

# Conservation Compromised

A review of the Implementation of the  
Biological Diversity Act 2002 in West Bengal



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# EXECUTIVE SUMMARY

In India, the Biological Diversity Act, 2002 (BD Act, 2002) was enacted by Parliament to conserve biological diversity, to ensure sustainable use of its components and fair and equitable sharing of benefits arising out of the use of biological resources and knowledge associated with them. In order to meet the objectives, the Act has kept provision for a three-tier structure comprising National Biodiversity Authority (NBA) at Central level, State Biodiversity Board (SBBs) at State level and Biodiversity Management Committees (BMC) at local body levels.

In spite of being in place for more than a decade, the said institutional mechanisms largely remained ineffective, which led to filing of a petition before the National Green Tribunal (NGT) titled Chandra Bhal Singh versus Union of India<sup>01</sup> in the year 2016. At the time of filing of the petition before the NGT, on 26/07/2016, the total number of BMCs constituted were 9,700 and the total number of People's Bio-diversity Register (PBR) prepared were 1,388, out of a total of 2,75,286 local bodies across all the states in which BMCs were to be constituted and PBRs were to be prepared. As per the submissions by the National Biodiversity Authority (NBA) before the National Green Tribunal (NGT), as on 31st August 2020, a total of 2,65,725 BMCs were constituted and 1,96,015 PBRs have been prepared.

West Bengal has constituted Biodiversity Management Committee in all of its 3830 local bodies and has also prepared 3830 PBRs for all of its BMCs. An attempt has been made to check the actual functioning of BMCs and other aspects mandated through the BD Act, 2002 in three districts of West Bengal namely Howrah, Nadia and Darjeeling.

As part of the study, 13 local bodies in Howrah, nine local bodies in Nadia and eight local bodies and two Block Development Offices of Darjeeling district were visited and consulted respectively.

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01. Chandra Bhal Singh vs. Union of India & Ors (Original Application No. 347 of 2016)

## KEY FINDINGS:

- 10 out 13 local bodies of Howrah have constituted their respective BMCs and rest of the three do not have any knowledge or idea about the BMCs or any other requirements under the BD Act 2002
- None of the 10 BMCs of Howrah are functional at present
- Five out of 10 BMCs of Howrah do not have any information of the date of constitution of BMCs
- Five of the 10 BMCs of Howrah have prepared the PBR, whereas the three did not have any PBR. One BMC has initiated PBR process, but results are not known
- Howrah Municipal Corporation has appointed organisation for PBR preparation through tendering process based on lowest quoted price mechanism
- All of the nine visited local bodies of Nadia has BMC constituted; however none were able to give date of constitution
- None of the BMCs of Nadia barring one is functional at present. Current functioning status of the said one could not be ascertained as the officials did not disclose any other details
- Seven out of the nine BMCs have prepared PBR in Nadia
- Out of the nine local bodies consulted in Nadia, only Gayeshpur municipality has specifically mentioned about receiving of the fund for preparation of PBR, which amounts to INR 1.5 lakh
- Out of the eight local bodies visited in Darjeeling district, Darjeeling municipality has not constituted BMC and Sukhia Simana Gram Panchayat has no information with respect to BMC
- Out of the six local bodies of Darjeeling which have BMCs, none are functional at present
- Six Gram Panchayats of Darjeeling have prepared the PBR
- None of the visited local bodies in three districts have any knowledge or understanding on Access Benefit Sharing
- Majority of the local bodies have not received any fund from the State Biodiversity Board (SBB) and in all such cases, the core in-house fund of Panchayat has been used for preparation of the PBRs.

# INTRODUCTION

The Biological Diversity Act, 2002 (BD Act, 2002) was enacted by Parliament to give effect to the Convention on Biological Diversity (CBD). Signed at the Rio Earth Summit 1992, CBD is the most important convention with respect to conservation of biological diversity. The internationally binding agreement signed by 198 countries (including India) is based on three-fold objectives: conservation of biological diversity, sustainable utilization of its components and fair and equitable sharing of benefits arising out of utilization of genetic resources.

Given this, the objectives of the BD Act, 2002 are conservation of biological diversity, sustainable use of its components and fair and equitable sharing of benefits arising out of the use of biological resources and knowledge associated with them. To ensure implementation of these objectives, the BD Act, 2002 institutes a three-tier structure which consists of National Biodiversity Authority (NBA) at Central level, State Biodiversity Board (SBBs) at State level and Biodiversity Management Committees (BMC) at local body levels.

Long after the enactment of this very Act, the institutional mechanisms envisaged in this Act largely remained ineffective, which led to filing of a petition before the National Green Tribunal (NGT) titled Chandra Bhal Singh versus Union of India<sup>02</sup> in the year 2016. At the time of filing of the petition before the NGT, on 26/07/2016, the total number of BMCs constituted were 9,700 and the total number of People's Bio-diversity Register (PBR) prepared were 1,388, out of a total of 2,75,286 local bodies across all the states in which BMCs were to be constituted and PBRs were to be prepared. As per the submissions by the National Biodiversity Authority (NBA) before the National Green Tribunal (NGT), as on 31st August 2020, a total of 2,65,725 BMCs were constituted and 1,96,015 PBRs have been prepared.

West Bengal has constituted Biodiversity Management Committee in all of its 3830 local bodies, which includes 3341 village panchayats, 342 block panchayats, 22 district panchayats and 125 urban local bodies (ULBs). As on the same date of 31st August, 2020, a total of 3424 PBRs have been prepared in the state. A more recent check at the website of the West Bengal Biodiversity Board shows that, the State at present has 3830 BMCs constituted across all of its local bodies and 3830 PBRs got prepared for all of its BMCs.

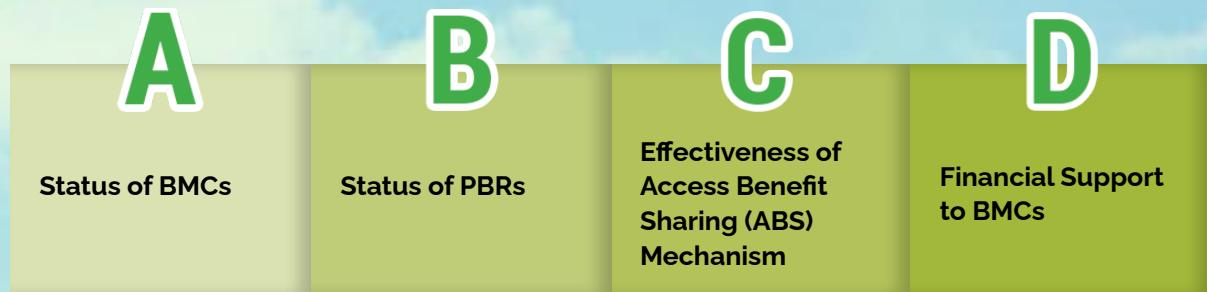
The present paper is an attempt to check the ground level reality in terms of functioning of BMCs and other aspects mandated under the BD Act, 2002 in the state of West Bengal.

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02. Chandra Bhal Singh vs. Union of India & Ors (Original Application No. 347 of 2016)

# OBJECTIVE

The paper is intended to highlight:



# METHODOLOGY

As a first step, three districts were selected, which are Howrah, Nadia and Darjeeling. Howrah district is one of the highly urbanised area of West Bengal, whereas the northern most district of Darjeeling represents rich biodiversity. Nadia district is characterised by a mix of riverine ecosystem and rapidly increasing urbanisation in places.

Questionnaires were developed, following which field visits were conducted to selective Gram Panchayats (GPs), Municipalities and Municipal Corporation of the respective districts. Interviews of Panchayat Pradhan or concerned persons (Executive Assistant or Secretary of respective local bodies) were carried out to get the requisite data with respect to the framed questions and the answers were then analysed to bring out the findings.

Additionally, opinion was also sought from the Senior Research officer of the State Biodiversity Board, the District Coordinator of Darjeeling District and the Officer In-charge of Howrah Municipal Corporation BMC. Both the field level data and outcome of individual interviews are collated in the report in relevant quantitative and qualitative sections.

# FINDINGS AND OBSERVATIONS

## A. QUANTITATIVE ANALYSIS

District-wise findings are presented herein this section with respect to the above stated objectives.

### 1. HOWRAH

Howrah is one of the highly urbanized area of West Bengal. Howrah district has one municipal corporation, called Howrah Municipal Corporation (HMC) and 157 Gram Panchayats, comes under the ambit of 14 blocks.

As part of the study, Howrah Municipal Corporation (HMC) and 12 Gram Panchayats (GP) were visited. Date-wise visit to GPs and Corporation is presented in Table 1.



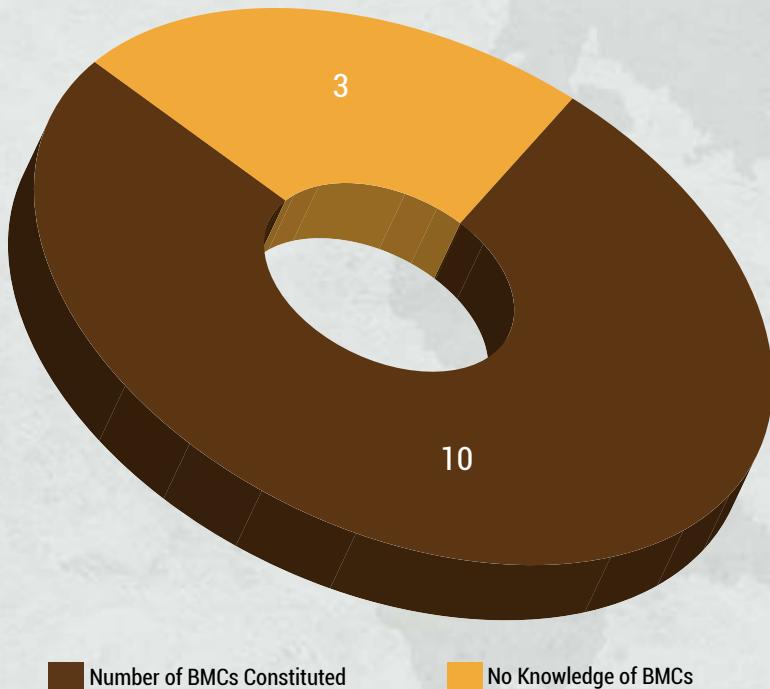
Table 1: Name of Local Bodies Consulted

S. No	Date of Visit	Name of Local Bodies Visited	Name of Interviewee	Designation/Position
1	16/11/21	Gar Bhawanipur Sonatola Gram Panchayat	Prabir Maiti	Secretary
2	16/11/21	Bhawanipur Bidhichandrapur Gram Panchayat	Kunal Rit	Executive Assistant
3	16/11/21	Kanuput-Mansuka Gram Panchayat	Sanjib Kumar Bose	Executive Assistant
4	16/11/21	Singti Gram Panchayat	Tanushree Pandit	Pradhan
5	16/11/21	Kurchi-Shibpur Gram Panchayat	Pradip Kumar Mati	Pradhan
6	23/11/21	Bargram Gram Panchayat	Tamal Sarkar	Member, BMC
7	24/11/21	Sasati Gram Panchayat	Tarun Kanti Kayal	Secretary
8	24/11/21	Mugkalyan Benapur Gram Panchayat	Dhruba Kundu	Secretary
9	24/11/21	Bantul-Baidyanathpur Gram Panchayat	Ashok Kumar Bar	Secretary
10	24/11/21	Khalore Gram Panchayat	Bireswar Tiwari	Pradhan
11	24/11/21	Haturia 2 Gram Panchayat	Suprasun Samanta	Upa-Pradhan
12	24/11/21	Bangalpur Gram Panchayat	Name not told	
13	19/04/21	Howrah Municipal Corporation	a. Mrinmay Chandra b. Arjan Basu Roy	a. Person in-charge for Howrah BMC b. Nature Mates – NGO engaged in PBR preparation

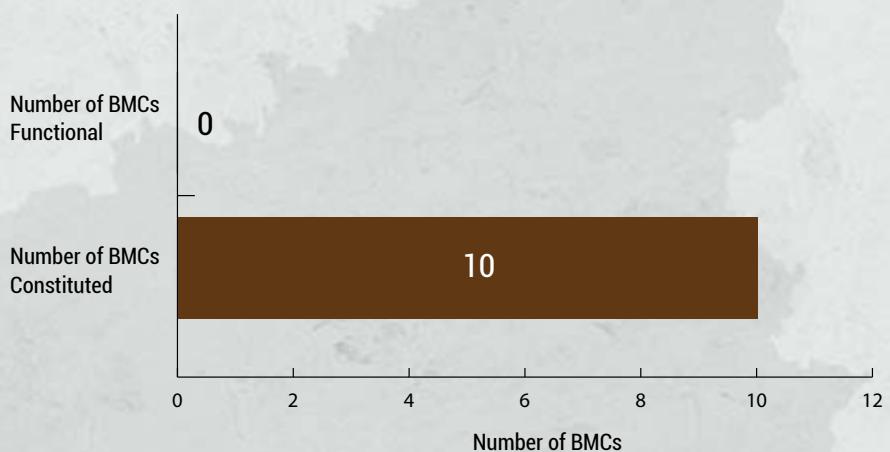
The findings are expressed herein below.

### a. Status of Biodiversity Management Committees (BMCs)

First visit to Howrah Municipal Corporation was carried out in April, 2021, after which a gap existed owing to second wave of pandemic and associated restrictions in the state of West Bengal. The second round of visit to other GPs were made in November, 2021. All together a total of 13 local bodies were visited and interviewed. Out of them ten local bodies have constituted their respective BMCs and rest of the three do not have any knowledge or idea about the BMCs or any other requirements under the BD Act 2002. It is worth mentioning here that in all of these three cases, the interviewees were Pradhan and/or Up-Pradhan of the Gram Panchayat.

**Figure 1: Status of BMCs in Howrah District**

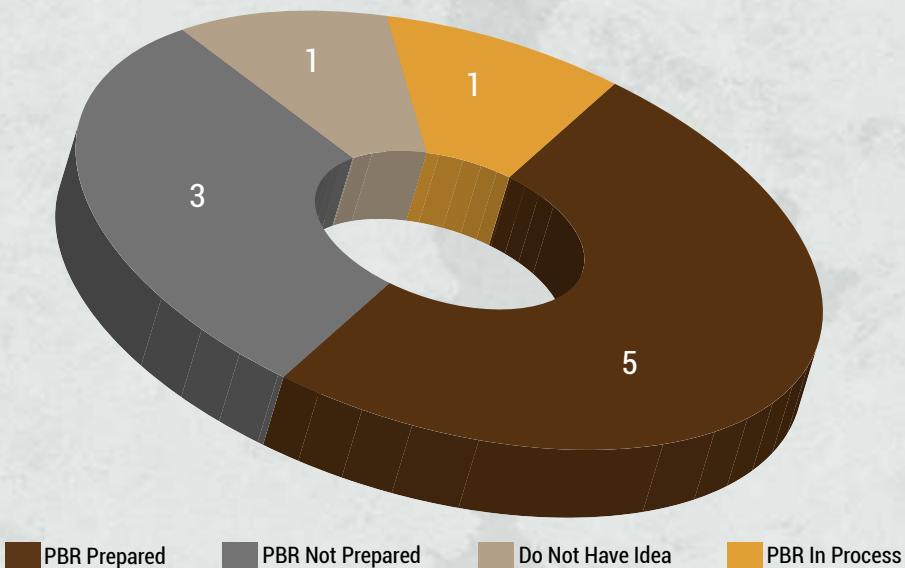
Among the ten about which information was received, five of them do not have specific information with respect to the date of constitution of BMCs, whereas the rest of the five have given the exact date of BMC formation. None of the BMCs are however functional at present.

**Figure 2: Functioning Status of BMCs in Howrah District**

## b. Status of People's Bio-diversity Register (PBR)

Among the responses received from ten local bodies, status with respect to the preparation of PBR is also varied. Five of them have prepared the PBR, whereas the three did not have any PBR. One local body reported the initiation of the PBR process, however do not know about the final status of the same. Another local body has reported that the PBR preparation is in progress.

Figure 3: Status of PBR Preparation in Howrah District



Among the above stated five local bodies which have prepared the PBR, three of them, namely Bhawanipur-Bidhichandrapur, Bantul-Baidyanathpur and Mugkalyan-Benapur have a copy of the PBR in their office, whereas the rest of the two local bodies, namely Kanuput-Mansuka and Howrah Municipal Corporations (HMC) do not have the PBR copy with them in their office.

## c. Effectiveness of Access Benefit Sharing (ABS) Mechanism

According to the Section 21 of the BD Act, 2002, the National Biodiversity Authority while granting approvals under section 19 or section 20 shall ensures that, the terms and conditions subject to which approval is granted secures equitable sharing of benefits arising out of the use of accessed biological resources, their by-products, innovations and practices associated with their use and applications and knowledge relating thereto in accordance with mutually agreed terms and conditions between the person applying for such approval, local bodies concerned and the benefit claimers.

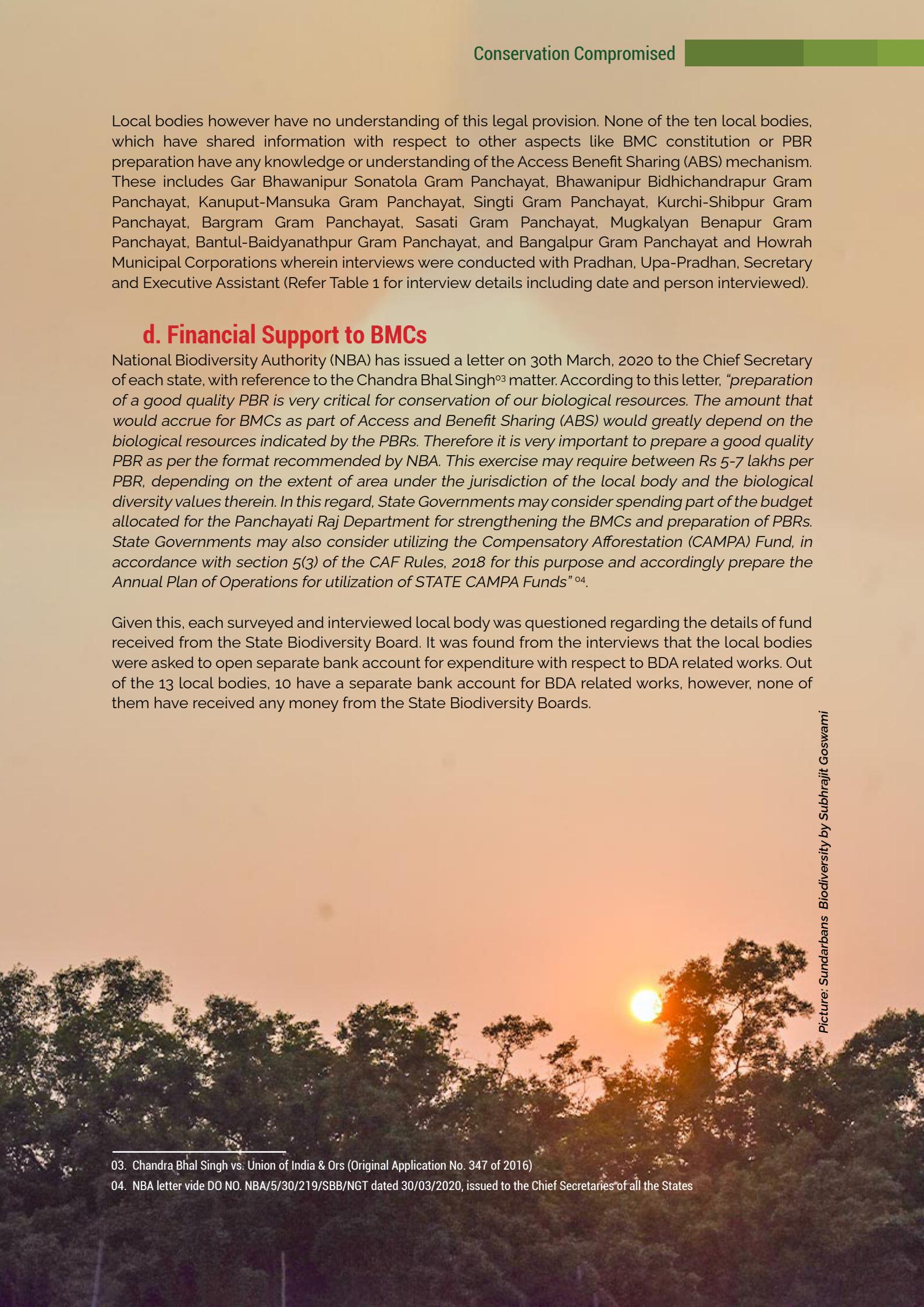
Local bodies however have no understanding of this legal provision. None of the ten local bodies, which have shared information with respect to other aspects like BMC constitution or PBR preparation have any knowledge or understanding of the Access Benefit Sharing (ABS) mechanism. These includes Gar Bhawanipur Sonatola Gram Panchayat, Bhawanipur Bidhichandrapur Gram Panchayat, Kanuput-Mansuka Gram Panchayat, Singti Gram Panchayat, Kurchi-Shibpur Gram Panchayat, Bargram Gram Panchayat, Sasati Gram Panchayat, Mugkalyan Benapur Gram Panchayat, Bantul-Baidyanathpur Gram Panchayat, and Bangalpur Gram Panchayat and Howrah Municipal Corporations wherein interviews were conducted with Pradhan, Upa-Pradhan, Secretary and Executive Assistant (Refer Table 1 for interview details including date and person interviewed).

#### **d. Financial Support to BMCs**

National Biodiversity Authority (NBA) has issued a letter on 30th March, 2020 to the Chief Secretary of each state, with reference to the Chandra Bhal Singh<sup>03</sup> matter. According to this letter, “preparation of a good quality PBR is very critical for conservation of our biological resources. The amount that would accrue for BMCs as part of Access and Benefit Sharing (ABS) would greatly depend on the biological resources indicated by the PBRs. Therefore it is very important to prepare a good quality PBR as per the format recommended by NBA. This exercise may require between Rs 5-7 lakhs per PBR, depending on the extent of area under the jurisdiction of the local body and the biological diversity values therein. In this regard, State Governments may consider spending part of the budget allocated for the Panchayati Raj Department for strengthening the BMCs and preparation of PBRs. State Governments may also consider utilizing the Compensatory Afforestation (CAMPA) Fund, in accordance with section 5(3) of the CAF Rules, 2018 for this purpose and accordingly prepare the Annual Plan of Operations for utilization of STATE CAMPA Funds”<sup>04</sup>.

Given this, each surveyed and interviewed local body was questioned regarding the details of fund received from the State Biodiversity Board. It was found from the interviews that the local bodies were asked to open separate bank account for expenditure with respect to BDA related works. Out of the 13 local bodies, 10 have a separate bank account for BDA related works, however, none of them have received any money from the State Biodiversity Boards.

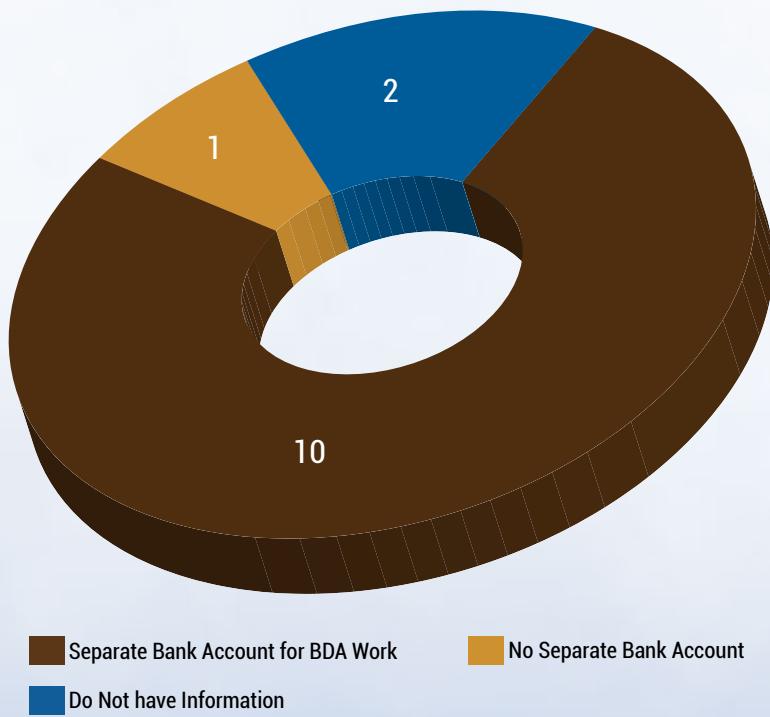
Picture: Sundarbans Biodiversity by Subhrajit Goswami



03. Chandra Bhal Singh vs. Union of India & Ors (Original Application No. 347 of 2016)

04. NBA letter vide DO NO. NBA/5/30/219/SBB/NGT dated 30/03/2020, issued to the Chief Secretaries of all the States

Figure 4: Status of Bank Account for BDA Related Transaction



According to the Secretary of the Bantul-Baidyanathpur Gram Panchayat under Bagnan II block, the State Biodiversity Board has committed an amount of INR 7000/- for preparation of PBR; however no such financial support was given to them. Those, who prepared the PBR, have used the internal core fund of Panchayat to complete the task of PBR preparation. An NGO, called Nature Mates, who was engaged in preparing the PBR for Howrah Municipal Corporation has also mentioned of not receiving any funds from the Corporation, in spite of submission of the PBR and in spite of the commitments made for financial support.

*Picture: Bargram Gram Panchayat, Shyampur, Howrah*



## 2. NADIA

Nadia is one of the oldest districts of West Bengal . The geographical boundary of Nadia district comprises of Bangladesh in the east, Bardhaman and Hooghly district on the west, Murshidabad district on the north and northwest and North 24 Parganas towards south and southeast . For administrative convenience Nadia district is divided into four Subdivisions – Krishnanagar Sadar, Ranaghat, Kalyani and Tehatta. The district has 17 Panchayat Samities consist of 187 Gram Panchayats and 8 Municipalities.

As part of the study, six municipalities and three Gram Panchayats were visited (Table 2).

**Table 2: Name of Local Bodies Consulted**

S. No	Date of Visit	Name of Local Bodies Visited	Name of Interviewee	Designation/Position
1	12/08/21	Kalyani Municipality	Sushil Kumar Talukdar	Chairman
2	12/08/21	Gayeshpur Municipality	Keshab Chandra Das	Chairperson, BMC
3	12/08/21	Haringhata Municipality	Name not mentioned	Office Bearer
4	12/08/21	Chakdah Municipality	Suprakash Biswas	Secretary, BMC
5	30/11/21	Ranaghat Municipality	Shamik Majumdar	BMC Member & Municipality Head Clerk
6	30/11/21	Birnagar Municipality	Manoj Pal	Office Bearer
7	30/11/21	Aranghata Gram Panchayat	Sujan Saha	GP level Village Resource Person, engaged in PBR Preparation
8	30/11/21	Jugalkishore Gram Panchayat	Manashi Biswas Maiti	Pradhan
9	30/11/21	Raghunathpur-Hijuli 1 Gram Panchayat	Shantanu Dutta	Secretary

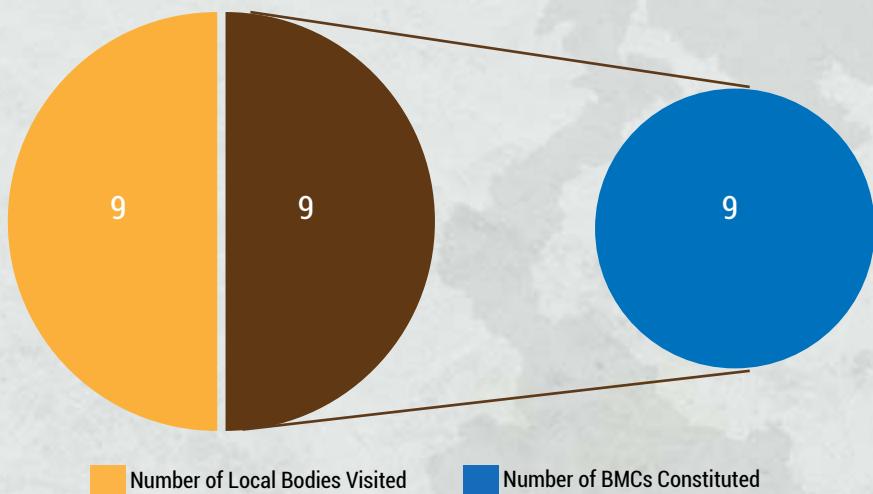
The findings are expressed herein below.

### a. Status of Biodiversity Management Committees (BMCs)

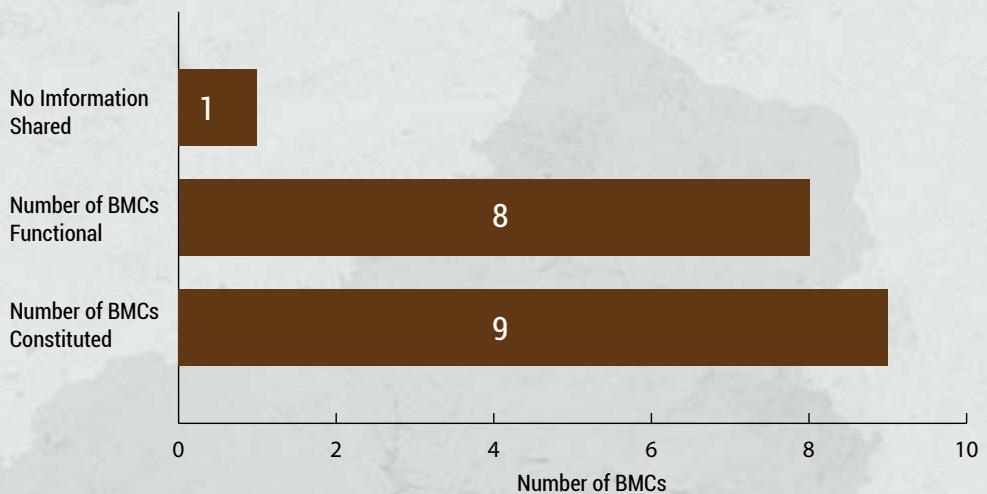
In the district of Nadia, nine local bodies were visited and interviewed, on the said dates, as explained in the Table 2. All nine of them have constituted BMCs for their respective local bodies. However, none of them could give the exact date of constitution of BMCs in their respective jurisdiction.

05. <https://s33c7781a36bcd6cf08c11a970fbe0e2a6.s3waas.gov.in/>

06. [http://nadia.gov.in/District\\_Profile/district\\_profile.html](http://nadia.gov.in/District_Profile/district_profile.html)

**Figure 5: Status of BMC Constitution in Nadia District**

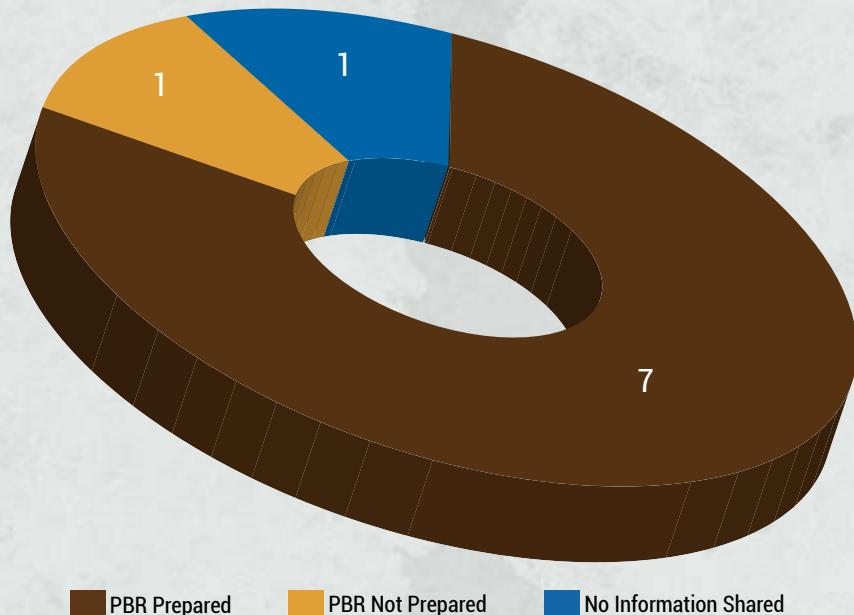
As can be observed from the above graph that, all nine of the local bodies have constituted BMCs; however, none of them barring one is functional at present. Current functioning status of the rest one could not be ascertained as the officials did not disclose any other details.

**Figure 6: Functioning Status of BMCs in Nadia District**

## b. Status of People's Bio-diversity Register (PBR)

As per the responses received from the nine local bodies (Refer Table 2), seven have prepared the PBR. These include Kalyani Municipality, Gayeshpur Municipality, Ranaghat Municipality, Birnagar Municipality, Aranghata Gram Panchayat, Jugalkishore Gram Panchayat and Raghunathpur-Hijuli 1 Gram Panchayat. One municipality namely Chakdah municipality did not prepare any PBR and the Haringhata municipality did not share any information with respect to this.

Figure 7: Status of PBR Preparation in Nadia District



Out of the above stated seven local bodies which have prepared the PBR, four of them have a copy of the PBR in their office, whereas the rest of the three local bodies do not have the PBR copy with them in their office. Raghunathpur-Hijuli 1 GP, Ranaghat Municipality, Gayeshpur Municipality and Kalyani Municipality have a copy of PBR in their respective office.

## c. Effectiveness of Access Benefit Sharing (ABS) Mechanism

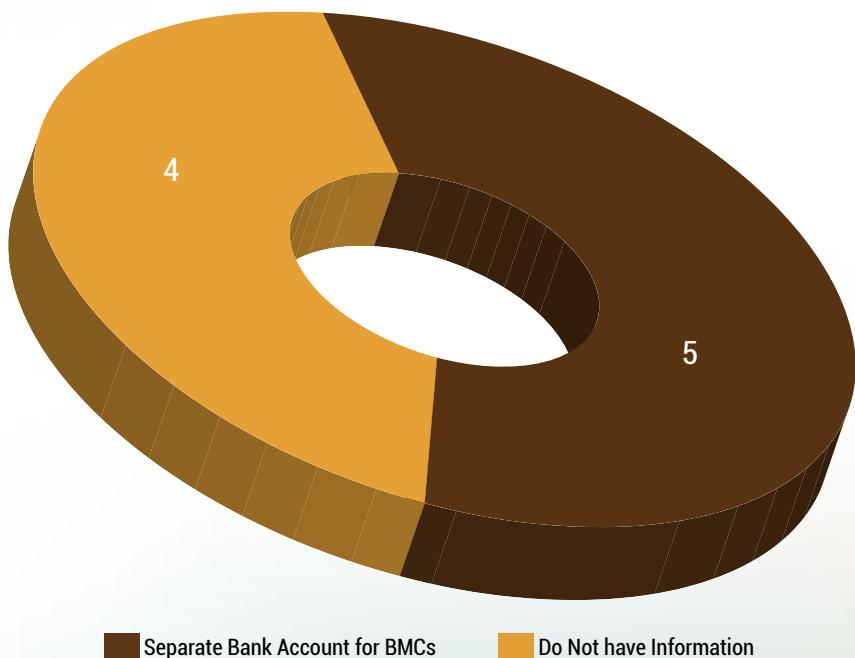
None of the local bodies, who at least shared all the information, are aware of the concept or understanding of the Access Benefit Sharing (ABS) mechanism.

## d. Financial Support to BMCs

It was found from the interviews that, the five local bodies have opened separate bank accounts for expenditure with respect to BDA related works. Whereas the rest of the four local bodies do not know the status with respect to the existence of separate bank account, exclusively for BDA related work.



Figure 8: Status of Bank Account for BDA Related Transaction



Out of the five which have separate bank account, Haringhata municipality did not share any other information with respect to receiving of fund and Ranaghat municipality do not have any knowledge regarding the same. Rest of the three (Chakdah municipality, Jugalkishore Gram Panchayat and Raghunathpur Gram Panchayat) did not receive any financial support from the state biodiversity board. Jugalkishore Gram Panchayat and Raghunathpur Gram Panchayat has used their own core fund for preparation of the PBR.

Out of the nine local bodies consulted, only Gayeshpur municipality has specifically mentioned about receiving of the fund for preparation of PBR, which amounts to INR 1.5 lakh.



### 3. DARJEELING

Darjeeling is the northern most district of the state of West Bengal, which represents rich biodiversity. Geographically, the district can be divided into two broad divisions: the hills and the plains. The entire hilly region covers the three hill subdivisions namely, Darjeeling, Kurseong and Mirik whereas Siliguri subdivision constitutes plain land of the district (DSR, 2021). The district comprises of four municipalities and 92 Gram Panchayats which are spread over nine blocks. As part of the present survey, Darjeeling Municipality, seven Gram Panchayats and two Block Development Offices were covered (Table 3).

Table 3: Name of Local Bodies Consulted

Sl No	Date of Visit	Name of Local Bodies Visited	Name of Interviewee	Designation/Position
1	6/12/21	Upper Bagdogra Gram Panchayat	Pema Doma Sherpa	Secretary
2	6/12/21	Lower Bagdogra Gram Panchayat	Tapan Kumar	Executive Assistant
3	6/12/21	Sukna Gram Panchayat	Uday Karki	Secretary
4	8/12/21	Takdah Gram Panchayat	Dinesh Chetri	Executive Assistant (Retired)
5	9/12/21	Pokhria Bong I Gram Panchayat	Mahindra Senchuli	Secretary
6	9/12/21	Permaguri Gram Panchayat	Sarat Yanjan	Secretary, Executive In-charge
7	9/12/21	Sukhia Simana Gram Panchayat	Ajay Rai	Secretary
8	10/12/21	Darjeeling Municipality	C.P.Rai	Secretary
9	10/12/21	District Magistrate Office, Darjeeling		
10	7/12/21	Darjeeling –Pulbazar Block Development Office (BDO)	Kshudiram Rava	Joint BDO
11	8/12/21	Rangli-Rangliot Block Development Office (BDO)	Jay Brata Sarkar	Panchayat Development Officer

The findings are expressed herein below.

# People's Biodiversity Register

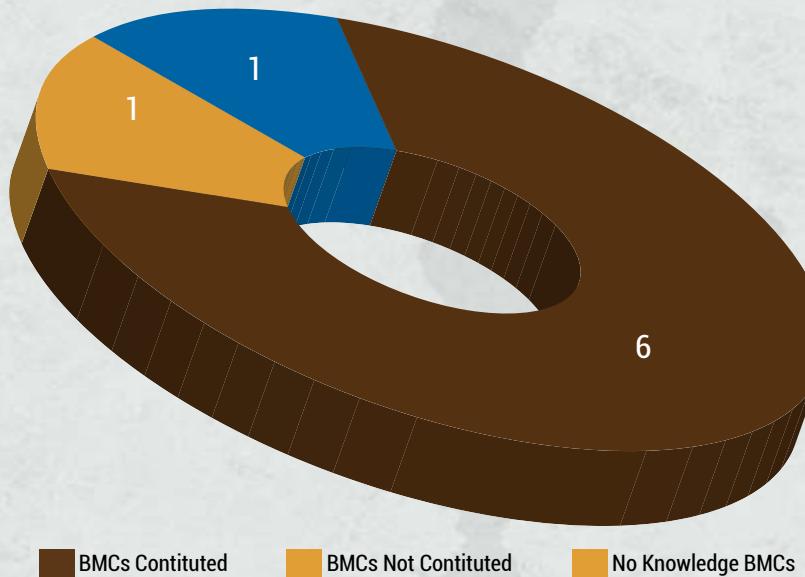
## UPPER BAGDOGRA GRAM PANCHAYAT NAXALBARI DEVELOPMENT BLOCK Darjeeling District West Bengal

Supported by:  
**WEST BENGAL BIODIVERSITY BOARD**  
**Department of Environment**  
**Govt. of West Bengal**

## a. Status of Biodiversity Management Committees (BMCs)

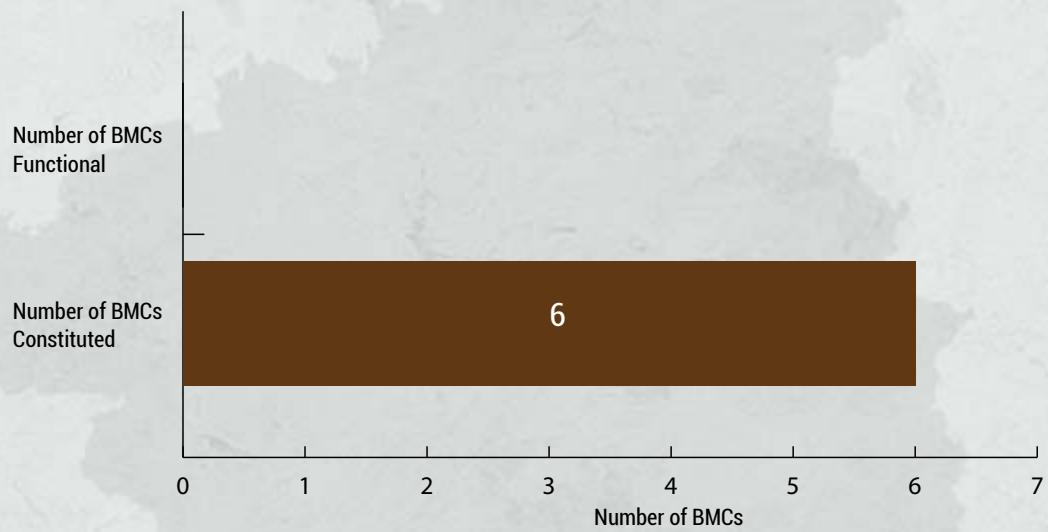
Barring the two BDO, a total of eight local bodies were visited and the persons concerned were interviewed. Out of these eight, Darjeeling municipality has no BMC in place (as conveyed by the Secretary, Municipality) and the Secretary of Sukhia Simana Gram Panchayat has no information with respect to BMC and other mandates under the BDA Act 2002. Rest of the six gram panchayats have constituted BMC.

Figure 9: Status of BMC Constitution in Darjeeling District



Out of the above stated six gram panchayats, wherein BMCs were constituted, none of them are functional at present.

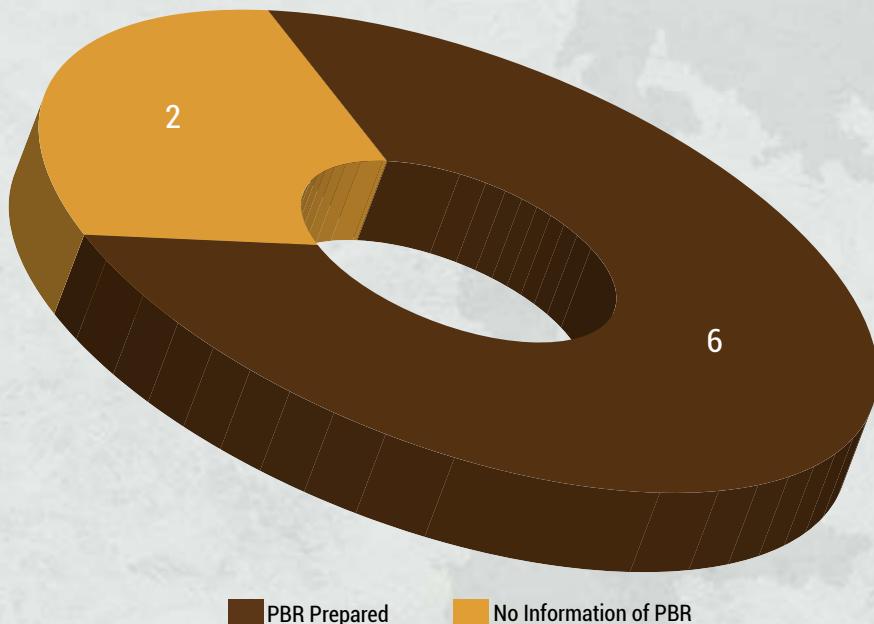
Figure 10: Functioning Status of BMCs in Darjeeling District



## b. Status of PBR

According to the survey findings, out of the total eight local bodies, six gram panchayats have prepared the PBR, whereas Sukhia Simana gram panchayat and Darjeeling municipality has no information with respect to the PBR.

**Figure 11: Status of PBR Preparation in Darjeeling District**



Out of the above stated six gram panchayats which have prepared the PBR, only two of them have copies of the PBR in their office, whereas the rest of the four local bodies do not have the copy of PBR with them in their office.

As per the BDO level data, the Darjeeling – Pulbazar block and the Rangli-Rangliot block has prepared a block level PBR based on the compilation of individual PBR prepared by each gram panchayat under their jurisdiction. Both the BDO had a copy of the block level PBR at their respective office.

### c. Status of Access Benefit Sharing (ABS) Mechanism

None of the visited local bodies have any knowledge on the Access Benefit Sharing (ABS) mechanism. The State Biodiversity Board have had not provided any information with respect to any such aspect of ABS mechanism.

### d. Financial Support to BMCs

The local bodies in Darjeeling do not have clear idea about the financial mechanism available for the preparation of PBR. Other than Rangli-Rangliot Block development office, no one had any clarity with respect to separate bank account for BMCs.

#### **Excerpt of Interview with District Coordinator of Darjeeling District on 11/12/21**

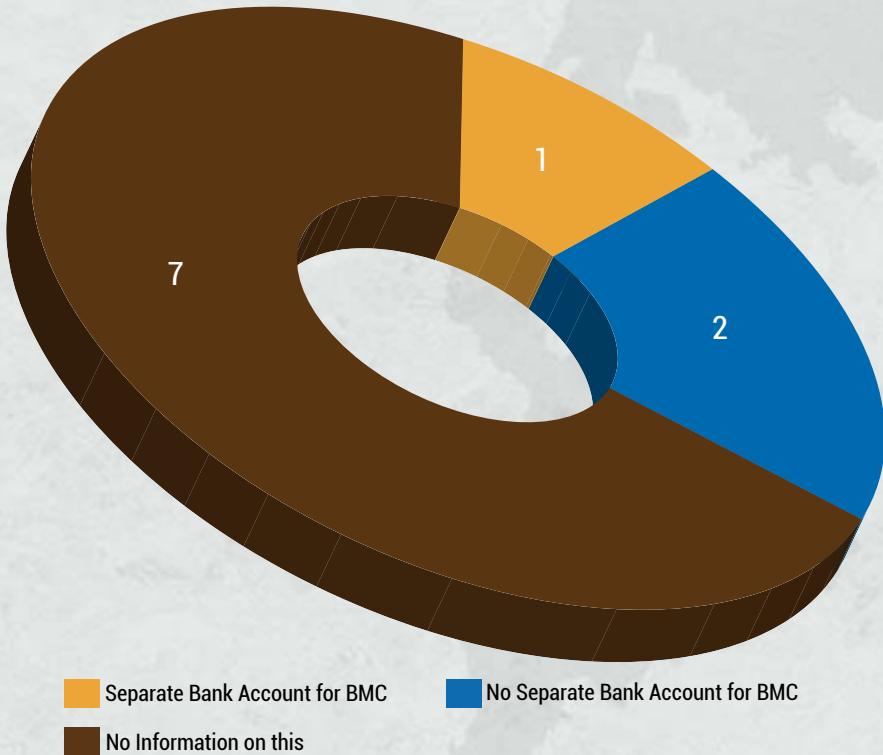
The District Coordinator is on contractual position and hence neither BDO nor any other person from administrative position is giving due importance to her concern and instructions

According to her, BMCs do not have any fund and hence they are not working on ground

**A detailed Salamander Conservation plan for Namthing Pokhri in Kurseong has been submitted by her for declaring the area as a Biodiversity Heritage Site (BHS); no action on this has however initiated on ground**

Panchayats in most of the cases do not have jurisdiction on land, as the lands are either with Tea Estate or under the Forest Department. Hence conservation initiatives are not being taken up by any of the Panchayats here in this district

Figure 12: Status of Bank Account for BDA Related Transaction



In terms of financial assistance also, only Rangli-Rangliot Block Development Office reported receiving of INR 80,000/- towards the BDA related transaction. However, access to the documents about the utilisation was denied.

Pokhria Bong I gram panchayat and Darjeeling-Pulbazar Block Development Office had no information with respect to financial assistance. On the other hand, rest of the Gram Panchayats did not receive any fund from the State Biodiversity Board. The PBR has been prepared by them, using gram panchayat's own core fund.

## B. QUALITATIVE ASSESSMENT

In addition to the ground level cross validation of data with respect to the constitution of BMCs and preparation of PBRs, few additional challenges were also observed during the field visits and interviews with concerned persons. Some of them are highlighted under this section.

### Financial Challenges

A conversation with the Senior Research Officer of the West Bengal Biodiversity Board Dr. S. N. Ghosh revealed the challenges of fund crunch. According to him, the main source of funding for the board is state government. According to the guidelines published by the National Biodiversity Authority (NBA), the state government releases approximately INR 1 Crore/ year (+/-) for the purpose of making PBRs and the NBA has released an amount of INR 2 Crores for PBR preparation. Further, a response received under the Right to Information (RTI) Act, 2005 from the State Biodiversity Board stated that the Board has received Rs. 26,79,64,760.00 from the state government since its constitution in 2004.

The fund under the Panchayati Raj system is however not available for preparation of PBRs in the state of West Bengal. The state of West Bengal has issued an order to implement use of the untied funds<sup>07</sup> under the grant allowed by the fifteenth Finance Commission of India for the preparation of the PBRs<sup>07</sup>.

On the contrary, the ground level findings from the interviewed gram panchayats and other local bodies have revealed a fact that, majority of the local bodies have not received any fund from the State Biodiversity Board (SBB) and in all such cases, the core in-house fund of Panchayat has been used for preparation of the PBRs. The SBB has directed almost all of the local bodies to create an account with an immediate urgency; however no fund was given to such accounts, barring very few exceptions. Gram Panchayats have in fact attributed the non-availability of fund as one of the main reasons for not preparing the PBRs and/or for preparing poor quality PBR.

## Challenges Associated with Preparation of People's Biodiversity Register (PBR)

According to Dr. Ghosh, the NGT order has no doubt expedited the process of PBR preparation which was not in place even after so many years of existence of the BD Act, 2002. However at the same time, this has led to poor quality PBRs preparation. The board does not support the concept of involving institutions or big organizations for preparation of the PBR, as it dilutes the original purpose of the PBR. Owing to the time limitations given in the NGT order, the Board had to involve the local NGOs which works in a particular region. These NGOs have largely helped in compilation of the data which the local people may not able to do on their own. However, it needs to be pointed out that the strict timeline by the NGT was given in view of the failure of the Central and State Government to implement the Act even after 14 years of the enactment of the law by Parliament.

The updation of the PBR is going to be a huge challenge, as that will again demand re-allocation of fund on time to time basis as and when updation will be required<sup>08</sup>.

Field studies showcased certain other challenges of preparing PBR. All of the visited entity had reported preparation of the PBR on their own, with the help of BMC members, school teachers and in-house panchayat staff. In addition to BMC members, Howrah district for example has engaged representatives from the Vector Borne Disease Team and Nadia district had engaged the Village Resource Persons for preparation of PBRs. Darjeeling district on the other hand has taken help of Self Help Group (SHG) members, besides BMC members for preparation of PBRs.

The Chairman of Gayeshpur Municipality in Nadia district has reported another kind of problem. According to him, the quality of the PBR is compromised. As an example, he shared that the base map showing local level area demarcation was not an accurate one. As a result, it affected the overall tracking and route planning of the exercise. The time and fund both were insufficient with respect to the mandate of the work, which ultimately hampered the quality of the PBR.

07. Interview with the Senior Research Officer of State Biodiversity Board, Dr. S. N. Ghosh

08. Interview with the Senior Research Officer of State Biodiversity Board, Dr. S. N. Ghosh

## Constitution and Functioning of the PBR Monitoring Committee

PBR quality evaluation monitoring committee has been constituted for the state of West Bengal. It is a six member committee. The committee members did not get any formal training from the NBA. However the NBA format is being followed for the quality evaluation. The committee has met for four times till date of 8<sup>th</sup> April, 2021 after its constitution<sup>09</sup>.

The committee is however facing severe human resource challenges given the number of PBRs to be monitored and therefore random sampling method is being followed for selection and review of the PBRs prepared till date of the interview, 8<sup>th</sup> April, 2021. Not all the PBRs can be monitored by the monitoring committee. There is high probability that, these PBRs are being sent to the students and the PHD scholars of the committee members as it is practically not feasible for the committee members to review all the PBRs. In such a situation, the question of expertise of the students/scholars comes in as they do not have any knowledge of the PBR preparation and its need<sup>10</sup>.

## Hands on Training for PBR Preparation

On this aspect, quite a vague responses were received from the panchayats. None of the interviewed person could specifically mentioned about the formal training on BDA and associated issues. According to them, a set of forms have been shared with the Panchayat and were directed as to how to fill up those forms. One or two block level training on BMC and PBRs were conducted; however none of them were reported to be exclusively for this issue. Rather, it was a part of some common training with respect to Panchayat's functioning. An RTI has been filed with the State Biodiversity Board in this regard, requesting for detailed information on trainings conducted for the BMC members.

According to one of the NGO, engaged in PBR preparation for Howrah Municipal Corporation, the model PBR guideline given for the PBR preparation is by and large suitable for the rural landscape and hence there should be a different model/format for the preparation of PBR for urban landscape for cities like Howrah/Kolkata etc.

## Functionality of Biodiversity Management Committee (BMC)

According to the Board, keeping BMCs functional on a continuous basis is a big challenge, as it will require allocation of fund, which is not there at present. According to the Rule 22 (6) of the Biological Diversity Rules, 2004, since the main function of the BMC is to prepare the PBR<sup>11</sup>, non-functional BMCs may not hamper the PBR preparation anymore, as the PBRs are completed across the state, as submitted in NGT. However, given the reality observed from the ground visits, it is highly recommended that the BMCs should be kept functional as in most of the cases, PBR preparation needs a relooking.

09. Interview with the Senior Research Officer of State Biodiversity Board, Dr. S. N. Ghosh

10. Interview with the Senior Research Officer of State Biodiversity Board, Dr. S. N. Ghosh

11. Rule 22 of the Biological Diversity Rules, 2004 – Constitution of Bio-diversity Management Committees

## Access Benefit Sharing (ABS)

The Access Benefit Sharing instrument has not yet implemented in the state fully. There is a resistance from the companies and body corporates in paying money for the resources for which they get approval. In order to cope up with this scenario, the State Biodiversity Board has sent a letter to the West Bengal Pollution Control Board (WBPCB), asking them to tie the entire process with the consent mechanism. It means, the companies and corporates which are required to take both the approvals, should be given the Consent to Establish by the WBPCB only when they have the necessary approval and payment confirmation from the State Biodiversity Board. This proposal however has not yet executed<sup>12</sup>.

## Dominance of Joint Forest Management Committee (JFMC)

In the district of Darjeeling, the local bodies are not in favour of constituting and continuing with separate BMC. Rather, they expressed their views of considering the existing Joint Forest Management Committees (JFMCs) as the BMCs and/or merging both the bodies together.

# CONCLUSION

West Bengal has constituted Biodiversity Management Committees (BMCs) in all of its 3830 local bodies. However, the actual presence of the committees were hardly found. Three districts visited as part of the study revealed a fact that, functioning of the committees remained till preparation of the People's Bio-diversity Register (PBR). None of committees are operational at present. Lack of fund is one of the challenges in keeping the BMCs operational. The provision of Access Benefit Sharing has neither been tapped by the State Biodiversity Board, nor has been communicated by them to the respective local bodies. It is therefore time to explore the potential of using access benefit sharing mechanism, so that the equitable sharing of benefits arising out of the use of accessed biological resources can be secured.

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12. Interview with the Senior Research Officer of State Biodiversity Board, Dr. S. N. Ghosh

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## Notes:

<sup>1</sup>According to the Fifteenth Finance Commission Report for the year 2020-21, the Commission has allowed grants to rural local bodies as basic and tied grants in the ratio of 50:50 respectively. The basic grants are untied and can be used by the local bodies for location specific felt needs, except for salary and other establishment expenditure. The tied grants, on the other hand, can be used for the basic services of (a) sanitation and maintenance of open defecation free (ODF) status and (b) supply of drinking water, rain water harvesting and water recycling (XV Finance Commission, 2019)



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