

## Ministry of Environment & Forests

**Subject** : Guidelines for selection of non-officials to various statutory, judicial and other committees and other bodies in MOEF.

A number of statutory judicial and other Committees have been set up by MOEF, or by judicial authorities in relation to matters in the mandate of the MOEF. In the past, inadequate attention has been paid to the question of whether the non-official persons considered for appointment to these bodies have the relevant background or experience for the role. As a result, the decisions and/or advice received from these bodies may have been sub-optimal. Accordingly, it is advisable to prepare and adopt Guidelines for such appointments. The following Guidelines are proposed :

Definitions :

- (1) "Non-Official" : is a person who is currently not a holder of a Government position at any level (Central, State, Local), whether a civil service, judicial, or elected position. Persons holding faculty positions in Universities/Autonomous Institutions will, however, not count as "Non-officials". However, representatives of non-Governmental Voluntary Organisations (VOs) would count as non-officials.
- (2) "Professional" : A Professional is a person who has at least (i) 5 years of formal University training in a concerned discipline leading to a MA/MSc. Degree, or (ii) in case of Engineering/Technology/Architecture disciplines, 4 years formal training in a professional training course together with prescribed practical training in the field, leading to a B.Tech/BE/B.Arch degree, or (iii) Other professional degree (e.g. Law) involving a total of 5 years of formal University training and prescribed practical training, or (iv) Prescribed apprenticeship/articleship and Pass in examinations conducted by the concerned professional association (e.g. Chartered Accountancy), or (v) a University degree, followed by 2 years of formal training in a University or Service Academy (e.g. MBA/IAS/IFS). In selecting individual professionals, experience gained by them in their respective fields will be taken note of.
- (3) "Expert" : An expert is a professional with at least 15 years of relevant experience in the field, or a professional with an advanced degree (e.g. Ph.D.) in a concerned field and at least 10 years of relevant experience.
- (4) "Concerned Person" : Concerned Person is a person who is not professional in the field but has demonstrated sustained interest in the subject matter of the field for at least 10 years.

- (5) "Public Representative" : A Public Representative is a non-official who is currently elected to a legislative position in Parliament, State Legislature, or urban or rural local bodies.
- (6) "Professional Voluntary Organization" : A VO which is primarily engaged in providing, typically on non-profit basis, for the benefit of others without any personal, financial or material returns. The livelihood of persons so engaged are expected to be generated from elsewhere or from other activities. A VO, therefore, can be defined as an association of persons (a) established to organize and facilitate the exercise of voluntary action ; or (b) assuming such functions in addition to its regular activities. A professional VO provides various services of professionals, including research, to the community, other institutions, or Government agencies on sustainable development matters.
- (7) "Field Level Voluntary Organization" : A VO which is primarily engaged in implementation of various sustainable development programs in the field, which may or may not require some professional inputs.
- (8) "Activist Voluntary Organisation" : A VO which is primarily engaged in raising public awareness of, and/or stimulating policy or judicial interventions, particular sustainable development issues. Such activities may or may not require the services of various professionals.
- (9) "Expert Body" : A Body comprising entirely of experts drawn from different, but relevant disciplines.
- (10) "Decision Making Body" : A Group, statutory or otherwise, which is delegated specified powers of the Government to decide listed matters.
- (11) "Advisory Body" : A Group, statutory or otherwise, which is entrusted to advise the Government with regard to the course to be adopted on specified matters, such advice not binding the Government.

Guidelines :

The following Guidelines may be adopted with respect to the choosing and appointing non-officials to serve on various Expert and Advisory Bodies :

- (a) "Expert Bodies" :- Expert Bodies may comprise only of experts and professionals. Expert Bodies may be constituted in respect of both Decision-Making, and Advisory Bodies.
- (b) "Decision Making Bodies" : may include non-officials who are Experts and/or Professionals and/or Public Representatives in the relevant fields, which should be specified in the notification setting up the Body. They may also include representatives of Professional VOs and/or Field Level VOs.

- (c) "Advisory Bodies" : may include non-officials who are Experts and/or Professionals and/or Public Representatives and/or Concerned Persons in the relevant fields, which should be specified in the notification setting up the Body. They may also include representatives of Professional, Field Level, and Activist VOs.
- (d) "Maximum Tenure" : The maximum tenure for non-official/individual entity for serving on a given Committee would be five years, but this may be varied downwards in particular Committees.
- (e) "Cooling Off" : A non-official may serve for a maximum of two consecutive terms before cooling off. Experts and Professionals should "cool off" (i.e. not serve in the concerned Body) for at least 3 years after two consecutive terms. This requirement may be relaxed only if no other suitably qualified individual in the field is available in the country. Concerned persons and Activist VOs should similarly "cool-off" for at least 3 years after a single term. They should also not serve in any other Body of the Ministry for at least 2 years after completing a single term in a Body. No cooling off period need apply to Public Representatives, or representatives of Professional/Field Level VOs ; however, care should be exercised to ensure that there is adequate rotation among such non-official participants.

These provisions intended to ensure that adequate opportunity is given to a wide set of individual/Activist VOs to contribute to the work of the Ministry, and to enable fresh points of view to be periodically brought to bear on the work of the MOEF.

- (f) "Multiple Membership" : An individual/entity, which possesses more than one area of expertise may be nominated to more than one body simultaneously.
- (g) "Age Restrictions" : It is important to ensure that adequate opportunity is given to younger persons, as well as that knowledge and experience of the non-official concerned is reasonably current. Also, in many cases, membership of Bodies may require travel, including to field locations. The maximum age up to which a member may serve the Committee would be 70 years. However, in the event of the non-availability of/paucity of experts in a given field, the maximum age for a member of the expert body may be allowed upto 75 years.
- (h) "Debarring" : apart from other conditions that may be specified either generally (e.g. insolvency) or in relation to particular Bodies, the following will comprise grounds for debarring particular individual/VOs from serving in specified Bodies, or in general in Bodies constituted by MOEF.
- "Conflict of interest" : Where a non-official, who or whose family or near relative, has a clear pecuniary or nepotistic interest in the mandates of the concerned Body.

- “Non-adherence to the Principle of Collective Responsibility” : It should be clearly understood that members of various Bodies serve under a requirement of collective responsibility. Accordingly, while members have full freedom to urge their points of view during oral and written deliberations of the Bodies, they must, once an outcome is reached, whether by vote or consensus as determined by the Chair, abide by such outcome. Recording of a Note of Dissent in the proceedings of the Body would not exempt the dissentors from operation of this principle. If a non-official subsequently attempts, through public statements, or legal action, or other significant actions, to frustrate the achievement of the outcomes of a Body on which s/he has served, s/he may be permanently debarred from membership of any Body constituted by or in relation to the mandate of, the MOEF in future.

- (i) “Methodology for selection” : The precise process for selection of non-official members/experts to various bodies would be decided with the approval of Secretary(E&F).

3.	<b>Guiding principles</b>	
3.1	Voluntary action is strictly defined as an active or function undertaken by a person or persons for the benefit of others without any personal financial or material returns. The livelihoods of persons so engaged are expected to be generated from elsewhere or from other activities.	Voluntary action is an activity or function undertaken by a person or persons for the benefit of community without any personal financial or material returns.
3.2	A voluntary organization (VO) therefore, can be defined as an association of persons: (a) established to organize and facilitate the exercise of voluntary action; or (b) assuming such functions in addition to its regular activities.	A voluntary organization (VO) is an association of persons: (a) established to organize and facilitate the exercise of voluntary action; or (b) assuming such functions in addition to its regular activities.
3.3	In main, non-partisan and non-profit or non-profit-distributing organizations established for the purpose of attaining social objectives or general public good and where the office bearers/members, do not receive remuneration from the organization are recognized as VOs.	No comments
3.4	In recognition of the fact that social entrepreneurship has emerged as valuable vehicle for transfer of technological and management skills to rural and backward areas, such organizations too will be	There is a need for a different strategy for promoting social entrepreneurship, and the same may be considered separately, and not in the policy on VOs.

	treated as VOs provided that the remunerations and/or returns are significantly lower than those in comparable public sector or commercial organizations as the case may be.	
3.5	In case where voluntary action is carried out by individuals in their personal capacity, such individuals will be treated as a VO in persona.	Where voluntary action is carried by individuals, their contribution may be recognized. However they may not qualify as Voluntary Organisations.