



Chapter – 12

*Legislation
and
Institutional
Support*

Legislation and Institutional Support

Introduction

The Policy and Law Division of the Ministry is partly implementing the schemes “Assistance for Abatement of Pollution, Environment Policy & Law” and “Establishment of Environment Commission and Tribunal” and providing legislative and institutional support to other thematic divisions whenever need for any amendment to existing legislation/notification or enactment of new legislation arises. In addition, the division is specifically looking after the implementation of the National Environment Policy, 2006, recommendation of the Law Commission in its 186th report and the Ecomark Scheme.

Progress of Activities Undertaken

National Environment Policy, 2006

- The National Environment Policy 2006 is the first comprehensive policy document formulated at national level for realizing the overarching goal of sustainable development in the country. It does not displace but builds on earlier policies. It is the outcome of extensive consultations with experts, governments, industry associations, academic and research institutions, civil society, NGOs and the public. The NEP outlines the significance of a number of new and continuing initiatives for enhancing environmental conservation which requires coordinated action of diverse actors and stakeholders at all levels.
- The National Environment Policy has been widely circulated and is available on Ministry’s website www.envfor.nic.in. The Ministry has written to Central Ministries/Departments and State Governments/UT Administrations to ensure that the environment concerns expressed in the NEP 2006 are appropriately integrated and

mainstreamed in the Sectoral/State development plans during the 11th Plan period.

Law Commission Recommendation

- The Law Commission in its 186th Report pursuant to the judgement of the Supreme Court of India in the matter of A.P. Pollution Control Board Vs. Prof. M.V. Nayudu. (Reported in 1999(2) SCC 718 and 2001(2) SCC 62) has, inter-alia recommended establishment of environmental 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 repeal of the National Environment Tribunal Act, 1995 and the National Environment Appellate Authority Act, 1997 after environment courts have been set up. The Ministry has decided to implement the recommendation of the Law Commission and the draft proposal has been sent to Legislative Department, Ministry of Law & Justice for formulation of the Bill.

Eco-Mark Scheme

- The Ministry launched the Eco-Mark Scheme in 1991 for identification of environment friendly products. The basic objective of the Scheme is to encourage the consumption of such environment friendly products by providing criteria and labelling for household and other consumer products which meet certain environmental criteria alongwith ISI quality requirements of the Bureau of Indian Standards. The Eco-Mark Scheme has been awarded a distinguished sign of “earthen pot” as its logo. This is a voluntary scheme based on the cradle to grave approach.

- As of now, out of 17 product categories for which criteria has been notified by the Ministry, licenses for three product categories has so far been obtained by 12 manufacturers. The Scheme is presently under review in order to expand the coverage of products and its adoption and for popularizing the same among the consumers and manufacturers.

Capacity Building in the Field of Environment Law

- During the year, the Ministry continued to encourage activities for increasing awareness and capacity building in the field of environmental legislations.
- Financial Assistance was given to World Wide Fund (WWF) – India for compilation of landmark judgements on environmental issues delivered by Hon'ble Supreme Court of India and publishing it as "Environment Law Digest (ELD)". The WWF has furnished the first draft of the ELD and is being examined in the Ministry presently.
- Financial Assistance to the tune of Rs.5,00,000/- was also provided to the Indian Society of International Law, New Delhi for organizing the fifth International Conference on International Dimensions of Environmental Law on 8-9th December, 2007. The Conference was inaugurated by Sh. Ram Niwas Mirdha, President of the Indian Society of Law, Executive Council.

Trade and Environment

Introduction and Objective

Since the beginning of 1990s, on account of a number of factors the issue of 'Trade and Environment' has been of greater significance both nationally and internationally.

The objectives of this Programme are to

- Provide technical inputs to the preparatory process at the Ministry in the area of trade and environment, in particular items under negotiations in the WTO and other multilateral, regional and bilateral trade agreements.
- Examine the linkages between trade and environment with special reference to the priority sectors of the Ministry, and
- Assess the likely impact of proposed changes in the WTO policies in the affected sectors and suggest strategies and policy recommendations.

Progress of Activities Undertaken

The Ministry has sanctioned a three-year consultancy Project, 'Programme on Trade and Environment' from 1st December 2006, Dr. U. Sankar will be the Coordinator of the Project. As a part of the Programme, a website entirely dedicated for Trade and Environment is being launched. It will be accessible through the Centre of Excellence Website of the Madras School of Economics.