

BEFORE THE NATIONAL GREEN TRIBUNAL (NGT)

Principal Bench, New Delhi

Original Application No. 347/2016

IN THE MATTER OF

CHANDRA BHAL SINGH

VERSUS

UNION OF INDIA & ORS.

.....Application

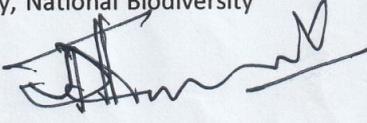
.....Respondents

AFFIDAVIT IN COMPLIANCE OF ORDER DATED AUGUST 09, 2019 PASSED IN O.A.NO, 347/2016 BY THE HON'BLE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH.

I, Shri DJN Anand , IFS, Member Secretary, Manipur Biodiversity Board, Govt. of Manipur, do hereby solemnly affirm and state at Imphal on this 27th day of January, 2020 as under:

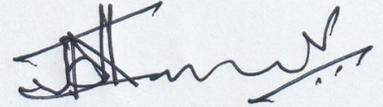
1. That presently, I am holding the post of I am also discharging the function of Member Secretary, Manipur Biodiversity Board, Government of Manipur. Therefore, am conversant with the facts and circumstances of the case. I am competent to affirm this affidavit.
2. That the instant affidavit is being affirmed in compliance of the order dated 09-08-2019 passed in the above referred O.A. no. 347/2016 passed by the Hon'ble National Green Tribunal, Principal Bench, New Delhi.
3. That the State of Manipur have been making all the necessary efforts to fully comply with the mandate of the Biodiversity Diversity Act, 2002 and the Rules framed thereunder in letter and spirit.
4. That in spite of our best effort, it may not be possible to fully comply with the mandated Act particularly, Constitution of BMCs at all Local Body levels as per Section 41 of the said Act and Preparation of PBRs which requires intensive technical field works and huge financial involvement and that fixed timeline of 31st January, 2020 for both may be difficult to achieve. It is pertinent to point out that the total requirement of fund for constitution of BMCs and preparation of PBRs is Rs.1576.20 lakhs (Rupees fifteen crores seventy six lakhs and twenty thousand) only. The State Government has been approached several times to provide the necessary funds for the works and the timeline set by the Hon'ble National Green Tribunal has also been made known to the Government. However, due to acute financial crunch faced by the State Government, no fund could be provided by the State Government. Having no other means, Manipur Biodiversity Board has approached National Biodiversity Authority to provide the required fund of Rs.1576.20 lakhs (Rupees fifteen crores seventy six lakhs and twenty thousand) only as Grant.
5. That in pursuance of the said order dated 9th August, 2019, a detailed report showing the present status for constitution of BMCs and Preparation of PBRs including the expenditure to be involved as per NBA guidelines was submitted to the Secretary, National Biodiversity Authority on 15th October, 2019.


27-01-2020
Thokchom Bimol Singh
Oath Commissioner (Judicial)
Imphal East District, Manipur
Regd. No. 372/2018


Member Secretary
Manipur Biodiversity Board

A copy of the status report on action taken in compliance of Hon'ble NGT order dated 09-08-2019 passed on O.A No. 347/2016 and the monetary involvement for carrying out the works of Constitution of BMCs and Preparation of PBRs is annexed herewith Annexure-I

6. That, the State of Manipur requires more time to comply with the relevant provisions of the Biological Diversity Act, 2002 and the rules framed thereunder including the orders and directives of the Hon'ble NGT. I further state that the state government is taking up all necessary steps to achieve its mandate by exploring all possible means for implementation of the Biological Diversity Act, 2002 in letter and spirit.

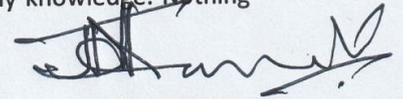


DEPONENT

VERIFICATION

Member Secretary
Manipur Biodiversity Board

Verified at Imphal on this day 6th November, 2019 and that the statements made in the foregoing paras of this affidavit are true and correct to the best of my knowledge. Nothing materials has been concealed thereof.



DEPONENT

Member Secretary
Manipur Biodiversity Board


27.01.2020
Thokchom Bimol Singh
Oath Commissioner (Judicial)
Imphal East District, Manipur
Regd. No. 372/2018

MANIPUR BIODIVERSITY BOARD

Compliance/Action Taken report on order 09.08.2019 of the Hon'ble NGT by Manipur

O.A. No. 347 of 2016

Chandra Bhal Singh -Vs- Union of India & Ors

(24-01-2020)

(a). Constitution of BMCs:

The state of Manipur has been covered by the Autonomous District Councils in each of the ten (10) districts in the Hill areas and Zilla Parishads, Gram Panchayats and Municipal Local Bodies in the Valley areas of six (6) Valley districts. Admissible "Start Up Fund" for constitution of "Biodiversity Management Committees" as per National Biodiversity Authority (NBA) guidelines (Estimated amount for Constitution of BMCs and Preparation of People's Biodiversity Registers (PBRs) enclosed separately) has not been provided or paid to the newly constituted BMCs either from Manipur Biodiversity Board or National Biodiversity Authority (NBA). To comply with Hon'ble NGT order, the concerned Local Bodies were requested to bear the expenditure for constitution of BMCs under the assurance that "the Admissible Start Up Fund" would be reimbursed as and when the fund is received from NBA or other sources. BMCs are constituted in tie up with Rural Development & Panchayati Raj Department Govt. of Manipur in respect of Panchayats & Zilla Parishads, MAHUD Department for Urban Local Bodies and the ADCs for Hill Villages and are expected to be completed as soon as possible though strict timeline cannot be enforced.

(b). Preparation of People's Biodiversity Registers:

Preparation of PBRs requires intensive field works carried out with the help of "Subject Matter Specialists" and villagers requiring time, financial resources and energy. A total number of 37(thirty seven) PBRs are prepared as on date 24.01.2020. Constitution of balance number of BMCs needs to be completed on priority followed by the preparation of PBRs. Preparation has to go on continuously with the available technical manpower and financial resources from the State or NBA or other sources. However, mandatory writing of PBRs by all BMCs may not be really necessary for the State as some of the Hill villages are quite small in size and the vegetation more or less the same. However, details for each village will be incorporated separately in the prepared People's Biodiversity Registers. The state of Manipur is committed to effectively implement the Biodiversity Act, 2002.

Details of BMC constitution in the **State of Manipur** as on 24/01/2020 are given in the table:

District Panchayats / Zilla Parishad			Municipal. Corporation /Councils/Nagar Panchayats			Gram/ Village Panchayats			Total BMCs constituted at all levels	% coverage constituted of Total BMCs (at village levels)	No. of PBRs Documented	No. of PBRs in progress
Total	Constd.	Balanc e	Total	Constd.	Balannce	Total	Constd.	Bala nce				
1	2	3	4	5	6	7	8	9	10	11	12	13
6(ZP)	6 (100%)	Nil	27 (ULB)	27 (100%)	Nil	GP- 161	159 (98.76 %)	2	1344	58.59	37	162
6(ADC)	6 (100%)	Nil				HV-2082	1146 (55.0%)	936				
12	12	0	27	27	0	2243	1305	938	1344	58.90	37	162

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Handwritten signature in blue ink.
**Member Secretary
 Manipur Biodiversity Board**

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**Thokchom Bimol Singh
 Oath Commissioner (Judicial)
 Imphal East District, Manipur
 Regd. No. 372/2018**

The Manipur Biodiversity Board (MBB) has been assigned the target to prepare 12 (twelve) PBRs in the valley districts which will cover all the villages/Towns in the valley areas. Whereas it is targeted to prepare 6 (six) PBRs at the Autonomous District Council level and 144 (one hundred forty four) nos. of PBRs in the Block/Village level in the Hills. This 150 (one hundred fifty) PBRs in the Hill Districts will cover all areas of Towns/Villages in the Hill districts of Manipur. However, successful achievement of targets for constitution of BMCs and preparation of PBRs will be subject to availability of Fund, which is a limiting factor.

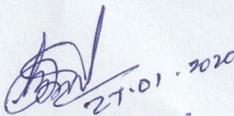
(c). Local Bodies:

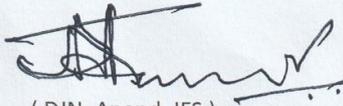
1.	<i>District Panchayats:</i>		
	i. Zilla Parishads (Valley Areas)	=	6 (ZP)
	ii. Autonomous District Councils	=	6 (ADC)
2.	<i>Intermediate Panchayats:</i>		
	i. Municipal Corporation, M/ Council ,Nagar Panchayats	=	27(ULB)
3.	<i>Gram Panchayat:</i>		
	i. Gram Panchayat	=	161 (GP)
	ii. Village Panchayat/ Authority (Hill Village)	=	2082 (Provisional see 9 d1.2.)(HV)
		Total:	2282

(d) Remarks:

1. Constitution of BMCs to cover the entire range all the hill districts in the state (90% of the geographical area of the State) at District/ ADC levels.
2. Hill Village number is tentative since, during Naga-Kuki conflict in the state, many villages are displaced and abandoned and also new villages were formed. The figure as indicated is as per Statistical Year Book of Manipur 2018, Govt. of Manipur
3. The state is mountainous and hilly, to reach out to all villages spreading over ten (10) numbers of districts in the hills inhabited by over 33 different tribes, due to poor road connectivity coupled with local incidents of law and order has been a major challenge to take up the assigned tasks.
4. Focus on biodiversity awareness is being provided through ADCs.
5. The Manipur Biodiversity Board continues to encourage the Autonomous District Councils for achieving assigned targets. Progress regarding constitution of BMCs is intimated to the National Biodiversity Authority (NBA) periodically.
6. 30 BMCs constituted at Village Level in the valley areas have been merged with GP level BMCs constituted in the Valley Areas as **Gram Panchayat** is the lowest "Local Body" in the valley area (Rural). In the Hills, Villages under **Village Authority** which is a local body is the level mandated under Section 41 (i) of BD Act, 2002 and B.D. Rules, 2004.
7. The total number of Hill Villages is corrected from 2515 to 2082 after receiving correct figures from the respective Deputy Commissioners and hence, the number of BMCs to be constituted in the Hills has been reduced from 2515 to 2082.

The Hon'ble NGT is requested to kindly extend the time limit for constitution of BMCs upto August, 2020 and for preparation of PBRs, at least, upto December, 2021 in view of the prevailing financial crunch in the State Government and inability of Manipur Biodiversity Board to garner funds from other sources.


Thokchom Bimol Singh
 Oath Commissioner (Judicial)
 Imphal East District, Manipur
 Regd. No. 372/2018


 (DJN. Anand, IFS)
 Member Secretary
 Manipur Biodiversity Board
 Member Secretary
 Manipur Biodiversity Board

MANIPUR BIODIVERSITY BOARD

District wise figure of BMCs constituted under Manipur Biodiversity Board as on 23.01.2020 and fund requirement

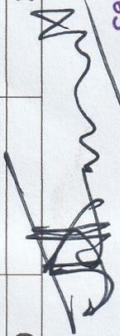
A. Hill

Sl. No.	District	Target (Vil+ADC)	Achievement	Pending	Amount for BMC constitution (Rs. in Lakhs)	Amount already spent	Fund requirement For BMC const.
1	Senapati + Kangpokpi	669+2	367	304	403.40	16.20	387.20
2	Ukhrul + Kamjong	213+1	110	104	128.80	15.60	113.20
3	Tamenglong + Noney	174+1	119	56	105.40	6.60	98.80
4	Churachandpur + Pherzawl	596+1	292	305	358.60	6.60	352.00
5	Chandel + Tengnoupal	430+1	264	167	259.00	3.00	256.00
	TOTAL (HILL)	2082+6=2088	1152	936	1255.20	48.00	1207.20

B. VALLEY

Sl. No.	District & No. of ULB	Urban local body level	No. of BMC to be constituted	No. of BMC already constituted	Pending	Amt. for BMC const. (Rs in Lakhs)	Amt. spent (Rs in Lakhs)	Fund requirement For BMC const.
1	Imphal East & West-1	Municipal Corporation	1	1	Nil	0.80	Nil	0.80
2	I. Imphal – East - 1 II. Imphal – West - 3 III. Thoubal - 4 IV Bishnupur - 7 V. Kakching - 4 VI. Jiribam - 1	Municipal Council	21	21	Nil	16.80		16.80
3	I. Imphal – East = 1 II. Imphal – West = 3 III. Thoubal = 1	Nagar Panchayat	5	5	Nil	3.00		3.00
	Sub-total (ULB)		27	27	0	20.60		20.60


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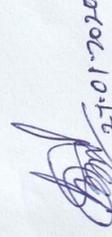
Sl No	District	Panchayati Raj Institutions level	No. of BMC to be constituted	No. of BMC already constituted	Pending	Amount for BMC constitution (Rs in Lakhs)	Amt. spent (Rs in Lakhs)	Fund requirement For BMC const.
1	Imphal East, Imphal West, Jiribam, Bishnupur, Thoubal, Kakching.	Zilla Parishad	6	6	0	6.00	11.60	
2	-do-	Gram Panchayat	161	159	2	96.60		
	Sub-total (PR)		167	165	2	102.60	11.60	91.00
	Total (Valley)		194	192	2	123.20	11.60	111.60
	Grant total		2088+194 = 2282	1152+192 1344	936+2 = 938	1255.20+123 1378.40	48+11.60 59.60	1207.20+111.60 1318.80

ABSTRACT :

- i) Total no. of BMCs to be constituted : (Hill + Valley) = (2088 + 194) = 2282 nos.
- ii) Total no. of BMCs constituted : 1344
- iii) Total no. of BMCs yet to be constituted: 938
- iv) Total fund requirement = (Rs. 1255.20 +123.20) = Rs. 1378.40 lakhs
- v) Present fund requirement = Rs. 1378.40 – 59.60 (already spent) = Rs. 1318.80 lakhs.
(Rupees Thirteen crores eighteen lakhs & eighty thousand) only



Member Secretary
Manipur Biotechnology Board



Oath Commissioner (Judicial)
Imphal East District, Manipur
Regd. No. 372/2018

PREPARATION OF PBR

Sl. No.	District/ ADC	Target of PBR	Achievement	Pending	Fund Requirement (Lakhs Rs)	Amount Spent (Lakhs Rs)	Fund Requirement
1	Senapati + Kangpokpi	55(2+24+24) Normal - 50 Spl - 5	5	50	82.35	5.75	76.70
2	Ukhrul + Kamjong	34(1+24) Normal - 25 Spl - 9	9	25	48.65	10.35	38.30
3	Tamenglong + Noney	28(1+24) Normal - 25 Spl - 3	3	25	41.75	3.45	38.30
4	Churachandpur + Pherzawl	30(1+24) Normal - 25 Spl - 5	5	25	44.05	5.75	38.30
5	Chandel + Tengnoupal	26(1+24) Normal - 25 Spl - 1	1	25	39.45	1.15	38.30
	Sub Total (Hills) :	173	23	150	256.25	26.45	229.80
VALLEY DISTRICT							
1	Urban Local Body	6	-	6	13.80	-	13.30
2	Zilla Parishad	6		6	13.80	-	13.30
3	Gram Panchayat Village level	Spl. 14	14	-	16.10	16.10	
	Sub - Total (Valley)	26	14	12	43.70	16.10	27.60
	Grand Total (Hill + Valley)	199	37	162	299.95	42.55	257.40



Member Secretary
Mamit, J. J. BioUniversity, Buxar, Jharkhand


Thekchom Bimol Singh
Oath Commissioner (Judicial)
Imphal East District, Manipur
Regd. No. 372/2018

ABSTRACT FOR PREPN. OF PBR

PBR TO BE PREPARED & FUND REQUIREMENT								
Total no. of PBRs to be prepared		Fund Requirement			Already spent		Total Fund Requirement	
Hill	Valley	Hill	Valley	Hill	Valley	Hill	Valley	
150+23=173 (24x6=144 Vil. 1x6 = 6 ADC 1x23=23 Spl)	12+14=26 (6-ZP 6 ULB 14-Spl.)	229.80+26.45=256.25	27.60+16.10=43.70	26.45	16.10	229.80	27.60	
162		42.55			257.40			

*** No. of PBRs to be Prepared**

1. ULB = @ 1 PBR / Dist. @ 2.30lakhs/PBR (Valley)
2. ZP = @ 1 PBR / ZP/ Dist. @ 2.30lakhs/PBR (-do-)
3. ADC = @ 1 PBR/ADC @ 2.30 lakhs/PBR (Hill)
4. ADC Member @ 24 nos. /ADC-1 PBR/ one Member & 24 PBRs/ADC

ii) No. of PBRs to be prepared: =150+12+ 37 = 199 (less already prepared) 37= 162 nos.

Amount Required for preparation of PBR =(229.80+27.60+42.55) = 299.95 - 42.55 (already spent) = Rs. 257.40 lakhs

Fund requirement for Constitution of BMCs & Preparation of PBRs			
Grand Total (Hill + Valley)	Total No. of BMCs to be constituted (H+V)	Amount for Constitution of BMC	Amount for Preparation of PBR
	2282	1318.80	257.40
		162	1576.20

(Rupees fifteen crores seventy six lakhs & twenty thousand) only

(Signature)
27-01-2020

Thokchom Bimol Singh
Oath Commissioner (Judicial)
Imphal East District, Manipur
Regd. No. 372/2018

(Signature)

(DJN. Anand, IFS)

PCCF & Member Secretary
Manipur Biodiversity Board

Member Secretary
Manipur Biodiversity Board