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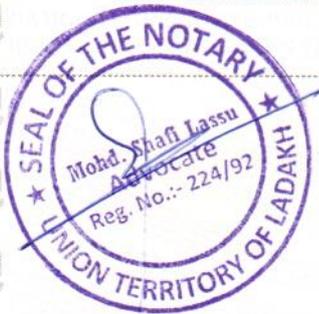
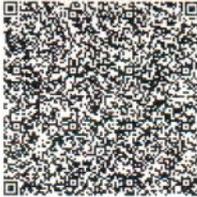
INDIA NON JUDICIAL

THE ADMINISTRATION OF UNION TERRITORY OF LADAKH

Rs. 10

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THE ADMINISTRATION OF UNION TERRITORY OF LADAKH

**BEFORE THE PRINCIPAL BENCH OF THE
HON'BLE GREEN TRIBUNAL, NEW DELHI
(O.A.NO. 347 of 2016)**

Chandra Bhal Singh

Applicant

Vs.

Union of India & others Aa

Respondent(s)

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AFFIDAVIT
(REPORT IN COMPLIANCE WITH THE ORDERS OF THE HON'BLE TRIBUNAL)

I, Md. Sajid Sultan, S/o Mirza Asghar Sultan, aged 36 years and presently officiating as the Chief Wild Life Warden Ladakh, with additional charge of Member Secretary, Ladakh Biodiversity Council (LBC), do hereby solemnly affirm and state as follows:

1. I am conversant with the facts of the case and competent to swear the present affidavit.
2. In exercise of the powers conferred under Section 22(2) of the Biological Diversity Act, 2002, the NBA (National Biodiversity Authority) as specified by the Central Government, delegated its powers and functions to the Ladakh Biodiversity Council vide Office Memorandum: *F.No.NBA/9/42/2005-SBB/UT-L* dated 31.12.2019, along with the letter addressed to Hon'ble Lieutenant Governor from National Biodiversity Authority vide letter no. *F.No. NBA/9/279/2009-SBB/UT-L/3458* dated 20.01.2020 enclosed as Annexure I and II respectively.
3. Consequently, Ladakh Biodiversity Council was constituted in the Union Territory of Ladakh vide Order no. 12 of 2020-21 dated 30-07-2020. The order is enclosed as Annexure III.
4. The works done in the Union Territory of Ladakh with respect to implementation of the Biological Diversity Act, 2002 is enclosed as Annexure IV.
5. The status of BMC formation and PBR preparation in the Union Territory of Ladakh is as follows:

Total BMCs to be formed	Total PBRs to be prepared	As on 30 th September 2020	
		BMCs constituted	PBRs prepared
195	31	04	0

6. With regard to PBR preparation, it is to state that due to uniformity in the availability of the biological resources in Ladakh landscape and its associated traditional knowledge between various panchayats, preparation of PBRs as a cluster approach for each block shall be adhered to.

In the case of Union Territory of Ladakh, the Hon'ble Tribunal has extended the deadline for formation of BMCs and preparation of PBRs till 31st October 2020. Whereas, it is to bring into the notice of the Hon'ble Tribunal that the Ladakh Biodiversity Council requires some more time for completing the BMCs formation and PBRs preparation due to the following reasons:

- As, the Ladakh Biodiversity Council is recently formed, it is still in its nascent stage and due to lack of manpower and experience, LBC requires sufficient time to set up office, recruit staff, planning and carrying out the mandated tasks.
 - As the winter season is arriving, most of the villages in Ladakh would be difficult to access due to heavy snowfall and temperature dropping down to -25°C to -30°C . Therefore, mobilizing people to field for PBR work would be extremely difficult from December to March.
8. That deponent do hereby seek extension of deadline to June 2021 so that Ladakh gets sufficient time for proper implementation and compliance to 100% constitution of BMCs and preparation of PBRs.
 9. All facts stated above are true to the best of my knowledge, information and belief.

VERIFICATION:

Verified at Leh, Ladakh on this **5th day of October 2020**, that the contents/ averments made in the affidavit is true and correct, as such nothing material whatsoever is concealed or misrepresented therein.

**EXECUTION ADMITTED
HENCE ATTESTED**

MOHD. SHAFI LASSU
NOTARY PUBLIC

(Deponent)

(Deponent)



National Biodiversity Authority

राष्ट्रीय जैव विविधता प्राधिकरण

(A Statutory body of Ministry of Environment, Forest and Climate Change, Government of India)



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तरमणि, चेन्नई - 600113 तमिल नाडु, भारत

F.No.NBA/9/42/2005-SBB/UT-L

Dated: 31.12.2019

OFFICE MEMORANDUM

Sub: Constituting 'Ladakh Biodiversity Council' to implement the provisions of the Biological Diversity Act, 2002 – regarding

In exercise of the powers conferred under sub section (2) of Section 22 of the Biological Diversity Act, 2002 (Central Act 18 of 2003), the National Biodiversity Authority as specified by Central Government in OM No. CS-C12017/6/2019-CS.III dated 30.12.2019 of the Ministry of Environment, Forest and Climate Change, hereby delegates its powers and functions vested with the National Biodiversity Authority to the Ladakh Biodiversity Council constituted as per Paragraph 2 for:

- Regulating access to biological resources for commercial utilization as specified under Section 7 of the Act, within their jurisdiction.
- Supervising the formation and functioning of Biodiversity Management Committees (BMCs) and preparation of People's Biodiversity Registers (PBRs)

2. Composition of the Council

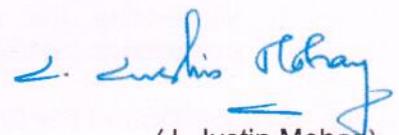
- The Council shall be headed by a Chairperson who shall be an eminent person having adequate knowledge and experience in the conservation and sustainable use of biological diversity and in matters relating to equitable sharing of benefits, to be appointed by the competent authority in the Union Territory of Ladakh.
- The Council shall have not more than five ex-officio Members representing the concerned departments of the Union Territory in accordance with Section 22(4) (b) of the Act who shall be appointed by the Competent Authority in the Union Territory of Ladakh.
- The Council shall have not more than five Members who have expertise in matters relating to biological diversity in accordance with Section 22 (4) (c) of the Act who shall be appointed by the Competent Authority in the Union Territory of Ladakh.
- The Council shall appoint a Member Secretary who shall be responsible for co-ordinating and convening meetings of the Council, maintenance of records of the proceedings of the Council and such other matters as may be assigned to him/her by the Council.

3. Terms and Conditions

- The Term of office of the non-official members of the Ladakh Biodiversity Council shall be for a period of three years from the date of issue of the Order by the UT Administration.

:2:

- b. The office of the Ladakh Biodiversity Council shall be at the place designated for the purpose by the Competent Authority of the Union Territory of Ladakh.
- c. 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.
- d. The UT administration shall constitute a fund which shall be known as the 'Ladakh 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 'Ladakh Biodiversity Council Fund' shall be used only for the purposes mentioned in Section 27 (2) of the Biological Diversity Act, 2002.
- e. The administrative expenses towards the functioning of the Council shall be borne by the UT administration.
- f. The Council shall perform the functions within the jurisdiction of the Union Territory as has been vested to the State Biodiversity Boards under various provisions of the Biological Diversity Act.
- g. The Council shall in consultation with National Biodiversity Authority notify the format and procedures for seeking approval as required under Section 7 of the Act.
- h. The Ladakh Biodiversity Council shall come into existence from the date of issue of the Order or until further Orders, whichever is earlier.
- i. If any difficulty arises in giving effect to the provisions of this OM, the National Biodiversity Authority may, by order, not inconsistent with the provisions of the Biological Diversity Act, remove the difficulty.


 (J. Justin Mohan)
 Secretary, NBA

To
 The Chief Secretary,
 Union Territory of Ladakh.

Copy to:

- 1. The Joint Secretary, CS Division, MoEFCC, New Delhi
- 2. The Director, CS-III Division, MoEFCC, New Delhi



राष्ट्रीय जैव विविधता प्राधिकरण NATIONAL BIODIVERSITY AUTHORITY

5th Floor, TICEL Bio Park, CSIR Road, Taramani, Chennai – 600 113, Tamil Nadu, India
5 फ्लोर टाईसल बायोपार्क, सीएसआईआर रोड, तारमणि, चेन्नै – ६०० ११३, तमिलनाडु, भारत



Phone : 044- 2254 2777
Fax : 044-2254 1200

Email : admn@nba.nic.in
Website : www.nbaindia.org

F.No. NBA/9/279/2009-SBB/UT-L /3458

Dated 20th January, 2020.

To

The Hon'ble Lieutenant Governor,
Union Territory of Ladakh,
Leh-Ladakh - 194 101.

Sub: Constituting 'Ladakh Biodiversity Council' to implement the provisions of the Biological Diversity Act, 2002 – regarding

Sir,

I am directed to enclose herewith the Office Memorandum No. NBA/9/42/2005-SBB/UT-L dated 31.12.2019 for constituting 'Ladakh Biodiversity Council' to implement the provisions of the Biological Diversity Act, 2002 for necessary action.

Yours faithfully,

(G.Kannan)

Administrative Officer

Encl: As above.

Copy to: The Commissioner / Secretary, Forest, Ecology & Environment, Union Territory of Ladakh, Leh-Ladakh - 194 101.

20/01/2020
प्रेषक / Despatcher
राष्ट्रीय जैव विविधता प्राधिकरण
National Biodiversity Authority
5वां फ्लोर, टाईसल बायोपार्क
5th Floor, TICEL Biopark
सीएसआईआर रोड / CSIR Road,
तारमणि, चेन्नई / Taramani, Chennai - 600 113.



THE ADMINISTRATION OF UNION TERRITORY OF LADAKH
Department of Forest, Ecology and Environment
Civil Secretariat, UT-Ladakh

Phone No. 01982-257561 (O), Fax No. 257435, Email: commrsecy-ladakh@gov.in

Subject: Constitution of Ladakh Biodiversity Council in the Union Territory of Ladakh for implementing Biological Diversity Act, 2002

Order No. 12 OF 2020-21

Dated: 30 - 07 - 2020

In exercise of the powers conferred under sub-section (2) of Section 22 of the Biological Diversity Act, 2002 read with Office Memorandum *F.No. NBA/9/42/2005-SBB/UT-L* dated 31.12.2019 and the National Biodiversity Authority letter No. *F.No. NBA/9/279/2009-SBB/UT-L/3458* dated: 20.01.2020, the Hon'ble Lieutenant Governor UT-Ladakh is pleased to constitute the "Ladakh Biodiversity Council" with the following members for the purpose of the said Act:

Chairman	Advisor to Hon'ble Lt. Governor, Union Territory of Ladakh
Ex-Officio Members	
1	Administrative Secretary, Forest, Ecology and Environment
2	Administrative Secretary, Rural Development Department
3	Chief Conservator of Forests
4	Chief Wild Life Warden (Member Secretary)
5	Director, Defence Institute of High-Altitude Research

Non-Officio Members	
1	Dr. Padma Gurmet, National Research Institute of Sowa Rigpa, Leh
2	Representative, G.B. Pant National Institute of Himalayan Environment and Sustainable Development, Regional Centre, Ladakh
3	Dr. Javed Iqbal, HoD Zoology department, Degree College, Kargil
4	Mr. Jigmet Dadul, Senior Program Manager, Snow Leopard Conservancy India Trust
5	Ms. Stanzin Namdol, Consultant – Community based Natural Resource Management, SECURE Himalaya, UNDP, Department of Wildlife Protection, Ladakh

i) Functions of the Council

The functions of the Biodiversity Council, as per the Office Memorandum issue by the National Biodiversity Authority, shall be to:

- a. regulate access to biological resources for commercial utilization as specified under Section 7 of the Act, within their jurisdiction
- b. supervise the formation of functioning of Biodiversity Management Committees (BMCs) and preparation of People's Biodiversity Registers (PBRs)

X

ii) **Terms and Conditions**

- a. The term of office of the non-official members of the Ladakh Biodiversity Council shall be for a period of three years from the date of issue of the order by the UT administration.
- b. The Office of the Ladakh Biodiversity Council shall be at the place designated for the purpose by the competent authority of the Union Territory of Ladakh.
- c. The Council shall function as per the provisions of the Biological Diversity Act, 2002 and the Biological Diversity Rules, 2004.
- d. The UT administration shall constitute a fund which shall be known as the "Ladakh Biodiversity Council Fund" and all the fees, charges and benefit sharing amount received by the Council shall be used only for the purposes mentioned in Section 27(2) of the Biological Diversity Act, 2002.
- e. The administrative expenses towards the functioning of the Council shall be borne by the UT administration.
- f. The Council shall perform the functions within the jurisdiction of the Union Territory as has been vested to the State Biodiversity Boards under various provisions of the Biological Diversity Act.
- g. The Council shall in consultation with National Biodiversity Authority notify the format and procedure for seeking approval as required under Section 7 of the Act.
- h. The Ladakh Biodiversity Council shall come into existence from the date of issue of the Order.

By order of the Hon'ble Lieutenant Governor

Sd/-
(Rigzian Sampheal) IAS
Commissioner Secretary
Forest, Ecology & Environment,
UT-Ladakh

No. *CWLW/LBC/2020/230-35*

Dated:- 30-07-2020

Copy to the:-

1. Chairman, National Biodiversity Authority
2. Secretary, National Biodiversity Authority
3. OSD to Hon'ble Lt. Governor, for kind information of the Hon'ble Lt. Governor, UT Ladakh
4. OSD to Advisor to Hon'ble Lt. Governor, for kind information of the Advisor, UT Ladakh
5. OSD to Commissioner Secretary, for kind information of the Commissioner Secretary, UT Ladakh
6. All the afore-mentioned Members of the Council for information.

(Md. Sajid Sultan)
(Md. Sajid Sultan) IFS
Chief Wild Life Warden
Union Territory of Ladakh

ANNEXURE IV

The following works were done in the Union Territory of Ladakh with respect to implementation of the Biological Diversity Act, 2002:

Work Done	Details	Date	Work coordinated by
Letter sent to all the Panchayats for constitution of BMCs	As Section 41(1) of the Biological Diversity Act states that every local body shall constitute a BMC, the letter was sent to all the Panchayats from the office of the Director, Rural Development Department.	22-06-2020	Wildlife Department, Rural Development Department, UNDP
Constitution of Ladakh Biodiversity Council	Ladakh Biodiversity Council was formed with Advisor to Hon'ble Lt. Governor as the Chairperson and Chief Wild Life Warden as the Member Secretary.	30-07-2020	UT administration, Wildlife Department, UNDP
Constitution of four BMCs	BMCs were formed under Section 41(1) of the Act after consultation with the Panchayat members.	07-08-2020 – 17-08-2020	Ladakh Biodiversity Council
ABS consultation meeting conducted	An application submitted by the Weleda AG company of Switzerland seeking consent to access 500 kg of the Seabuckthorn from Shey village was discussed with the respective BMCs and advised to give consent for the same.	02-09-2020	National Biodiversity Authority, Ladakh Biodiversity Council
Letter submitted to NBA for engagement of staff in the office of the Ladakh Biodiversity Council.	Staff requirement in the office of the Council is the need of the hour to complete mandated tasks on time.	03-09-2020 15-09-2020 (revised letter submitted)	Ladakh Biodiversity Council
File moved for conducting 1 st meeting of Ladakh Biodiversity Council	A file vide <i>CWLW/LBC-MEET/2020/025</i> dated 11/09/2020 was moved to seek time and date for conducting 1 st meeting of the Ladakh Biodiversity Council. The meeting will include discussion of the implementation plan for various provisions of the Act and to set up a system for overall functioning of the council to carry out the mandated tasks.	11/09/2020	Ladakh Biodiversity Council