

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

**O.A. NO. 347 of 2016**

**IN THE MATTER OF:**

**CHANDRA BHAL SINGH**

**...APPLICANT**

**VERSUS**

**UNION OF INDIA & ORS**

**...RESPONDENT(S)**

**COMPLIANCE AFFIDAVIT ON BEHALF OF RESPONDENT – STATE OF  
MIZORAM**

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FILED BY:

  
(Siddhesh Kotwal)  
Advocate

Siddhesh Kotwal  
Standing Counsel for State of Mizoram, New Delhi

Filed on : 05.10.2020

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**COMPLIANCE AFFIDAVIT ON BEHALF OF  
RESPONDENT – STATE OF MIZORAM**

I, Shri Amjad Tak S/o Shri Hasan Khan, aged 42 years, presently working as Resident Commissioner, Government of Mizoram, Mizoram House, Chanakyapuri, New Delhi, do solemnly state and affirm as follows:-

1. That I am the Authorized Representative of the Respondent - State of Mizoram and I am competent to swear, affirm and file the instant compliance affidavit based on my knowledge as derived from the official records maintained by the State and made available to me and believed by me to be true and correct.
2. That this Hon'ble Tribunal vide Order dated 09.08.2019, had issued directions to the States to constitute Biodiversity Management Committees (BMCs) and to prepare People's Biodiversity Registers (PBRs) as per the mandate under the Biodiversity Act of 2002 by 31.01.2020.

3. That in compliance to the Order dated 09.08.2019, the answering Respondent had earlier filed an Affidavit dated 03.02.2020 (Page Nos. 2042 to 2057 ) giving details of the status of constitution of BMCs and PBRs as on 03.02.2020. That by 30.01.2020 in the 08( eight) administrative districts in the answering State containing 893 (eight hundred and ninety three) recognized local bodies or village councils, 855(eight hundred and fifty-five) BMCs were constituted and 5 (five) PBRs were documented.
4. It is was submitted that only 05 (five) People's Biodiversity Registers (PBR) were documented by the State Biodiversity Board Mizoram so far. 02 (two) Block level PBR and 12 (twelve) Village level PBR documentations were in progress. That the State Biodiversity Board Mizoram had decided that the compilation of rest of the PBRs would be done at Village level and Block level (wherever one village is in close vicinity to the other to avoid replication and cost of data collection) which also depends on the difference in number of villages at different Rural Development Blocks in the state of Mizoram.
5. It was further submitted that the preparation of PBRs requires the technical expertise, manpower, funds and sufficient time. The State Biodiversity Board of Mizoram at that point in time, lacked all of the said and was thus facing difficulty in compiling hundreds of PBRs within the stipulated time. That all necessary data and information needed for the PBR had to be collected throughout various seasons of the year and thus the State Biodiversity Board

Mizoram needed several months to complete the PBR preparation for all the constituted BMCs. That to strengthen and operationalize the smooth functioning of all the constituted BMCs in the answering State, for various biodiversity conservation activities, financial assistance from National Biodiversity Authority (NBA)/MOEFCC was required. That all effort was being made to ensure due compliance of the provisions of the Biological Diversity Act, 2002 by the Mizoram Biodiversity Board.

6. That in the Order dated 18.03.2020 this Hon'ble Court was pleased to consider the Final Report of the National Biodiversity Board on behalf of the MoEF&CC, dated 13.02.2020. That in regard to the statistics furnished in the Report this Hon'ble Tribunal noted that 61% BMCs were yet to constitute PBRs and that only 10 states were in 90% compliance of the Order dated 09.08.2019. That vide the said Order this Hon'ble Tribunal directed the MoEF&CC to continue to monitor the situation and file an updated status report as on 31.08.2020 before 30.09.2020.
7. That in compliance to the Order dated 18.03.2020 and in continuation of the earlier Affidavit filed on 03.02.2020 the answering Respondent submits that the present status of constitution of BMCs and PBRs in the 08( eight) administrative districts in the answering State there are 893 (eight hundred and ninety-three) recognized local bodies or village councils and the Mizoram University are as described below:

State of Mizoram	Total No. of Local Bodies	Total No. of BMCs constituted	BMCs to be constituted	Total No. of PBRs documented	PBRs to be prepared
District Panchayats	0	0	0	0	0
Intermediate Panchayats	0	0	0	0	0
Village Panchayats	810	810	0	810	0
Traditional Panchayats	1	1	0	1	0
Urban Local Bodies	83	83	0	83	0
<b>Total</b>	894	894	-	894	-

[**Note:** \*Mizoram University is considered as a separate Traditional Panchayat]

8. That as on 31.08.2020 reflected in the Final Report furnished by the National Biodiversity Authority, Chennai dated 15.09.2020 the answering State had completed 100% constitution of the 894 (eight hundred and ninety-four) BMCs and 90.60% PBRs were prepared within the State.
9. That pursuant to the discussion in 6<sup>th</sup> Review Meeting of the State Bio-diversity Boards and the Union Territory Bio-diversity Councils, held on 21.09.2020, the above-stated figures evidencing 100% compliance in constitution of BMCs and PBRs in the State of Mizoram, have been furnished by the Mizoram Biodiversity Board, Aizawl, Mizoram vide Letter and email dated 30.09.2020 to the Secretary, National Biodiversity Authority, Chennai, India in compliance of the Order dated 18.03.2020 passed by this Hon'ble Tribunal.

A Copy of the Letter No.C. 13011/18/2020 – CWLW/175 dated 30.09.2020 and the email dated 30.09.2020 from the Mizoram Biodiversity Board, Aizawl, Mizoram to the Secretary, National Biodiversity Authority, Chennai, India are annexed herewith and marked as **ANNEXURE-A** and **ANNEXURE -B, (respectively)**

10. That due to the adverse conditions in the Covid-19 pandemic and the Nationwide Lockdown until 30.05.2020, the efforts of the answering State in the implementation of the mandate under the Biodiversity Act, 2002 were considerably hindered. However upon the ease of the restrictions, the answering State has been coordinating with all the stakeholders in the formation of BMCs and preparation of PBRs to achieve the 100% compliance target by 28.09.2020.
11. It is most humbly submitted that the directions passed by this Hon'ble Tribunal, have been duly complied with by the State of Mizoram in letter and spirit.
12. It is further submitted that since the target of 100% constitution of the BMCs and PBRs have been achieved amidst the ongoing pandemic and in the view the complete lockdown in the State of Mizoram from 23.03.2020 to 30.05.2020, the cost imposed on the answering respondent as compensation payable vide order dated 18.03.2020 passed by this Hon'ble Tribunal may kindly be waived-off, considering the financial condition due to the pandemic and its implication on the public exchequer. The answering respondent herein further renders its unconditional apology

for the non-compliance of the earlier directions, and undertakes to ensure that all directions passed by this Hon'ble court in the instant matter shall be further complied with in letter and spirit without any default. The state further undertakes to furnish any additional information that this Hon'ble Tribunal may be pleased to direct it to furnish in this regard in the instant matter.

1. No part of this affidavit is false and nothing material has been concealed therefrom.

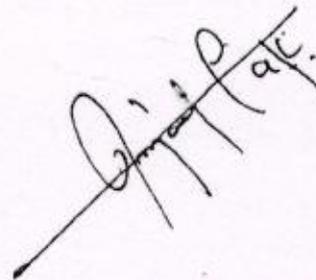


**DEPONENT**

**VERIFICATION**

I, the Deponent herein do verify that the statements made in the foregoing paragraphs of this Affidavit are based on the instructions received from the State Government of Mizoram, which I believe to be true and no material is concealed therefrom.

Verified at New Delhi on this 05 day of September, 2020.



**DEPONENT**



GOVERNMENT OF MIZORAM  
OFFICE OF THE PCCF (WL) & CHIEF WILDLIFE WARDEN  
ENVIRONMENT, FOREST & CLIMATE CHANGE DEPARTMENT  
MIZORAM :: AIZAWL

No. C.13011/18/2020-CWLW/175

:

Dated Aizawl, the 30<sup>th</sup> Sept/2020

To,

The Secretary  
National Biodiversity Authority  
TICEL Bio Park  
5<sup>th</sup> Floor, Taramani Road  
Taramani, Chennai – 600 113  
Fax : 044-2254 1074

Subj: **Status of BMC formation and PBR preparation under Mizoram State Biodiversity Board – reg.**

Ref: 1. 6<sup>th</sup> Review Meeting of SBBs and UTs Biodiversity Councils held on 21<sup>st</sup> September, 2020.  
2. Email dated 22<sup>nd</sup> Sept/2020

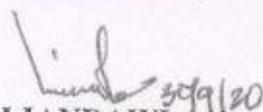
Sir,

In pursuance to the discussion of the 6<sup>th</sup> Review Meeting of SBBs and UTs Biodiversity Councils held on 21<sup>st</sup> September, 2020 and in compliance of NGT Order dated 18.03.2020, I am furnishing herewith status report on the BMC formation and PBR preparation under Mizoram State Biodiversity Board for your kind information and further necessary action.

Sample Affidavit for compliance of NGT Order for O.A. No.347 of 2016 Chandra Bhal Singh -Vrs-Union of India & Ors also enclosed for onward necessary action.

Enclo : As above

Yours faithfully,

  
( LIANDAWLA )  
Member Secretary  
Mizoram Biodiversity Board  
Mizoram :: Aizawl

**STATUS OF FORMATION OF BMCs AND PREPARTION OF PBRs UNDER MIZORAM STATE BIODIVERSITY BOARD**

States/UTs	District Panchayats			Intermediate Panchayats			Village Panchayats			Traditional Panchayats			Urban Local Bodies			Overall Total			Remarks							
	Total local bodies	BMCs constituted	PBRs prepared	PBRs in progress	Total local bodies	BMCs constituted	PBRs prepared	PBRs in progress	Total Local Bodies	BMCs constituted	PBRs prepared	PBRs in progress	Total Local Bodies	BMCs constituted	PBRs prepared	PBRs in progress	Total Local Bodies	BMCs constituted		PBRs prepared						
Mizoram	0	0	0	0	0	0	0	0	810	810	810	0	0	0	0	0	83	83	0	0	0	893	894	894	894	*Whose Mizoram Unuversity Campus is considered as traditional Panchayats having no separate local body BMC & PBR was constructed and documented respectively.
As on 28.9.2020																										

*[Signature]*  
20/10/20

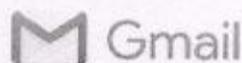
Member Secretary  
Mizoram State Biodiversity Board  
Mizoram :: Aizawl

//TRUE COPY//

05/10/2020

Chambers of Swaraj and Kotwal Mail - Fwd: NGT Case reg Sample Affidavit and Updated List of BMC and PBR

9



Ana Upadhyay &lt;anaupadhyay@swarajandkotwal.com&gt;

## Fwd: NGT Case reg Sample Affidavit and Updated List of BMC and PBR

1 message

Office Swaraj&amp;Kotwal &lt;office@swarajandkotwal.com&gt;

30 September 2020 at 16:47

To: Arshiya Ghose &lt;arshiyaghose@swarajandkotwal.com&gt;, Ana Upadhyay &lt;anaupadhyay@swarajandkotwal.com&gt;, Divyansh Tiwari &lt;divyanshtiwari@swarajandkotwal.com&gt;

----- Forwarded message -----

From: **Mizoram Biodiversity** <sbbmizoram@gmail.com>

Date: Wed, Sep 30, 2020 at 3:07 PM

Subject: NGT Case reg Sample Affidavit and Updated List of BMC and PBR

To: &lt;office@swarajandkotwal.com&gt;, NBA Secretary &lt;secretary@nbaindia.in&gt;, Sangita Mitra &lt;srcsbb@nbaindia.org&gt;

Dear All,

Please find the attached files bearing Affidavit (Sample) and updated list of BMC formation and PBR documentation (100% completed) by Mizoram Biodiversity Board for your kind information and necessary action please.

Regards,

Dr.Lalneihpuia Chhakchhuak

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| BMC List page 1.pdf     |
| List of BMC page 8.pdf  |
| List of BMC page 2.pdf  |
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 **List of BMC page 22.pdf**

Technical Associate, Mizoram State Biodiversity Board  
Environment, Forests and Climate Change Department  
Govt of Mizoram  
Aizawl, Mizoram-796001  
Ph. 9612938950, 0389-2300658 (Telefax)  
email: sbbmizoram@gmail.com

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Regards,  
T. Illayarasu  
(PA to Ms Bansuri Swaraj Barrister/Advocate & Mr. Siddhesh Kotwal Advocate)

For Chambers of Bansuri Swaraj and Siddhesh Kotwal  
J-1, First Floor,  
"Upasana" Building,  
1, Hailey Road,  
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**5 attachments**

-  **forwarding page 2.pdf**  
1192K
-  **Forwarding page 1.pdf**  
1575K
-  **Status of BMCs & PBRs.pdf**  
1861K
-  **Sample Affidavit page 2.pdf**  
1442K
-  **Sample Affidavit.pdf**  
1864K

//TRUE COPY//



Office Swaraj&amp;Kotwal &lt;office@swarajandkotwal.com&gt;

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**Compliance Affidavit\_ State of Mizoram in O.A. 347/2016 [Chandrabhal Singh vs Union of India & Ors]**

1 message

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**Office Swaraj&Kotwal** <office@swarajandkotwal.com>

Mon, Oct 5, 2020 at 2:06 PM

To: info@lifeindia.net.in, secy-moef@nic.in, m\_env@rediffmail.com, lmc.moefcc@gov.in

Cc: Siddhesh Kotwal &lt;siddheshkotwal@swarajandkotwal.com&gt;, Office Swaraj&amp;Kotwal &lt;office@swarajandkotwal.com&gt;

Respected Sir,

Hope this email finds you well. Please find attached the Affidavit filed on behalf of the State of Mizoram on 05.10.2020 in the above captioned matter, for your kind reference and record.

Best Regards,  
Ana Upadhyay  
Advocate

Junior to Mr. Siddhesh Kotwal  
Standing Counsel for the State of Mizoram  
New Delhi

J-1, First Floor,  
"Upasana" Building,  
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 **05102020 Mizoram Reply in O.A. 347 of 2016.pdf**  
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