



## LEGISLATION AND INSTITUTIONAL SUPPORT

[National Environment Policy; The Water (Prevention and Control of Pollution), Cess (Amendment) Act, 2003; Notification for Delegation of Powers, Green Rating Project; Trade & Environment and ISO 14000; Citizen's Charter]

**T**he 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 etc. The existing acts, notifications, rules etc. are amended from time to time to make them effective.

### National Environment Policy

The Ministry has undertaken the formulation of a Comprehensive National Environment Policy to harmonize the demands of development and environment in response to the need to weave environmental considerations into the fabric of development process and national life. It will be an expression of our commitment for reorienting policies and action in unison with the environmental perspective.

The Government of India's policies on environment had its beginning in the Fourth Five Year Plan. In the Fourth Plan, a specific focus on the need for harmonizing

our development with environment was brought out. This was followed by the setting up of National Committee on Environmental Planning and Coordination and the Tiwari Committee recommended the creation of separate Department of Environment to coordinate issues arising out of economic development and social needs. The Department of Environment was created in 1980 and the Ministry of Environment and Forests was established in September, 1985.

The policies of the Government are being implemented through various Acts such as the Wildlife (Protection) Act, 1972, the Water (Prevention and Control of Pollution) Act, 1974, the Water (Prevention and Control of Pollution) Cess Act, 1977, the Forest (Conservation) Act, 1980, the Air (Prevention and Control of Pollution) Act, 1981 and the Environment (Protection) Act, 1986.

The Government, during this period, has also come out with its policy documents through the National Conservation Strategy and Policy Statement on Environment and Development (1992), Policy Statement

for Abatement of Pollution (1992), and National Forest Policy (1988).

## **The Water (Prevention and Control of Pollution) Cess (Amendment) Act, 2003**

The Water (Prevention and Control of Pollution) Cess Act, 1977, was enacted to provide for levy and collection of Cess on water consumed by specified industries and local authorities so as to augment the resources of the Central and State Pollution Control Boards. Keeping in view the fact the funds available with the Pollution Control Boards did not keep pace either with increase in costs or with the overall commitment involving heavy financial liabilities and increased responsibility / work load because of rapid expansion of industries and towns, the water cess rates were once revised in 1991. To augment the resources of the Pollution Control Boards, an Act was passed amending the earlier Cess Act. This amended Act, was enforced in May, 2003. In accordance with this amended Act, the cess rates were once again enhanced.

## **Notification for Delegation of Powers**

A notification was issued delegating powers conferred by Section 23 of the Environment (Protection) Act, 1986 to the officers of Central Pollution Control Board and Ministry of Environment and Forests under Section 11 (1) of the said Act. A notification was also issued delegating powers conferred by Section 23 of the Environment (Protection) Act, 1986 to the officers of Central Pollution Control Board and Ministry of Environment and Forests under Section 10(1) of the said Act.

## **Green Rating Project**

The Government has instituted – ‘ECO MARK’ – a scheme of labelling of environment friendly products with a view to provide accreditation and labelling for household and other consumer products which meet certain environmental criteria along with quality requirements of the Indian Standards Institute / Bureau of Indian Standards for that product. Any product, which is made, used or disposed of in a way that significantly

reduces the harm to environment, could be considered as ‘Environment Friendly Product’. Rating serves as a means to recognize good environmental performance as well as improvements in performance of the unit by simplifying and condensing environmental risk into a single indicator. Rating helps stakeholders understand environmental risk issues better. It enables them to incorporate environmental risk criteria in their decision-making processes.

The project would help in capacity building by conducting training, workshops, seminars, conference etc. on the issues pertaining to the industry and environment interface. This would facilitate the change in attitude of the stakeholders and the industry on the need to support the proactive industry. The Ministry aims at building awareness about eco-mark among consumers and manufacturers. Till date, the Ministry has issued a number of notifications on different products criteria. Under the second phase of the Green Rating Project, a study on ‘Green Rating of Indian Industry’ has been got conducted through the Centre for Science and Environment (CSE).

The objective of this project was to recognize good environmental performance as well as improvements in performance of the unit. Another study has been got conducted through The Energy Resources Institute (TERI) on ‘Urban Services Environment Rating Systems’ (USERS). 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 of Environment and Forests and implemented by TERI, addressed some of these problems. The project aimed 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 Nigram) 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 inputs-outputs efficiency outcomes framework.

### **Other Activities**

Besides the above, studies were got conducted on 'Environment Protection and Sustainable Development in India : Recent Developments'. A National workshop relating to Implementation of Environmental Legislations for Protection & Conservation of Environment and a workshop on 'Ecomark' was organized. A Training and Refresher Course in Environmental Law and Policy for senior officers of states was also got conducted.

### **Trade and Environment and ISO 14000**

The issue of Trade & Environment has been of greater significance since the beginning of 1990s on account of a number of domestic and international factors. These include India's Economic Liberalisation Policy followed since 1991, the increasing importance of environment as a factor influencing market access and export competitiveness the impetus generated by the UN Conference on Environment & Development in 1992, increased emphasis on the sustainable use and management of natural resources in India's Fifty-year Plans, inclusion of environment in the International Trade Agenda and in the work of the World Trade Organisation (WTO), the increased awareness of Trade & Development and implications of Multilateral Environmental Agreements (MEAs). With the emergence of environment related international standards prepared by the International Organisation for Standardisation (ISO), grew the recognition of the need for an integrated examination of trade, environment, technology, finance, investment and sustainable development.

Environmental Services is emerging as a new sector and various types of services for import or export need to be studied thoroughly and carefully before making any "requests" or "offers" to other WTO member countries. The nodal Ministry for 'Trade and Environment' is the Ministry of Commerce. Ministry of Environment and Forests is contributing in this area as a co-ordinator for providing inputs on policy matters with respect to

environment vis-à-vis trade. Workshops / seminars and symposia are being organized from time to time on the policy matters. A National Seminar on 'Issues in Environmental Goods', was jointly organized by Ministry of Environment and Forests and the Rajiv Gandhi Institute for Contemporary Studies.

Besides the above, studies were got conducted on "Design & Implementation of Environment Management System ISO 14001 Certification for Paryavaran Bhavan" "TRIPS and Convention on Biological Diversity; their impact "On The Multilateral Trading System – An Analysis in the Indian Context" – Negotiations on Trade in Environmental Services : What India Could Offer and Request.

### **Citizen's Charter**

#### **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.

## 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. 24361669 - 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 (Cross-cutting Issues-I) 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 1.00pm, 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. Sudhir Mital

Joint Secretary (Cross Cutting Issues – I)  
Ministry of Environment & Forests  
Paryavaran Bhawan, CGO Complex, Lodi Road  
New Delhi – 110003  
Ph : 24363956  
e-mail : mital\_sudhir@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, the under-mentioned officers and the divisional heads (Annexure-IX).

**Shri A. Raja**

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**Shri Namo Narain Meena**

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