



Jammu and Kashmir Biodiversity Council

Agenda

for

2nd Meeting of Jammu and Kashmir (UT)

Biodiversity Council

on

05.10.2021

Under

The Chairmanship Of

Dr. Mohit Gera, IFS

Pr. Chief Conservator of Forests/Head of Forest Force

Jammu and Kashmir (UT) &

Chairman, J&K Biodiversity Council

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AGENDA NOTE

SECOND MEETING OF JAMMU & KASHMIR (UT) BIODIVERSITY COUNCIL

Agenda Item No. 2.0

Introduction and Background

India is a party to the **United Nations Convention on Biological Diversity** signed at Rio de Janeiro on the 5th day of June, 1992 pursuant to which **Biological Diversity Act, 2002** was enacted vide **No. 18 of 2003** dated **05-02-2003** to provide for :-

- a) Conservation of biological diversity,
- b) Sustainable use of its component, and
- c) Fair and equitable sharing of the benefits arising out of the use of Bio-resources.

This was followed by creation of National Biodiversity Authority (NBA) in 2003. As per the Act the implementation of Biological Diversity Act, 2002 is through three Tier decentralized system.

- a) National Biodiversity Authority (NBA) at National level (as per Sec. 8), headquartered at Chennai.
- b) State Biodiversity Boards (SBBs) at state level (as per Sec.22).
- c) Biodiversity Management Committees (BMCs) at local level e.g., Village/Block/District/Urban local bodies (as per Sec.41)

Main purpose of implementation of Biological Diversity Act, 2002 is to regulate access to Biological Resources as per the following sections;

- a) Sec 3– Certain persons not to undertake Biodiversity related activities without approval of NBA.
- b) Sec 4- Result of research not to be transferred to certain persons without approval of NBA.
- c) Sec 6 – Application for intellectual property rights (IPR) not to be made without approval of NBA.
- d) Sec 7- Prior intimation to SBB for obtaining bio- resources for certain purposes.

One of the mandates of Biological diversity Act is the formation of BMCs and Preparation of PBRs under **sec 41** of the **Biological Diversity Act, 2002** for proper implementation of the BD Act. The said section reads as:-

“Every local body shall constitute a BMC 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.”

Sec 2 (h) of **Biological Diversity Act, 2002** has defined the local bodies as:-

“Local bodies “means Panchayats and Municipalities, by whatever name called, within the meaning of Clause(1) of Article 243 B and Clause(1) of Article 243 Q of the constitution and in the absence of any Panchayats or Municipalities, Institutions of Self- Govt. constituted under any other provision of Constitution or any Central Act or State Act”.

Further, as per **Rule-22 (1)** of Biological Diversity Rules, 2004, the Biodiversity Management Committees (BMCs) have to be constituted by the respective local bodies in their area of jurisdiction, the said Rule reads as:-

“Every local body shall constitute a Biodiversity Management Committee (BMC) within its area of jurisdiction”.

Preparation of PBRs is mandated under BD Act,2002 & is the responsibility of BMCs.

- a) The PBR should contain comprehensive information on availability and knowledge of local biological resources, their medicinal or any other use or any other traditional knowledge associated with them.
- b) The information needs to be documented in prescribed formats.
- c) PBRs shall be maintained and validated by the BMCs.
- d) PBR formation requires formation of Technical Support Groups (TSGs) at District level/ Block level including representatives from the Departments of Forest, Agriculture, Horticulture, Veterinary, Fisheries, NGOs, etc to guide BMCs.
- e) Government departments to provide secondary data for PBR preparation.
- f) Cooperation from Panchayats and participation of Local People is to be ensured.

Important Developments on Implementation of Biodiversity Act and Rules.

The Hon'ble National Green Tribunal (NGT) in the matter of OA 347 of 2016 (I.A No. 471/2016) issued directions during hearing on 09-08-2019 for constitution of BMCs and PBRs (100%) by 31-01-2020 failing which coercive measures would be considered and sum of Rs.10 lakhs per month from 01-02-2020 should be realized from the defaulter and amount to be kept with the CPCB for restoration of environment.

Consequent upon the implementation of Reorganization of J&K State Act, 2019, resulting in bifurcation of the Jammu and Kashmir State into two Union Territories i.e. Union Territory of Jammu & Kashmir and Union Territory of Ladakh, NBA vide Office Memorandum No. NBA/9/42/2005-SBB/UT-J&K dated 31.12.2019 delegated its powers and functions to the Jammu & Kashmir Biodiversity Council to be constituted by the Competent Authority of Union Territory as per Paragraph 2 of Sub section (2) of Section 22 of the Biological Diversity Act, 2002 of J&K for :-

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

Reply affidavit was filed on behalf of Union Territory of J&K in the matter of Chandra Bhal Singh Vs Union of India & Ors before the Hon'ble NGT on 12th of Feb 2020. **Hon'ble NGT** in its direction in the above said case on 18-03-20 extended the time for constitution of BMCs and preparation of PBRs from 31-1-2020 to 31-10-2020 in respect of UTs of J&K and Ladakh in the wake of J&K Reorganization Act, 2019. The following direction was passed with respect to Jammu & Kashmir and Ladakh.

“In view of the above, we do not find any merit in the applications seeking extension of time. The States may ensure compliance and for the delay, compensation has to be paid as already directed. Only exception which may have to be made is for Jammu & Kashmir and Ladakh on account of developments in the wake of Jammu & Kashmir

Reorganization Act, 2019 and peculiar situation which prevailed as mentioned in the affidavit dated 11.02.2021 filed on behalf of UT of J&K. The time in respect of UTs of J&K and Ladakh will stand extended upto 31.10.2021. For delay beyond the said date, compensation at the same rate as applicable to other States/ UTs will be payable from 01.11.2020”.

The J&K UT Government constituted Jammu and Kashmir Biodiversity Council in the month of September, 2020 vide Government order No. 815-JK (GAD) of 2020 dated 02-09-2020.

A fresh affidavit was filed on 28th November 2020 in the matter of Chanra Bhal Singh Vs Union of India & Ors before the Hon’ble NGT. It was submitted that UT of J&K has 20 District Panchayats, 285 Intermediate Panchayats (BDCs), 4290 Village Panchayats and 78 Urban Local Bodies. The Biodiversity Management Committees stood constituted in 276 Intermediate Panchayats (BDCs), 4290 Village Panchayats and 71 Urban Local Bodies. In 20 District Panchayats, 9 Intermediate Panchayats (BDCs) & 7 Urban Local Bodies, the BMCs could not be formed because the elections in these Local bodies were not held till then. Further, the **Hon’ble NGT** was also informed on preparation of PBRs. It was submitted that the Union Territory of Jammu and Kashmir in spite of facing number of constraints prepared 4290 PBRs at village Panchayat level (100%) and 71 PBRs at Urban Local Body level (100% of constituted BMCs) duly validated by the respective BMCs.

The status of BMCs formation and PBRs preparation in the Union Territory of Jammu & Kashmir is given in the following table.

Status of BMCs formation and PBRs preparation in the Union Territory of Jammu & Kashmir

STATES / UT	District Panchayats				Intermediate Panchayats (Block Development Council)				Village Panchayat				Traditional Panchayat				Urban Local Bodies				Overall Total			
	Total Local bodies	BMCs Constituted	PBRs Prepared	PBRs in Progress	Total local bodies	BMCs constituted	PBRs prepared	PBRs progress	Total local bodies	BMCs constituted	PBRs prepared	PBRs in progress	Total local bodies	BMCs constituted	PBRs prepared	PBRs in progress	Total local bodies	BMCs constituted	PBRs prepared	PBRs in progress	Total local bodies	BMCs constituted	PBRs prepared	PBRs in progress
Union Territory Jammu & Kashmir	20	0	0	0	285	276	0	0	4290	4290	4290	0	0	0	0	0	78	76	76	0	4673	4642	4366	0

AGENDA

Agenda 2.1

Acceptance/ Approval of Minutes of first meeting of J&K Biodiversity Council held on 25th February, 2021 at Van Bhawan, Jammu.

The said minutes are placed before the Committee for approval.

Agenda 2.2

Action taken on the decisions of First meeting of J&K Biodiversity Council

S. No	Agenda Item	Meeting Decisions	Action Taken
1	Headquarter of J&K Biodiversity Council	It was decided that the office of the J&K Biodiversity Council would be located in the office building of PCCF, J&K at Jammu and JKFR I Complex Sonwar at Srinagar during the winter and summer months respectively on the pattern of Government move offices.	The office of the J&K Biodiversity Council is functional at Jammu from the office of the PCCF, J&K and at Srinagar in J&K Forest Research Institute Complex Sonwar.
2	Updation of PBRs for UT of J&K and Migration to e-PBRs	It was decided that efforts shall be made for completing the first level updation of PBRs by May 2021. The forest frontline staff like Forest Guards & Rehber-e-Junglat (R-e-J) would be assigned different panchayats spread across UT of J&K. In addition Research Scholars would also be involved for the updation of PBRs in consultation with the respective BMCs. It was also decided that 1-2 Village Panchayat Level BMCs would be selected and activated in every block, and 1 Urban Local Body level BMC would be selected and activated at the district level. For migration to e-PBR a dedicated team of officials /Members would be constituted who would work with NBA for migration of data to e-PBR platform. Dr. Anzar Khuroo will head the expert group along with two more members to be nominated by the J&K Biodiversity Council.	In the first stage of updation of PBRs 570 PBRs were updated covering 126 Blocks. Further in the month of August Junior Research Fellows (3 each from Jammu & Kashmir Province) were again engaged for updating the remaining PBRs. As on date a total of 707 PBRs covering 164 blocks have been updated and the updation of remaining PBRs is in progress. For migration to e-PBR, an expert committee headed by its chairperson Dr. Anzar A. Khuroo (Botanist) Department of Botany, University of Kashmir was constituted and assigned the task vide Order No. 03 of 2021 dated 06.04.2021.

S. No	Agenda Item	Meeting Decisions	Action Taken
3	Creation of Awareness and Training of Govt. Officials	A module for training needs to be prepared in collaboration with the Extension Division of SKAUST Kashmir & SKAUST Jammu. It was decided to constitute a three members committee comprising Dr. C.M. Seth, Sh. Om Prakash Sharma and Dr. Sushil Verma, who will draw a road map and module for awareness creation and training of Government officials of forest and other linedepartments.	A committee headed by its chairperson Dr. C.M Seth, IFS (Retd.) was constituted to draw a road map and module for Awareness Creation and Training of Govt. Officials vide Order No. 02 of 2021 dated 06.04.2021.
4	Remuneration for the non-official members attending the meeting	The agenda was approved and it was decided that remuneration would be paid to the non-official members of the Council as per norms of NBA or for such committees in J&K. A similar remuneration/ sitting fee has been approved by the Government for the members of the Expert Committees recently. The Member Secretary, J&K Biodiversity Council shall put up the proposal for remuneration to be paid to non-official members of the council by 15 th March 2021 for its onward submission to the Government for approval.	The letter in this regard was written to Administrative Department vide No. JKUT/ BC/ Gen/ 2020-21/ 98-99 dated 30-03-2021 for approval of Remuneration of Rs.5000/- for each Non-Official member per sitting of the J&K Biodiversity Council. This was followed by reminder to Administrative Deptt. vide No. JKUT/BC/Gen/2021-22/295-96 dated 28.09.2021.
5	Restoration and Rehabilitation of species notified under section 38 of Biodiversity Act	It was decided to send a recommendation to MoEFCC regarding updation of the list of Plants and Animals on the verge of extinction notified vide S.O. No:-3845 (E) dated 02-08-2018. Due to Reorganization of J&K, separate lists have to be prepared for UT of J&K and UT of Ladakh. It was decided that listing of the species on the verge of extinction in UT of J&K will be revised with the involvement of Department of Wildlife Protection and experts from Universities. It was felt that there is a need to co-ordinate & monitor the efforts being made by various agencies/ departments for conservation of RET species.	The Council has taken up the matter with concerned authorities / departments.

S. No	Agenda Item	Meeting Decisions	Action Taken
6	Procedure and format for ABS	It was decided that NBA needs to be approached to seek clarification regarding application of Biodiversity rules notified by erstwhile J&K State Biodiversity Board as the same have not been repealed after the implementation of Reorganization of J&K State Act, 2019 and are similar to Central Rules.	A letter has been sent to NBA seeking clarification regarding the issue. However, no written response has been received as on date. The J&K Biodiversity Council propose to follow Central Act & Rules.
7	Constitution of Quality Evaluation and Monitoring Committee for evaluation of the quality of PBRs prepared by the BMCs in the UT of J&K	<p>The names of experts who could be included in the Quality Evaluation and Monitoring Committee were suggested by the members of the Council. Some names suggested by the members are:</p> <p>Dr. Nazir A. Zeerak (Retd.) Dr. H.S. Kiran (Retd.) Dr. Andrabi (Retd.) Sh. M.P Dogra (Retd. CCF)</p> <p>It was decided that the PBR Quality Evaluation & Monitoring Committee shall be constituted soon as desired by the NBA.</p>	The J&K Biodiversity Council constituted this Committee with Sh. Lal Chand, IFS (Retd.) as the chairperson. 25 randomly selected PBRs prepared by BMCs have been sent to the 6 member committee for Quality Evaluation and Monitoring in UT of J&K. The committee has been requested to share evaluation report after evaluating these PBRs.
8	Signing of MoUs with Universities and other Institutions for collaborative studies and other endeavours.	It was decided that the Universities/Institutions of Jammu and Kashmir would be approached to sign MoUs for collaborative studies. The Universities/Institutions agreed upon (for signing of MoUs) are University of Jammu, University of Kashmir, SKAUST-J, SKAUST-K, Baba Ghulam Shah Badshah University & IIIM, Jammu.	In this regard letters along with soft copy of draft MoUs have been mailed to the Vice Chancellors of Jammu University, Kashmir University, BGSBU Rajouri, SKUAST Jammu, SKUAST Srinagar and Director IIIM Jammu in the M/o September, 2021. The matter is being pursued with the concerned authorities in all the universities and institutions.

S. No	Agenda Item	Meeting Decisions	Action Taken
9	Updation of Biodiversity strategy and action plan for J&K UT.	It was decided that the Agency dealing with updation of Biodiversity Strategy & Action Plan under UNDP funded "Secure Himalaya" Project will be approached by the Council to know the status and further needful action.	The task of preparation of an updated Biodiversity Conservation Strategy & Action plan has been assigned to " <i>The Celestial Earth</i> ". The draft report submitted by the agency was reviewed by experts of J&K Biodiversity Council followed by the Stakeholders consultation Meeting held on 28 th August 2021 at Srinagar. The experts from the Biodiversity Council, Forest Department & other line departments and experts from different Universities/spheres of activities gave their valuable inputs to update the document. The further updation is under progress by the Celestial Earth.
10	Identification and notification of new Biodiversity Heritage Sites in UT of J&K.	A number of sites were suggested by esteemed members of the Council which could be notified as Biodiversity Heritage Sites in the UT of J&K. The suggested sites are Gurez, Pirpanjal, Warwan, Padder, Krimchi etc. However, it was decided to seek nomination from the respective Territorial Divisional Forest Officers across J&K UT. The nomination received would be evaluated and further steps on notification of sites as BHS would be taken.	The O/o the Pr. Chief Conservator of Forests, J&K has requested Addl. Pr. Chief Conservator of Forests, Kashmir and Chief Conservator of Forests, Jammu for identifying potential areas of Biodiversity importance outside the Reserved Forests and Protected Areas notified under Wildlife Protection Act, 1972 that could be notified as Biodiversity Heritage Sites in UT of Jammu and Kashmir. Responses awaited from the field.
11	Supplementary Agenda raised during the Meeting	It was decided that there is no need to prepare PBRs at the Block level. Similarly no PBRs would be prepared at the District level as this would lead to repetition of data. However, BMCs would be constituted at the district level as the DDC elections have been conducted and District Councils are now in place.	The Department of Rural development & Panchayat Raj, J&K has been requested to expedite constitution of BMCs at District Level. The matter is being pursued with the concerned authorities.

Agenda 2.3

Development of City Biodiversity Index for Jammu and Srinagar cities

The Jammu and Kashmir Biodiversity Council contemplated developing a City Biodiversity Index (CBI) and Local Biodiversity Strategy & Action Plan (LBSAP) for Jammu and Srinagar Cities, as they are being developed as smart cities. The objective of CBI is to enable the city administrators to better understand how they can improve their biodiversity conservation efforts over time in response to the request of the J&K Biodiversity Council, the UNDP agreed to the request and assigned the task of developing City Biodiversity Index and LBSAP to ICLEI – International Council for Local Environment Initiatives now renamed as ICLEI - Local Governments for Sustainability, South Asia. The first meeting was held on 18th June, 2021 and thereafter the officials of J&K Biodiversity Council have been facilitating ICLEI with provisioning of data sets.

City Biodiversity Index is an integral part of the evaluation matrix under Biodiversity in this Framework. It is thus becoming essential for cities to develop the City Biodiversity Index. City Biodiversity Index is an important tool enabling city administrators to plan for and manage and measure the city's biodiversity in an efficient manner. Very few cities in India have developed the City Biodiversity Index. With development of the same, Jammu and Srinagar cities will be among the pioneers in India and will be showcased on the global platform, as this is an internationally recognized index. In addition, the development of the City Biodiversity Index will also help to improve the score of Jammu and Srinagar in the Climate Smart Cities Assessment Framework. The results will also help Srinagar and Jammu to improve the native biodiversity, ecosystem services provided by biodiversity, and governance and management of biodiversity. This will in turn help to augment urban services, thereby improving overall quality of life in the city. The stakeholders consultation meeting for CBI was held on 18th August, 2021 for Jammu city and on 23rd August, 2021 for Srinagar city.

The Agenda is placed before the Council for information and deliberation.

Agenda 2.4

Development of Local Biodiversity Strategy & Action Plan (LBSAP) for Jammu and Srinagar cities

Development of Local Biodiversity Strategy and Action Plan (LBSAP) at the level of the urban local body is mandatory as per the Biological Diversity Act, 2002. The LBSAP is a

guiding strategy with specific actions suggested for the local governments to achieve “optimal and realistic governance and management of biodiversity and ecosystem services”. An LBSAP, in essence, is the local equivalent of National and State Biodiversity Strategy and Actions Plans. The NBSAP is the primary instrument of the national governments for implementing the Convention on Biological Diversity (CBD). The Conference of Parties (COP) to the Convention on Biological Diversity (CBD COP 10) has recognized LBSAP in the decision (X/22). The LBSAP helps in translating international and national biodiversity policies and targets into implementable action plans at the local level.

The guidelines for development of City Biodiversity Index and LBSAP have recently been developed by ICLEI and have been accepted by the Secretariat of Convention on Biological Diversity. The methodology aims to develop the LBSAP in a scientifically informed and participatory manner.

The J&K Biodiversity Council apart from Developing a City Biodiversity Index is also working on the Development of LBSAP with the support from ICLEI. The officials of ICLEI also work towards collection of data and expert consultation during their visit to Jammu and Srinagar Cities and draft is expected by November, 2021.

The Agenda is placed before the Council for deliberation.

Agenda 2.5

Biodiversity Conservation Strategy & Action Plan

Following the national guideline issued by the Ministry of Environment, Forest and Climate Change (MoEF&CC) in 1999 to develop National as well as State level Biodiversity Strategy and Action Plan, the then State of Jammu & Kashmir Government published the first State Biodiversity Strategy and Action Plan in the year of 2007-08. During the time elapsed and need for capturing the new developments in the field of Biodiversity Conservation, a need was felt to update this document. Developing the Biodiversity Conservation Strategy and Action Plan for UT of Jammu & Kashmir is thus not a new effort, rather building upon all the existing works that have been done in this area for this region. The present document called ‘Jammu & Kashmir Biodiversity Conservation Strategy and Action Plan 2021’, aims to establish a general frame work as per the National Biodiversity Authority guidelines, on current and future policies on conservation and sustainable use of biodiversity and ecosystem resources of Jammu & Kashmir.

The task of preparation of an updated Biodiversity Conservation Strategy & Action plan has been assigned to “The Celestial Earth”. The first draft report submitted by the agency was reviewed during the Stakeholders consultation Meeting held on 28th August 2021 at Srinagar during which the experts from the Biodiversity Council, Forest Department & other line departments and experts from different Universities / Institutions and other spheres of activity gave their valuable inputs to update the document.

The Agenda is placed before the Council for information and deliberation.

Agenda 2.6

Organizing UT level events on creation of awareness in biodiversity conservation

A committee headed by its chairperson Dr. C.M Seth, IFS (Retd.) was constituted to draw a road map and module for Awareness Creation and Training of Govt. Officials. The committee is expected to share its recommendations. Keeping in view the limited awareness on Biodiversity Conservation, sustainable use of its component and its fair and equitable sharing of the benefits even among the senior officials of line departments such as Agriculture Department, Horticulture Department, Animal & Sheep Husbandry Department, Department of Rural Development & Panchayati Raj, Housing & Urban Development Department, Floriculture Department & Fisheries Department, the need of the hour is to organize a UT level event with the involvement of all official as well as non-official stakeholders. The National Biodiversity Authority along with other State Biodiversity Boards (SBBs) / UT Biodiversity Councils (UTBCs) and experts can also be involved.

The Agenda is placed before the Council for deliberation and decision.

Agenda 2.7

Official involvement of Territorial DFOs as nodal officers of J&K Biodiversity Council of respective divisions/districts

It is proposed that Territorial DFOs be officially involved in J&K Biodiversity Council. Divisional Forest Officers (Territorial) are proposed to be nominated as Ex-Officio Assistant Member Secretaries, J&K Biodiversity Council for their respective divisions to represent the J&K Biodiversity Council for ABS mechanism in their respective jurisdiction and also act as nodal

officers of J&K Biodiversity Council for all biodiversity related activities for concerned Forest Division /District as per the Biological Diversity Act, 2002 and Biological Diversity Rules 2004.

Hence, agenda is placed before the council for deliberation and decision.

Agenda 2.8

Mechanism for sustainable utilization of NTFPs

In J&K a wide range of NTFPs are collected which provides local people with supplementary income. There is a need to promote sustainable NTFP management and its utilization which would eventually contribute to conservation of forests and rural development. This will also lead to enhanced income for tribal communities. Now that the BMCs have been constituted in each Village Panchayats of UT of J&K, it is proposed to have a suitable mechanism in place for sustainable extraction of NTFPs from the forests and its utilization and marketing by involving the BMCs. With the implementation of FRA, 2006 the mechanism for sustainable collection and utilization with the involvement of Forest Dependent Scheduled Tribes (FDST) and Other Traditional Forest Dwellers (OTFD) is all the more important.

Hence, agenda is placed before the council for deliberation and taking a decision.

Agenda 2.9

Operationalization of ABS mechanism in J&K.

The Central Government issued the Guidelines on Access to Biological Resources and Associated Knowledge & Benefit Sharing Regulations, 2014 to streamline the Access Benefit Sharing (ABS) issues. As per the BD Act, 2002, non Indian entities who wish to use the biological resources of the nation have to get mandatory approvals under section 3 of the Act from National Biodiversity Authority. Similarly Indian entities have to mandatorily inform respective SBBs/ UTBCs under section 7 and follow the ABS regulations, 2014. The provisions of the act are strictly applicable for traders and manufacturers who use bio resources under Section 3 and 7 of BD Act.

The ABS mechanism has not been activated in J&K which is to begin. The Council has issued a “Notice for Compliance” under Sec 7 of Biodiversity Act, 2002 and Rule 14 of Biodiversity Rules 2004 and has given the time of 03 months for the said compliance.

The Council may deliberate and decide on the way forward for operationalizing of ABS mechanism in J&K as per the Biodiversity Act, 2002 and Rules made their in this regard.

Agenda 2.10

Approval for Publication of a Book in Biodiversity on Dogri Language

The available literature on Biodiversity in local languages is very limited, more so in case of Dogri. So this book in Dogri language has been written by one of the esteemed members of the council, Sh. O.P Sharma, IFS (Retd.). The book contains the information on Biodiversity of U.T of J&K. The Council may decide on the mode for making this information available to the people of J&K. The Council may also decide on its publication, no of copies and mode of publication etc.

Hence, the agenda is placed before the council for taking a decision.

Agenda 2.11

Any other Agenda to be raised by the esteemed members.