ensuring a monthly meeting to be attended by the Chairman and Member Secretaries of State Biodiversity Boards, Secretaries, Panchayat, Environment and Forest starting from September, 2019.

(ii) The States will be accountable for the defaults and required to deposit a sum of Rs. 10 lakhs per month each from 01.02.2020 with the CPCB to be utilized for restoration of the environment. The States will be at liberty to recover the said amount from the persons committing the default.

(iii) The MoEF&CC and National Biodiversity Authority may hold a review meeting every month from September 2019 till the above task is completed.

(iv) The MoEF&CC may file a compliance report after collecting the necessary data from all the States on or before 15.02.2020. The Monitoring Committee of the MoEF&CC may oversee the quality of PBRs on sample basis by evolving a suitable mechanism.

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List for further consideration on 18.03.2020.

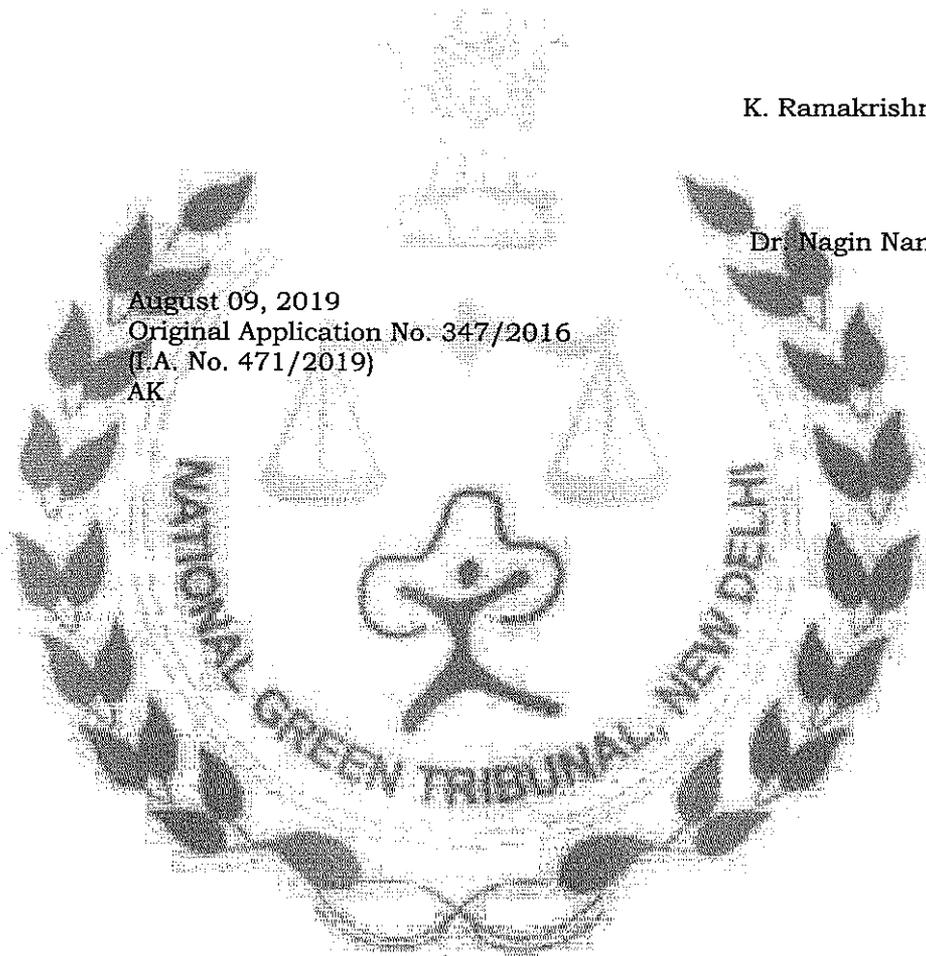
Adarsh Kumar Goel, CP

S.P. Wangdi, JM

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

August 09, 2019
Original Application No. 347/2016
(I.A. No. 471/2019)
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Item No.2

Court No. 1

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**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Original Application No. 347/2016
(I.A. No. 471/2019, M.A. No. 15/2020,
M.A. No. 22/2020& M.A. No. 23/2020)

Chandra Bhal Singh

Applicant(s)

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 18.03.2020

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SHEO KUMAR SINGH, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

For Applicant(s):

Mr. Saurabh Sharma, Advocate

For Respondent(s):

Mr. Sashi Juneja, Advocate for State of J&K
Ms. Aastha Mehta, Advocate for State of
Gujarat
Mr. Mukul Singh, Advocate for MoEF&CC
and NBA
Ms. Amrita Sharma, Advocate for State of
Karnataka

ORDER

1. This order is being passed in continuation of order dated 09.08.2019. The issue for consideration is the remedial action for non-compliance of provisions of the Biological Diversity Act, 2002 (the Act) and Biological Diversity Rules, 2004 (the Rules) in as much as Biodiversity Management Committees (BMCs) have not been constituted as per Section 41 of the Act and People's Bio Diversity Registers (PBRs) have not been maintained, as required under Rule 22(6).

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2. The Act was enacted to provide for conservation of biological diversity, sustainable use of its components and fair and equitable sharing of the benefits and for matters connected therewith or incidental thereto with a view to give effect to the United Nations Convention on Biological Diversity (CBD) which came into force on 29.12.1993. The Act seeks to regulate access to biological resources and fair and equitable sharing of benefits arising out of utilization of biological resources by constituting National Biodiversity Authority (NBA) to advise the Central Government and the State Governments on steps towards conservation of biodiversity, sustainable use of its components, equitable sharing of benefits and allied issues. The Act also contains provision for establishment of State Biodiversity Boards to advise the State Government on the subject. The Central Government has to develop national strategies, plans and programmes for conservation and promotion and sustainable use of biodiversity. At local level, every local body has to constitute BMCs. The Rules based on CBD provide that the BMC is to prepare PERs containing comprehensive information on availability and knowledge of local biological resources, their medicinal or any other use and Traditional Knowledge (TK) associated with them.

3. This Tribunal issued notices to all the States and Union Territories, Boards and Authorities. The matter has been considered on several dates in the last two years. It is not necessary to refer to all the proceedings. Some State Boards have filed their respective affidavits mentioning the steps taken for enforcement of the Act and the Rules.

4. Vide order dated 12.04.2019, noticing huge gap in constitution of BMCs and preparation of PBRs, this Tribunal directed the said steps to be completed within three months and a report filed by MoEF&CC. The States which remained non-compliant were asked to furnish their explanation.
5. The matter was thereafter considered on 09.08.2019 in the light of the report of MoEF&CC dated 02.08.2019, the Tribunal observed:-

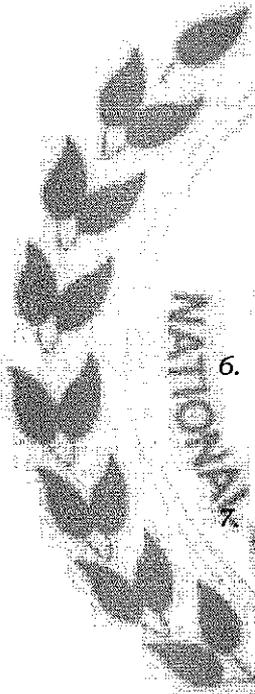
“ 5. A report dated 02.08.2019 has been filed by the MoEF&CC to the effect that the Principal Secretaries of Panchayat Raj and Rural Development Departments were asked to expedite the setting up of the BMCs and three regional meetings were held with all the States and the State Biodiversity Boards. The statistics show that as against the need to constitute 317519 BMCs, 155838 BMCs have been constituted and 6868 PBRs have been documented, while 1692 PBRs are still in progress. The BMCs constituted are about 50%. The number of PBRs appears to be less than the PBRs reported earlier.

6. Having regard to the laudable objective to meet the necessity of conservation of biological diversity, delay of more than 16 years in complying with the mandate of law is a matter of serious concern.

7. We regretfully note that the matter on PBR progress noted is 'zero' in the States of Arunachal Pradesh, Bihar, Chhattisgarh, Gujarat, Jammu & Kashmir, Karnataka Madhya Pradesh, Manipur, Rajasthan, Sikkim, Tamil Nadu, Tripura, Uttar Pradesh and West Bengal. On the subject of BMC, there is zero progress in Bihar and Jammu & Kashmir.

8. This inadequate progress is in spite of repeated directions of this Tribunal. We asked all the learned counsel appearing in the matter to suggest a reasonable mechanism for ensuring compliance of law with a penal consequence for any further defaults.

9. India is one of the recognized mega-diverse countries of the world, harbouring nearly 7-8% of the recorded species of the world, and representing 4 of the 34 globally identified biodiversity hotspots. India is also a vast repository of traditional knowledge associated with biological resources. So far, over 91,200



species of animals and 45,500 species of plants have been documented in the ten biogeographic regions of the country. 5 The indigenous and local community are a repository of traditional knowledge and their knowledge and practices help in conservation and sustainable development of the biodiversity. In the past, India has already faced biopiracy6. There is, thus, urgent need to document the knowledge of the local community in the form of PBR.

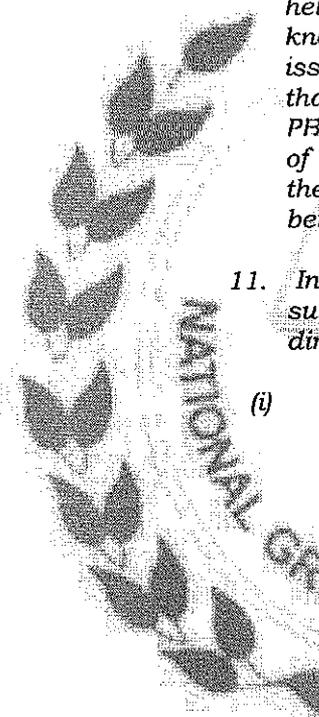
10. As per certain studies7, PBRs help the State and the local community to become aware of the valuable resources being harvested in their area which can be utilised for the overall social and economic development of the State. Furthermore, PBRs also help in conservation of the traditional practices and knowledge of the local community. Studies on the issue of access and benefit sharing (ABS)8, show that non establishment of BMCs and absence of PBRs deprives the local community of the advantage of the biological resources. PBRs not only document the knowledge, they also help in identification of benefit claimers.

11. In above background, having considered the submissions made by the learned counsels, we direct as follows:

(i) The Chief Secretaries of all the States, where the defaults are continuing, may consider giving a warning to the Panchayat Secretaries for their past failures, recording the same in their service record and give direction to the officers who are responsible for the job to ensure compliance with 100% constitution of BMCs and PBRs by 31.01.2020 failing which coercive measures may have to be considered against them. The Chief Secretaries may evolve a mechanism for ensuring a monthly meeting to be attended by the Chairman and Member Secretaries of State Biodiversity Boards, Secretaries, Panchayat, Environment and Forest starting from September, 2019.

(ii) The States will be accountable for the defaults and required to deposit a sum of Rs. 10 lakhs per month each from 01.02.2020 with the CPCB to be utilized for restoration of the environment. The States will be at liberty to recover the said amount from the persons committing the default.

(iii) The MoEF&CC and National Biodiversity Authority may hold a review meeting every



month from September 2019 till the above task is completed.

(iv) The MoEF&CC may file a compliance report after collecting the necessary data from all the States on or before 15.02.2020. The Monitoring Committee of the MoEF&CC may oversee the quality of PBRs on sample basis by evolving a suitable mechanism”

6. Accordingly, a final report has been filed by the National Biodiversity Authority, Chennai on behalf of the MoEF&CC giving status of the formation of Biodiversity Management Committees (BMCs) and preparation of Peoples Biodiversity Registers (PBRs) in the local bodies as on 31.2020. The report inter-alia is as follows:

“ As can be seen, there has been an increase of 32.5% in BMC constitution and an increase of 32.7% in PBR formation since the Order of the Hon’ble National Green Tribunal dated 09.08.2019:-

As on 26/07/2016 (when the OA was filed before the Hon’ble Tribunal)		As on 31/07/2020 (Based on which the Tribunal had issued Orders on 09/08/2019)		As on 31/01/2020 (January 2020)	
BMCs formed	PBRs prepared	BMCs formed	PBRs prepared	BMCs formed	PBRs prepared
9700	1,388	1,55,838	6,868	2,43,499	95,252

3. As already informed in the Interim Report, the National Biodiversity Authority had written to the Chief Secretaries of all States on 08/11/2019 to take necessary action to comply with the Orders of the Hon’ble Tribunal to complete the process of BMC formation and PBR preparation within the stipulated time frame as instructed by the Hon’ble Tribunal.

7. PBR is a dynamic document and it has to capture all the biological resources available in the local body in all the four seasons. Besides evaluating the PBRs. The PBR Monitoring Committee constituted by the NBA based on approval by MoEF&CC would be assisting the SBBs to evolve a mechanism to complete the PBRs in an expeditious manner.”

7. We have also perused the written submissions filed on behalf of the applicant on 16.02.2020 commenting about the compliance as follows:

"4. That a perusal of the Compliance Report dated 13.02.2020 shows that:-

- (i) Out of 2,75,220 local bodies, BMCs have been constituted in 2,48,140 local bodies. This implies that present compliance rate is more than 90%. In the following States and Union Territories: Assam, Goa, Himachal Pradesh, Kerala, Maharashtra, Sikkim, Tripura and Lakshadweep the compliance with respect to BMC constitution is 100 %.*
- (ii) Out of 2,48,140 BMCs, PBRs have been prepared by 95,252 BMCs. This implies that more than 61% of the BMCs are yet to prepare their PBRs. It is important to note that while in the Union Territory of Jammu and Kashmir, State of Bihar and Rajasthan none of the BMCs have prepared their PBRs till date while Uttar Pradesh has achieved 100% target in PBR preparation."*

8. The applicant has also given comments about the quality of the PBRs, status of collection of fees by the BMCs, status of funding of BMCs and status of access and benefit sharing (ABS).

9. We find that since there are still defaults in the constitution of BMCs and preparation of PBRs within the stipulated time fixed by this Tribunal, the defaulting States are liable to pay compensation in terms of order dated 09.08.2019 from 01.02.2020. The Act was enforced in 2002. The Rules came into force in 2004. Any further delay is not conducive to rule of law. The States cannot be allowed to plead incompetence or inability of carrying out mandate of law, undermining public interest. We may note that in absence of PBRs, regulation for conservation of biodiversity is affected. The Tribunal dealt with a matter in O.A. No. 57/2018 vide order dated 30.07.2019 where concretization within the blue line of Krishna river was found hampering biodiversity at the river bed. The

Hon'ble Supreme Court in Civil Appeal No. 6563/2019, *Wai Municipal Council v. Jeevitnadi Living River Foundation & Ors.*, against the above order of NGT, observed, vide order dated 30.08.2019:-

"We are satisfied that concretization has been done within the prohibited zone, which has hampered the ground seepage and biodiversity at the river bed."

10. There are other similar instances including order of this Tribunal dated 20.02.2020 in O.A. No. 385/2019, *Centre for Wildlife v. UOI* for preservation of great Indian Bustard by removing powerlines from the flight path of the said bird. This matter was also dealt with by the Hon'ble Supreme Court vide order dated 18.02.2019 in Civil Appeal No. 838/2019, *M. K. Ranjitsinh & Ors. V. UOI & Ors.* It is not necessary to multiply similar other instances but the fact remains that the issue is great significance and urgency.

11. In view of the above, we do not find any merit in the applications seeking extension of time. The States may ensure compliance and for the delay, compensation has to be paid as already directed. Only exception which may have to be made is for Jammu & Kashmir and Ladakh on account of developments in the wake of Jammu & Kashmir Reorganization Act, 2019 and peculiar situation which prevailed as mentioned in the affidavit dated 11.02.2020 filed on behalf of the UT of J&K. The time in respect of UTs of J&K and Ladakh will stand extended up to 31.10.2020. For delay beyond the said date, compensation at the same rate as applicable to other States/UTs will be payable from 01.11.2020.

In view of the above, I.A. No. 471/2019, M.A. No. 15/2020, M.A. No. 22/2020 & M.A. No. 23/2020 are dismissed.

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12. We are informed that the National Biodiversity Authority of India has prepared and placed on its website a model PBR for guidance of the States. The said model may be revised in the light of other available models. By way of example, reference is made a model prepared by the State of Nagaland.¹ Other similar models may also need to be looked into. The model so revised may be placed on the website within one month from today.

13. The MoEF&CC may continue to monitor the situation and file an updated status report as on 31.08.2020 before 30.09.2020. The stand of the applicant with regard to quality of the PBRs and other issues may be looked into and response filed before the next date by email at judicial-ngt@gov.in. CPCB may take steps to recover compensation from the defaulting States in terms of earlier orders.

List for further consideration on 07.10.2020.

Adarsh Kumar Goel, CP

Sheo Kumar Singh, JM

Dr. Nagin Nanda, EM

March 18, 2020
Original Application No. 347/2016
(I.A. No. 471/2019, M.A. No. 15/2020,
M.A. No. 22/2020 & M.A. No. 23/2020)
AK

¹<http://gef-satoyama.net/wp-content/uploads/2017/11/Kivikhu-People%E2%80%99s-Biodiversity-Register.pdf>

Lead
T.C

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION 347/2016**

IN THE MATTER OF:

CHANDRA BHAL SINGH

...APPLICANT

VERSUS

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Filed on 18.09.2020

Filed by

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9/18/2020

Gmail - O.A 347/2016 - CHANDRA BHAL SINGH VS.UOI & ORS. AFFIDAVIT OF STATE OF TRIPURA IN COMPLIANCE OF 9.8.2...



Shuvodeep Roy <standingcounselofficetripura@gmail.com>

O.A 347/2016 - CHANDRA BHAL SINGH VS.UOI & ORS. AFFIDAVIT OF STATE OF TRIPURA IN COMPLIANCE OF 9.8.2019 ORDER ON BMC, PBRs

4 messages

Shuvodeep Roy <standingcounselofficetripura@gmail.com>

Fri, Sep 18, 2020 at 7:06 PM

To: secy-moef@nic.in, m_env@rediffmail.com, lmc.moefcc@gov.in, shiv0905@gmail.com, litigation.life@gmail.com, rahulchoudhary@gmail.com, vkslawoffices@gmail.com, sandeepsinghadv@gmail.com, jagdishlawassociates@gmail.com, ebelho@gmail.com, rohmani@hotmail.com, ruchiragupta@gmail.com, sunilfernandes@gmail.com, gunturpramodkumar@gmail.com, venkatreddy@gmail.com, anilaw2@yahoo.com, Abhishek atrey <abhishekatre@gmail.com>, shivmangalsharma@gmail.com, kdev.abhishek@gmail.com, advravikantpal@gmail.com, arputham25@gmail.com, bharati_adv@yahoo.com, mukuisingh@gmail.com, ravikantpal@gmail.com, arpanadv27@gmail.com, advocateshshankbajpai@gmail.com, richok407@gmail.com, meeragopal@gmail.com, anupamangangom@gmail.com, shubhambhalla@gmail.com, arunamathur@gmail.com, banwarpalsingh@gmail.com, shrodeepro@gmail.com, rakeshsharmaadv@gmail.com, deepakjain@gmail.com, Ajayjainsc114@gmail.com, shashanksaxena@gmail.com, bharatbhushanvyasias@gmail.com, Shuvodeep Roy <shuvodeep_roy@rediffmail.com>, AOR' <ramesh1pukhrambam@gmail.com>, AOR' <enatoli@gmail.com>, abhimanyu@tevariandassociates.com, Avijit Mani Tripathi <avijitmani@gmail.com>

Sir,

PFA the affidavit of State of Tripura in the subject case in compliance of the Order dated 18.3.2020.

Thanks,

—
Shuvodeep Roy, Adv.
Standing Counsel for State of Tripura
Supreme Court of India

 fresh affidavit 18092020.pdf
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