

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

**Original Application No. 347 of 2016**

**IN THE MATTER OF:**

**Chandra Bhal Singh Vs. Union of India & Ors.**

**CORAM : HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON  
HON'BLE DR. JUSTICE JAWAD RAHIM, JUDICIAL MEMBER  
HON'BLE MR. JUSTICE S.P. WANGDI, JUDICIAL MEMBER  
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

<b>Present:</b>	<b>Applicant:</b>	<b>Mr. Ritwick Dutta and Mr. Saurabh Sharma, Adv.</b>
	<b>Respondents:</b>	<b>Ms. Shashi Juneja, Adv. for State of Chattisgarh Mr. R. Rakesh Sharma, Mr. V. Mowli, Adv. for State of TN &amp; TNPCB Mr. Anil Grover, AAG, Mr. Mishal Vij and Mr. Rahul Khurana, Adv. Mr. V. K. Shukla and Ms. Vijay Laxmi, Adv. for State of MP Mr. Shuvodeep Roy and Mr. Vinyak Gupta, Adv. for State of Assam Mr. Anil Shrivastav, Mr. Rituraj Biswas and Ms. Sujaya Bardhan, Mr. Satyendra Kumar Srivastav, Adv. for State of Arunachal Pradesh Mrs. Aruna Mathura, Mr. Avneesh Arputham and Ms. Anuradha Arputham, Ms. Geetanjali, Adv. for State of Sikkim Ms. Priyanka Sinha, Ms. Shristi Sinha, Adv. for State of Jharkhand Mr. Bhanwar Pal Singh Jadon, Adv. for State of UP Mr. Rituraj Biswas and Mr. Shuvodeep Roy, Adv. Mr. Nishant Talwar, Adv. Mr. Amit Tiwari, Adv. for State of UP Mr. Preshit Surshe, Adv. for State of Maharashtra Mr. Shubham Bhalla, Adv. Mr. Mukul Singh adv for R-1, R-2 &amp; 7 Ms. D. Bharati Reddy and Ms. Priyanka, Adv. for State of Uttarakhand Ms. Ruchira Gupta, Bhaskar Chhakara, Adv. for Goa State Bio-diversity Board Mr. Shoeab Alam and Mr. Gautam Singh, Adv. for State of Bihar Mr. Shiv Mangal Sharma, AAG and Mr. Saurabh Rajpal, Mr. Adhiraj Singh, Adv. for State of Rajasthan Mr. Nishe Rajen Shonker, Ms. Anu K.Joy Adv. and Alim Anvar, Adv. for State of Kerala Mr. Edward Belho, AAG, Mr. Luikang K. Michael and Ms. Hoinathiam, Adv. for State of Nagaland Ms. G. Indira, Adv. for State of Andaman &amp; Nicobar Mr. Pragyan Pradip Sharma, Anandini Kumari, Adv. for State of Mizoram Mr. Tarunvir Singh Khehar and Ms. Guneet Khehar and Mr. Sandeep Mishra, Adv. for GNCTD Mr. Devraj Ashok, Adv. for State of Karnataka Mr. Rajkumar, Adv. for CPCB Mr. P. Venkat Reddy &amp; Mr. Prashant Tyagi, Adv. for State of Telangana</b>

**Mr. Shashank Bajpai, Ms. Shakun Sudha Shukla, Advs. for State of Odisha**  
**Mr. Richa Pandey, Adv.**  
**Mr. Abhimanyu Garg and Preety Makkr, Advs. for Govt. of Puducherry**  
**Ms. Aprajita Kukherjee, Adv. for State of Meghalaya**  
**Mr. Leishangthem Roshmani. KH, Adv. for State of Manipur**  
**Mr. Bhanwar Pal Singh Jadon, Adv. for State of Uttar Pradesh**  
**Mr. Raja Chatterjee and Ms. Abhinandini Yadav and Mr. Piyush Chatterjee Advs.**  
**Mr. Manish Kumar, Adv. for State of HP**  
**Mr. G. M. Kawoosa, Adv**  
**Advs.**

	<b>Date and Remarks</b>	<b>Orders of the Tribunal</b>
	<p> <b>Item No. 09</b>  <b>August 08, 2018</b>  <b>R</b> </p>	<p> 1. This application puts forward the grievance of non-compliance of provisions of the Biological Diversity Act, 2002 and Biological Diversity Rules, 2004. It is stated that various States/Authorities have failed to constitute adequate number of Biodiversity Management Committees at the local level which is mandate under Section 41 of the Biological Diversity Act, 2002. They have also failed to prepare, maintain and validate the People's Biodiversity Register as required to be done under Rule 22 of the Biological Diversity Rules, 2004. The Biodiversity Management Committees have failed to collect the charges through collection fees from the people who have accessed the biological resource for the commercial purposes under Section 41(3) of the Biological Diversity Act, 2002. The State Governments have failed to provide grants and loans to the respective State Biodiversity Boards as prescribed under Section 42 and 43 of the said Act. </p> <p> 2. This Tribunal issued notices to all the States and Union Territories Boards and Authorities. The matter has been considered on several dates in the last 2 years. It is not necessary to refer to all the proceedings. Some State Boards have filed their respective affidavits mentioning the </p>

	<p><b>Item No.</b> <b>09</b></p> <p><b>August 08,</b> <b>2018</b></p> <p><b>R</b></p>	<p>steps taken for enforcement of Act and the Rules.</p> <p>3. Learned counsel for the applicant has stated that there are gaps in the implementation of the Acts and the Rules. Steps have to be taken by the authorities. There are 2,51,428 local bodies but there are 46,317 Biodiversity Management Committee (BMCs) in India. BMCs have been constituted in only 18.42% of the local bodies. Learned counsel for the Ministry of Environment, Forest &amp; Climate Change and National Biodiversity Authority disputes this stand. According to him, number of BMCs as on 06.08.2018 is 73,367. Even if we accept the figure mentioned by the learned counsel for the MoEF &amp; CC and the NBA as against the requirement of about 2.5 lakhs, the constitution of BMCs is only about 30% of the local bodies.</p> <p>4. In view of the above, it appears to be necessary that there is need for further monitoring of this aspect by the MoEF &amp;CC and NBA jointly with the target of ensuring that the legal requirements are complied with within 6 months from today. With this target, the monitoring meetings be held once in a month. The nodal agency for conducting the meeting and monitoring the compliance of the statutory requirements will be the MoEF &amp; CC.</p> <p>5. A copy of this order be sent to the MoEF &amp; CC for compliance by e-mail.</p> <p>6. The MoEF &amp; CC may send a compliance report to the Tribunal by e-mail at <i>filing.ngt@gmail.com</i> on or before 31.03.2019. The Monitoring Committee may also consider compliance of other requirements including People's Biodiversity Registers.</p>
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	<p><b>Item No.</b> <b>09</b></p> <p><b>August 08,</b> <b>2018</b></p> <p><b>R</b></p>	<p>The application is disposed of.</p> <p>List for consideration of such report on 25<sup>th</sup> February, 2019.</p> <p>....., CP (Adarsh Kumar Goel)</p> <p>....., JM (Dr. Jawad Rahim)</p> <p>.....,JM (S.P. Wangdi)</p> <p>.....,EM (Dr. Nagin Nanda)</p> <p style="text-align: right;">08.08.2018</p>
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