

LEGISLATION AND INSTITUTIONAL SUPPORT

The Ministry continued its activities aimed at creating a comprehensive legal and institutional infrastructure for safeguarding the environment. These include framing of rules, notification on delegation of powers etc. as amended from time to time to make them effective.

National Environment Policy

'Formulation of a National Environment Policy (NEP) to harmonize the demands of development and environment' was identified by the Cabinet Committee on Economic Reforms, Government of India as one of the Thrust Areas for action as a follow up of the Prime Minister's announcement at the National Development Council meeting on 21st December, 2002.

For a meaningful interaction with various stakeholders, it was considered essential to have a concept/base document, which could then be modified to arrive at a broad consensus. The Ministry in consultation with experts, prepared a Draft 'National Environment Policy' which is intended to be finalized after extensive consultation with relevant stakeholders, concerned Departments of the Central Government, the State Governments, Non-governmental organisations, Industry Associations, Autonomous Bodies and Experts / Research Institutions working in the field of environment.

To enable widespread dissemination to all stakeholders and the general public, the Draft Policy was put on the website of the Ministry in August 2004 and given wide publicity in the press including advertisements to invite responses/suggestions/comments on the same by 31st October, 2004. The last date was extended to 30th November, 2004 and further extended to 31st December, 2004.

Copies of the Draft National Policy were also sent to all State Governments and Ministries of the Central Government seeking their suggestion/comments. Independent communication was also sent to the Chief Secretaries, Environment Secretaries and Chairmen of the Pollution Control Boards/Committees of the respective States/UTs. A copy of the draft policy has also been sent to all Hon'ble Members of Parliament both in the Rajya Sabha and the Lok Sabha.

The Draft NEP was discussed in the Conference of the State Environment Ministers and Secretaries on 8th and 9th September 2004. In order to have widespread consultation, it was considered necessary to discuss the draft policy once again with the State Governments, Ministries of the Central Government, voluntary organizations, various industry associations and Non-Governmental Organizations (NGOs). Accordingly, another round of discussion with State Environment Secretaries was held on 3rd November, 2004 under the Chairmanship of Secretary (E&F). Discussion with Central Ministries/Depts. was held on 5th November, 2004. Separate meetings with various Industry Associations, Autonomous bodies and NGOs were held on 24th November, and 30th November, 2004 respectively. The last meeting was held on 15th February, 2005 with the Members of the National Advisory Council (NAC) and representatives of Voluntary Organization/Civil Society representatives.

Till date, more than 500 communications from State Government/Departments of Central Government/NGOs/experts/individuals/institutions/societies/trusts/industries and press clippings, have been received from different parts of the country, both electronic and paper, and these are being duly considered and compiled. Comments/responses received from the various stakeholders on each of the provisions of the NEP are being examined and a decision taken on each. In this regard, a number of meetings have been held separately in the Ministry, under the chairmanship of Secretary (E&F). After incorporating the requisite comments, suggestions received from various stakeholders, the draft NEP would be modified.



Delegation of Powers under Environment (Protection) Act, 1986

A notification has been issued delegating powers conferred by Section 23 of the Environment (Protection) Act, 1986 to the Chairmen, Chattisgarh Environment Conservation Board, Jharkhand Pollution Control Board, Uttaranchal Environment Protection & Pollution Control Board under Section 5 of the Environment (Protection) Act, 1986 to issue directions to any industry or any local or other authority for the violation of the standards and rules relating to biomedical wastes; hazardous chemicals, industrial and solid wastes and municipal solid wastes including plastic wastes notified under the Environment (Protection) Act, 1986.

Recommendations of 186th Law Commission Report – Setting up of Environment Courts

The Law Commission in its 186th Report, has *inter-alia* recommended establishment of a separate 'Environment Courts' in each State, consisting of judicial and scientific experts in the field of environment for dealing with environmental disputes besides having appellate jurisdiction in respect of appeals under the various Pollution Control Laws. The Commission has also recommended for repeal of the National Environment Tribunal Act, 1995 and the National Environmental Appellate Authority Act, 1997. The recommendations of the Law Commission regarding setting up of Environment Courts are under consideration considered favourably by the Ministry. The structure, jurisdiction, composition and other modalities relating to establishment of Environment Courts are being considered in consultation with Ministry of Law & Justice.

Promotion of 'Ecomark' Scheme for Labelling of Environment Friendly Products

The Ministry had earlier instituted a scheme for Labelling of Environment Friendly Products in 1991, 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 Bureau of Indian Standards Institutes (BSI) for that product. The label is known as the ECOMARK. Any product, which is made, used or disposed of in a way that significantly reduces the harm it would otherwise cause to the environment, could be considered as Environment Friendly Product. The activities for building awareness for the 'ECOMARK' Scheme were continued.

A project has been sponsored by the Ministry to two separate organisations, one for comparative product testing of five products namely copier papers, exhaust fans, fluorescent lamps, dry cell batteries (zinc chloride & alkaline) and edible oils and the other for creation of awareness on 'ECOMARK' Scheme.

ISO 14001 and Environment Management System

The ISO 14001 Series provide guidelines to the industry, which help ensure an Environmental Management System on environmental aspects such as eco-labelling, life-cycle analysis and product standards. The Confederation of Indian Industry (CII) has been entrusted the task of designing and implementing the 'Environment Management System' (EMS) in Paryavaran Bhavan, New Delhi as per ISO 14001 standards for improving environmental standards. The benefits of EMS are 1) it enhances Work Environment resulting in better employee morale, 2) enhances organization's image amongst stakeholders, 3) resource conservation, 4) better work safety through preparedness for potential emergencies, 5) improvement of resource use efficiency and resulting cost savings. Environment Management Plan for Paryavaran Bhavan has also been taken up for which a Core Group has been formed to sort out the problems/issues concerned.

Trade and Environment

The objective of the programme is to increase awareness and understanding among the various target groups of the complex linkages between trade and environment. It also aims at contributing towards building capacity among various target groups (Government officials, industrial managers, export houses, industrial associations, academicians, NGOs etc.) to deal with the issues arising at the trade and environment interface. These objectives are achieved by providing analytical information and analysis to policy makers and the business sector so that they could effectively participate in deliberations at the relevant international organizations and other fora. The Ministry continued to contribute in the area of Trade and Environment by way of providing inputs to the nodal Ministry on various policy matters with reference to environment and trade. A consultancy project has been assigned to Indian Institute of Public Administration, Delhi for three years for providing inputs on the policy issues relating to trade and environment.

An Inter-Ministerial Consultative Group has been constituted by the Ministry with a view to developing a common position for multilateral negotiations in respect of various issues at the interface of Trade and Environment. The Group consists of representatives of the concerned Ministries viz. Ministry of Environment & Forests, Ministry of Commerce & Industry, Ministry of Agriculture, Ministry of Health, Department of Science & Technology and Department of Bio-Technology and it is co-chaired by Secretary (E&F) and the Commerce Secretary. The following generic issues were identified by the Consultative Group for policy oriented studies:

- ❑ Inter relationship between the Multilateral Environmental Agreements (MEA) and World Trade Organisation (WTO) regimes
- ❑ A consistent interpretation of the precautionary principle/approach in application to different agreements.
- ❑ Due process and transparency in standard settings – environment/safety
- ❑ Cluster of Intellectual Property Rights (IPRs) issues like traditional knowledge.

Expert groups are being set up to carry out studies on each of these issues.

UPDATES 2004-05



- The Ministry in consultation with experts, has prepared a draft National Environment Policy, 2005 to harmonize the demands of development and environment. The draft policy will be finalized after a series of discussions with several stakeholders in the country.
- The Chairmen, Chattisgarh Environment Conservation Board, Jharkhand Pollution Control Board and Uttaranchal Environment Protection and Pollution Control Board have been delegated powers under the Environment (Protection) Act, 1986 to issue directions to any industry or any local or to other authority for the violation of the standards and rules relating to hazardous wastes notified under the Act.
- As per the recommendations of 186th Law Commission Report, the Ministry has initiated various actions for setting up of Environment Courts in consultation with the Ministry of Law and Justice.
- Promotion of Eco-Mark Scheme for labeling of environment-friendly products, is continuously taken up through diverse activities among the consumers by the Ministry.
- The Ministry has entrusted Confederation of Indian Industry (CII) the task of designing and implementing the Environment Management System (EMS) in Paryavaran Bhawan, New Delhi as per ISO : 14001 Standards for improving the environmental standards. Environment Management Plan for Paryavaran Bhawan has also been taken up after sorting out the problems/issues concerned.
- An Inter-Ministerial Consultative Group has been constituted by the Ministry with a view to developing a common position for multilateral negotiations in respect of several issues at the interface of 'Trade and Environment'. Several generic issues have been identified by the Consultative Group for policy-oriented studies.