

**GOVERNMENT OF INDIA
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE**

**Indira Paryavaran Bhawan
Jor Bagh Road, New Delhi-110003**

**ENVIRONMENT & FOREST MINISTERS' CONFERENCE
6-7 APRIL, 2015, VIGYAN BHAWAN, NEW DELHI.**

CONFERENCE PLAN

6th April, 2015 (Plenary Hall)

1.	Inaugural session	10-11 AM
2.	Tea Break	11-11.30 AM
3.	Combined session on waste to wealth covering rules regarding solid waste, e-waste, hazardous waste, plastic waste and bio-medical waste etc. (i) Presentation on waste to wealth by Jt. Secretary, MoEF&CC (ii) Response by State/UT Governments	11.30 AM - 1.30 PM 11.30-11.45 AM 11.45 AM –1.30 PM
4.	Lunch Break	1.30 – 2.30 PM
5.	Combined session on ease of doing business and TSR Report (i) Presentation on Forest & Wildlife Issues by ADG(FC), MoEF&CC (ii) Presentation on Environmental Issues by Jt. Secretary, MoEF&CC (iii) Response by State/UT Governments	2.30 –5.30 PM 2.30 –2.45 PM 2.45 –3.00 PM 3.00 –5.30 PM

7th April, 2015 (Hall No.6, 5 & 4)

1.	Simultaneous break-out sessions on : (i) Forest, Wildlife and GIM issues (Hall No.6) Presentation by DG&SS, MoEF&CC Response by State/UT Governments Tea Break Response by State/UT Governments (cont.) Lunch Break	9.30 AM –1.30 PM 9.30 –10.00 AM 10.00 –11.30 AM 11.30 AM –12 Noon 12 Noon –1.30 PM 1.30 –2.30 PM
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	<p>(ii) Pollution related issues (Hall No.5)</p> <p>Presentation by Special Secretary, MoEF&CC</p> <p>Response by State/UT Governments</p> <p>Tea Break</p> <p>Response by State/UT Governments (cont.)</p> <p>Lunch Break</p> <p>(iii) Biodiversity and Climate Change issues including eco-sensitive zones and Western Ghats (Hall No.4)</p> <p>Presentation by AS(HKP) & AS(SK), MoEF&CC</p> <p>Response by State/UT Governments</p> <p>Tea Break</p> <p>Response by State/UT Governments (cont.)</p> <p>Lunch Break</p>	<p>9.30 –10.00 AM</p> <p>10.00 –11.30 AM</p> <p>11.30 AM –12 Noon</p> <p>12 Noon –1.30 PM</p> <p>1.30 –2.30 PM</p> <p>9.30 –10.00 AM</p> <p>10.00 –11.30 AM</p> <p>11.30 AM –12 Noon</p> <p>12 Noon –1.30 PM</p> <p>1.30 – 2.30 PM</p>
2.	Valedictory Session (Hall No.6)	2.30 –4.00 PM

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AGENDA ITEMS

AGENDA ITEM NO.1 WASTE TO WEALTH

1.1 Background

Every waste has a value. The reuse and recycling of wastes generates resources through a process of recovery of useful constituents from such wastes. Institutional and household wastes primarily comprise paper, metals, glass, plastic, tin, wood, electrical & electronic items etc. Most of these are recyclable for their continued use in a productive manner which not only reduces load on virgin resources but also generates employment. In the present socio-economic setting, households, commercial institutions, economic production centres, infrastructure units including health care centres are sources of waste generation.

Waste to wealth represents generation of economic benefits out of what was traditionally considered as a waste. In the background of rising energy costs, scarcity of resources, and deterioration of ecological systems, innovative mechanisms to translate waste into useful ingredients (energy and/or other useful by-products) represent an appealing solution to several pressing problems. By integrating the co-processing and treatment of waste in energy and resource-intensive industries, it is expected that our country can reduce investments in costly waste incinerators, save large amounts of non-renewable fossil fuels and raw materials, reduce greenhouse gas emissions, generate employment and increase treatment capacity for hazardous chemicals in addition to minimising severe environmental hazards.

1.2 Issues

It is reported that of the estimated 62 million tonnes of Municipal Solid Waste (MSW) generated annually, 80% of which is disposed of indiscriminately in an unhygienic manner leading to huge adverse environmental and health impact. The present level of annual generation of MSW will need about 3.4 lakh cubic meter of landfill space every day. With a projected MSW generation of 165 million tonnes by 2031, the requirement of land for setting up landfill for 20 years could be as high as 1240 hectare per year of land, which our country cannot afford. It is, therefore, imperative to minimise waste drastically going to landfill by way of processing MSW using appropriate technologies. It is indeed a challenging task to devise a way forward for processing of MSW into segregated streams which is sustainable and also resulting into waste to wealth principle.

The Government of India in the Ministry of Environment, Forest & Climate Change administers following waste management Rules which have been notified under Environment (Protection) Act, 1986 with a major objective for environmentally sound management of such wastes to ensure environmental sustainability as well as promotion of ways and means for reuse and recycling of waste as productive resources which *inter alia* has socio-economic advantages as well.

- Hazardous Wastes (Management, Handling and Transboundary Movement) Rules, 2008;

- Municipal Solid Waste (Management and Handling) Rules, 2000;
- Bio-Medical Waste (Management and Handling) Rules, 1989;
- Plastic Waste (Management and Handling) Rules, 2011; and
- e-Waste (Management and Handling) Rules, 2011

These rules are primarily framed on the basis of source characteristics and aimed at preservation, conservation and protection of the environment; and emphasise on gainful utilisation of the waste as resource. The implementation of these rules requires cooperative partnership of Central Government, State Governments and local governments. However, in the working experience gained in the implementation structure over time, the effectiveness of these rules have not been found adequately meeting the challenges; and accordingly effective mechanisms for better delivery are being worked at. In order to facilitate integrated waste management concept, the Ministry has proposed / finalised amendments to the above rules. The draft amendment to these Rules i.e. Hazardous Waste, e- Waste, Municipal Solid Waste, Plastic Waste and Bio-medical Waste will be available shortly in public domain in the Ministry's website.

1.3 Actions points required from State Governments

1.3.1 Hazardous Wastes (Management, Handling and Transboundary Movement) Rules, 2008

- Inventorization of hazardous waste
- Grant and Renewal of Registration/ Authorization as part of CTO under Water Act, 1974 on the basis of Standard Operating Procedure (SoPs) to also meet the requirement for import/export of such wastes;
- Monitoring and compliance of various provisions of authorization and condition of permission for import/export issued by MoEF&CC;
- Action against violation of these Rules.
- State Government/ Union Territory to identify and notify site(s) for common hazardous waste Treatment Storage and Disposal Facility (TSDF).

1.3.2 e-Waste (Management and Handling) Rules, 2011

- Inventorization of e-waste;
- Grant and Renewal of authorization for Extended Producer Responsibility of Producers not limited to one State;
- Grant and Renewal of authorization under the Rules to recyclers and dismantler;
- Monitoring and compliance of authorization conditions;
- Action against violation of these Rules.

1.3.3 Municipal Solid Waste (Management and Handling) Rules, 2000

- Develop and establish infrastructure for segregation, collection, transportation, processing and disposal of the waste.
- Draw short and long term plan, to handle municipal solid waste in accordance with the Rules.

- (iii) States to prepare a road map on how ULBs would meet targets as per rules including financial requirements.
- (iv) Consider imposing User Charge to be paid by the waste generators to the waste collectors and spot fines for the person who fails to segregate the waste at source and litters.
- (v) State Governments to facilitate availability of the land for setting up waste processing and disposal facility.

1.3.4 Plastic Waste (Management & Handling Rules), 2011

- (i) States to ensure illegal and unregistered units, including units manufacturing substandard (less than 40 micron thickness) carry bags are closed down immediately taking the help of local administration/police and disconnection of electricity, as applicable.
- (ii) States shall constitute squads for vigilance and reporting illegal operation of unregistered units including units manufacturing substandard (less than 40 micron thickness) carry bags to the SPCB for ensuring their non-operation.
- (iii) States to prohibit/ban stocking, selling and use of any carry bag (having handle or non-handle) having less than 40 μ thickness plastic material.
- (iv) Action against violators.

1.3.5 Bio-medical Waste (Management and Handling) Rules, 2011

- (i) Develop Common Biomedical Waste Treatment and Disposal Facilities (CBWTFs)
- (ii) States to ensure location criteria and coverage area as stipulated under guidelines of Central Pollution Control Boards.
- (iii) Ensure health care facilities are installed ETPs/STPs for treating liquid waste as per norms stipulated under BMW Rules.
- (iv) Captive incinerators without Air Pollution Control Device (APCD) or with single chamber are upgraded or closed.

**AGENDA ITEM NO.2 EASE OF DOING BUSINESS AND TSR
SUBRAMANIAM REPORT**

A. FOREST AND WILDLIFE ISSUES

2.1 Streamlining Procedures Under Forest (Conservation) Act, 1980

To facilitate expeditious, informed and predictable decisions on applications seeking forest clearance to developmental projects, Ministry of Environment, Forest and Climate Change in the recent months took several measures. Notable among them are – launching of a web portal for online submission and monitoring of forest clearance applications, launching of first version of a GIS based decision support system, delegation of powers to Regional Empowered Committee (REC) at each of the Regional Offices of the Ministry to finally dispose of proposals seeking diversion of five hectares to 40 hectares of forest land in each case except those relating to mining, encroachments and hydel projects and proposals seeking diversion of forest land to linear projects, irrespective of the area of forest land involved, grant of general approval under section-2 of the FC Act for diversion of forest land required for construction and widening of two lane roads by the BRO / other agencies, in the area falling within 100 kilometres aerial distance from the line of actual control (LAC) and widening of link roads, between Border roads in the area within 100 kilometres aerial distance from the LAC and National Highways/State Highways/Other State Roads by Ministries of Defence and Home Affairs; grant of general approval under the FC Act for diversion of forest land required for construction of two land public roads by Government Departments in 117 Left Wing Extremism (LWE) affected districts, issued guidelines to the effect that compensatory afforestation, Net Present Value (NPV) and FRA will not be applicable to proposals seeking Forest Clearance for prospecting of minerals in forest areas, provided it does not create permanent change in land use

The Ministry solicits cooperation of States/ UTs in preparation of geo-referenced district forest maps as directed by the Hon'ble Supreme Court in the Lafarge Judgment, creation of Land Bank for compensatory afforestation, notification as Reserve Forest /Protected Forest of the non-forest or revenue forest land transferred and mutated in favour of the State Forest Departments for creation of compensatory afforestation and realization of the outstanding amount of NPV.

2.2 Reforms In Wildlife - Rationalisation Of Procedure

Generally any business related activities are not located inside the Wildlife Sanctuaries or National Parks, as such areas are set apart for protection and conservation of forests/wildlife. However, at times, infrastructure development or natural resource use activities may involve an area within such Protected Areas.

In case of any activity to be taken up inside a WL Sanctuary or National Park, the regulations provide for consultation with State Board for Wildlife (SBWL) and National Board for Wildlife (NBWL), respectively. Under a writ petition (337/1995), presently, the cases of WL Sanctuaries are also to be placed before the Standing Committee of NBWL and for all cases, approval of Supreme Court is to be sought.

As a policy, Ministry had also decided in 2007, to refer all cases of Environmental Clearance, which are located within 10 km from the boundary of a Protected Area, to Standing Committee of NBWL. This was further modified to be restricted to ESZ if ESZ has been notified around a Protected Area.

Issues affecting ease of business, and reforms taken up in WL sector are as follows:

- (i) The National Board for Wildlife was non functional since September 2013. The Board was reconstituted in July and September 2014.
- (ii) No meetings of the Standing Committee had taken place after September 4, 2013. After reconstitution of the National Board and Standing Committee, 3 meetings (*latest meeting is on 14 March 2015*) have taken place at regular and short intervals and pendency of WL clearance cases has been reduced to minimum.
- (iii) For the cases located outside a PA (10 km or ESZ), as statutory requirement of State Board for Wildlife was not existing, it was proposed to place the matters directly before the Standing Committee. This saved about 1 year of processing time at the State level.
- (iv) The process for application and processing of wildlife clearance had been long and was being handled manually in State Forest Departments and MoEF&CC. For easing the process by time efficiency and reduction of paper work, online application and processing of wildlife Clearance has been introduced along with FC and EC clearances and is functional now.
- (v) Regulations related to CITES and Wildlife Protection Act in international trade are pursued by Wildlife Crime Control Bureau in collaboration with Central Board for Excise and Customs. For easing the process, the relevant information have been uploaded on the web site of WCCB and is being integrated with CBEC website. An integration with Customs EDI System (ICES) is being worked on.

2.3 Salient Features Of The Guidelines On Liberalisation Of Regulatory Regime On Trees Grown On Private/ Non Forest Land

Objective: Main objectives are given below:

- relaxing regulations on felling and transit of trees grown by farmers/ people.
- to create an enabling environment, motivate and facilitate people to plant trees on their lands to partner the efforts of the government in increasing forest and tree cover towards achieving the national goal of 33 percent.
- to bring clarity and certainty so that farmers and other land owners invest in tree plantations with a long term perspective and have no fear of losing their land because of planting trees.
- to generate employment in plantation, processing and value addition of wood and biomass related products especially in rural areas pressure on the forests.
- to lead the country towards self sufficiency in wood, pulp, fibre products to meet demand of various wood & non wood products and reduce their import,

- benefits of climate change mitigation and enhancement of ecosystem services.

Guidelines:

- (i) Tree & bamboo species generally planted by farmers should be exempted from transit permit and felling regulations.
- (ii) Minimum regulatory restrictions if the tree species are common with nearby forests to protect trees from such forests. Gram Sabha/ Joint Forest Management Committee to certify origin of trees/ timber.
- (iii) Time bound issuance of permission & Transit Pass, simple procedure.
- (iv) Ministry prefers free interstate movement of privately grown timber so that farmers/ tree growers get the best price in market.
- (v) Moving towards an electronic IT enabled National Permit System for unhindered movement across the country. Regional coordination mechanism facilitated through Regional Offices of Ministry.
- (vi) Recording of Agro-forestry plantations- export requires certification that timber is legal.
- (vii) Large scale publicity & extension activities, information on trees in local and official languages, use of media, Van Vigyan Kendra, Krishi Vigyan Kendra.
- (viii) Facilitate growing and marketing of valuable timber like Teak, Shisham, Red sanders, Agarwood, Sandalwood etc. by farmers for higher income and conservation of such trees in forests.
- (ix) Forest officers to guide farmers/ people to raise nurseries for quality & standardized planting materials, in tree planting, help in establishing modern timber markets with the help of industries and stakeholders to facilitate fair timber trade so that farmers get competitive prices.

2.4 Time-Bound Permission For Felling Of Trees In Metropolitan Cities

The Ministry has taken up the matter with States of Maharashtra and Delhi for creating a suitable mechanism for expediting tree felling permissions in time bound manner to reduce avoidable delays in granting permissions.

2.5 Preparation of geo-referenced district forest maps as directed by the Hon'ble Supreme Court in the Lafarge Judgment

Supreme Court in their Judgment dated 6th July 2011 in I.A. No. 1868 of 2007 filed by M/s. Lafarge Umiam Mining Pvt. Ltd. in Writ Petition (Civil) No. 202 of 1995 in the matter of T.N. Godavarman Thirumulpad *versus* Union of India and others *inter alia* directed the each State/UT Govt. to complete the exercise undertaken by them, in compliance of the Hon'ble Supreme Court's earlier order dated 12.12.1996 in the said writ petition to identify the areas which are "forests" for the purpose of the Forest (Conservation) Act, 1980 and prepare the geo-referenced forest map of each district. Geo-referenced district forest maps will be an important component of the GIS based decision support systems being developed by the MoEF&CC through Forest Survey of India.

The geo-referenced districts forests maps will contain boundary of (i) recorded forests areas under control of the State Forest Department; (ii) recorded forest areas under control of departments/organizations other than the State Forest Department; (iii) recorded forests owned by private individuals and organizations; and (iv) areas which are not recorded as forest in any government record, but may be classified as forest as per dictionary meaning.

Preparation of district forest maps will eliminate disputes whether an area is forest or not. It will also greatly help the Central Government and State Governments to take expeditious decision on Forest Clearance applications in informed and transparent manner and prepare short-term and long-term plans for protection, conservation and development of forests.

States have been requested vide D.O. letters dated 5.9.2011 from Secretary and DGF&SS to expedite preparation of these maps. The DGF&SS in his several video conferences with PCCFs has requested the PCCFs to expedite preparation of these maps. The said issued has prominently been raised by the DGF&SS in his meetings with PCCFS held on 04.06.2012, 01.08.2014 and 25.08.2014.

In spite of continuous pursuance Forest Survey of India (FSI) has not received geo-referenced district forest map covering all the afore-mentioned categories of forests from any of the States/UTs. The FSI has however, received geo-reference maps of recorded forest areas under control of the State Forest Department from 23 States/UTs. Of these geo-referenced maps received from 3 States namely Andhra Pradesh, Kerala and Karnataka are only usable. Maps received from 10 States namely; Bihar, Chhattisgarh, Gujarat, Meghalaya, Mizoram, Nagaland, Sikkim, Tamil Nadu, Uttarakhand and West Bengal are partially usable. Maps received from the remaining 10 States/ UTs namely; Haryana, Tripura, Uttar Pradesh, Punjab, Rajasthan, Madhya Pradesh, Maharashtra, Manipur, Chandigarh and Andaman and Nicobar islands are not usable.

States/UTs may intimate the up-to-date progress in the matter.

2.6 Creation of Land Bank for compensatory afforestation

Compensatory afforestation is one of the most important conditions stipulated by the Central Government while approving proposals for de-reservation or diversion of forest land for non-forest uses. As per the existing guidelines compensatory afforestation shall normally be done over equivalent area of non-forest land. As a matter of pragmatism, the revenue lands/*zudpi jungle/ chhote/ bade jhar ka jungle / jungle-jhari land/ civil-soyam* lands and all other such categories of lands, on which the provisions of Forest (Conservation) Act, 1980 are applicable, may also be considered for the purpose of compensatory afforestation provided such lands on which compensatory afforestation is proposed shall be notified as Reserved Forests under the Indian Forest Act, 1927.

It was brought to notice of the MoEF&CC that delay in identification of suitable non-forest or revenue forest land for compensatory afforestation is the major reason for delay in processing the applications seeking prior approval of Central Government under the Forest (Conservation) Act, 1980.

To facilitate expeditious processing of applications seeking prior approval of Central Government under the Forest (Conservation) Act, 1980, the MoEF&CC vide letter dated 8th August 2014 advised the States/ UTs to identify in advance compact/sizeable blocks of non-forest land or revenue forest land free from encumbrance/ encroachment which are suitable for creation of compensatory afforestation and also from management point of view. Land available in the land bank may be made available to user agencies seeking prior approval of Central Government under the afore-mentioned Act on realization of appropriate fee/ land cost.

MoEF&CC in the said letter also advised the States/ UTs that to facilitate expeditious processing of proposals seeking prior approval of Central Government under the Forest (Conservation) Act, 1980 for diversion of forest land for projects of Central Government/Central Government Undertaking Projects and such other projects, which as per the extant guidelines, are eligible to raise compensatory afforestation over degraded forest land, State Government may also identify suitable degraded forest land. While identifying the pool of degraded forest land, blank forest lands in reserved forests in compact/sizeable blocks should be identified as first priority as "plantation land bank". Only when such areas are not available, the choice of compensatory afforestation will fall on protected forests.

States/UTs may intimate the up-to-date progress in the matter.

2.7 Notification as RF/PF of the non-forest or revenue forest land transferred and mutated in favour of the State Forest Departments for creation of compensatory afforestation and realization of the outstanding amount of NPV

2.7.1 Notification as RF/PF of land identified for CA

Para 4.2 (i) of guidelines issued under the Forest (Conservation) Act, 1980 prior to its amendment provided that *the non-forest land which is transferred and mutated in favour of the State Forest Department for the purpose of compensatory afforestation, should be declared as RF/PF under the Indian Forest Act, 1927 prior to Stage-II approval.*

The Central Government however; received representations from various State Governments/ User Agencies that process of declaration of the non-forest land as RF/PF is a time taking process. This long duration may cause the unnecessary delay in implementation/execution of the developmental projects.

Considering the fact that the responsibility of declaration of non-forest land as RF/PF rests with the State Forest Department and after examination of the whole issue, the Central Government vide letter dated 3rd February, 2004 amended the afore-mentioned guidelines to the effect that ***Stage-II clearance shall be given after the land is mutated in favour of the Forest Department but the Nodal Officer must report compliance within a period of 6 months and send a copy of the original notification declaring the non-forest land under Section 4 or Section 29 of the***

Indian Forest Act, 1927, as the case may be, to the Central Government for information and record.

Comptroller and Auditor General of India in their 'Report on Compensatory Afforestation in India' (21 of 2013) observed that in most of States/ UTs the non-forest/revenue forest land transferred and mutated in favour of the SFD for creation of CA has not been notified as RF/PF.

States/UTs may intimate the up-to-date progress in the matter.

2.7.2 Realization of the Outstanding Amount of NPV

The Hon'ble supreme Court in their order dated 29th/ 30th October 2002 in Writ Petition (Civil) No. 202 of 1995 in the matter of T.N. Godavarman Thirumulpad versus Union of India *inter alia* directed that *".....while according transfer under Forest Conservation Act, 1980 for change in user agency from all non-forest purposes, the user agency shall also pay into the said fund (i.e. 'compensatory afforestation fund') the net value of the forest land diverted for non-forest purpose."*

Accordingly, the MoEF&CC vide letter dated 25th May 2004 clarified that the Net Present Value (NPV) of diverted forest land shall be charged in cases where in-principle approval has been accorded after 30th October 2002.

However, later on the Hon'ble Supreme Court in their Order dated 15.09.2006 directed that : N.P.V. is required to be recovered in all cases approved by the Ministry for change of user under the Forest (Conservation) Act after 29th /30th October, 2002, irrespective of the date on which in principle (stage one) clearance may have been granted. Supreme Court in the said Order directed the Ministry to forthwith take action to recover from the user agency the N.P.V. in terms of orders dated 29th /30th October, 2002 and 1st August, 2003.

Accordingly, the MoEF&CC vide letter No. 5-2/2006-FC dated 03.10.2006 and several subsequent reminders requested the States and UTs to recover NPV of forest land diverted under the FC Act for all those cases for which in-principle approval was granted before 30th October 2002, and for which final approval has either already been granted on or after 30th October 2002, or shall be granted thereafter.

Comptroller and Auditor General of India in their 'Report on Compensatory Afforestation in India' (21 of 2013) observed that even after several reminders by the MoEF&CC, NPV in several such cases has not been realized by many States/ UTs.

States/UTs may intimate the up-to-date progress in the matter.

2.8 Action Taken / Comments On TSR Subramaniam Recommendations

2.8.1 Action Taken Report/ Comments Related To Forest (Conservation) Act, 1980

The Committee made 7 recommendations pertaining to the Forest (Conservation) Act, 1980. Details of the same along with follow up action on them is as below:

Recommendation 1: Identify and pre-specify 'no go' forest areas, mainly comprising PAs and forest cover over 70% canopy.

Draft parameters for identification of 'inviolable forest areas' have been formulated. A web based system to identify and delineate inviolable areas has also been developed by the FSI. All requisite GIS layers, except layer on nature (*viz.* perennial/ seasonal) of catchment area of the first order perennial stream for operationalization of the afore-mentioned web based system, have been acquired by the FSI. The Ministry is examining the ways to finalize the parameters for identification of inviolable forest area keeping in view that information on nature of the first order streams are not available with the Central Water Commission. Once the parameters for identification of 'inviolable forest areas' are finalized by the Ministry, subsequent follow up action to identify and notify the 'inviolable forest areas' will be taken up in consultation with States/ UTs.

Recommendation 2: It is suggested that the Ministry may define the term 'forest' at an early date.

Ministry in consultation with the States/ UTs has formulated draft parameters for classification of an area as 'forest' for the purpose of the FC Act. The same are being sent to the Ld. Attorney General for India for examination and vetting. The parameters, as approved as vetted by the Ld. AG, will be filed before the Supreme Court for their approval

Recommendation 3: To offer economic incentives for increased community participation in farm and social forestry by way of promoting and providing statutory safeguards to 'tree lands' as distinct from 'forest'

While formulating draft parameters for classification of an area as 'forest' for the purpose of the FC Act, care has been taken to ensure that plantations raised on non-forest land are not to be treated as 'forest'.

Recommendation 4: Plantation of approved species on private lands could be considered for compensatory afforestation with facility for 'tree land' trading.

Draft guidelines on tree credit scheme are being prepared by Forest Policy Division in the Ministry.

Recommendation 5: Revise procedure for clearance under FC Act as above, which is intended to reduce the time taken, without compromising the quality of examination. For linear projects, it is recommended that FC Act needs amendment to consider removal of the condition of Gram Sabha approval.

The matter will be referred to MoTA for their consideration and appropriate action.

Meanwhile, in pursuance of decision taken in a meeting held in PMO on 12.01.2015, draft guidelines to be issued in supersession of all earlier guidelines of FRA, have

been prepared and sent to the Dept. of Legal Affairs (DoLA) for finalization, keeping in view comments, if any, of MoTA on the said draft guidelines

Recommendation 6: The compensatory afforestation guidelines be revised; CA on revenue land to be enhanced to 2:1 as against 1:1 at present; CA in degraded forest land be now fixed at 3:1; the NPV should be at least 5 times the present rates fixed. An appropriate mechanism to be created to ensure receipt of the CA funds, and their proper utilization, delinking the project proponent from the CA process, after he obtains other approvals, and discharges his CA financial obligations.

Consultations are being held in the MoEF&CC to examine recommendations of the committee to enhance the CA norms.

For revision of NPV, a study has been undertaken by the IIFM, Bhopal. The same has been circulated to States/ UTs and concerned ministries in the Central Govt. for comments.

As advised by the PMO, the report is to be placed before CoS for their examination. Finalization of the draft Note for CoS is awaited due to non-receipt of report on assessment of impact of Transmission Lines on forests from the IIFM, Bhopal. The IIFM, Bhopal is being pursued to expedite submission of the report

Recommendation 7: The quantum of NPV for compensatory afforestation needs to be sharply increased. A reliable mechanism for ensuring that CA is actually implemented, utilizing either private or forest land, needs to be put in place

Recommendations of Committee to sharply increase NPV rates will be kept in view while formulating revised rates of NPV.

The draft CAMPA Order, 2014 containing provisions for a regular institutional mechanism for utilization of CA funds, as approved by Cabinet has been filed before the Supreme Court for their approval to publish it in the official gazette. The matter is being pursued for early orders.

Meanwhile, on advice from the Ld. Attorney General for India a draft Compensatory Afforestation Fund, Bill, 2015 has been formulated and sent to the Ministry of Law and Justice for examination and vetting before the same is circulated for inter-ministerial consultations.

2.9 Action Taken/ Comments Related To Wildlife (Protection) Act 1972 (WLPA)

The Committee have made 14 recommendations related to wildlife sector, in its report. Among these, 7 recommendations are actionable points while rest are to be considered in the review of the WLPA. Important points and related actions are as follows:

Recommendation 8. Schedule –I to be amended to include species threatened by illegal trade.

Review of schedules of WLPA is being proposed. The structure of the schedules will also be reviewed during the review of the Act.

Recommendation 9. Circular to States apprising them of the legal status on animals (Blue Bull) causing damage to agriculture.

An advisory has already been issued in this regard to the States vide 1-52/2014-WL dated 24 December 2014.

Recommendation 13. Officer on settlement task to be given a minimum tenure of two years.

A request has been sent to all State Chief Secretaries from DGF&SS vide 1-11/2015-WL dated February 17, 2015. Important in this context is completion of the actions related to final notification of PAs after settlement proceedings, which restricts the rights of the people within the area notified for intent of notification as a PA.

Recommendation 14. Expert status to forensic facility of WII and strengthening it.

This task is to be performed by Ministry of Home Affairs by issuing a notification under s 397 of Cr P C. Proposal for this is being sent requesting notification of officers of Wildlife Institute of India, Zoological Survey of India and Botanical Survey of India as experts.

Recommendation 18. Demarcation of all Eco-Sensitive Zones.

Cooperation of States is required in this matter. About half of the 431 proposals for ESZ have so far been processed. Important inputs from the States have to come for speedy finalization of the proposals. Separate discussion on this matter is in the agenda.

Recommendation 19. Delegate power to approve application for observational research- photography and videography to Park Director.

A letter requesting the State Governments to authorize the Chief Wildlife Wardens to delegate their powers for grant of permission for observational research using photography in wildlife, to the field level functionaries like the Park Directors, has been sent to States vide F. No. 1-11/2015 WL dated 18 February 2015.

Recommendation 21. Revamp project clearance/approval process.

The main issue in the clearance process has been the delay. The delay at MoEF&CC level has been addressed by frequent meetings of the Standing Committee. To bring in more efficiency in the process, on-line application system has been started. This needs to be followed efficiently in the States. Quality of the

decisions must not be compromised but efficiency in procedural details will be achieved in this manner.

Other recommendations: Rest of the recommendations are related to review of the Wildlife (Protection) Act 1972 for which an exercise has already started. Initial work on review has been done. After deliberations at the level of Ministry and Members of National Board for Wildlife, the draft material prepared will be shared with the States before finalizing the text of the new Act. In the meanwhile, suggestions and proposals related to review of WLPA are welcome.

B. ENVIRONMENTAL ISSUES

2.10.1 Background

The MoEF&CC constituted a High Level Committee (HLC) under Shri T.S.R. Subramanian, former Cabinet Secretary to the Government of India to review various Acts administered by the Ministry. The HLC submitted its report to the Ministry in November, 2014. The recommended framework relies primarily upon the principle of integration of development with environmental concerns, transparent institutional governance, accountability; effective deterrent and punitive action, and governance with the aid of technology to the extent feasible. The report of the High Level Committee was sent to all State Governments /UT Administration and also uploaded on the website of the Ministry. In total 55 recommendations have been made by HLC.

2.10.2 Issues

- (a) Enacting a new umbrella Environment Law-Environment Law (Management) Act (ELMA).
- (b) The above Act to provide for setting up of National Environment Management Authority (NEMA) and State Environment Management Authority (SEMA).
- (c) These Authorities will have sector-wise experts for appraisal of projects.
- (d) Setting up of a national level institute on Environment.
- (e) NEMA/SEMA will make recommendations to the Ministry on environment clearances.
- (f) NEMA/SEMA will develop systems for effective monitoring of compliances.
- (g) Pollution Control Boards should be subsumed under NEMA and SEMA as the case may be in order to avoid duplication of authorities: the employees will be suitably absorbed.
- (h) A national level electronic database to be prepared for environment and forest parameters.
- (i) Integration of various clearances
- (j) Integration of provisions of Water and Air act in the new law.

2.10.3 Response Of States/UTs

Response of Ste Governments and UTs is required on the recommendations of the HLC.

2.11 Ease Of Doing Business

2.11.1 Background

The MoEF&CC has initiated a series of measures to fast-track decision making in the process of environment clearance process in order to improve ease doing of business. To reduce time taken by regulatory authorities in processing the applications and to bring down cost of doing business, structural changes towards business process re-engineering using a digital platform was mandated since 01.07.2014 to facilitate expeditious decision making, without compromising the integrity of the environment. The initiatives taken during last ten months are as under:

2.11.2 Initiatives Of The MoEF&CC

An amendment to EIA Notification, 2006 was made vide S.O. No.1599 (E) dated 25.06.2014 with regard to the following:

- (a) The "General Condition" in the EIA Notification has been amended to provide *inter alia* that only those category 'B' projects will be appraised at the Central level as category 'A' projects which are located in whole or in part within 5 km from the boundary of critically polluted areas as identified by the Central Pollution Control Board. This implies that category 'B' projects located between 5 km and 10 km from the boundary of the critically polluted areas could now be dealt with by the concerned SEIAAs subject to stipulations stated in the aforesaid amendment notification.
- (b) Irrigation projects with cultural command area up to 2000 ha have been exempted from EC requirement.
- (c) All biomass based Thermal Power Projects with capacity equal or more than 15 MW will be Category 'B'. Such projects of capacity less than 15 MW will not require EC.
- (d) For mineral beneficiation projects, the upper limit for Category 'B' projects has been raised from 0.1 MTPA to 0.5 MTPA.
- (e) For non- molasses based distilleries, the upper limit for category 'B' projects has been raised from 30 KLD to 60 KLD.

With a view to facilitate increase in coal production, the moratorium in Singrauli and Jharsuguda critically polluted areas (CPA) imposed in September, 2013 has been kept in abeyance vide Office Memorandum dated 10.06.2014 and CPCB asked to comprehensively re-assess CEPI score.

Guidelines for exemption from public hearing in respect of coal mining expansion projects involving one time production capacity expansion in the existing operation subject to the ceiling of additional production upto 5 MTPA where the expanded

production is transported through railways / conveyor, have been further relaxed to facilitate increase in coal production.

An OM dated 11.08.2014 was issued on Corporate Social Responsibility (CSR) to bring clarity on CSR related issues while considering project proposals for environment clearance.

MoEF&CC vide Office Memorandum dated 01.09.2014 kept the moratorium in abeyance for coal mining expansion projects in Chandrapur CPA.

An OM dated 07.10.2014 was issued clarifying that the projects granted clearance under CRZ Notification, 1991 commenced the construction or operation within the validity period of five years would not require fresh clearance under CRZ Notification, 2011.

Considering that full acquisition of land may not be a pre-requisite for the consideration of project/activity for grant of EC, the Ministry vide OM dated 07.10.2014 clarified that following documents may be considered as adequate by the EACs/SEACs at the time of appraisal of the case for EC:

- (i) a copy of the preliminary notification issued by the concerned State Government regarding acquisition of land as per the provisions of Land Acquisition, Rehabilitation and Resettlement Act, 2013- *in case the project land proposed to be acquired through government intervention.*
- (ii) Credible document showing the intent of the land owners to sell the land for the project *-in case the land is being acquired through private negotiations with the land owners.*

A Circular dated 07.10.2014 was issued clarifying categorization of environment clearance conditions for different phases of implementation, namely pre-construction, construction, post construction and life of project; and

A Circular 07.10.2014 was issued advising EACs/SEACs to consider the proposal comprehensively at the scoping stage and seek information in one go from the proponent instead of revisiting the issues at the time of appraisal of the project.

Office Memorandum dated 22.08.2014 amended on 08.10.2014 were issued clarifying an outer limit of five years for the validity period of TORs for river valley and HEP projects and 4 years for other category of projects.

OM dated 07.11.2014 was issued substituting para 2(v) from OM dated 08.10.2014 with regard to baseline data, EIA and EMP report and violation regarding issues on appraisal.

Vide Office Memorandum dated 10.12.2014 it has been clarified that exemption from Public Hearing under para 7 (i) III. Stage (3) (i) (b) of EIA Notification, 2006 is also available to the projects activities or units located within the industrial Estate or parks, which were notified prior to 14.09.2006, i.e., the EIA Notification, 2006.

A Compendium of all Office Memoranda/ Notifications issued under EIA Notification, 2006 has been prepared for the ready reference of the project proponents and decision makers. This compendium will help the users in keeping their information updated on the development in the EIA Notification, 2006.

An amendment to EIA Notification 2006 issued Vide Gazette Notification S.O.No. 3252(E) dated 22.12.2014 exempting the construction of industrial shed, school, college, hostels for education institution from requirement of EC under EIA Notification, 2006.

An amendment to EIA Notification 2006 issued vide S.O.No. 382(E) dated 03.02.2015 to exempt all highway projects in border States from scoping requirement and exempt all linear projects in border States from the requirement of public hearing subject to suitable conditions prescribed by the Ministry.

An amendment to CRZ Notification, 2011 issued vide Gazette Notification S.O. No. 383(E) dated 04.02.2015 inserting a note in Annexure-III, after item II, with regard to the development of beach resorts and hotels at CRZ-II area at sub-items (c), (d), (e), (f), (g), (n), (o), (q), (r) for item I and item II.

An amendment to CRZ Notification, 2011 issued vide Gazette Notification S.O.No. 556(E) dated 17.02.2015 relaxing the criterion for construction of memorial/monuments within the CRZ area only in exceptional cases with adequate environmental safeguards.

Vide Office Memorandum dated 05.03.2015 it has been clarified that industrial sheds implies building(whether RCC or otherwise) which is being used for housing plant, machinery of industrial units and include Godowns and buildings connected with production related and other associated activities of the unit in the same premise.

2.11.3 Response Of States/UTs

- (i) States/UTs may ask for any clarification regarding above initiatives.
- (ii) States/UTs may suggest further changes required in Notification, Acts and Rules for improving the decision making and process.

2.12 Integration Of Environment Clearance, Consent To Establish & Consent To Operate

2.12.1 Background

The MoEF&CC has integrated the Environment Clearance, Forest Clearance and Wildlife Clearance on same web page. The process is on for making the SEIAA and SEAC clearances online as well. A workshop was organized on the above subject with the representatives of SEIAA and SEAC to expedite the online submission of proposals and appraisal for Environment Clearance in the States. Besides the above it is also under consideration that there is an overlapping between the process and

conditions mentioned in Environment Clearance, Consent to Establish and Consent to Operate.

2.12.2 Issues

- (i)** The process of application for Environment Clearance of category-B projects which are appraised by SEAC and SEIAA should be made online at the earliest. This will facilitate in improving transparency and expediting the entire process of Environment Clearance. It will also help in integrating the SEAC/SEIAA website with the MoEF&CC, Environment Clearance website which enables us to do away with the manual monthly reporting about the cases being appraised and cleared in different States.
- (ii)** The Environment Clearance is given under the provisions of the Environment Impact Assessment Notification, 2006 which has been issued under the Environment (Protection) Act, 1986. The Consent to Establish, Consent to Operate is given under the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981. The process followed and Conditions enumerated in these clearances are quite similar. Environment Clearance and Consent to Establish is a onetime phenomenon whereas Consent to operate is given periodically. The integration of above clearances can improve the Ease of Doing Business.

2.12.3 Response Of State Government And UTs Is Required On The Following Points

- (i)** A time line for making online submission of application for Environment clearance to SEIAA/SEAC mandatory in their States/UTs. The States/UTs can raise any problem envisaged in achieving the above objective.
- (ii)** To make suggestions for integrating the Environment Clearance, Consent to Establish and Consent to Operate for improving ease of doing business.

AGENDA ITEM NO.3 FOREST, WILDLIFE AND GIM ISSUES

3.1 Inviting Suggestions For Amendment Of Acts And Review Of National Forest Policy, 1988

3.1.1 Amendment To Indian Forest Act, 1927

Indian Forest Act, 1927 (IFA) provides the foundation for management of Forests in the country laying down the procedure for notification of reserve forests, protected forests and village forests, protection of forests resources, transit of forest produce, powers to deal with forest offences, penalties etc. IFA was promulgated with the objective ***“to consolidate the law relating to forests the transit of forest produce and the duty leviable on timber and other forest produce.”***

State Governments are empowered to make suitable amendments/ rules under different sections of IFA for ensuring protection of forests and forest resources as per their requirements. Forests are facing serious challenges due to growing population and resultant demand of food, water, land and energy etc., and also impacts of climate change. Further, in view of significant policy and administrative changes; shift towards multiple functions of forests and sustainable forest management, participatory forestry; increased focus on NTFPs and challenges faced in protection and management of the forests and directions of Hon'ble Supreme Court and other courts, appropriate changes in the IFA are required. Some of the suggested amendments are as follows:

- (i) Definitions of forests, MFP etc. to appropriately address recent developments and considering recommendations of National Forest Commission.
- (ii) **Harmonization** with Panchayat Extension of Scheduled Area Act, 1996 (PESA) & the Scheduled Tribes and Other Traditional Forest Dwellers Recognition of Forest Rights Act, 2006 and community forest resources and their management.
- (iii) Effective protection to be extended to all types of forests as assigned to RFs in accordance with directions of Hon'ble Supreme Court and Shah Commission Recommendations. Providing adequate protection mechanism and appropriate powers to forest officers in dealing organized offences including encroachments & enhancing compounding powers.
- (iv) **Empowering JFMCs, Gram Sabha/ local communities** for forest protection including powers as Honorary Foresters. Local Communities to be first line of defence. A new chapter can be added in IFA.
- (v) Mechanism to expedite and achieve **Final Notifications of Notified Forests (RF/PF)**. Time-bound action may be considered.
- (vi) Providing statutory status to Working Plan and JFMCs.
- (vii) Provision of an oversight mechanism (**National Board for Forestry**) to act as a bridge between government agencies, people and other agencies to ensure that country's forest resources are managed on the principles of Sustainable Forest Management. The Board can be on the lines of

- National Board for Wildlife. (It can be a common Board for Forestry as well as Wildlife).
- (viii) Powers to the Central Government for issuing directions/ guidelines to States regarding implementation of IFA under various sections like s- 41.
 - (ix) Provision of **National Forest Fund** for augmenting and channelizing public funding in the forestry sector to address restoration of degraded forests, strengthening of forest protection, consolidation of forests, removal of encroachments. Likewise **National Forest Trust Fund** may be considered for receiving and channelizing private sector funding in afforestation/ tree planting.

States are requested to give suggestions in this regard.

3.1.2 Agenda Note: Basic Policy Points Proposed To Be Dealt In The Proposed Review Of Wildlife (Protection) Act (WLPA).

The Wildlife (Protection) Act was enacted in 1972 and it has undergone amendments in 1982, 1986, 1991, 1993, 2003 and 2006. The present Act primarily provides a framework for wildlife protection in the country for the States. The Act places primary responsibility of protection on the Wildlife Authorities of the State and places most of the powers for protection and conservation with the States, including framing of rules for most of the provisions.

Scope of wildlife protection now covers biodiversity in whole – species to ecosystem complexes in landscapes. Wildlife protection approach of earmarking of Protected Areas has been evolving towards species specific and landscape based conservation strategies with human existence as a fact. In some of the judgements of Hon'ble Supreme Court of India, need of a law similar to Endangered Species Act of USA has also been expressed. High Power (TSR Subramaniam) Committee also made a few suggestions for providing in the Wildlife (Protection) Act.

Therefore, the scope of WLPA needs to be reviewed. The Wildlife (Protection) Act 1972 introduced on 5 August 2013 in Rajya Sabha has been decided to be withdrawn for a comprehensive review. Accordingly, following few policy matters are proposed for discussion.

- Conservation to cover all life forms – not only wild animals.

Wildlife (Protection) Act, 1972 is the only law which contains schedules of animals (few specified plants) for which specific provisions are made to ensure protection and conservation. It is proposed that species specific protection be extended to plants as it is for animal species and the Act may cover all life forms. However, there may have to be separate dispensations in some aspects of sustainable use for some forms like plants (for encouraging planting and nurturing for use, wherever feasible) and fish fauna.

- Varying approach for Protected Areas: distinction among National Parks (NPs), Wildlife Sanctuaries (WLSs), Conservation Reserves and Community Reserves.

The provisions of law for these categories are not distinct. As such, while provisions for WLS are *mutatimutandis* applicable on National Parks, management approach for Conservation Reserves and Community Reserves has not been defined. For example, National Parks are “inviolable” for use - except ecotourism, research and awareness/education. Wildlife Sanctuaries are managed as natural habitats with Co-management and co-existence as the principle of management and activities associated with human presence are not banned.

Conservation Reserves represent community action for conservation on non forest public lands and Government has limited regulatory role in management. Community Reserve primarily represents community initiative for protecting/ conserving a private/non public area of habitats.

- Non forestry activity within PAs to be treated with the considerations of ‘utmost conservation priority’ compared to the rest of the forests.

PAs are created specifically for repositories of natural habitats. Therefore, basis of diversion should be ‘inevitability’ only. Provision of consultation with SBWL or NBWL may be suitably strengthened to factor in the scientific rationale of the decision.

- Complete protection to threatened species everywhere. Redefine threats and schedules accordingly.

Present 6 schedules in the Act are not covered under 6 categories of provisions on protection or regulations. As the schedules primarily reflect degree of protection, basis can only be human threat – to the habitat or the populations. In the circumstances, there need to be only 3 schedules. Schedule I for highest protection, like the present Sch I, but with the plants species also – like red sanders, sandalwood, agarwood, highly sought after medicinal plants facing threats of extinction like aconite, etc. Schedule II could cover species regulated for trade and schedule III with rest of the wild plants and animal species which could be governed under the general precautionary and conservation oriented provisions.

- Conservation within and outside PAs to be with scientific knowledge based management approach.

Management planning for the PAs may be provided a legal basis with minimum non negotiable scientific components like assessment of status of the flagship species in the area, assessment of human threat on land and biodiversity, identification and specific prescription for providing infrastructure – road, ecotourism development, buildings for camping/ frontline staff etc. within the PA. Provisions are not linked to management plan at present.

- Regulation for sustainable use and trade of forest biodiversity.

Sustainable use of biological diversity is in the interest of conservation as the stakeholders for conservation are to be the beneficiaries of these resources. While hunting/ capturing and use of biodiversity within protected areas is not contemplated, clear policy and provisions for harvesting and sustainable use of life forms in forests to be provided in the law. Policy decision may be to provide for sustainable harvest

of all biodiversity resources from the forests other than Protected Areas, subject to the species specific regulations linked to the schedules.

- Hunting to be redefined for specifying offence from regulatory handling of life forms.

Keeping in view the fact that traditional practices involving wild animals are prevalent and in almost all cases, there are confrontation between the enforcement authorities and communities on these aspects, it is desirable to distinguish between “Hunting” and specified religious / cultural practices of communities involving wild/ scheduled animals. The regulations for appropriate safeguards and prevention of cruelty can be provided in the Act.

Similarly, the regulations for capture, photography, research, documentation etc. need to be rationalised as distinct from the provisions related to hunting, to avoid misuse by bracketing of such activities with the *mala fide* hunting.

- Mandate Wildlife Crime Control Bureau, for enforcement functions.

WCCB should be mandated to take up enforcement of WLPA including investigation and prosecution, entrusted to it by the central government, based on recommendation of the State Governments or if Central Government is satisfied that a central investigation is required for effective action for dealing with any wildlife crime.

- Treatment of threatened captive animals outside forests – private and common areas.

Regulations are needed for traditional practices of keeping captive animals like elephants and birds, habitats of such animals in human dominated landscapes like black buck in agriculture areas, care and upkeep of captive animals and their trade, and provisions for empowering the forest/ wildlife authorities for enforcement in this regard.

- Regulation for domestic and international trade of exotic as well as domestic biodiversity.

Domestic or international trade of exotic species at present is not regulated under the WLPA. The absence of provisions is a subject of misuse in markets.

- Further powers of Central Government in WLPA.

It is proposed to provide for powers with the central government to issue orders to the State authorities in matters of utmost global or national importance. This may include the matters of notification of and management of National Parks, conservation of habitats of scheduled I species, seeking action in case of wildlife crime related matters or regulation of illegal trade.

- Renaming of the Act itself.

It may also be considered to provide a wider name to the law, which can indicate the intent of the law. It may be called Wildlife (Conservation and Protection) Act, or a better name can be given.

3.1.3 Suggestions On Review Of National Forest Policy, 1988

National Forest Policy, 1988 (NFP) was enacted with the basic objectives of maintenance of environmental stability, restoration of the ecological balance. It laid emphasis on people's participation through Joint Forest Management Programme and together with FCA helped in stabilization of country's forest area over the last two decades in spite of huge demand on forest land for development and that of forest produces. There have been a number of developments in forestry sector both at National and International levels, few important of which have been mentioned below: –

- (i) UN Conference on Environment & Development (Rio Summit), 1992, considered forests as very important part of sustainable development strategies.
- (ii) Enactment of PESA & FRA.
- (iii) Directions of Hon'ble Supreme Court especially in Godavarman case in W.P.(C) 202 of 1996.
- (iv) National Biological Diversity Act, 2002 and importance role of forests in biodiversity conservation.
- (v) Enactment of PESA & FRA.
- (vi) Recommendations of National Forest Commission
- (vii) International Arrangements on Forests and Non-legally binding instruments for all types of forests (NLBI)
- (viii) Rio+ 20 (UNCSD) outcome document reaffirms for implementation of NLBI. Forests have significant role in gradual transition towards Green Economy and Green Growth. Role of forests in MDGs and now SDGs.
- (ix) UN Conventions on Climate change, Biodiversity and Desertification and REDD+
- (x) Importantly, in adequacy of financial support to the forestry sector, in spite of tremendous scope for employment, poverty reduction, food security in various forestry activities etc.
- (xi) Forest sector governance architecture, etc.

Review of NFP is underway with the objective critically examining as how far the Policy goals and objectives have been achieved. It will also attempt to identify and address the gaps in view of later developments in related natural resources sectors' policies and legislations and building stronger cross-sectoral linkages for effective implementation of NFP. The review will take into account futuristic scenario like changes taking place in demographic and socio-economic fields, rapid urbanization, globalization, international arrangement on forest (IAF), development challenges, sustainable development goals, legal environment, climate change, growing demands of various forest products, Sustainable Forest Management, huge investment requirement for rehabilitation of degraded forest lands, agro-forestry & Industrial Tree Plantations outside natural forests, certification of forest products, etc. This will include working on Means of Implementations (Moi) for greater resource mobilization to achieve the goals of NFP. It would also be desirable to give role and

responsibilities to various stakeholders/ organizations/ departments/ private sector/ industries/ people for meeting the objectives.

States are requested to give their suggestions.

3.2 Strategy To Improve Quality Of Degraded Forests

3.2.1 Participation of private sector including industries in rehabilitation of degraded forests

As per India State of Forest Report, 2013, total forest cover of the country is 69.790 mha (21.23% of GA) and 2.78% of Tree outside Forests. In terms of density classes, Very Dense Forest cover (VDF) is 83,5021 km² (2.54%), Moderately Dense Forest cover (MDF) is 318,745 km² (9.70%) and Open Forest (OF) is 295,651 km² (8.99%). There is great potential for improvement of quality and productivity of degraded forests for realization of their full ecological potential. Considering the huge challenges in restoration of degraded forests, it is felt from experiences that only the Governments efforts may not suffice and rehabilitation of degraded forests needs special attention. The Ministry is working for greater involvement of all stakeholders including industries in afforestation / rehabilitation of degraded forests lands for meeting following objectives:

- (i) to improve productivity of forests lands and realize the optimum potential of the forests for the benefit of the country.
- (ii) to enhance the supply of wood and NTFPs from forests to local communities for improved livelihoods.
- (iii) to enhance the supply of raw materials for wood based industry for meeting domestic requirement of wood products and to save precious foreign exchange.
- (iv) to promote private initiatives, application of best practices, modern and appropriate technologies, R&D and increased financial resources in afforestation/ tree plantation.
- (v) to provide a mechanism for trading of trees / tree lands in appropriate form including in exchange for compensatory afforestation
- (vi) to mitigate climate change and enhancement of ecosystem services.
- (vii) to protect forest lands from encroachments and further degradation.

3.2.2 Strengthening Joint Forest Management JFM –Smile (Sustainable Forest Management Initiative For Livelihoods And Enterprise)

Joint Forest Management (JFM) was started in the eighties to involve local communities in protection and management of forests on “care and share” basis. After National Forest Policy, 1988, JFM was institutionalised all over the country. There are around 1.18 lakh JFM Committees involving over 14.5 million families covering forest area of around 22.94 mha. **JFM needs to be evolved from a forestry programme for Sustenance to the next level of Sustainability & Self-reliant Forestry (JFM-SMILE).** There is a need to strengthen JFM to effectively address forest degradation, improve forest/ tree based livelihoods, creating jobs and prosperity in rural areas by transforming the JFM programme from sustenance to sustainability and self reliant forestry, so that people see forests and trees as viable

economic activity and do not depend on regular governmental support. This will involve huge investment in building capacity of local communities for resource enhancement, creating infrastructure for processing and value addition, involving private initiatives, linkages with financial institutions, modern market networks and R&D institutions to optimise multiple benefits from forests including ecotourism, sustainable use of biodiversity etc. The JFM in the next level is expected to usher in an era of self reliant forestry attracting skills, financing, science and technology for bringing prosperity and employment opportunities in rural India.

3.2.3 Guidelines For Conservation, Development & Management Of Urban Greens For Smart And Green Cities

Urban greens are important for multiple social, economic, ecological and environmental benefits some of these are listed below Shade and cooling effect in view of hot and humid climate of the country. Urban Greens should be an integral component to ensure sustainability of a city enhancing its ecological and environmental quality. Urban greens and trees should be part of strategy to improve ecological combat climate change due to their vast mitigation potential. It is also imperative that greens should also be an integral part of improving rural landscapes to provide wholesome benefits to people in rural areas. The Ministry is working on comprehensive guidelines for creating smart and green cities. Some of the salient features are given below:

- Planning at city grid level (Green grids of 1 sq km, 5 or 10 sq km) for planning of uniform green spaces.
- Guidance on conservation of existing trees, Restoration of trees, tree surgery etc.
- Management and care of trees and urban greens. Training and skill upgradation of field staff
- Selection of species for various sites and purposes.
- Tree Tourism, etc.
- Development of theme gardens, parks
- Public awareness and partnering greening efforts, etc.

Suggestions in this regard are invited.

3.2.4 Tree Credit Scheme/ Grow Forest Scheme

The Ministry is working on the scheme to improve degraded forests:

Tree Credit Scheme: National Forest Policy, 1988 provides for national goal of 33% of country's geographical area under forest and tree cover, whereas, current forest and tree cover is around 24%. This gap of 9% area between national goal and the present status can only be achieved by bringing non-forest land under tree plantation. The Ministry is working on Tree Credit Scheme/ Grow Forest Scheme to provide additional financial incentives for tree growing by farmers and other landowners. The scheme aims on creating a mechanism for tradable Tree Credit Certificate. A component of the scheme is envisaged to create forests/ tree plantations on private lands which can be exchanged with Compensatory Afforestation under FCA.

A significant part of the country's forests is degraded owing to various factors including unsustainable demands of forest products and lack of financial resources. Improving quality of forest cover and degraded forests in a time bound manner requires substantial funding for restoration. The public funding in the forestry sector has not only stagnated but there is a also declining trend. There is an urgent need to enhance financing in the forestry sector. Participation of Private Sector in afforestation of degraded lands including degraded forests may be considered subject to essential safeguards taking into account the existing policy and legal framework. This will also gradually lead to self reliant in forest products especially round wood and save precious foreign exchange.

The suggestions/ comments in this regard may kindly be furnished.

3.3 National Mission For A Green India (GIM)

3.3.1 Background

- One of the eight missions under the National Action Plan on Climate Change (NAPCC) to meet the challenge of the impact of climate change in India with a holistic view of greening and focusing on carbon sequestration targets.
- There are five sub-missions and one intervention which aim to increase the forest & tree cover and the quality of the existing forest cover. They are:
 - (a) enhancing quality of forest cover and improving ecosystem services
 - (b) ecosystem restoration and increase in forest cover,
 - (c) enhancing tree cover in urban and peri-urban areas,
 - (d) agro-forestry and social-forestry,
 - (e) restoration of wetlands
 - (f) promoting alternative fuel energy (biogas, solar devices, LPG, biomass-based systems, improved stoves)
- GIM was approved by CCEA in Feb 2014 as a Centrally Sponsored Scheme having convergence with MGNREGS, CAMPA, NAP and 13th FC grant.
- Prior to the approval of CCEA, 27 States were given funds for undertaking preparatory activities such as institutional strengthening, training, and identification of landscapes and preparation of Perspective Plans.
- The Implementation Guidelines were finalized in November 2014
- States of Andhra Pradesh, Chhattisgarh, HP, Karnataka, Kerala, Maharashtra, Punjab, Odisha, Nagaland, Tamil Nadu, Uttarakhand and Haryana have submitted Perspective Plans which are being examined by the Ministry and will be placed before the National Executive Council (NEC) for approval
- Convergence guidelines with MGNREGS have been issued on 3rd March, 2015. Convergence Guidelines with CAMPA, NAP and 13th/14th FC are under finalization.

3.3.2 Issues

- Identification of landscapes and preparation of Perspective Plans by remaining States/UTs
- Forwarding the Perspective Plans to the Govt. of India for approval

3.3.3 Action points for States/UTs

- Constitution of State Steering Committee, District Steering Committee and Cluster level committee
- Revamping of the SFDA/FDA/JFMC
- Identification of landscapes based on bio-geophysical and socio-economic parameters so that vulnerability of forests to climate change is suitably addressed
- Efforts for convergence (at implementation level) with other existing programmes, schemes and Missions so that landscape approach is duly emphasised.

3.4 Implementation of REDD+ For Sustainable Forest Management

REDD+ is global initiative to address climate change through forestry intervention. Implementation of REDD+ with corresponding safeguards has good opportunity to improve the forests of the country by addressing drivers of degradation and simultaneously providing financial incentives to local communities who are associated in forest conservation.

Forest Departments have to play an important role in implementation of REDD+ and require adequate capacity building. States have to come forward for REDD+ preparedness including capacity building of local communities and creating REDD+ Architecture at State level. The Ministry will support States through coordination with Central forestry institutions like FSI, ICFRE for technical capacity building.

3.5 Wildlife Related Issues - Man Animal Conflict

In context of the management of human wildlife conflict, following steps have been taken so far from MoEF&CC:

- i. While calling for Annual Plans of Operations for 2014-15 for the CSS IDWH, the ministry had advised the States to provide separate actions for Human Wildlife conflict management.
- ii. Certain information had been sought from the States on Human Wildlife Conflict. The information received have been compiled but on analysis, several inconsistencies are noticed. Work on verification and reconciliation of the reports is in progress.
- iii. The Ministry has issued a detailed advisory to the State Governments on 24th Dec 2014, wherein the legal provisions including the powers of the Chief Wildlife Warden and other authorised officers for dealing with the wildlife conflict have been explained in detail.
- iv. Several requests have been received from States and members of parliament for listing some animals like blue bull, wild boar, monkey etc in the Schedule V. It has not been found useful to shift these animals to schedule V outrightly. Considering that a few localities may have the

issue of overpopulation at local level and behavioural issues justifying population management, it has been agreed to consider invoking section 62 of WLP. Accordingly the State Governments have been advised to objectively assess the situations and send detailed proposals for declaring animal(s) as vermin specifying the area of applicability and period thereof.

- v. In a recent consultation with experts from Wildlife Institute of India and some others including National Institute of Immunology, New Delhi, possibility of using immune-contraceptives for the wild animals, for population management has been considered. It has been agreed that some work can be started on this subject. Consultations are going on for work on these lines.
- vi. It has also been considered to explore feasibility of starting an insurance scheme for human death and injury, cattle death and also crop losses. The modalities of developing such an insurance scheme need to be discussed. Some of the relevant issues could be areas of coverage (forest fringe/ whole country); criteria for insurance (death, injury, crop damage, housing damage etc.); modalities (State level or National level).

It is proposed to work out an integrated strategy for management of Human Wildlife Conflict in the States. Strategy for management will be site specific and will depend upon the kind of concern, population and habitat status of the wildlife concerned and the sensitivities of the population. States have already been advised to provide for action plan for management of human wildlife conflict. States may like to give suggestions in this regard.

3.6 Eco Sensitive Zones Around National Parks/ WL Sanctuaries

Declaration of ESZ around National Parks and Wildlife Sanctuaries has been in focus in public domain as well as in various courts. Therefore it is desirable to follow it up expeditiously and objectively in the perspective. National Wildlife Action Plan 2002 provided the concept in Chapter III - Conservation of Wild and Endangered Species and their habitats, as follows:

1. *To declare identified areas around Protected Areas and corridors as ecologically fragile under the E P Act, wherever necessary.*

Priority Action: All identified areas around Protected Areas and Wildlife corridors to be declared as ecologically fragile under EPA – by 2004.

NBWL in its second meeting on 17th March 2005, considered and agreed to the following points placed by MoEF.

“It is important that only elements of critical ecological importance that do not unduly impinge on the process of development and efforts at eradication of poverty are taken into account to avoid excessive rigid interpretation leading to enhanced conflict between wildlife authorities and the local communities. It is equally important to consider that the areas around National Parks and sanctuaries notified as ESAs do not become a subject matter of litigation to the detriment of conservation of

biodiversity. The term Ecological Sensitivity or Fragility should take into account the following two factors viz.

- (i) Permanent and irreparable loss of extant wildlife forms; and*
- (ii) Significant damage to ecological processes affecting natural evolution or speciation.*

Accordingly following parameters were agreed for ESZs, in NBWL meeting.

- (i) Complete protection to endemic species in its entire range.*
- (ii) Development process not to reduce, damage or destroy the habitat of critically endangered, endangered or any other threatened species.*
- (iii) Protections to biological corridors.*
- (iv) Protection to highly complex and diversified ecosystems susceptible to irreversible damage like coral reefs, mangroves etc.*
- (v) Sites associated with reproductive, breeding or nurturing behaviour of rare and threatened species.*
- (vi) Existence of pristine forests.*
- (vii) Steep slopes (more than 60%).”*

Presently, in absence of ESZs, the dispensation is for seeking recommendation of the Standing Committee of NBWL for the activities requiring EC, if located within 10 km from boundary of PA. In such situation, the focus of the ESZ proposals from the States has become clearance of SC of NBWL. This has resulted in more attention towards ‘distances’ as the criteria for proposals of ESZ than the needs of wildlife management.

The proposals from the States often lack essential information like conservation value, justification of the area identified for ESZ, activities to be regulated and regulation mechanisms. Essential documents like digitally prepared A4 size map with coordinates, those of (revenue) villages within proposed ESZ and soft copies thereof are not available at times, which has been causing difficulties in processing the proposals.

Another matter is the identification of ESZ where the boundary of a PA is along interstate border, where ESZ of a PA would fall in neighbouring State. As ESZ in such cases have not been identified and proposed, the practice of 10 km area for reference of EC cases to NBWL continues.

States are requested to finalise interstate ESZs by mutual consultation, failing which it would be presumed that there is no objection to the continuation of 10 km condition in such areas.

3.7 Forestry Research & Education - Making Forestry Research relevant to New emerging needs

In the modern times of new global order, the changing dimensions of governance of forests have been necessitated to strengthen the **forest based livelihood** of around 350 million rural people living in and around 36 million hectare of fringe forests in the country. The access to bamboo source by forest based communities, rural population etc., also holds key to their livelihood. The renewed emphasis on

sustainable forest management has become important in the country to derive maximum benefits and earn maximum trade opportunities. **Left Wing Extremism (LWE)** poses another challenge for how to bring them to the mainstream and then gainfully employ in the forest based especially **NTFP based enterprises**. Besides these, some other new challenges that will guide the future forestry researches in the next 20 years are agro-forestry, human resource development, biodiversity conservation and climate change vulnerability, biomass energy, genomic research on high quality / high productivity of forest plantations etc.

But, the paucity of funds for the research in the already scarce forestry sector is a matter of concern for undertaking work on the forestry research issues. Utilization of at least 5% of CAMPA funds for forestry research and better synergy between ICFRE and State Forestry Research Institutions can help in narrowing the gap in availability of adequate professional manpower and financial resources in this sector. Valuation of Ecosystem services especially water services and its implementation mechanism in the country can also provide sufficient funds for the forestry and forest dwelling communities. At the same time, grants under 14th Finance Commission are also to be tapped to find out the solutions to the problems being faced by the forestry sector.

3.8 Forest Frontline Staff Issues

Forest Rangers, Deputy Forest Rangers, Foresters, Forest Guards are the frontline field level staff working for protecting & preservation of precious forest & wildlife wealth of our Country. They are the interactive interface of the forest department with the public *per se*. They carry out multifarious functions including policing, taking up afforestation works, protecting the forests and other natural resources. Despite technological advancement the working conditions have remained unchanged for these field functionaries.

Despite the fact that the job is tough, demanding & involves high risk, they are poorly paid, underequipped, untrained and consequently demotivated and are deprived of basic facilities such clean drinking water, toilets, electricity, communication systems, protective rain/winter gear, medical aid etc. Ensuring the welfare of forest frontline staff is a prerequisite to secure our ecosystems, Forests and Wildlife. The matter is of utmost concern and some urgent action needs to be taken in this direction.

3.8.1 Basic Issues

- (i) Large number of vacancies: It is indeed a matter of outmost concern that in many States there are large number of vacancies at the level of Forest Guards, Foresters, Forest Range Officers.
- (ii) Unsatisfactory Service conditions.
- (iii) Lack of opportunities for skill upgradation.

3.8.2 Actions suggested

- (i) Each State should have well defined policy for the appropriate management and welfare of the uniformed forest frontline staff.

- Therefore, it is critical that recruitment policy is rationalised which would ensure that there is no shortage and stagnation and importantly allows adequate scope for timely promotions,
 - **Capacity building:** Provision for training during time of induction and regularly at defined intervals, and scope for specialized training as required in order to deal with new emerging challenges.
- (ii) **Better service condition:** Better service Conditions which may include government. accommodation for their families in the cities / towns and provision of facilities like clean drinking water, mostly protective gear etc. to the field functionaries.
- (iii) **Incentives:** For frontline staff working in difficult and remote forest areas, there may be some sorts of incentives on the line of special allowance and free ration for staff working in the country's tiger reserves. Some States have taken excellent staff welfare measures which may be adapted in other States. Such measures include provision for ration for remote field stations, staff welfare funds etc.
- (iv) **Parity with the police:** Promotion of the frontline staff should be assured in a time bound manner. Unlike any other service (For example police, where there are eight hour duty period) forest frontline staff works round the clock, without the privilege of extended leave that is granted to other service employees who are posted outside family station (for example, the armed forces)

AGENDA ITEM NO.4 POLLUTION RELATED ISSUES

4.1 “Securing industrial pollution control in accordance with Water and Air Act by linking with categorization of industries, consent management and vigilance – ‘In context of Red, Orange and Green categorization of industries”

Genesis of Categorization

The Ministry of Environment and Forests and Climate Change (MOEF&CC) had brought out notifications, which *inter alia* refers to Prohibition/ Restriction on operation of industries to protect ecologically sensitive areas or areas of specific importance. This has for the first time brought the concept of categorization of industries to “Red”, “Orange” and “Green” and restrict their operation in certain areas of importance. Therefore, it is at-once interpreted that Red, Orange and Green categorization is linked with location specific needs. The notification of MOEF&CC was first brought in case of “Restriction on location of industries, mining operations and other developmental activities in Doon Valley in “Uttarakhand”, (dt. 1.2.1989); and restriction on the setting up of industries in Dahanu Taluka (Maharashtra) dt. 24.2.1999.

Definition of Red, Orange and Green Categories under the notification (dated 1st February, 1989, New Delhi):

“Red”, “Orange” and “Green” category are defined as:

S. No.	Red	Orange	Green
I.	Which discharge effluents of a polluting nature at the rate of more than 500KL/day and for which the natural course for sufficient dilution is not available and effluents from which cannot be controlled with suitable technology.	All such industries which discharge liquid effluents (below 500KL/day) that can be controlled with suitable proven technology.	All such industries which do not discharge industrial effluents of a polluting nature and which do not undertake any of the listed process like Electroplating, etc. (Listed 27 processes).
II.	All such industries having employee more than 500 person/day.	All such industries in which the daily consumption of coal/fuel is less than 24 MT/day and the particular (Particulate)	All such industries which do not use fuel in their manufacturing process or in any subsidiary process and which do not emit fugitive emissions of a diffused nature.

		emissions from which can be controlled with suitable proven technology	
III.	All such industries in which the daily consumption of coal/fuel is more than 24 mt/day.	All such industries not employing more than 500 persons.	All such non-obnoxious and non-hazardous industries employing up to 100 persons. The obnoxious and hazardous industries are those using inflammable, explosive, corrosive or toxic substances.

Industries classified as Red, Orange and Green categories:

CPCB issued directions to SPCBs to harmonize Red, Orange, and Green category of industry and indicative list which includes 85 category of 'Red', 73 category of 'Orange' and 86 category of 'Green' was proposed. However, there have been variations to the category of industries in different States thereby creating confusion. Further, these identified categories have not been assigned with scores as per existing criteria/ or any new criteria

Categorization criteria used by SPCBs/PCCs:

SPCBs and PCCs use the criteria of Red, Orange and Green category for consent management and vigilance purpose for carrying out inspections to verify compliance to the stipulated standards. However the above does not emphasis on sector-specific plan for control of pollution for dealing them in accordance with priority based on pollution index.

Gap in the process

The categorization has been made mainly on the basis of size of the industries, man power and consumption of resources. The pollution, emissions and effluent, issues and its impact on health was not considered as a primary criteria.

Categorization was on random basis, no scoring system was adopted.

Issues for discussions

- (i) Revisiting of classification of industries that is based on environmental issues such as generation of emission, effluent and hazardous wastes. The categorization will be done on the basis of composite score (100 marks) given in accordance with the following weightage.

Air Pollutants: 40 marks

Parameters: PM, SO₂, NO_x, benzene, Ammonia(NH₃) and other toxic parameters relevant to the industry.

Water quality: 40 marks

Parameters: pH, TSS, NH₃-N, BOD, Phenol and other toxic pollutants relevant to the industry.

Hazardous wastes: 20 marks

Parameters To be decided on the basis of the nature of wastes relevant to the industry.

(ii) Type of industries

- Type of industries, if scored more than 60 may be categorized as Red category.
- Type of industries, if scores between 30-59 may be categorized as Orange category.
- Type of industries, if score between 15-29 may be categorized as Green category.
- Type of industries, if less than 15 may be categorized as non-polluting industry.

(iii) SPCBs/PCCs may issue consent to the industries

- Red categories of industries for 5 years
- Orange category of industries for 8 years
- Green categories of industries one time consent
- no consent for non-polluting industries.

(iv) No red categories of industries will be permitted to establish in sensitive areas such as urban area, eco-sensitive area and protective area.

(v) A committee comprising of officials from CPCB, SPCBs and MoEF&CC will classify industries in accordance with the new criteria.

4.2 MANAGEMENT OF SEWAGE AND ENFORCEMENT OF STANDARDS

4.2.1 BACKGROUND

Partially or untreated sewage is the single major source for deterioration of surface or ground water quality. It contributes 70 % of the pollution load to streams or water bodies of India. The untreated wastewater is a potential pollutant which contaminates ground, ground water, rivers and natural drainage system causing pollution in downstream areas. The rivers; lake, stream etc. are used by human being for fulfilment of their daily needs. The consumption of polluted water has adverse impact on human health as well as on aquatic life.

Central Pollution Control Board carried out assessment on Municipal wastewater generation and treatment capacity in Metropolitan cities, Class I cities and Class II towns of India. The sewage generation was about 38254 MLD during 2008-09 whereas treatment capacity developed was 12000 MLD approximately. The estimated sewage generation as per Census-2011 is 57000 MLD (approximately). The inventory of STPs installed all over India indicates that out of **899** STPs, 605

STPs are operational (as on March, 2015). The capacity utilization is 20358 MLD (605 STPs) out of 24578 MLD (899 STPs). The Standards for discharge of treated sewage have not been notified so far.

4.2.2 NEED FOR SEWERAGE SYSTEM AND EFFLUENT STANDARDS FOR STPS

Treatment of sewage is absolutely necessary for making our river/water bodies clean. In spite of all efforts, only 24578 MLD of treatment capacity have been developed against the total sewage generation of 57000 MLD. It is mandate for SPCBs/PCCs under section 17 (l) (i) of The Water (Prevention and Control of Pollution) Act, 1974 to make, vary or revoke any order for prevention, control or abatement of discharge of waste into streams and under Section 24 to prohibit use of stream or well for disposal of polluting matter. Therefore, it is necessary to make mandatory to setup STPs by the Municipal authorities for bridging the treatment gap and enforcement of consent management.

The General Standards for Discharge of Environmental Pollutants into inland surface, public Sewers, land for irrigation, marine coastal areas prescribed under Schedule-VI of The Environment (Protection) Rules, 1986 are followed for design of STPs and to assess the performance of STPs. General Standards does not envisage coliform standards. The aforesaid standards were being used for granting consent to Sewage Treatment Plants. The construction of new STPs is required to be designed in line with proposed standards.

4.2.3 PROPOSED STANDARDS FOR EFFLUENT OF STPS

Standards for treated effluent of sewage are formulated with respect to physio-chemical and bacteriological parameters with the help of Indian Institute of Technology, Roorkee and Anna University, Chennai. Proposed standards are comparable to USEPA, European Union, Germany. Effluent discharged standards for Sewage Treatment Plant for different countries and proposed standards for India are mentioned below:

Sl. No.	Parameters	USEPA	European Union	Proposed Standards for New STPs (Design after notification date)	Achievements of Standards for existing STPs within 05 years from date of notification
1.	pH	5.5-9.0	5.5-9.0	6.5-9.0	6.5-9.0
2.	BOD	25	25- European Union 10- Germany	10	10

3.	COD	125	125- European Union 60- Germany	50	50
4.	TSS	35	35- European Union 20- Germany	20	20
5.	NH₄-N	-	5	5	5
6.	N-total	15	10	10	10
7.	Fecal Coliform	<100FC/100 ml		<100 FC/100 ml	<100 FC/100 ml
Note: All values in mg/l except for pH and Coliform					

4.2.4 ISSUE FOR RESOLUTION

- i. It is mandatory for local bodies to set up STPs of adequate capacity to provide underground sewerage scheme in the entire organised sectors and to bridge the treatment gap along with enforcement of consent management in line with standards.
- ii. SPCBs/PCCs and other stakeholders shall prohibit Metro, Railways, Automobile workshops, Bus depots, Industries, horticulture, irrigation for withdrawal of freshwater/groundwater and use of treated waste water shall be made mandatory for their various usage. The maximum re-use of treated waste water will minimize abstraction. Dual piping system shall enforce in new housing groups so that treated sewage may be used for flushing.
- iii. SPCBs/PCCs and other stakeholders could explore replication of Tamil Nadu Model of water supply and sewage treatment. The model envisages taxation (from end user) and capital generation (from use of treated wastewater) for self sustaining system via recycling and mandatory use in non-potable purposes.
- iv. Concerned authorities including SPCBs/PCCs shall ensure that STPs are not discharging their treated sewage into river or any surface water bodies or land without valid consent to operate.
- v. As sewage is main cause for deterioration of water quality of surface water bodies, therefore, Sewage treatment plants (STPs) need to be categorized under Red category.
- vi. The old STPs are to achieve the notified standards with a grace period of 05 years from the date of notification of Standards. New STPs shall be designed in line with the proposed standards.

4.3 Waste Management Information System

4.3.1 Background

The application of Information Technology in environmental management has assumed a prominent role on account of its precision and value-free operations. National Hazardous Waste Information System is a dynamic web-based program of Ministry of Environment, Forest and Climate Change dedicated to capture the details of operation of Hazardous Waste generating industrial units in terms of their project activity along with their geo-spatial configurations. Currently the system provides for status of Hazardous Waste Management in form of MIS (non-spatial) numeric data correlated with GIS (spatial) image based data. In the present data bank, GIS imaging of 33,000 Hazardous Waste industrial units and MIS based data of 27,200 units have been captured. The objective of the task is environmentally sound management disposal system of such hazardous waste. As per the extant regulations the program also tracks the movement of the vehicles destined to TSDF from such waste generating units. Database is being updated by all the State Pollution Control Boards. However, there is a gap in incorporating the current status of such units.

4.3.2 Issues

With reference to waste management in the country, it is realized that there is need for a more holistic approach to ensure environmentally sound management of all kind of wastes through single platform rather than treading the source based approach. This is to promote sustainable material management by adopting the concept of circular economy. Many of the relevant notifications on waste management are archaic and highlight excessive control with limited scope and clarity on the approach for timely implementation. Implementation of these statutes is difficult for both generators and regulators. State Pollution Control Boards (SPCBs) who have the major responsibilities under all these notifications, with their manpower limitation and necessary infrastructure facilities, are not able to ensure effective enforcement. As per the existing format of NWMIS the data can be upgraded only by SPCBs.

Ministry of Environment, Forest and Climate Change has undertaken a task to develop an Integrated Waste Management Information System which will have an interface with the presently operated web based operations by SPCBs in their functions in granting CTCs and CTOs. In revised rules for safe disposal of solid waste, e-waste, plastic waste, hazardous waste and bio-medical waste this is an attempt for simplification of the procedures entrusting single point approval / documentation primarily by SPCBs for registration / authorization. The project is being developed as standalone system which will capture information from the existing database of SPCBs and feed-in the information for Decision Support System, Environmental Planning, Operation Control Mechanism among others.

4.4 Public Liability Insurance Act, 1991

Public Liability Insurance Act, 1991 (PLLI) aims at providing immediate relief to persons affected by accidents while handling hazardous substances on no fault

basis. The hazardous substances have been defined under the provisions of the Act and include explosives, highly reactive chemicals and flammable substances. The liability of operations of any individual or a group entity has been fixed for manufacturing, storage and handling of the listed substances beyond their threshold quantities. Each liable unit covered under the Act is required to take an insurance, and an amount equal to the annual premium for the insurance is to be deposited on annual basis for environmental relief have been created under this Act. The maximum insurance coverage for an industrial entity covered under the Act is the paid-up capital value or ₹ 50 crore, whichever is less.

These industrial units are operating on the strength of Consent to Operate granted by SPCBs. The data in respect of these units however is not complete in the absence of which it is not possible to comprehend and fix the liability of the covered industrial units under the Act. Neither it has been possible to take the veracity of the claims of such units in having completed their obligations as provided under the Act by way of taking an insurance as well as depositing a sum equal to the annual premium in Environmental Relief Fund prescribed under this Act.

4.4.1 Action points required from State Government

- (i) The Waste Management Information System is being upgraded so as to be used as a green platform for comprehensive management of different kind of waste viz. hazardous, electronic, municipal, biomedical etc. especially in reference to role of the State Government.
- (ii) This will be used as platform for integration of various kinds of approvals with respect to waste management at SPCB level.
- (iii) It provides compliance status over web thus presenting an effective monitoring mechanism in addition to being a planning tool for the authorities (CPCB/SPCB/MoEF&CC) for overall management of hazardous waste generation, disposal, recycling, import and status of TSDFs.
- (iv) Different hazardous waste generating clusters within a district or between two or more districts can be compared and location of TSDF vis-a-vis waste generation locations can be analyzed by State Government.
- (v) The system in its present form now provides for MIS module for data updation for all industry, Regional Offices and SPCB, web based GIS tool for analysis of hazardous waste with respect to generation, disposal and recycling; and GIS based disposal vehicle monitoring system for disposal of hazardous waste.
- (vi) Mapping of the balance 7000 hazardous waste industries will be taken up in the next phase with the help of State Government and industries.
- (vii) Data availability at national and State level will by synchronized.

- (viii) Information with respect to Consent to Establish (CTC), Consent to Operate (CTO), and Authorization will be updated for online processing of such applications.
- (ix) There will be provision of single Form for requirements with respect to all the approvals under various legislations which also include those under EP Act, 1986; Air Act, 1981 and Water Act, 1976.
- (x) States will remain beholder of the data and database creation will be checked with State network.
- (xi) Specific State NOC is being dispensed with for transportation to TSDF.

4.4.2 Action Points related to Public Liability Insurance Act, 1991

- (i) Provide data base of industrial units, district-wise, covered under Public Liability Insurance Act, 1991;
- (ii) While according CTO or its renewal, seek information on applicability of PLI Act, 1991 and details of insurance policy thereof, as may be applicable;
- (iii) Complete preparation / updation of the Off-site emergency plans for districts wherein Major Accident Hazard units are located in accordance with MSIHC Rules, 1989;
- (iv) Provide data base of recycling and dismantling units of hazardous and electronic wastes.

AGENDA ITEM NO.5 BIODIVERSITY, CLIMATE CHANGE AND ECO-SENSITIVE ZONES INCLUDING WESTERN GHATS

A. BIODIVERSITY

5.1. Review on implementation by the States of the Biological Diversity Act and Rules

5.1.1. Notification of State specific Rules

As per Section 63 of the Act, the State Government may notify rules in the Official Gazette for carrying out the purposes of the Act, in particular, for the purpose of giving prior intimation by any Indian/ Indian entities to the concerned State Biodiversity Boards (SBBs) for obtaining any biological resources for commercial utilization etc., under Section 7.

So far, 19 States have notified the State Rules, viz. Arunachal Pradesh, Andhra Pradesh, Assam, Goa, Gujarat, Jharkhand, Rajasthan, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Manipur, Meghalaya, Mizoram, Odisha, Sikkim, Tripura, Uttar Pradesh and West Bengal.

Rules notified by some States are not in compliance with the provisions of the Act, especially in respect of selection and appointment of Chairperson.

Ten States have yet to notify the Rules: These are Chhattisgarh, Haryana, Himachal Pradesh, Telengana, Bihar, Nagaland, Punjab, Tamilnadu, Uttarakhand and Jammu & Kashmir.

Of these ten States, Tamil Nadu, Punjab and Haryana have prepared draft State Rules, which have been vetted by the National Biodiversity Authority (NBA).

NBA has also vetted the Rules notified by some States, viz., Assam, Karnataka, Andhra Pradesh, Arunachal Pradesh etc., and has requested these States to amend the Rules wherever these are inconsistent with the provisions of the Act.

Action called for: *The remaining seven States, namely Chattisgarh, Himachal Pradesh, Telengana, Bihar, Nagaland, Uttarkhand and Jammu & Kashmir are requested to furnish the present status in notifying the SBB Rules. The three States whose draft Rules have been vetted may indicate the time frame by when the Rules would be notified.*

All the States may ensure that the Rules are in accordance with the provisions of the Act.

Towards this, they may review their Rules judiciously and issue amendments, wherever necessary.

5.1.2. Notification on threatened species

As per Section 38 of the Act, the Central Government, in consultation with the concerned State Government, may from time to time notify any species which is on the verge of extinction or likely to become extinct in the near future as a threatened species, and prohibit or regulate collection thereof for any purpose and take appropriate steps to rehabilitate and preserve those species.

Accordingly, a State-wise list of such species along with guidelines for their rehabilitation got prepared through the Botanical Survey of India (BSI) and Zoological Survey of India (ZSI) was circulated to all States for their approval. Upon receiving approval from the States, the MoEF&CC has notified threatened species in 16 States and one Union Territory namely, Bihar, Goa, Himachal Pradesh, Karnataka, Kerala, Madhya Pradesh, Manipur, Meghalaya, Mizoram, Orissa, Tamil Nadu, Tripura, Uttar Pradesh, Uttarakhand, West Bengal, Punjab and the Andaman and Nicobar Islands (UT).

Thirteen States have not yet given their agreement to the list despite repeated reminders, namely, Arunachal Pradesh, Andhra Pradesh, Assam, Gujarat, Jharkhand, Rajasthan, Maharashtra, Sikkim, Chattisgarh, Haryana, Telangana, Nagaland and Jammu & Kashmir. Responses received from Arunachal Pradesh, Nagaland, Maharashtra and Haryana are being examined by the Ministry in consultation with BSI and ZSI.

Action called for: *The States which have not done so are requested to give approval for the State-wise list of threatened species which are on the verge of extinction, to enable MoEF&CC to notify the same.*

5.1.3. Progress towards formation of Biodiversity Management Committees

As per Section 41 of the Act, every local body shall constitute a Biodiversity Management Committee (BMC) within its area for the purpose of promoting conservation, sustainable use and documentation of biological diversity including preservation of habitats, conservation of land races, folk varieties and cultivars, domesticated stocks and breeds of animals and microorganisms and chronicling of knowledge relating to biological diversity. The NBA and the SBBs are required to consult the BMCs while taking any decision relating to the use of biological resources and knowledge associated with such resources occurring within the territorial jurisdiction of the BMC. The BMCs may also levy charges by way of collection fees from any person for accessing or collecting any biological resource for commercial purposes from areas falling within its territorial jurisdiction.

So far, 34,135 BMCs have been constituted by the local bodies in 24 States, viz., Andhra Pradesh (439), Arunachal Pradesh (20), Assam (131), Chhattisgarh (27), Goa (11), Gujarat (2124), Himachal Pradesh (106), Jharkhand (36), Karnataka (4384), Kerala (1043), Madhya Pradesh (23743), Maharashtra (603), Manipur (49), Meghalaya (84), Mizoram (221), Nagaland (10), Rajasthan (26), Punjab (55), Sikkim (7), Tamilnadu (13), Tripura (179), Uttarakhand (734), Uttar Pradesh (9) and West Bengal (81).

NBA has provided a sum of ₹ **3.81 Crore** as financial support towards formation of BMCs in 20 States i.e., Andhra Pradesh, Goa, Gujarat, Himachal Pradesh,

Jharkhand, Kerala, Maharashtra, Madhya Pradesh, Manipur, Meghalaya, Mizoram, Nagaland, Odisha, Punjab, Rajasthan, Sikkim, Tamil Nadu, Tripura, Uttarakhand and West Bengal.

Rajasthan SBB has sent a vision document to NBA including a ten-year plan up to 2024 for the first five years for formation of BMCs and preparation of People's Biodiversity Registers (PBRs). The document envisions formation of BMCs in all districts by 2023-24. Similarly, Maharashtra SBB also has submitted a five year or prospective plan.

Action called for: *Taking cue from Rajasthan/ Maharashtra SBBs, all the States are encouraged to put forth their proposed time-bound and year wise plan in formation of BMCs to enable NBA to develop a comprehensive plan.*

5.1.4. Preparation of People's Biodiversity Registers

As per Section 41 of the Act read with Rule 22 (6) of the Rules, 2004, the main function of the BMCs is to prepare People's Biodiversity Registers (PBRs) in consultation with local people. The Register shall contain comprehensive information on availability on the knowledge of local biological resources, their medicinal or any other use or any other traditional knowledge associated with them.

So far, 1863 PBRs have been documented in 12 States, viz. Andhra Pradesh (17), Gujarat (81), Jharkhand (11), Karnataka (267), Kerala (596), Madhya Pradesh (741), Manipur (3), Mizoram(2), Tripura(60) , Uttarakhand (13), Uttar Pradesh (6)and West Bengal (66).

NBA has also provided a sum of ₹ **7.89 crore** as financial support towards documentation of PBRs by 17 SBBs, i.e., Andhra Pradesh, Arunachal Pradesh, Assam, Goa, Jharkhand, Karnataka, Kerala, Maharashtra, Madhya Pradesh, Meghalaya, Mizoram, Odisha, Punjab, Rajasthan, Tripura, Uttarakhand and West Bengal.

Action called for: *All SBBs may furnish the present status along with time-bound and year wise plans for preparation of PBRs in their States.*

5.1.5. Declaration of Biodiversity Heritage Sites

As per Section 37 of the Act, the State Government, in consultation with the local bodies, may from time to time notify, in the Official Gazette, areas of biodiversity importance as Biodiversity Heritage Sites.

Five (5) Heritage Sites have so far been notified by two State Governments, four sites by the State of Karnataka and one by the State of Maharashtra.

Action called for. *So far, only two States have notified Heritage Sites. All the States may indicate their plan of action in this regard.*

5.1.6. Ongoing Litigations in the court of law on ABS & other matters.

I. High Court Karnataka

1. M/s Maharashtra Hybrid Seeds Co.Ltd & Others – Bt Brinjal Case
2. Sathguru Management Consultants Pvt Ltd & others – Bt Brinjal Case

II. NGT South Zone Chennai

1. M/s Environment Support Group – Section 40 (NTC)
2. Citizen Action Group - Possession of land (Bangalore Agricultural University campus, which is a declared Biodiversity Heritage Site)
3. Sri. Purushotam Chitrapur – Netravathy River Project

III. NGT Central Zone

1. BMC Eklahara
2. BMC Keoti Janpad Panchayat
3. BMC Eklahara

IV. Supreme Court

1. University of Agricultural Sciences, Dharwad – Against dismissal of Bt Brinjal Case in HC Karnataka
2. Dr. S.A. Patel - Against dismissal of Bt Brinjal Case in HC Karnataka
3. M/s Environment Support Group and another – Section 40 (NTC)

V. JFMC Dharwad – Bt Brinjal case (NBA is the first complainant)

(Note: Except in case of item V, NBA is one of the respondents in all other cases)

Action called for: *All the States may indicate the court cases, if any, in their States.*

5. 2.1. Experiences in implementation of the Access and Benefit Sharing (ABS) Regulations, 2014

In accordance with Section 64 read with sub-section (1) of Section 18 and sub-section (4) of Section 21 of the Act and in pursuance of Convention on Biological Diversity and Nagoya Protocol on access and benefit sharing, the NBA has notified the Guidelines on Access to Biological Resources and Associated Knowledge and Benefits Sharing Regulations, 2014, on 21st November, 2014.

These Guidelines lay down procedures for access to biological resources/ associated knowledge for different activities like research, commercial utilisation, IPR, transfer of results of research etc., modes of determining benefit sharing component, sharing of benefits received, application process and exempted activities.

Action called for: *All SBBs may furnish the action taken report to implement the ABS regulations under Section 7 of the Act, in particular, pursuant to the notification of ABS Guidelines issued by the NBA.*

5.2.2. Quantum of amount realised as benefit sharing from different stakeholders

NBA has received a sum of ₹ 15.94 crore towards benefit sharing including ABS component of ₹ 15.50 crore realised out of sale of Red Sanders from the foreign buyers. SBBs have also realized benefit sharing from Indian companies who are accessing biological resources for commercial utilization.

Regulation 15 of ABS Guidelines provides an easy and transparent methodology for sharing of benefits received by NBA and SBBs among the NBA, SBBs, BMCs and other benefit claimers. If the benefit claimers can not be identified, such funds are to be utilized to support conservation of biodiversity and promote livelihoods of the local people from where the biological resources were accessed.

Action called for: All SBBs may indicate the present position of State Biodiversity Fund including ABS, application fee received and mechanism followed for devolution of such fund for conservation aspects and socio-economic development of areas from where the biological resources / knowledge were accessed.

5.2.3 Sensitizing public and other stakeholders about ABS Regulations

- NBA is supporting outreach / awareness programmes on conservation and sustainability of biodiversity to different stakeholders such as BMCs, local communities, schools, colleges, universities, Government agencies, NGOs etc.
- NBA had supported participation of BMCs from different States in CoP-11 to the CBD held in Hyderabad in October 2012 to enable them to understand biodiversity related issues. The BMCs were actively involved in various events.
- NBA has provided grants-in-aid for a sum of ₹ 12.61 crore to 28 States (except Telengana) towards strengthening of SBBs.
- The SBBs are also, on their part, creating awareness on biodiversity, *inter alia* through paper advertisements in daily newspapers and radio programmes to reach out a larger group of public.
- UNEP–GEF–MoEFCC project on “Strengthening the Implementation of the Biological Diversity Act” is being implemented in ten States namely Andhra Pradesh, Himachal Pradesh, Sikkim, Gujarat, West Bengal, Karnataka, Goa, Tripura, Telangana and Odisha. The main objective of the project is to increase the institutional, individual and systemic capacities of stakeholders with a view to implement the BD Act effectively. The activities include improving the institutional capacities of the State biodiversity boards in implementing the provisions of the Act, and Rules. The project is also contributing to improving the knowledge base among the BMCs being set-up at the local body levels in the above States.

Action called for: SBBs may inform about the action taken in their States to reach out the public and local communities, and spread awareness on biological diversity amongst various stakeholders.

5.3. Discussion on National Biodiversity Targets by SBBs

Following the adoption of the Strategic Plan for Biodiversity 2011- 2020 and its Aichi Targets 20, India has developed 12 National Biodiversity Targets (NBTs) in line with the 20 Aichi targets and updated her National Biodiversity Action Plan (NBAP) by including the NBTs.

Some of the NBTs for which SBBs are identified as responsible agencies for their monitoring through indicators are given below. While the frequency of monitoring of the NBTs ranges from three to five years, data may be recorded yearly or more frequently by SBBs.

- Target 1 Trends in promoting awareness at local levels**
- Trends in number of Biodiversity Management Committees (BMCs) constituted/operationalized
 - Trends in number of people's biodiversity registers (PBRs) Prepared
- Target 6 Trends in coverage under Biodiversity Heritage Sites (BHS) under the Biological Diversity Act 2002**
- Change in number/area/percentage of BHSs over time
- Target 9 Trends in access to genetic resources and fair and equitable sharing of benefits**
- Trends in number of cases seeking approval to bio-resources and associated traditional knowledge for commercial utilization
- Target 10 Preparation of State Biodiversity Action Plan (SBAP) and implementation**
- Trends in preparation of State Biodiversity Action Plans (SBAPs)
 - Trends in implementing the activities envisaged under SBAPs
- Target 11 Trends in capacity building related to TK and PBRs**
- Training/capacity building at local and community levels
 - Numbers of BMCs and PRI institutions trained.
- Target 12**
- Trends in availability 3 years of financial, human and technical resources for achieving 20 Aichi Biodiversity Targets and 12 National Biodiversity Targets

Action called for: All SBBs may develop a plan of action to monitor the achievement of relevant NBTs through indicators.

B. Eco Sensitive Zones including Eco-Sensitive area of Western Ghats

The progress in regard to issue of ESZ notifications around protected areas in the country would be reviewed State wise/UT wise. Also, report on “ground truthing” as requested by States of Gujarat, Maharashtra, Goa, Karnataka, Kerala and Tamil Nadu would be reviewed to enable the concerned States to report the exercise by 15.4.2015 to the Government of India in the Ministry of Environment, Forest and Climate Change.

C. CLIMATE CHANGE

5.4 Background

The 5th Assessment Report of the Intergovernmental Panel on Climate Change (IPCC) has highlighted various impact of climate change and its likely occurrence. India is vulnerable due to increase in temperature, variations in precipitation, water stress, rise in sea level, changes in sea temperatures etc. Government of India has conducted a scientific study which projects that there is a possibility of a variable rate of change in agriculture production including losses in some crops, change in the composition of the Forests & Net Primary Productivity and spread of Malaria in new areas.

Prime Minister has emphasised that Climate Change should be viewed as an opportunity to bring about desirable changes in all our plans and programmes. Recognising the challenges of climate change, National Action Plan on Climate Change (NAPCC) was launched in June, 2008, laying down the strategy to promote adaptation to climate change and further enhance the ecological sustainability of India’s development path. It involves eight missions anchored by concerned nodal ministries. These missions are under various stages of implementation. The NAPCC is being monitored at the highest level and the 8 missions have been requested to take a fresh look at their approach in the light of the recent developments. Some new initiatives are also being planned in the field of wind energy, coastal areas, waste to energy conversion, health etc.

The States have played a very prominent role in implementation of Climate Change related activities. They have also formulated their State Action Plans to combat climate change. India is one of the few countries where 31 States/UTs have their own State Action Plan on Climate Change (SAPCC). Other States/UTs are also working on their SAPCC, which are expected to be submitted soon. MoEF&CC organized a two day consultations with State Governments on 17-18 February, 2015. It brought together the State Governments and the National Missions to discuss and deliberate on climate change issues, future opportunities and avenues for co-operation.

5.5 Issues

Mainstream the climate change issues in the development planning process so that these concerns are addressed by the respective Departments, agencies at the planning stage itself.

Coordination with other Departments at the State level and with national missions and other departments at the national level.

Prioritization of the activities envisaged under SAPCCs, so that some of the schemes can be taken up at an early date.

Capacity building and training to understand and deal with climate change issues at the State level (partnering with Department of Science and Technology).

Formulation of projects for National Adaptation Fund, Adaptation Fund under United Nations Framework Convention on Climate Change (UNFCCC) and the Green Climate Fund (GCF).

5.6 Expectation from State/UTs Governments

MoEF&CC organised a National Workshop on linkages between NAPCC and SAPCC on February 17-18, 2015, wherein MoEF&CC and other concerned nodal Ministries/Departments discussed all the above issues. The State/UT Governments were requested to:

- Revisit SAPCCs in order to establish linkage of the activities envisaged under SAPCC with Central Sector Schemes (CS) and Central Sponsored Schemes (CSS), to ensure that the activities envisaged under SAPCC can be funded. In case, activities cannot be covered by CSS and CS, other funding options may be explored such as GCF, Adaptation Fund, National Clean Energy Fund, funding under bilateral/multilateral projects on climate change etc.
- Prioritize the activities proposed under SAPCCs in view of budgetary constraints
- The identified nodal institution for climate change by the State/UT has to be given the responsibility for coordinating the implementation of SAPCC activities at State level.
- Adopting low carbon measures such as energy efficiency, harnessing renewable energy, improving agriculture and water use practices, instead of following carbon intensive growth pathway.
- MoEF&CC is providing financial support for Capacity Building on Climate Change, in order to establish State wide plan for setting up of institutional structure, identification of people and skill-set for augmenting existing capabilities. In this regard, State/UT Governments have been requested to submit their proposal. So far, proposals from 7 States/UTs have been received and funded.
- MoEF&CC has provision for supporting the implementation of demonstration projects for climate change adaptation or mitigation activities envisaged under SAPCC through the MoEF&CC's scheme titled 'Climate Change Action Programme'. State/UT Governments are to send their proposals in this regard. So far, proposals from only 2 State/UT have been received.
- Formulate schemes at an early date for Adaptation Fund and GCF through NABARD and other National Implementing Entities.
