

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

IN THE MATTER OF:

Chandra Bhal Singh,

...Petitioner(s)

Versus

Union of India & Ors.

...Respondent(s)

STATUS REPORT OF K.S. JAYACHANDRAN, DEPUTY
CONSERVATOR OF FOREST (HQ) GOVERNMENT OF NCT OF DELHI:

I, K.S. Jayachandran, Deputy Conservator of Forest (HQ) Department of Forest and Wildlife, Government of NCT of Delhi, 2nd Floor, A-Block, Vikas Bhawan, I.P. Estate, New Delhi-110002, do hereby solemnly affirm and state as under:-

1. The Hon'ble National Green Tribunal's order dated 9th August, 2019 is concerned with the issue of 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. Vide the earlier order dated 12.04.2019, noticing huge gap in constitution of BMCs and preparation of PBRs, Hon'ble National Green Tribunal had issued various directions to be complied within three months and it also directed that a report be filed by Ministry of Environment, Forest and Climate Change (MoEF&CC). The States which remained non-compliant were asked to furnish their explanation.
3. The MoEF&CC filed a report dated 02.08.2019 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.
4. The Hon'ble National Green Tribunal noted in the present order dated 09 August 2019, that PBR progress 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; and that there is zero progress in Bihar and Jammu & Kashmir on BMCs. The order then directed Chief Secretaries of the aforesaid defaulting states to take action against Panchayat Secretaries and evolve a mechanism for

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monthly meetings of chairman / members of State Biodiversity Boards etc.

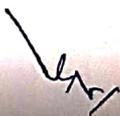
5. Against the above background, the following are humbly submitted:

- a) As per the Biological Diversity Act, 2002, Section 41(1) **every local body has to constitute Biodiversity Management Boards (BMCs)**, within its area for the purpose of promoting conservation, sustainable use and documentation of biological diversity including preservation of habitats, conservation of land races, folk varieties and cultivars, domesticated stocks and breeds of animals and microorganisms and chronicling of knowledge relating to biological diversity. The Biodiversity Management Boards are to prepare Plant Biodiversity Registers (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.
- b) The Biological Diversity Act, 2002 stipulates in chapter VI (22.(1)) that, no State Biodiversity Board shall be constituted for a Union Territory and in relation to a Union territory, the National Biodiversity Authority (NBA) shall exercise the powers and perform the functions of a State Biodiversity Board for that Union territory: Provided that in relation to any Union territory, the National Biodiversity Authority may delegate all or any of its powers or functions under this sub-section to such person or group of persons as the Central Government may specify.

c) A meeting was convened by NBA on 30.09.2019 in MoEF&CC to review the progress of formation of Biodiversity Management Committee (BMCs) in pursuance of this Hon'ble National Green Tribunal Order in the present case, which was attended by representatives of 29 State Biodiversity Boards and Rural Development & Panchayat Raj Departments.

d) During the minutes it was decided that **Hon'ble NGT order does not state anything about UTs and that the MoEF&CC/NBA are already seized of the issue and would therefore be expediting delegation of powers to a council like body in respect of UTs**, so that they are able to discharge all the delegated functions and initiate action for achieving the targets like in states. It was further decided that **MoEF&CC and NBA will take early action in establishing a council like body in the UT's with adequate delegation of powers so that in UT's also BMCs are constituted and preparation of PBRs begins apart from other activities as envisaged in the Act and Rules**. National Biodiversity Authority has accordingly delegated its powers and functions vested with the National Biodiversity Authority to the National Capital Territory of Delhi Biodiversity Council on 31.12.2019. The process of constituting the National Capital Territory of Delhi Biodiversity Council is in progress.

6. A copy of the aforesaid order passed by Hon'ble NGT has also been forwarded to the Urban Development Department of NCT of Delhi for



their information and necessary action, as the subject of local bodies in NCT of Delhi is allocated to the Urban Development Department.



DEPONENT

VERIFICATION

I the above named deponent do hereby verify that the contents of this affidavit are true and correct to my knowledge based on record and nothing material has been concealed therefrom.

Verified at New Delhi on the 17th day of June, 2020



DEPONENT