

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL**PRINCIPAL BENCH, NEW DELHI**

Original Application No. 347 of 2016

Chandra Bhal Singh

... APPLICANT

VERSUS

Union of India (MoEF&CC) & 37 ors

... RESPONDENTS

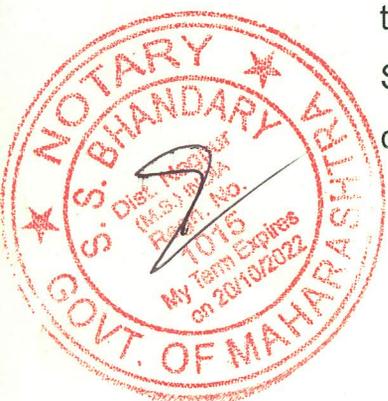
Compliance Report / Reply on behalf of Respondent no. 29
(Maharashtra State Biodiversity Board) in response to NGT, New Delhi
order dated 09/08/2019

The Respondent No. 29 (Maharashtra State Biodiversity Board) most respectfully submits, the compliance report as under:-

1. That the applicant had filed the Original Application no. 347 / 2016 before the Hon'ble National Green Tribunal, Principal Bench, New Delhi on dated 23rd May, 2016 praying that
 - a) "Direct the respective Respondents Authorities / States to constitute Biodiversity Management Committee as per Biological Diversity Act, 2002 and aligned Rules.
 - b) Direct the Union of India to take steps on implementation of Biological Diversity Act, 2002 and aligned Rules.
 - c) Direct the National Biodiversity Authority to take steps to identify the biological resources as per Act.
 - d) Direct the respective State Biodiversity Boards to prepare, maintain and validate the Peoples Biodiversity Registers within their territorial jurisdiction.
 - e) Direct that the necessary steps are taken to ensure that the Access and Benefit Sharing provisions are implemented.



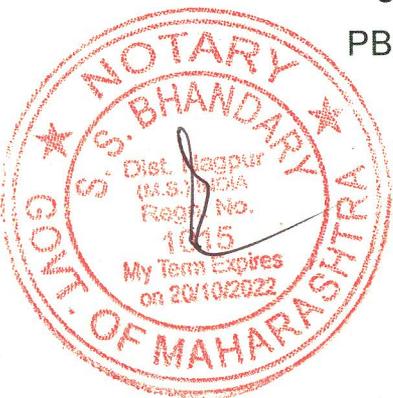
- f) Direct the Respective State Governments to sanction grants to the respective Local Biodiversity Funds for proper functioning of the BMCs at the local levels.”
2. That, in the said Original Application, the Maharashtra State Biodiversity Board is respondent number 29 .The State Government had prepared Maharashtra State Biological Diversity Rules, 2008 and as per government resolution no. WLP-1009/ C.R 15/ F-1 dated 2-1-2012, the State Government has constituted the Maharashtra State Biodiversity Board.
 3. That in pursuance to the original application, the Maharashtra State Biodiversity Board has filed its parawise reply on 15/10/2016.
 4. That after hearing a long argument and submissions made by various respondents and authorities, the Hon'ble NGT has passed order dated 09/08/2019 directing that :-
 - 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 by competent authority.

5. In compliance to NGT's order dated 09-08-2019,

- i. The Chief Secretary of Maharashtra State took first meeting of all the concerning Secretaries on 16-09-2019 and then authorized Principal Secretary (Forests) to conduct a monthly meeting of all concerned officers to review progress of constitution of BMC and documentation of PBR. Accordingly the Principal Secretary (Forests) along with other Secretaries have conducted four meetings and Video Conferences of all Collectors, Chief Executive Officers of Zilla Parishad, Chief Officers of Municipal Councils, Commissioner of Municipal Corporations in the presence of Chairman and Member Secretary of Maharashtra State Biodiversity Board.
- ii. The Maharashtra State Biodiversity Board has conducted 170 Workshops and training programs at district and block level to strengthen the capacity building of the Members / Secretaries/ Chairmans of BMCs, NGOs and Officers of line department,
- iii. The Maharashtra State Biodiversity Board has disbursed funds to BMC for preparation of PBRs.
- iv. Board has distributed booklets and leaflets for public awareness regarding procedure of Constitution of BMCs and preparation of PBRs.



v. Board also used the social media for guidance and clearing the doubts among responsible officers of all departments.

6. That before passing the order dated 09-08-2019, by Hon'ble NGT, the status of BMCs formation and preparation of PBRs was as under:-

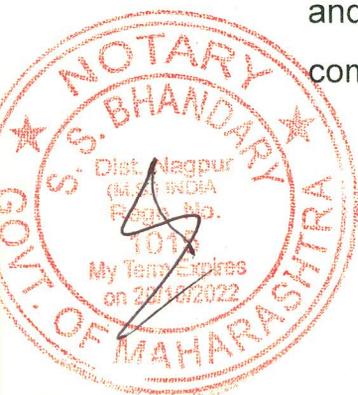
STATUS OF BMCs FORMED

Sr no	Local Bodies	Target	Achievement
1	Zilla Parishad	34	23
2	Panchayat Samiti	351	212
3	Gram Panchayat	27876	24744
4	Nagar Parishad	238	50
5	Nagar Panchayat	128	3
6	Mahanagarpalika	27	10
	Total	28654	25042

STATUS OF PBRs PREPARED

Sr no	Local Bodies	Target	Achievement
1	Zilla Parishad	34	--
2	Panchayat Samiti	351	--
3	Gram Panchayat	27876	14
4	Nagar Parishad	238	--
5	Nagar Panchayat	128	--
6	Mahanagarpalika	27	--
	Total	28654	14

7. That within a span of approximately 5 to 6 months, BMCs have been constituted in all the 28654 local bodies of the state and have achieved 100% target of constitution of BMCs. With respect to preparation of PBRs 14833 local bodies out of total 28654 have prepared their PBRs and submitted in the Board's office till 31/01/2020. In spite of the complex nature of bio-resources, state has achieved 51.76 % target of



preparation of PBRs which was almost negligible at the time of NGT's order dated 09/08/2019. The detail of the BMCs formed and PBRs prepared in the state till 31-01-2020 is as under:-

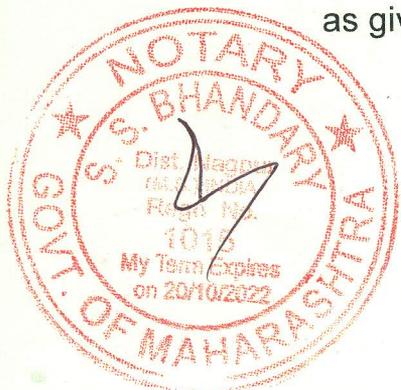
STATUS OF BMCs FORMED

Sr no	Local Bodies	Target	Achievement
1	Zilla Parishad	34	34
2	Panchayat Samiti	351	351
3	Gram Panchayat	27876	27876
4	Nagar Parishad	238	238
5	Nagar Panchayat	128	128
6	Mahanagarpalika	27	27
	Total	28654	28654

STATUS OF PBRs PREPARED

Sr no	Local Bodies	Target	Achievement
1	Zilla Parishad	34	3
2	Panchayat Samiti	351	16
3	Gram Panchayat	27876	14496
4	Nagar Parishad	238	198
5	Nagar Panchayat	128	99
6	Mahanagarpalika	27	21
	Total	28654	14833

8. It is respectfully submitted that, Maharashtra State has tried its best to complete the target of constitution of BMCs and preparation of PBRs within a stipulated period as per the NGT's order dated 09-08-2019. State has successfully completed the process of constitution of all the BMCs in the local bodies of the state. However, the process of documentation of PBRs could not be completed due to various reasons as given below;



- i. Maharashtra had state Legislative Assembly elections in the month of October, 2019. The election code of conduct was imposed in the state from 21st September, 2019 and continued till end of October, 2019. This delayed the process of preparation of PBRs.
- ii. The process of preparation of PBRs requires documentation of data of three seasons and it needs minimum one year's time for completing the process of preparation of PBRs. The terrain of the state at many places such as western ghats is highly undulating with the steep slopes and requires more time for physical verification of all bio-resources.
- iii. The rural communities represented in the BMCs require capacity building for long period to document all the bio-resources for preparation of quality PBRs.
- iv. Maharashtra is a comparatively large state having 28261 rural and 393 urban local bodies. It is a huge work to document different variety of all bio-resources for preparation of PBRs.

Prayer Clause;

It is therefore for the reason mentioned in the above para's, most respectfully prayed that, considering the sincere efforts made by the state in this direction, the Hon'ble National Green Tribunal may kindly grant one year time upto December, 2020 for completing the work of preparation of PBRs in the State of Maharashtra.


Divisional Forest Officer
(Biodiversity)

Maharashtra State Biodiversity Board

Deponent Respondent No. 29

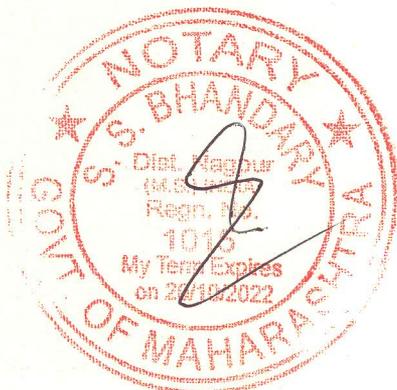
Kalpana B. Temgire

Divisional Forest Officer (Biodiversity)

For Member Secretary

Maharashtra State Biodiversity Board

Maharashtra



VERIFICATION

I, Smt. Kalpana D/o Baban Temgire, aged 37, working as Divisional Forest Officer (Biodiversity), Maharashtra State Biodiversity Board, Jaivavividhata Bhavan, Civil Lines, Nagpur-440001, authorized by Member Secretary, Maharashtra State Biodiversity Board to sign and verify the content of reply / affidavit, do hereby state on solemn affirmation that all the facts stated in the above said paragraphs No. 1 to 8 are true and correct to the best of my knowledge, belief and information on record and no new pleas have been pleaded and nothing has been concealed there from and verify the same.

Solemnly affirmed at Nagpur, State-Maharashtra on this day 13th of February, 2020.

I know and identified
the Deponent

(Shri Sandeep M. Bahirwar)

Divisional Forest Officer
(Biodiversity)

Maharashtra State Biodiversity Board

Deponent Respondent No. 29

Kalpana B. Temgire

Divisional Forest Officer (Biodiversity)

For Member Secretary

Maharashtra State Biodiversity Board

Maharashtra

SWORN / SOLEMNLY AFFIRMED

BY Kalpana B. Temgire

WHO IS PERSONALLY KNOWN

TO ME / IDENTIFIED BY Shri Sandeep M. Bahirwar

BEFORE ME THIS THE 13th

DAY OF Feb 2020 AT NAGPUR

S. S. Bhandary
S. S. BHANDARY

NOTARY

NAGPUR (M.S.) INDIA

