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LEGISLATION AND INSTITUTIONAL SUPPORT

[Water (Prevention and Control of Pollution) Cess Act, Labeling of Environment Friendly Products, Green Rating Project, USERS Project, Trade and Environment and ISO 14000, Citizen's Charter]

The Ministry continued with its activities aimed at creating a comprehensive legal and institutional infrastructure for safeguarding the environment. These include framing of rules, notification of standards, recognition of environmental laboratories, delegation of powers, identification of agencies for management of hazardous chemicals etc. The existing acts, notifications, rules etc. are also amended from time to time to make them more effective.

The Water (Prevention and Control of Pollution) Cess Act, 1977

The Water (Prevention and Control of Pollution) Cess Act, 1977 was enacted to provide for the levy and collection of cess on water consumed by specified industries and local authorities to augment the resources of the Central and State Pollution Control Boards. The existing rates of water cess were revised in 1991 as the responsibility and workload of Pollution Control Boards increased considerably and funds available with these Boards had not kept pace either with increase in costs or with the overall commitment involving heavy financial liabilities. The Water Cess Act is again being amended to enhance the water cess rates for augmenting the resources of Pollution Control Boards. A Bill in this regard has been introduced in the Lok Sabha on 15-12-2000.

During the current Budget Session of the Parliament, the Water (Prevention and Control of Pollution) Cess (Amendment) Bill, 2003 was taken up for consideration. The Bill seeks to augment the resources of Centre and State Pollution Control Boards and encourage economy in the use of water. The Bill provides for a three-fold increase in water cess rates, however, without increasing the rates for domestic purpose. The Bill also seeks to exempt cess on hydel power. It also seeks to levy water cess on all industrial units which use water and cause pollution. It also provides for a minimum quantity level to be notified for exempting categories of industries consuming less water. The Water Cess Bill has been passed by both the houses of Parliament.

Labeling of Environment Friendly Products

The Government has instituted a scheme for labeling of Environment Friendly Products as "ECOMARK" with a view to provide accreditation and labeling for house-hold and other consumer products which meet certain environmental criteria along with quality requirements

of the Indian Standards for those products. Any product, which is made, used or disposed of in a way that significantly reduces the harm it would otherwise cause the environment, could be considered as a Environment Friendly Product. This is a social scheme to help consumers to contribute their might in the protection of the environment. Till date, Ministry has issued 18 notifications on criterias for different products. A brochure on ECOMARK has been brought out for awareness building. Steps for dissemination of information to popularize the scheme are also being taken up by the Ministry.

Green Rating Project

The second phase of the Green Rating of the Industry project which was awarded to the Centre for Science and Environment (CSE), New Delhi has been completed. The objective of this project was to recognize good environmental performance as well as improvement in performance of the unit. The aim of the project was not only to create greater environmental awareness but also to bring the industrialists, environmentalists, policy makers and citizens of the civil society on a common platform to steer the process of industrialization in India towards sustainability. Green Rating project is built on voluntary disclosure by companies and therefore the rating system automatically provides a 'reputational incentive'.

Three sectors viz. Automobile, Caustic chlorine and Corporate Environment were covered under the project. Manufacturers of cars, two and three wheelers and mass transport vehicles are covered under the automobile sector. The findings of the study in respect of automobile sector are (i) engine technology in India is a decade old compared to the modern engines, (ii) more reliance on catalytic convertor to meet emission norms, (iii) major pollution during outsourcing at suppliers end and (iv) regulation to link suppliers performance with company's performance.

In the Companies category, Daewoo received the highest rating, followed by Hyundai and General Motors in the second and third places respectively whereas in the car segment Matiz was adjudged the environmental friendly vehicle followed by popular Maruti 800 (Euro II).

Mitsubishi Lancer was adjudged the most fuel efficient diesel car. The Mercedes Benz E220 has been adjudged the best diesel passenger car while the Toyota Qualis (Euro II) ranks as the best multi utility vehicle. Hindustan Motors Ambassador and Mahindra and Mahindra's Armada were at the bottom of the pile. The top three eco friendly vehicles are also small cars because they use lesser material during manufacturing and consume lesser fuel.

In the two wheeler segment Hero Honda's Splendour and CD-100 came out at the top. They scored above average in terms of vehicle and engine design and are one of the few four stroke two wheelers fitted with any sort of pollution control equipment.

Among mass transport vehicles, Ashok Leyland's Viking CNG bus was the best performer, while Telco was second. The worst in this segment also came from Ashok Leyland with its diesel fuelled Comet 1611 and Tusker Torbo tractor.

USERS Project

Rapid urbanization and development has led to the degradation of environment in urban areas. There is, therefore, a need for creating a new 'pressure mechanism', which highlights the issue and facilitates information sharing on the subject thereby enabling adoption of better standards/practices.

The Urban Services Environmental Rating System (USERS) Project funded by UNDP, executed by Ministry and implemented by Tata Energy Research Institute, addressed some of these problems. The project aims to develop an analytical tool to measure the performance with respect to basic services delivery in local bodies (Delhi Jal Board, Municipal Corporation of Delhi, Kanpur Jal Sansthan and Kanpur Nagar Nigam) of Delhi and Kanpur, identified as pilot cities. Performance Measurement (PM) tool was developed through a set of performance measurement indicators that are benchmarked against set targets using the input-output efficiency outcome framework.

In order to arrive at a holistic picture considering all related aspects, Performance Measurement Indicators (PMIs) were developed for all the three basic services – water supply, sewerage and solid waste management – under three different categories: Management indicators, Technical indicators and Financial indicators. Separate manuals on performance measurement and management information system have also been developed for the four agencies in the pilot cities covering all the three municipal services.

The project recommends different approaches for promoting, developing and sustaining the concept of PMI systems in local governments: legislative and regulatory mechanisms; market-based financial instrument and/or; involving community based pressure groups. The project recommends the implementation and validation of the proposed MIS system and performance measurement framework on a pilot scale followed by its replication in other cities.

Details about the project and its executive summary are available at www.terin.org/users.

Trade and Environment and ISO 14000

The Ministry also deals with the area of trade and environment Workshops/seminars and symposia have been organized on policy matters relating to trade and environment. The Ministry of Commerce and Industry is the nodal Ministry for Trade and Environment.

Environmental Services is emerging as a new sector. Import and/or export of various types of services needs to be studied thoroughly and carefully before making any “requests” or “offers” to offer WTO member countries. In view of this, Ministry of Environment and Forests has initiated studies, titled, WTO and Liberalisation of Environmental Goods & Services : An Assessment; Negotiation on trade in Environmental Services and Preparation of a background paper for Assistance in Negotiations on Trade in Environmental Services. Outcome of these studies will be taken into consideration before a decision is taken on the issue of Environment Services.

The Environmental Law Component under Environment Management Capacity Building Technical Assistance (EMCBTA) Project

The details regarding environmental law component under the ECBTA Project are given in Chapter 11.

Citizen’s Charter

The Citizen’s Charter of the Ministry has been prepared on the guidelines provided by the Department of Administrative Reforms and Public Grievances (DARPG) during the year.

The Citizen's Charter is now available in the Ministry's website <http://envfor.nic.in>. The Citizen's Charter of the Ministry are as follows:

Our Vision

The Ministry of Environment and Forests is the nodal agency in the administrative structure of the Central Government for planning, promotion, coordination and overseeing the implementation of various environmental and forestry programmes. The Ministry is also the nodal agency in the country for the multilateral and bilateral co-operation in the field of sustainable development.

Our Aims and Objectives

- Conservation and survey of flora, fauna, forests and wildlife;
- Prevention and control of pollution;
- Afforestation and regeneration of degraded areas; and
- Protection of environment in order to promote sustainable development.

We fulfill the objectives through

- Environmental impact assessment,
- Eco-regeneration,
- Assistance to organizations implementing environmental and forestry programmes,
- Promotion of environmental and forestry research, extension, education and training,
- Dissemination of environmental information,
- International cooperation and
- Creation of environmental awareness among all sectors of the country's population.

Details of Business Transacted by the Ministry

We strive for conservation and protection of:

Ecology and Environment

- Initiating measures including legislative measures for environmental protection and conservation,
- Establishing information systems for monitoring quality of environment,
- Drawing appropriate guidelines for environmental impact assessment of projects,
- Promoting environmental protection and conservation through research and development and other programmes including field surveys, studies, etc,
- Management of natural resources in order to protect livelihood and productivity,

- Development of standards in respect of new categories of industries and review of existing standards keeping in view the techno-economic situation, assimilating and carrying capacity of the region, meteorological condition, health implications, etc,
- Continuation of on-going programmes on water and air quality monitoring through Central Pollution Control Board in coordination with State Pollution Control Boards/Pollution Control Committees,
- Continuation of activities for control of vehicular and noise pollution,
- Ensuring pollution control compliance in 17 categories of highly polluting industries and industries discharging wastewater into rivers, lakes, coastal waters, etc,
- Environmental epidemiological studies in specific areas,
- Control of environmental pollution by executing plans for prevention of pollution in all major rivers of the country as well as through Lake Conservation Programmes,
- Promotion of “cleaner production” by adopting cleaner technologies, and
- Establishing centres of excellence and institutions in the field of environmental conservation.

Forestry and Wildlife

- Conservation of existing forests,
- Encouraging afforestation, including social forestry and other forest developmental activities,
- Checking further degradation of forests by judicious use of resources,
- Rehabilitate degraded forests and adjoining lands to increase their sustained productivity,
- A centrally sponsored scheme is in operation on 50 : 50 sharing basis between the State Governments and the Central Government to augment production of fuel-wood and fodder in the 242 identified fuel-wood deficient districts of the country to meet the needs of the communities,
- Intensification of forest research towards development of the forest resources and its sustainable management,
- Wildlife conservation and research through creation of Protected Area Network,
- Actively promote people’s participation, especially women, through Joint Forest Management, and
- A concept of Forest Development Agency (FDA) is being implemented to take up rural development works in the forest-fringe villages as pilot project in the selected territorial/wildlife divisions in all States/UTs, which have adopted Joint Forest Management Resolution.

Details of Clients/Customers

We serve every organization, public or private and all citizens. We also provide financial assistance to both governmental/non-governmental registered organizations in

respect of the programmes of eco-regeneration, eco-development, afforestation, environmental research, field demonstration projects for integrated ecological improvements, organization of seminars/symposia, workshops in environment related subjects, formation of eco-clubs, capacity building and infrastructural development, creation of environmental awareness, publication of books related to environment, setting up of environmental information system (ENVIS) for collection, collation, retrieval, storage and dissemination of environmental information on specific subject-areas relating to environment to all concerned.

We also support the exemption of custom duty on specific equipment for safety in chemical industry and for use in pollution control under the provisions of relevant Act. Besides, exemptions on income tax under the provisions of the relevant Act is also given on donations received for activities leading to conservation of natural resources.

Statement of Services Provided

Our Services are to support

- Programmes, which attempt in arriving at appropriate solutions to environmental problems and to regenerate environmental natural resources,
- Programmes for improving the quality of life of the people living below the poverty line,
- Voluntary agencies, NGOs, universities and research institutions for environmental research, eco-development, conservation, environmental education and awareness, dissemination of environmental information,
- Research in the areas of environmental sciences and technology to mitigate problems arising from degradation of environment,
- Afforestation, soil conservation, land use planning, preservation of flora and fauna, control of air, water, noise and land pollution, regeneration of degraded ecosystems, action plans to control pollution in critically polluted areas and major cities of the country, Urban Management Plans, and
- Augment the requisite manpower, collection, collation and dissemination of environmental information and creation of environmental awareness at the national level.

For Clearance under Forest Conservation Act

- Apply directly to State Governments for diversion of forestland for non-forest purposes. For diversion of forestland upto 20 hectares, State Governments will forward the application to Regional Offices located at Lucknow, Shillong, Bhopal, Chandigarh, Bhubaneshwar and Bangalore as the case may be and the proposals above 20 hectare will be forwarded by the State Government to the Ministry. The Regional Offices have been empowered to clear the proposals upto 5 hectares, except in respect of proposals for regularization of encroachment and mining. Detailed guidelines including proforma for application and for the forest clearance have been laid down.
- All proposals which are complete in all respects and which relate to diversion of forestland are disposed of within the stipulated time limit of 90 days from the date of receipt of proposal under Forest Conservation Act guidelines.

- Forest clearance of projects along with stipulated conditions is displayed on the Ministry's website at URL: <http://envfor.nic.in>. These are also included in the bi-monthly newsletter of the Ministry, entitled "ENVIRONEWS". This newsletter could be obtained directly from the Ministry or could be downloaded from the Ministry's website directly by the user. No subscription fee is required to get this newsletter.

For Clearance in respect of Industrial Projects under Environmental Impact Assessment (EIA) Notification

- The proposals for seeking the environmental clearance except under the Coastal Regulation Zone (CRZ) Notification and mining cases may be sent directly to the Ministry. The mining cases and cases of environmental clearances under Coastal Regulation Zone Notification are to be sent to Ministry through the State Government. Guidelines and questionnaire are available for various sectors such as industry, thermal power, mining, river valley, hotels & beach resorts, ports and harbours and roads, etc. The proposals have to be submitted in a floppy/CD as well as in hard copy. Detailed information in this regard can be seen at Ministry's website at URL: <http://envfor.nic.in>.
- The proposals for environmental clearance which are complete in all respects are considered and decisions taken within 90 days of receipt of the requisite information.

Single Window Clearance

- When a project requires both environmental clearance as well as approval under the Forest (Conservation) Act, 1980, proposal for both are processed independent of each other. However, environmental clearance is accorded only after forest clearance is accorded in applicable cases by the concerned Division of the Ministry.

We have also set up an Information Facilitation Counter (IFC) with the following major objectives:

- The user agencies, NGOs, voluntary bodies, could seek assistance from the IFC or access Ministry's website at URL: <http://envfor.nic.in>.
- The IFC Counter is located in the ground floor of the Ministry and could be accessed through telephone No. 4361669 - Extension 209.
- Disseminating information to the general public in respect of various schemes of the Ministry, procedures and guidelines for submitting applications seeking financial assistance and various publications published by the Ministry from time to time, etc.

Details of Grievance Redress Mechanism

- A Grievances Cell has been constituted to attend to the complaints of public regarding environmental problems. Joint Secretary (Administration) has been nominated as Public Grievance Officer of this Ministry,
- Public Grievance Officer and other officers of the level of Deputy Secretary and above will be available on every Wednesday from 10.00 AM to 1.00 PM, to receive and hear grievances of the public, and
- Visitors to our office will be treated with courtesy and heard patiently to facilitate solving their problems.

- In case of non-fulfillment of the commitments, the users should approach the following officer:

Shri D. D. Verma,
Joint Secretary (Admn.)
Ministry of Environment & Forests,
4th Floor, Paryavaran Bhawan,
CGO Complex, Lodi Road,
New Delhi – 110003.
Telephone: 436 1613
Email: ddverma@nic.in

Expectation from the Client/Citizen

We expect every organization, public or private and all citizens

- To interact with the Ministry and its attached institutions to improve their efficiencies,
- To imbibe the spirit of conservation of natural resources and respect for the laws of nature,
- To honour and abide by the Rules and Regulations framed by this Ministry towards protection of environment and flora and fauna,
- To share information with other citizens in order to encourage sustainable development and improve our habitat,
- To offer suggestions to streamline the functioning of the existing institutions, promote accountability and responsibility, and
- To adopt the precepts of “Environmental Ethics”.

Provision for Annual Review of the Charter

- The Services provided by the Ministry as per the charter will be reviewed annually.
- The timely redressal of public grievances are being monitored by the Public Grievance Officer.
- Grievances received in the Ministry and their follow-up are proposed to be reviewed annually by the Public Grievance Cell.
- Steps are being undertaken to take remedial measures for quick disposal of complaints, specifically on those, which are of repetitive nature.

We Request Central/State Governments/UT Administrations/ Organisations/NGOs/Professional Bodies and other Concerned Organizations To

- Send proposals for our schemes in the prescribed proforma,
- Complete the prescribed formalities before forwarding the proposals,
- Visit our website (<http://envfor.nic.in>) for further details, and

- Contact the Hon'ble Minister for Environment & Forests, Hon'ble Minister for State for Environment & Forests, the under-mentioned officers and the Divisional Heads as given in the Annexure IX, if need arises:

Shri T.R. Baalu,

Hon'ble Minister for Environment & Forests,
Paryavaran Bhawan,
CGO Complex, Lodi Road,
New Delhi - 110 003.
Tel. : 24361727 / 24368633
Email: mef@menf.delhi.nic.in

Shri Dilip Singh Ju Dev,

Hon'ble Minister of State for Environment & Forests,
Paryavaran Bhawan,
CGO Complex, Lodi Road,
New Delhi - 110 003.

Shri K.C. Misra,

Secretary (E&F)
Ministry of Environment & Forests,
Paryavaran Bhawan,
CGO Complex, Lodi Road,
New Delhi - 110 003.
Tel. : 24360721 / 24361896
Email: kcmisra35@hotmail.com

Shri V.K. Duggal,

Special Secretary,
Ministry of Environment & Forests,
6th Floor, Paryavaran Bhawan,
CGO Complex, Lodi Road,
New Delhi - 110003.
Tel. : 24361308
Email: ss-mef@nic.in

Shri M.K. Sharma

Director General of Forests and Special Secretary,
Ministry of Environment & Forests,
Paryavaran Bhawan,
CGO Complex, Lodi Road,
New Delhi - 110003.
Tel. : 24361509, 24363957