

NDoH 07.10.2020

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

O. A. NO. 347 OF 2016

**IN THE MATTER OF:  
CHANDRA BHAL SINGH ... APPLICANT**

**VERSUS**

**UNION OF INDIA  
AND ORS. .... RESPONDENTS**

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Filed by



Shashi Juneja  
Addl. Standing Counsel  
U.T. of Jammu and Kashmir  
21, Poorvi Apartments,  
Vasant Vihar, New Delhi-110057  
+91 997 188 7457

for RESPONDENT NO. 31

DATED 28.09.2020

(JAMMU AND KASHMIR BIO-DIVERSITY  
BOARD (NOW COUNCIL))

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

I.A. NO. OF 2020

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**PROGRESS REPORT ON BEHALF OF RESPONDENT NO. 31 (JAMMU AND KASHMIR BIO-DIVERSITY BOARD (NOW COUNCIL)) IN RESPECT OF CONSTITUTION OF BMCS AND PREPARATION OF PBRs IN COMPLIANCE OF ORDER PASSED BY THIS HON'BLE COURT AND APPLICATION FOR EXTENSION OF TIMELINE THEREFOR**

**TO**

**HON'BLE THE CHAIRPERSON AND HIS COMPANION JUSTICES/MEMBERS OF HON'BLE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH, NEW DELHI**

The humble Application of the Applicant

**MOST RESPECTFULLY SHOWETH:**

**1.** It is submitted that fresh directions for implementation of the provisions of Biological Diversity Act, 2002 and Biological Diversity Rules, 2004 were issued by this Hon'ble Court vide order dated 09.08.2019, when this Hon'ble Court was pleased to direct constitution of *Biodiversity* Management Committees (BMC)s and preparation of Peoples' *Biodiversity Register* (PBR)s (100%) by

31.01.2020, with default stipulation of a sum of Rs. 10 lacs per month w.e.f. 01.02.2020, to be realized from the defaulter and be kept with the CPCB for restoration of environment.

**2.** That this Hon'ble Court was pleased to extend the aforesaid timeline of 31.03.2020 for constitution of BMCs and preparation of PBRs to 31.10.2020 vide order dated 18.03.2020 in respect of UTs of J&K and Ladakh in the wake of Reorganization Act of J&K.

**3.** It is submitted that UT of J&K has 20 District Panchayats, 285 Intermediate Panchayats (BDCs), 4290 Village Panchayats and 78 Urban Local Bodies. The Biodiversity Management Committees have been constituted in 276 Intermediate Panchayats (BDCs), 4290 Village Panchayats and & 71 Urban Local Bodies as on 22.09.2020. In 20 District Panchayats, 9 Intermediate Panchayats (BDCs) & Urban Local Bodies, the BMCs could not be formed because the elections in these Local bodies are yet to be held. The status of formation of BMCs and preparation of PBRs in the Union Territory of Jammu & Kashmir (as on 22-09-2020) is annexed herewith and marked as **Annexure R31/1** (page 8).

**4.** It is submitted that in consultation with NBA, the UT of J&K is following a four stage process of PBR

preparation i.e. collection of data available with the line departments; compiling of data as per the prescribed formats (31 no.s) & first level consultation with BMC; scrutiny of data by the Technical Support Groups (TSGs), and finally the validation of documented PBR by the BMCs through resolution. In UT of J&K, the PBR preparation process in **4290** Village Panchayats and **71** Urban Local Bodies i.e. 93 % of total number of PBRs to be prepared has completed the second stage and they are now available as draft PBRs.

**5.** That the Government of J&K has constituted a Committee vide Govt. Order No. 87-JK(FST) of 2020 dated 04.09.2020 for planning, scheduling and working out the modalities of preparation of PBRs in the UT of J&K. Copy of Govt. Order No. 87-JK(FST) of 2020 dated 04.09.2020 is annexed herewith and marked as **Annexure R31/2**) (page 9).

**6.** That the aforesaid Committee has suggested constitution of Technical Support Groups (TSGs) at District and Block levels as per the guidelines issued by the NBA for BMC-wise scrutiny of the data on Biodiversity provided by the line departments followed by its validation by the concerned BMC. The Committee has also suggested for the Training and

Capacity building of the District/ Block level Officers involved in the preparation of PBRs to ensure that PBRs are prepared with due diligence.

**7.** That as substantial progress towards preparation of PBRs, i.e., collection of data by line departments as per 31 formats for each BMC and first consultation with all these BMCs in the meetings organized during the period of August to first week of September, 2020 has already been taken up, now the process of trainings of Block & District level officers besides scrutiny of data by the TSGs and validation of draft PBRs by BMCs is to be carried out. It is submitted that the remaining exercise is likely to consume some more time beyond the already fixed date, i.e. 31.10.2020.

**8.** It is submitted that NBA vide F. No. NBA/15/30/2019/SBB/NGT-Vol. III dated 06-07-2020 requested the State Biodiversity Boards and Union Territory Biodiversity Councils for preparation of an electronic "Dashboard" providing details of BMCs and PBRs readily available to the concerned stakeholders (Annexure IV). In this regard the "Google Form" for the UT of J&K has been created and shared with the concerned departments of UT of J&K i.e. Department of Rural Development & Panchayati Raj

and Department of Housing & Urban Development for filling up of requisite information. So far 2897 Google forms have been filled which are being scrutinized for corrections if any required. Copy of communication F. No. NBA/15/30/2019/SBB/NGT-Vol. III dated 06-07-2020 is annexed herewith and marked as **Annexure R31/3** (page 10).

**9.** That the Government of UT of J&K has constituted Jammu and Kashmir Biodiversity Council in the month of September, 2020 vide Government order No. 815-JK (GAD) of 2020 dated 02.09.2020. Copy of Govt. Order No. 815-JK (GAD) of 2020 dated 02.09.2020 is annexed herewith and marked as **Annexure R31/4** (page 11-12). It is submitted that prior to that, NBA vide Office Memorandum No. NBA/9/42/2005-SBB/UT-J&K dated 31.12.2019 delegated its powers and functions to the Jammu & Kashmir Biodiversity Council as per Paragraph 2 of Sub section (2) of Section 22 of the Biological Diversity Act, 2002 to be constituted by the Competent Authority of Union Territory of J&K for:-

- a) Regulating access to biological resources for commercial utilization as specified under Section 7 of the Act, within their jurisdiction.

- b) Supervising the formation and functioning of Biodiversity Management Committees (BMCs) and preparation of People's Biodiversity Registers (PBRs).

**10.** It is submitted that the Union Territory of Jammu & Kashmir despite facing number of constraints to complete the preparation of PBR within the stipulated time, has achieved a lot. Further, the progress in preparation of PBRs has also been hampered by Covid-19 pandemic wherein virtually all District and Block level Officers have been engaged with the Covid-19 management in UT of J&K. Another impediment being faced towards preparation of PBRs is restricted and slow internet facility in UT of J&K due to security reasons which results in interrupted communication and slow transmission of data. Further, the winter is approaching in the hilly regions of UT in Chenab valley, Rajouri & Poonch districts from November onwards. Similar conditions will also prevail in Kashmir Valley and far flung areas like Gurez, Bandipora, Karnah and Tangdhar areas of Kupwara district.

**11.** It is respectfully submitted that in view of the constraints hereinbefore mentioned, being faced by the Jammu and Kashmir Biodiversity Council in accomplishing the task in the stipulated time, the answering Respondent will be greatly obliged if this.

Hon'ble Court is pleased to further extend the timeline for preparation of PBRs to 30<sup>th</sup> June 2021.

That present application has been made bona fide and in the interest of justice.

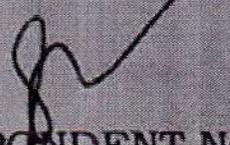
**PRAYER**

In the premises as aforesaid, it is respectfully prayed that this Hon'ble Court may graciously be pleased to:

- a) Take the progress report on record and extend the timeline for preparation of PBRs to 30<sup>th</sup> June 2021 and
- b) pass any other or further order(s) as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.

**AND FOR THIS ACT OF KINDNESS THE RESPONDENT AS IN DUTY BOUND SHALL EVER PRAY.**

Filed by

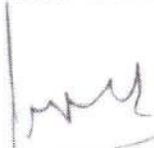


Counsel for RESPONDENT NO. 31

(JAMMU AND KASHMIR BIO-DIVERSITY BOARD (NOW COUNCIL))

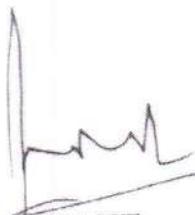


- 3. That the Annexures/documents filed herewith are true copies of their respective originals.
- 4. That the contents of this Affidavit are true to the best of my knowledge as derived from official records and nothing material has been concealed therefrom.

  
 DEPONENT

**VERIFICATION**

Verified at Jammu on this 28 day of September, 2020 that the contents of the afore-stated affidavit from para 1 to 4 are true to my knowledge, no part of it is false and nothing material has been concealed therefrom.

  
 DEPONENT

Annexure I

**Status of BMCs constitution and PBRs preparation in the Union Territory of Jammu & Kashmir (As on 22-09-2020)**

STATES / UT	District Panchayats			Intermediate Panchayats (Block Development Council)			Village Panchayats			Traditional Panchayats			Urban Local bodies			Overall Total								
	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	PBRs in progress				
Union Territory																								
Jammu & Kashmir	20	0	0	0	285	276	0	0	4290	4290	0	4290	0	0	0	0	78	71	0	71	4673	4637	0	4361

Note:- 1) Election of District Panchayats (20) is yet to be held.

2) Local bodies in 9 Block Development Councils & 7 Municipal Committees are not yet constituted.

3) The process of PBR formation in 4290 Village Panchayats and 71 Urban Local Bodies is under progress. The line departments have compiled the information pertaining to their field as per the prescribed formats. This information has been shared with BMCs in a series of meetings in the months of August and upto first week of September 2020. The BMC wise information compiled by the line departments shall be scrutinized with the help of TSG at Block level. This will be followed by validation of the data by BMCs to have a PBR in place.

Annexure - R31/2

11

Annex - II

Government of Jammu & Kashmir  
Department of Forest, Ecology & Environment  
Civil Secretariat, Jammu

**Subject :** Preparation of J&K Bio-diversity Register.

**Govt. Order No. :** 87 - JK(FST) OF 2020  
**Dated :** 04.09.2020

Whereas, the preparation of Peoples' Bio-diversity Register is being coordinated by the Forest Department with all the Urban and Rural local bodies through the respective departments and involving all concerned departments.

Now, therefore, in order to take the process further towards preparation of a Bio-diversity Register for the Union Territory, a committee of following officers is hereby constituted for planning, scheduling and working out modalities for preparing the UT level Peoples Bio-diversity Register.

1.	Asif Mahmood, IFS, Director Forest Research Institute, J&K.	Chairman
2.	T.Rabi Kumar, IFS, Chief Conservator of Forests (Central)	Member
3.	Dr Jitendra Kumar Singh, IFS, Conservator of Forest, Research Circle, FRI.	Member
4.	Harpreet Kour, I/c Special Secretary (Technical) Forest Department.	Member

The Committee shall submit its report within seven days.

**By order of the Government of Jammu & Kashmir.**

Sd/-

(Sarita Chauhan) IAS  
Commissioner Secretary to Government,  
Department of Forest, Ecology & Environment

Dated : 04.09.2020

No : FST/PCB/08/2012

**Copy to the:-**

1. Principal Chief Conservator of Forests (HoFF), J&K.
2. Joint Secretary (J&K), Ministry of Home Affairs, Government of India.
3. Director, Forest Research Institute, J&K.
4. Chief Conservator of Forests (Central).
5. Special Secretary (Technical), Forest Department.
6. Private Secretary to Commissioner / Secretary, Forests, Ecology and Environment Department.
7. Stock Register.
8. Concerned File



(Deep Raj) KAS  
Additional Secretary to Government  
Department of Forest, Ecology & Environment



सत्यमेव जयते



Annex-III

डॉ. वि. वि. माधुर  
अध्यक्षDr. V. B. Mathur  
Chairpersonराष्ट्रीय जैव विविधता प्राधिकरण  
National Biodiversity Authorityभारत सरकार  
Government of India

F. No.NBA/15/30/2019/SBB/NGT- Vol. III

dated 06<sup>th</sup> July, 2020To  
The Chairman/Member Secretary of all SBBs and UTBCs  
(As per list)

Sub: Preparation of an electronic "Dashboard" on the status of BMCs and PBRs in States and Union Territories- reg.

Dear Sir/Madam,

In view of the Order passed by Hon'ble NGT concerning the establishment of BMCs and preparation of PBRs across the country, substantial progress has been made and further efforts are underway in the States and UTs to complete the task at the earliest.

In this regard, it was felt that the State Biodiversity Boards (SBBs) and Union Territory Biodiversity Councils (UTBCs) need to have an electronic "Dashboard" providing the details of BMCs and PBRs readily available to the concerned stakeholders. In the last review meeting of SBBs and UTs held on 29<sup>th</sup> June 2020, a pilot was shared by NBA taking help of sample data of 925 BMCs from two districts of Maharashtra. A simple and standard version of "Google Form" could be utilised for this purpose, which would facilitate integration, mapping and analysis of the data at a later stage (See Annex I).

In order to take the process of preparation of electronic "Dashboard" forward, the guidelines and the "Google Form" have been created and are enclosed herewith for your State /UT.

The States and UTs are requested to fill in the details in the prescribed format at the earliest convenience. As the number of BMCs is variable and so the PBR, States and UTs having BMCs less than 1000 may upload the data in the prescribed format on or before 5<sup>th</sup> August, 2020 and the others by 5<sup>th</sup> September, 2020.

The progress in preparation of electronic "Dashboard" will be reviewed in the next meeting of the SBBs /UTBC, scheduled on 30<sup>th</sup> July, 2020. Your kind attention is requested for timely completion of the task.

Encl: as above

Yours faithfully,

  
(V. B. Mathur)

Government of Jammu and Kashmir  
General Administration Department  
Civil Secretariat, Srinagar.

**Subject:** Constitution of Jammu and Kashmir Biodiversity Council in the Union territory of Jammu and Kashmir.

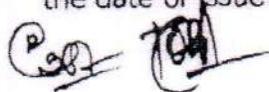
**Government Order No.815-JK(GAD) of 2020**  
**Dated:02.09.2020**

Sanction is hereby accorded to the constitution of the Jammu and Kashmir Biodiversity Council, with the following composition;

<b>A)</b>	Principal Chief Conservator of Forests (HoFF), J&K	Chairman
<b>B)</b>	<b>Ex-Officio Members:-</b>	
1.	Director, Forest Research Institute, J&K.	Member Secretary
2.	Chief Wildlife Warden, J&K.	Member
3.	Representative of Department of Forest, Ecology & Environment (not below the rank of Additional Secretary).	Member
4.	Representative of Department of Rural Development & Panchayati Raj (not below the rank of Additional Secretary).	Member
5.	Representative of Department Agriculture Production and Farmers Welfare (not below the rank of Additional Secretary).	Member
<b>C)</b>	<b>Non-Official Members:-</b>	
1.	Dr. C. M Seth IFS (Retd.), Eminent Wildlife Expert.	Member
2.	Dr. Om Prakash Sharma, IFS (Retd.), Eminent Biodiversity Expert.	Member
3.	Professor Geeta Sumbli (Retd.), Mushroom Expert.	Member
4.	Dr. Anzar Khuroo (Botanist), Department of Botany, University of Kashmir.	Member
5.	Dr. Sushil Verma, Division of Biodiversity, Baba Ghulam Shah Badshah University, Rajouri.	Member

**It is further ordered that:-**

- i) The term of office of the non-official members of the Biodiversity Council shall be for a period of three years from the date of issue of the order;



- ii) The office of the Jammu and Kashmir Biodiversity Council shall be at the place designated for the purpose by the Competent Authority;

**The terms of reference of the Council shall be as under:-**

- i) The Council shall function as per the provisions of the Biological Diversity Act, 2002 (Central Act 18 of 2003) and the Biological Diversity Rules, 2004;
- ii) The Council shall constitute a fund, after concurrence of the Finance Department, which shall be known as "Jammu and Kashmir Biodiversity Council Fund" and all the fees, charges and benefit sharing amount received by the Council shall be credited to it. The amount so received in the Fund shall be used only for the purposes mentioned in section 27(2) of the Biological Diversity Act, 2002;
- iii) The Council shall perform the functions within the jurisdiction of the Union territory of Jammu and Kashmir;
- iv) The Council shall, in consultation with the National Biodiversity Authority, notify the format and procedures for seeking approvals as required under Section 7 of the Act.

**By Order of the Lieutenant Governor.**

(Rohit Sharma) KAS

Additional Secretary to the Government  
Dated 02.09.2020

No. GAD(Adm)68/2020-IV

Copy to the:-

1. All Financial Commissioners.
2. Director General of Police, J&K.
3. All Principal Secretaries to the Government.
4. Principal Secretary to the Lieutenant Governor.
5. Principal Resident Commissioner, J&K Government, New Delhi.
6. Chief Electoral Officer, J&K.
7. Joint Secretary (J&K), Ministry of Home Affairs, Government of India.
8. All Commissioners/Secretaries to the Government.
9. Divisional Commissioner, Kashmir/Jammu.
10. Commissioner/Secretary to the Government, Department of Forest, Ecology & Environment. **The Departmental U.O file is returned herewith.**
11. All Deputy Commissioners.
12. Director Information, J&K.
13. All Heads of Departments.
14. Director, Social Welfare, Kashmir/Jammu.
15. Director, Archives, Archaeology & Museums.
16. Private Secretary to Director General, Narcotics Control Bureau, Ministry of Home Affairs, Government of India.
17. Private Secretary to the Chief Secretary, J&K.
18. Private Secretary to Advisor (S)/(F)/(B) & (BK) to the Lieutenant Governor.
19. Private Secretary to Commissioner/Secretary to the Government, GAD.
20. Government Order/Stock file/Website, GAD