



## Odisha Biodiversity Board

(Forest & Environment Department, Government of Odisha)

Regional Plant Resource Centre Campus  
Ekamrakanan, Nayapalli, Bhubaneswar 751 015 Odisha

No. Estt. 133/OBB/2020/ 3908 Bhubaneswar

Date: 30.9.2020

From

Dr. Nihar Ranjan Nayak  
Member Secretary

To

**The Hon'ble National Green Tribunal,  
Principal Bench  
New Delhi**

Sub: Submission of Compliance Report on O.A. no. 347 of 2016 Chandra Bhal Singh-Vrs-  
Union of India & Others before the National Green Tribunal, New Delhi-Reg.

Sir,

In inviting a reference to the Judgment passed by the Hon'ble National Green Tribunal, New Delhi dated 18.3.20 on the matter of O.A. no. 347 of 2016, Odisha Biodiversity Board is submitting herewith the "Compliance Report" on behalf of the State of Odisha on the above mentioned matter. The Compliance Report is enclosed herewith for kind information.

Yours faithfully,

**Member Secretary**

Encl: As above.

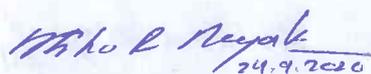
**Compliance Report of Odisha Biodiversity Board on the Constitution of Biodiversity Management Committees (BMCs) and Preparation of Peoples' Biodiversity Registers (PBRs) in accordance with the orders passed by the Hon'ble National Green Tribunal, New Delhi on matter of O.A. 347/2016**

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I, Dr. Nihar Ranjan Nayak, Member secretary, Odisha Biodiversity Board on behalf of State of Odisha, having office at Regional Plant Resource Centre Campus, Nayapalli, Bhubaneswar, do hereby solemnly state and affirm as under:-

1. That, the deponent is the Member Secretary, Odisha Biodiversity Board and in course of discharge of his official duties, deponent has become conversant with the fact of the instant case and being duly authorized on this behalf by the State of Odisha, the deponent is fully competent to swear the present compliance report.
2. That, the Hon'ble National Green Tribunal in the present case, had issued, *inter alia*, directions vide Order dated 9.8.2019 for constitution of Biodiversity Management Committees (BMCs) and preparation of Peoples' Biodiversity Registers (PBRs) in all states by 31.1.2020.
3. That, In pursuance to Section 22 of the Biological Diversity Act, 2002, Odisha Biodiversity Board has been constituted by the state Government under the administrative control of Forest and Environment Department, Government of Odisha, vide notification number 10F (TR) 61/2008/18823/F&E, dated 11.11.2009. The Board is functioning since then to implement the legal provisions of the Biological Diversity Act 2002 & Rules 2004 in the state with full effect. In exercise of the powers conferred by sub-sections (1) and (2) of Section 63 of the Biological Diversity Act 2002 (No. 18 of 2003), the State Government has notified Odisha Biological Diversity Rules, 2012 vide notification No-10-F(TR)52/2012/22461/ F & E., dated 03.12.12.

  
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The main objective of Odisha Biodiversity Board is to implement the Biological Diversity Act, 2002 which envisages conservation of biodiversity, sustainable use of its components and fair and equitable sharing of benefits arising out of the use of biological resources and associated traditional knowledge. Along with other activities, the Board is to facilitate constitution of Biodiversity Management Committees (BMC) and preparation of Peoples' Biodiversity Registers (PBR) at District, Block and Gram Panchayat levels and in all Urban Local Bodies in the State..

4. That, the status of constitution of Biodiversity Management Committees (BMC) and preparation of Peoples' Biodiversity Registers (PBR) in Odisha by 21<sup>st</sup> September, 2020 is given below.

*Constitution of Biodiversity Management Committees (BMCs):*

Odisha Biodiversity Board, with the technical and administrative support of Panchayati Raj & Drinking Water Department, Housing and Urban Development Department and Forest & Environment Department, Government of Odisha, has facilitated and completed constitution of **7,090** BMCs out of total **7,256** local bodies and achieved **98%** success towards constitution of Biodiversity Management Committees (BMCs) at all levels i.e. District, Block, Gram Panchayat and Urban Local Bodies. The details are provided below:

District level		Block level		Gram Panchayat level		Urban local body level		Total	
Total no. of Districts	BMC constituted	Total no. of Blocks	BMC constituted	Total no. of Gram Panchayats	BMC constituted	Total no. of Urban local bodies	BMC constituted	Total local bodies	Total BMC constituted
30	12	314	191	6798	6773	114	114	<b>7256</b>	<b>7090 (98%)</b>

Though some more BMCs might have been constituted by the Panchayati Raj & Drinking water Department, the documents/informations have not been received by Odisha Biodiversity Board due to complete/partial/localised lockdowns and shutdowns in view of COVID-19 pandemic in the country. The required data under the current situation

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can't be collected from District, Block and Gram Panchayat level functionaries because all the state machineries are functioning in the fight against the corona virus pandemic and the situation is unavoidable at the present time.

*Preparation of Peoples' Biodiversity Registers (PBRs):*

Odisha Biodiversity Board through its own effort and in consultation with the BMC members and other experts has facilitated the preparation of 2264 Dynamic PBRs (31%) in the State till 21.9.20. Preparation of rest of the Dynamic PBRs is under progress.

District level		Block level		Gram Panchayat level		Urban local body level		Total	
Total no. of Districts	PBR prepared	Total no. of Blocks	PBR prepared	Total no. of Gram Panchayats	PBR prepared	Total no. of Urban local bodies	PBR prepared	Total local bodies	PBR prepared
30	21	314	0	6798	2243	114	0	<b>7256</b>	<b>2264</b>

- That, the Board has earlier submitted affidavit on the matter of O.A. 347/2016 in February 2020 and Interlocutory Application in May 2020. Copies of the affidavit and IA are enclosed for kind information. As mentioned in these affidavits, it is very much difficult to obtain huge amount of funds from the State/Central Government required for the preparation of PBRs in the current situation of COVID-19 pandemic. It has also been very difficult to carry out inventories of bioresources through Participatory Rural Appraisal (PRA) exercises, household surveys, collect primary and secondary informations and other required exercises for the preparation of PBRs due to the existing restrictions in travelling and conducting meetings. Keeping in mind all these constraints, the Board has developed a web based application hosted at [www.pbrodisha.in](http://www.pbrodisha.in) for the preparation PBRs on line to comply the orders of Hon'ble National Green Tribunal in short period of time. The Board will provide log in credentials to all the Biodiversity Management Committees constituted in the state to input data as per the prescribed formats in electronic form. The scientists

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and subject experts of the PBR monitoring Committee constituted by the Board will supervise and monitor the veracity of data and quality of PBRs. However, it is still not being possible on the part of Panchayats to fill the data in the PBR in the web application due to the current COVID-19 pandemic situation prevailing in the State, where all the staffs of Panchayats are involved in handling the COVID-19 situation. Till 21<sup>st</sup> September 2020, the number of active cases crossed 30,000 mark. The Sarpanches of the Gram Panchayats have been given special authority by the State Government and the Panchayat staffs have been engaged to deal with the situation.

6. That, under the above circumstances, the Board has further accelerated its effort to obtain as much information from various line Departments of the State. Further, adequate numbers of dedicated Junior Research Fellows and staffs have been engaged for the online entry of information with consultation BMC members for the preparation of Dynamic PBRs. In this process, the Board may be able to complete the preparation of PBRs by 31<sup>st</sup> December 2020.
7. That, the People's Biodiversity Registers are legal as well as technical documents, which need to be prepared by the BMCs as per Rule 22(6) of the Biological Diversity Rules 2004. It contains comprehensive information on plants, animals and other biological resources, knowledge and perception of local people, traditional knowledge associated with bioresources of the particular area and also on landscape and peopescap. Thus the PBRs are dynamic documents where addition of new informations would continue to be added and the PBRs would continue to be updated on getting new informations
8. That, with a view to provide inputs for the PBR formats prescribed by the National Biodiversity Authority in 2013, comprehensive study and collection of data on demography, landscape, peopescap, local markets, traditional practitioners, flora, fauna and other local

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biological resources and traditional knowledge associated with them are essential. Importantly, first-hand information through multi-seasonal studies has to be collected through field survey and resource inventories. Identification of plants and animals also require expert consultations and assistance of subject specialists on different plant and animal groups. To achieve this goal, BMC members have to be trained and sensitized on local biological resources and traditional knowledge possessed by these communities have to be recorded through Participatory Rural Appraisal (PRAs), house hold interviews, individual interviews and in consultation with village heads and traditional knowledge-holders.

9. That, authentic and recorded data are being collected from various Government Departments like District Statistical office, Forest and Environment Department, Agriculture Department, Horticulture Department, Fisheries and Animal Resources Department, Panchayati Raj and Rural Department, ST & SC Department, Housing and Urban Development Department, Health and Family Welfare Department, Universities, colleges, research organizations, and other academic institutions, NGOs, SHGs, volunteers and other local bodies.
10. That, Odisha is a developing State in the country and at present, facing severe financial crunch due to the economic impact caused by the ongoing country-wide and localised lockdowns/shutdowns in order to fight against spread of Coronavirus (COVID-19). The Government of Odisha has also ordered financial austerity measures to cut short nonessential expenditures. In such a peculiar situation along with financial crisis, the compensation of Rs. 10.00 lakhs per month starting from 01.02.2020 till full compliance of the orders of the Hon'ble NGT Dt. 09.08.2019 and Dt.18.03.2020 to pay to the Central Pollution Control Board (CPCB) by State of Odisha is not be possible in view of the current financial situation.

  
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11. That, once the COVID-19 pandemic in the country is over, the compliance of the order of the National Green Tribunal will be the first priority of the state in this matter. It will take a reasonable time to get the situation under control. Till that period the waiver of the fine may kindly be granted by the Hon'ble Court.
12. That, with all humility, it is submitted that Government of Odisha is committed to achieve 100% formation of BMCs and preparation of Dynamic PBRs at all levels till 31<sup>st</sup> December 2020 or after normalization of the present COVID-19 pandemic situation in the State.
13. It is, therefore, humbly prayed that in view of the unusual crisis due to rise of the novel Corona virus (COVID-19) pandemic and consequent financial constraints of the State, the Hon'ble National Green Tribunal may sympathetically consider to waive out the penalties imposed on the State of Odisha for delay in completion of 100% constitution of Biodiversity Management Committees (BMCs) and preparation of Peoples' Biodiversity Registers (PBRs) by 31.01.2020 in compliance of the order of Hon'ble National Green Tribunal Dt. 09.08.2019 and 18.03.2020 or pass any such order or further direction(s), this Hon'ble Tribunal deems fit and proper in the facts and circumstances stated above.

  
24/12/2020

**Member Secretary  
Odisha Biodiversity Board  
Bhubaneswar**

**Member Secretary  
Odisha Biodiversity Board**