

Scripted in August 1993, this attempted to describe the national planning process for sustainable development, and was an input to a report seeking to describe planning for sustainable development at all levels: national, state, district, and local.

The cover photograph is of a mountain scene in Himachal Pradesh, taken by Shekhar Singh.

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INTRODUCTION

This paper is an attempt to describe the planning process in India, especially at the national level, with special reference to the integration of environmental concerns into the various sectors and activities. In discussing the planning process, it becomes necessary to not just look at plans, but also laws and policies which are, in a sense, a part of the planning process. I am aware that detailed papers on the pertinent laws and policies are being separately prepared, as also a paper on financial matters, and therefore my discussion of these subjects, in this paper, is restricted only to the bare essentials required to understand the broad picture.

The paper also intended to show the linkages between the national, state and district planning processes. Whereas linkages to the state planning process have been developed, based on the description contained in Mr. H.C.Sharatchandra's paper, a similar exercise could not be done for the district as the paper on district planning is not yet available.

This paper is written keeping in mind that some of the readers will be people who are not familiar with the Indian Government and its institutions. Therefore, an effort has been made to describe even those institutions (like the Lok Sabha or Central Ministries) which would ordinarily be familiar to most Indians.

Written somewhat hurriedly, this paper can only pretend to be a preliminary fact sheet and a discussion note. Some of the areas that require further investigation have been indicated in the text, within square brackets.

Some useful information and documents have been annexed to the paper as they would help in understanding the prevailing process of planning in India.

PLANS

National and state plans are formulated every five years (five-year plans) in India. Each five-year plan (we are presently in the eighth one) is divided up into five, yearly, annual plans. For certain years, mainly due to political transition, a 'plan holiday' is declared and for these years only the annual plans operate.

A. FIVE YEAR PLANS

Broadly speaking, the five-year planning process at the national level involves four distinct activities:

- Formulation of the national five-year plan approach or thrust.
- Formulation of sectoral chapters (sectoral approach).
- Assessment of old schemes and formulation of new ones.
- Allocation of financial resources.

Whereas the first two activities are formally done only at the national level, and only for the five year plans, the remaining two activities are done separately both at the national and state level, for both five-year and annual plans of central ministries and state governments. Ultimately, both the state and national plans are submitted to the national Planning Commission, as described later.

1. Approach/Thrust

The national Planning Commission (PC) prepares an approach or thrust paper, usually at least an year prior to the finalisation of the plan. This approach paper lays down the plan philosophy of the government in power and identifies the priority areas and strategies for the five-year plan. It analyses past achievements and failures and makes an assessment of the social and economic situation prevailing in the country.

¹ For a description of the Planning Commission see Annexure 1.

The approach paper is approved by the Union Cabinet and then presented to the National Development Council (NDC) for final approval. After it has been approved by the NDC, it is published and made available to all state governments and to the central ministries. The approach paper is supposed to guide central ministries and state governments in formulating their plans.

2. <u>Sectoral Chapters</u>

The Planning Commission, at least a year in advance of the finalisation of the five-year plan, sets up working\steering groups of experts for each sector. These working groups make recommendations on various matters including the thrust and strategies required for the sector. Based on the working group report and on consultations within the Planning Commission and with the concerned ministries, the PC formulates chapters for each sector. These chapters are supposed to translate the general philosophy laid out in the approach paper into a sector specific approach. Unlike the approach paper, the sectoral chapters discuss specific schemes and issues and lay out the detailed plan for each sector, especially for the central ministries.

The chapters also contain an assessment of central and centrally sponsored schemes of the past five-year plan.

3. Schemes

The plan activities of the government are basically implemented through schemes. There are essentially three types of schemes:

3.1 Central Schemes are financed out of the central budget and implemented by the central government and its agencies. These are formulated by the sectoral central ministries or occasionally by the PC. The allocations for central schemes are reflected in the plans of central ministries and agencies.

² For a description of the National Development Council see Annexure 1.

³ The various types of schemes are described in the next section.

3.2 Centrally Sponsored Schemes are financed (partially or fully) out of the central government's budget and implemented by the state governments and their agencies. These are formulated by the sectoral central ministries or occasionally by the PC.

The state governments approach the concerned central ministry or agency for release of funds under centrally sponsored schemes. The funding pattern can vary from 100% central funds to 50% or even less of central funds and the remaining state funds. In some cases, certain types of expenditure (like non-recurring) are met out of the central grant while other (like recurring) are met out of the state budget.

Where the scheme is fully (100%) financed by the central government, the allocations for the scheme are reflected in the plans of the relevant central ministry or agency only. However, where the scheme involves a contribution by the state, the corresponding share of the state is also reflected in the state plan for the relevant sector.

3.3 State Schemes are financed out of the state budget and implemented by the state government and its agencies. These are formulated by the state governments or occasionally by the PC. The allocations for state schemes are reflected in the plans of the state government.

Decisions regarding the continuation of old schemes and the introduction of new schemes are usually taken while formulating a five-year plan. It is rare for new schemes to get started in the middle of a plan period.

Central and centrally sponsored schemes are formulated by the concerned ministry in consultation with the Planning Commission. Such schemes are usually for the whole country or for those regions

characterised by the issues sought to be tackled through the scheme. Many rural development, forestry or environment schemes are applicable throughout India. There are, however, some schemes which are only applicable to drought prone areas, or to tribal regions or hill areas.

Such schemes mostly have centrally prescribed guidelines which determine the objectives, the strategies and the funding patterns. In a few schemes there is an inherent flexibility where states can, within the broad framework, design activities relevant to their specific conditions. However, even for these the flexibility rarely covers expenditure norms, which continue to be rigidly applied across the country.

[It would be worthwhile looking at central and centrally sponsored schemes of relevant sectors in detail to see how much flexibility each one allows to the state and whether this flexibility can be used to make appropriate district level programmes.]

Almost all central and centrally sponsored schemes, as also most of the state schemes, involve setting and meeting quantitative targets. There is little scope for qualitative assessment and almost none for local level innovation. This fact has been long recognised and efforts have been made to 'decentralise' planning by transferring many of the central and centrally sponsored schemes to the states. However, this has not solved the problem as states also tend to centralise planning into their own hands. Besides, the transfer of schemes to states means that these schemes have to be funded through state budgets. This results in schemes of 'soft' sectors like the environment and forestry getting little or no budgetary support.

Even where the funds have been transferred right down to the panchayats, as in Karnataka, there is great reluctance in spending this money on activities related to the environment.

⁴ See, for example, Report of the Group of Officials on Centrally Sponsored Schemes, Planning Commission, New Delhi, April 1987.

[It would be interesting to compare, in detail, the funds available for social forestry when there was an earmarking of between 10 and 15% of the JRY allocations for the purpose, with those available after this earmarking was abolished, from 1990-91, and the panchayats were allowed to decide what they wanted to spend the money on. This is especially relevant considering the provisions of the recently enacted Panchayati Raj Bill which transfer the decision making power to the panchayats.]

It is obvious that central and centrally sponsored schemes are too centralised to be appropriate to any specific district, leave alone village, in the country. Their generality and inappropriateness makes them far from optimal. Also, given their coverage, they have to resort to monitoring progress in terms of fulfillment of quantitative targets. This militates against quality. Such schemes also do not allow for local level initiative and innovation. There can, therefore, be little reason to support their continuation. However, the answer is not to decentralise such schemes from one level of bureaucracy to another: from center to state, or from state to district, for as long as such schemes are designed and implemented by bureaucracies without the involvement of the people, the fact that they are at a lower level in the government will not necessarily make them more appropriate.

Also, decentralisation would work where the schemes address issues that are seen as a priority by the local people or the local administration. The experience with forestry and environment has been, in most parts of the country, that they are still not seen as priority sectors for investment by panchayats, district administrations and even state governments. Therefore, some mechanism has to be evolved by which the investments in such sectors are fixed at the central level, allowing the specifics to be worked out and implemented at local levels. Greater discussion of this point will form a part of the section on financial allocations.

State schemes have similar problems and, in addition, they are often denied adequate budgetary support if they happen to be in sectors such as environment and forestry. This point is also discussed in detail in the section on financial allocations.

Schemes are formulated, as already mentioned, both at the state and central level. New central schemes are usually suggested by the earlier described working steering groups set up by the Planning Commission for each sector. These are then submitted to the Planning Commission formally by the concerned ministry. After discussions between the concerned ministry and the planning commission and within the PC itself, these schemes are approved, with or without modifications, or rejected. However, this is approval only 'in principle'. The scheme becomes activated only when some funds have been provided for it, and this happens much later.

State schemes are, similarly, formulated by the concerned departments and then submitted to the state planning department. At the state, there appears to be no formalised procedure for setting up steering groups of experts in different sectors, as is the practice at the national level. There also does not seem to be a detailed discussion with district level officers on the content of schemes, though discussions are held on the size of district budgetary outlays. Just as central schemes do not usually have the flexibility to be adapted for different states, similarly the state schemes do not seem to have the flexibility to be made appropriate for each district or block.

There is almost no participation of the people in the formulation of schemes, both at the central and at the state level.

4. Allocation of Financial Resources

The Planning Commission and the Finance Ministry determine the total amount of funds likely to be available, at the central level, during the plan period. It is also decided how much of these will be for

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the plan and how much for non-plan expenditure. These funds are also divided up between the centre and the states. From the resources earmarked for the states, the share of each state is determined by applying the modified Gadgil Formula. This then determines the amount of central assistance to be given to each state. The final allocation for each state is this central assistance plus the anticipated state revenue for the five year period, which is also determined by the Finance Ministry and the Planning Commission on the basis of figures provided by the state governments.

The allocations of the central ministries and departments come out of the amount earmarked for central plan expenditure.

Concurrently, the amount available for plan expenditure is allocated sector wise and each division of the Planning Commission is given an allocation for its sector. Sectorwise discussions start with the concerned central ministries, based on proposals submitted by these ministries. These proposals, emanating out of the recommendations of the working groups, give description and justification for existing and proposed schemes, and propose allocations for each of them for the plan period.

Based on these discussions, the Planning Commission recommends certain schemes and schemewise and sectoral allocations, for the central sector, which are then approved by the Cabinet and finally by the NDC.

Similarly, discussions are held between Chief Ministers of states and the Deputy Chairman of the Planning Commission, to finalise the state wise allocation for the plan period. Based on this, officers of the Planning Commission hold discussions with officers of state governments to recommend schemes and allocations for the plan period.

These are also finally approved by the NDC.

⁵ Whereas plan funds are for initiating new projects and for incremental development, non-plan funds are for maintenance works. Salaries of staff are initially met out of plan funds but, after five years, get transferred to non-plan expenditure.

Though allocations are made for the plan period, in actual fact these, are notional allocations, for the financial situation changes drastically during the five year period. Experience from past plans shows that the final outlays under the annual plans and the expenditure is very different from what was allocated under the five year plan.

A table depicting the decision making process regarding the

allocation of funds is given below.				
ALLOCATION OF FINANCIAL RESOURCES IN THE PLANNING PROCESS				
	Activity	Agency		
Ι	Estimation of availability of central funds (revenue, aid, loans, deficits, etc.)	Finance Ministry and Planning Commission.		
II	Estimation of availability of state funds (revenue, aid, loans, deficits, etc.)	State Finance Department, State Planning Department, Central Finance Ministry and Planning Commission.		
III	Estimation of total funds available for the plan.	Finance Ministry and Planning Commission		
IV	Earmarking of resources for non-plan expenditure.	Finance Ministry		
V	Division of remaining resources between states and centre.	Finance Ministry and Planning Commission.		
VI	Sectoral allocation of funds.	Planning Commission.		
VII	Fixing of the quantum of central assistance for each state, based on the modified Gadgil Formula.	Planning Commission.		
VIII	Determining the size of the state budget, based on the central assistance and the state revenue etc.	Deputy Chairman, Planning Commission and State Chief Ministers.		
IX	Recommending allocations for each sector, and schemes	n 1111-365 3.		

Planning Commission.

Development Council.

The Cabinet and the

National

within each sector, both at the state and central level.

Approving the Plan.

X

B. ANNUAL PLANS

The process of funding of annual plans is also similar, except that usually at the annual plan level only ongoing schemes are provided for and it is rare for new schemes to be started. Consequently, the Planning Commission does not set up working/steering groups for the annual plan exercise and, also, the process of plan evaluation is much less rigorous.

However, the allocations in the annual plan are far more significant as they form the basis of the annual Finance Bill both in Parliament and in State Legislative Assemblies, and reflect far more closely than the five year plans the actual availability of financial resources. But, even then, the final expenditure is often different from the allocations even in the annual plans, for reasons discussed later.

Another important issue concerning the allocation of funds for state plans is that there is resistance from most state governments to receiving large allocations for unpopular sectors like the environment. Whereas, very often, the Planning Commission would like to give larger outlays for environment and forests, the state governments, considering they have to accommodate these allocations within their overall budgets and, if they accept a larger outlay for forests and environment then they would have to correspondingly decrease their outlays in other, preferred, sectors. This reluctance, on the part of the state governments, has resulted in outlays for the environment sector especially remaining very low (see Annexure 2 for tables showing the percentage and per capita allocations for the environment and a comparison of allocations of some other sectors).

Even with externally aided projects, which are meant to be additionalities to the budget, most states do not pass these additionalities on to the concerned sectoral budget, if that sector is not a preferred one. Therefore, though the state budget increases because of the external aid, the sectoral budget remains almost the same.

C. ISSUES

The broad philosophy of the plan is laid down in the approach or thrust paper. It is here that relative importance of different sectors and concerns is established, and strategies are indicated for developing the detailed plan.

Unfortunately in the overall objectives of the Eighth Plan, contained in <u>Objectives</u>, <u>Thrusts</u> and <u>Macro-Dimensions</u> of the <u>Eighth Plan</u>, brought out by the Planning Commission in December, 1991, there is no mention of the environment or of environmentally sustainable development. The listed objectives are:

The Eighth Plan will give priority to the following objectives:

- (i) generating adequate employment to achieve near full employment level by the turn of the century:
- (ii) containing population growth through active people's cooperation and an effective scheme of incentives and disincentives;
- (iii) universalisation of elementary education and complete eradication of illiteracy among the people in the age group of 15 to 35 years;
- (iv) provision of safe drinking water and primary health facilities including immunisation so as to be accessible to all villages and entire population, and complete elimination of scavenging;
- (v) growth and diversification of agriculture to achieve selfsufficiency in food and generate surpluses for exports:
- (vi) strengthening the infrastructure (energy, transport, communication, irrigation) in order to support the growth process on a sustainable basis:

The 8th plan will focus on these objectives keeping in view the need for (a) continued reliance on domestic resources for financing investment, (b) increasing the technical capabilities for the development of science and technology, (c) modernisation and competitive efficiency so that the Indian economy can keep pace with and take advantage of global developments.

There is also no section which indicates how, if at all, environmental concerns are to be integrated into planning and implementation of development activities and projects.

The section on Environment and Forests states:

Environment, ecology and development must be balanced to constitute the needs of the society. In the interest of sustainable development it would be necessary to take measures to preserve, conserve and nurture, the fragile and critical eco systems. There is a need for decentralised approach in this area as well, so that the environmental considerations are taken note of in every sector with a definition of the appropriate technology and environmental options while formulating programmes and projects.

Environmental management principally includes planning for sustainable use of resources, protection and conservation of ecological system by education, training and awareness. Cooperation of both governmental and non-governmental organisations should be called for at all stages if environmental movement is to achieve success. It can only be accomplished with the fullest cooperation of the people. Cleaning of important rivers such as the Ganga will have to be accelerated.

Forest conservation and development must aim at preservation of biological and genetic diversity in terms of fauna and flora and protection of forest cover from further degradation. At the same time meaningful projects are to be developed to utilize wastelands and to make them productive.

The document also contains a section on "Emerging Issue of Planning and the Needed Policy Correctives". It identifies the issue as follows:

The most glaring problem that faces planning is that the essence of the planning process has been eroded. If planning is to be a prioritised application of resources-human, material and financial-to the needs of development, the process has to keep enough operational efficiency to make adequate and timely investments in priority programmes and to have reserves to take up new initiatives in short, medium and long term development.

Even at this level, there is no mention of natural resources. This section goes on to list, as priority sectors, Energy, Physical Infrastructure, Irrigation, Agriculture, Social Services, and Poverty Alleviation. However, the description of these priority sector goals contains no mention of sustainability or the environment.

Implementation: The implementation of a plan must be assessed on at least two basis

- the impact it has on the subsidiary plans, policies, action plans and programmes that are supposed to emanate from it;
- its impact on the activities and situation in the field.

Impact on subsidiary plans: The sectoral chapters of the plan document are supposed to exemplify sectorally, and in greater detail, the broad thrust contained in the approach or thrust paper. This exemplification is supposed to be reflected in the schemes, programmes and projects approved and supported by the Planning Commission, and in the financial allocations made for each of them.

However, the lack of integration and the inability to clearly identify the interfaces between different sectors manifest in the thrust document, is aggravated in the sectoral chapters which are even more stratified than the thrust or approach paper. These chapters mainly seek to further sectoral goals which are primarily seen as quantitative growth targets.

At the next level, the schemes and programmes of the Central Ministries and the States bear even less resemblance to the overall thrust or approach and even to the chapters.

This is partly because whereas the plan is formulated by the Planning Commission, the programmes, schemes and projects are formulated by Ministries and Departments in the Central and State Governments. Though there is some discussion with Central Ministries in the process of plan formulation there is none with the State Governments. Infact, apart from the Chief Ministers being involved, as members of the National Development Council, in approving the approach or thrust paper and the plan document, the State Governments seem to play a relatively small part in the overall planning for the country.

Perhaps the most important reason why schemes, programmes and projects do not always reflect the current plan philosophy is because a very large proportion of them are ongoing or half finished. The planning process might very well be a five - yearly process but it does not reflect the life of projects or schemes and, consequently, at the time when a new five - year plan is being formulated, or financed, a very large proportion of the funds available are already earmarked for ongoing or unfinished activities.

Impact on activities: At the implementation stage, there is very little that the Planning Commission can actually do to ensure the proper implementation of these plans, whatever their inadequacies. Past experience has shown that State Governments and even Central Ministries implement the plans according to their own priorities, both in terms of the strategies followed and even in terms of expenditure incurred.

Whereas the Planning Commission is involved in the process of approving schemes, programmes and projects at their inception, this is done on the basis of a proposal. When these same schemes, programmes or projects are initiated, they need yearly financial outlays from the Planning Commission. However, at this stage the Commission has very little ability to assess their functioning and has to go by the reports, often very scanty, presented by those implementing these schemes and projects.

Even in terms of financial outlays, there is a tendency, especially among State Governments, to disregard the allocations made by the Commission when it suits them. There is, again, little the Commission can do to prevent this. Some sectors, like agriculture, are "earmarked" sectors implying that if States transfer funds out of this sector's allocation to other sectors, without clearing it from the Planning Commission, the amount so transferred would be cut from their next year's central assistance. The "central assistance" comprises of the State's share and other dispensation from the revenue collected by the Central Government. However, even for earmarked sectors it becomes politically difficult for the Commission to ensure that it is respected.

The inability to develop and implement an integrated plan which clearly lists priorities and identifies the interface between different sectors and sectoral interests has a negative impact on many aspects of development but, most significantly on the environment. Essentially "sustainable" development implies integration of environmental concerns into all sectors of development. Clearly this is not happening

adequately in India.

The inability to implement strictly even the stratified sectoral plans also has implications on the environment which are serious. Where States or Ministries are allowed a free hand, they often favour the hard core "development" sectors like industry, irrigation, communication, tourism and mining all too often at the cost of "soft" and "antidevelopment" sectors like the environment.

The Planning Commission, and the integrated planning model that it represented, have lost influence for perhaps the following reasons.

- a) Whereas in its initial years the Commission was able to develop integrated plans, the emergence of diverse and new issues relevant to development (like the need for environmental protection) heightened the conflict between different sectors of development. Rather than face and resolve these contradictions through the medium of planning, the planning process was allowed to disintegrate and become pre-occupied with producing a series of sectoral and sub-sectoral plans which were, often, at variance with each other.
- b) The resolution of conflicting demands, especially for natural resources, needs a basic, long term plan, prioritising different uses in a rational manner. Without this, planning becomes ad hoc and irrational. It often leads to lower priority demands getting satisfied while higher priority ones are refused. But, despite this, the planning process has not succeeded in formulating such basic plans for many crucial areas of conflicting demands. The lack of a land use plan is one such example, even though the Government of India had set up a high powered Land Use Board, way back in 1985, under the Chairmanship of the Deputy Chairman of the Planning Commission.
- c) Apart from being sectoral and sub-sectoral, such planning also remains essentially centralised in a nation so diverse that centralised flats have little relevance.

.d) The irrelevance of centralised planning is aggravated when it has to be performed in the absence of detailed and authentic information of a disaggregated nature, as is the case for at least environmental planning.

In conclusion it can be said that:

- Though the institutions for integrated planning at the national level are in position, there is little evidence of the plans being actually integrated, especially in terms of environmental protection and sustainability.
- Consequently, environmental concerns continue to be viewed as constraints to growth, very much like financial procedures, but with much less acceptability.
- Basic data required to adequately assess the environmental impact of development strategies and specific projects are often not available.
- Technological solutions to environmental problems, especially those affecting the poor, are often not there or not accessible.
- There is a hesitancy in incurring financial costs or delays for the sake of protecting the environment.
- The involvement of local communities and non-governmental organisations in planning, implementing and monitoring an environmentally sustainable development model is poor.
- There is little co-ordination between different sectors and agencies involved in economic development, in order to ensure the integration of environmental concerns and safeguards.
- The concern for the environment seems greater in the Central Government, especially the Ministry of Environment and Forests, than in the State Governments. The weakest link in the system remains planning.

NATIONAL LAWS

A. DESCRIPTION

Some of the Constitutional provisions and laws which seek to control environmental degradation, especially in terms of the impact of development activities, are:

- <u>Constitutional provisions relating to the protection of environment</u>

By the Constitution (42nd Amendment) Act, 1976, Article 48A was inserted in Part IV of the Constitution. Article 48A of the Constitution reads as under:-

"48A: protection and improvement of environment and safeguarding of forests and wild life:The State shall endeavour to protect and improve the environment and to safeguard the forests and the wild life of the country".

By the Constitution (42nd Amendment) of 1976, Article 51-A has been added as Part IV-A of the Constitution of India. Article 51-A reads as under:-

"51-A. Fundamental duties - It shall be the duty of every citizen of India:....

g) to protect and improve the natural environment including forests, lakes, rivers, and wild life and to have compassion for living creatures:

- The Environment (Protection) Act, 1986.

This is a comprehensive act which seeks to control environmental pollution, to prevent environmental degradation, and to regulate hazardous substances and processes.

The Act States:

"...The Central Government shall have the power to take all such measures as it deems necessary or expedient for the purpose of protecting and improving the quality of the environment and preventing, controlling and abating environmental pollution". (Section 3(i))

Recently (January, 1993) the Central Government has issued a notification under this Act (at Annexure 3) intending to make it mandatory for various types of industry to take environmental clearance from the Central or the State Government. Powers to use provisions of this Act have been delegated to the State Governments also.

- The Water (Prevention And Control of Pollution) Act, 1974 (as amended in 1978 and 1988).

Apart from laying down and enforcing water quality standards, this act also regulates the setting up of new industries as it stipulates the necessity of getting a No Objection Certificate from the concerned Pollution Control Board. As per the provisions of Section 25 of the Water (Prevention and Control of Pollution) Act, 1974, without the previous consent of the State Pollution Control Board no person shall bring into use any new or altered outlet for the discharge of sewage effluent or trade effluent into a stream or well or sewer or on land or begin to make any new discharge of sewage effluent or trade effluent into a stream or well or sewer or on land.

In case the industry falls in the list of 20 highly polluting industries, an environmental clearance is also required to be obtained from the respective Director of Industry of the State where the factory/plant is being set up.

- The Air (Prevention And Control of Pollution) Act, 1981 (as amended in 1987).

This act lays down and enforces air pollution standards and regulates the setting up of new industry by laying down the necessity of getting a no objection certificate from the concerned pollution control board. It has other provisions similar to the 'Water Act'.

- The Water(prevention and Control of Pollution) Cess Act, 1977.

This Act provides for the levy and collection of a cess on water consumed by persons carrying on certain industries and by local authorities with a view to augment the resources of the Central and State Pollution Control Boards.

This Act demarcates forests into different categories, with differing levels of protection and management. The Act regulates the use of forests and the extraction of timber and other forest products.

- The Forest (Conservation) Act, 1980

This Act prohibits the diversion of forest land for non-forestry use, except with the prior permission of the Central Government.

The Wildlife (Protection) Act, 1972

This Act protects wilderness areas and wild plants and animals. Under the Act areas with unique or representative ecosystems are protected as national parks and sanctuaries.

The Insecticides Act

This Act regulates the production and utilisation of insecticides.

The Factories Act

This Act regulates the safety aspects of factories.

B. PROCESS OF FORMULATION

Formulation of laws is ordinarily the task of dealing <u>Ministries</u> and <u>Departments</u> at the Center and State. These Ministries and Departments are ordinarily headed by Cabinet Ministers and can have one or more Ministers of State and Deputy Ministers. The secretariat is headed by a Secretary who is usually a civil servant. Most technical and scientific ministries and departments have various technical and scientific staff.

At the Center there is a <u>Committee of Secretaries</u>, chaired by the Cabinet Secretary, and having as members Secretaries of the Ministries and Departments concerned with the issue under consideration.

At the national level there is a <u>Parliament</u> which has two houses, the <u>Lok Sabha</u> which has Members elected directly by the people, and <u>Rajya Sabha</u> which has Members elected by an electoral college of State legislators.

At the State there is a <u>Legislative Assembly</u> which has <u>Legislators</u> elected directly by the people. Some states also have a <u>legislative</u> council whose members are elected by an electoral college.

At the Centre, the responsibility for formulating new acts (or amending existing ones) is of the dealing Ministry. The proposed act, or amendment, is sent to other ministries for their comments.

- Based on comments received, the proposed act is modified and then discussed by the Committee of Secretaries.
- The proposed act is then cleared by the Union Cabinet.
- Finally, it is introduced into Parliament and only becomes an act after it is passed by Parliament.
- A similar process is followed by State Governments while formulating State Acts, except that the consultation with other departments and discussion among secretaries is not formalised but done selectively at the discretion of the Chief Secretary, who functions as Cabinet Secretary to the State Cabinet. The Act is finally introduced into the Legislative Assembly.

C. ISSUES

The laws pertaining to the environment are both comprehensive and strong. There is the "umbrella" Environment (Protection) Act which covers all forms of environmental destruction and prescribes very stringent punishments. There are also Acts covering air and water pollution, forests, wildlife and public nuisance. However, the implementation of these acts is poor partly because of governmental inaction and partly because of the inability of non-governmental organisations to fight prolonged cases especially when data and documents are rarely made available to them.

Though many of the polluting industries in India belong to the

public sector and the Government, there is a reluctance among the Ministry of Environment at the Centre and State Environment Departments to legally prosecute another wing of the Government. Also, the legal process is very slow with industries often getting stay orders from courts.

Till the end of 1990, while the State Boards had filed 3971 cases in the courts of law, 2683 cases were still pending without disposal due to the fact that the criminal courts were clogged up with a large number of cases. While there is provision in the Criminal Procedure Code for the State Governments to establish special courts, only three States – Uttar Pradesh, Orissa and Bihar – have tried this system with one court each.

Till recently, non-governmental organisations and individuals had no <u>locus standi</u> under the various environmental laws. Recently this has been rectified. Though litigation by NGOs against polluting industries and enterprises equals, if not exceeds, the Government's efforts, many polluting industries still get away. There are just not enough NGOs with the ability and resources to take up prolonged legal battles.

There is also a problem of securing quick and adequate relief to the victims of industrial pollution and disasters. Though, recently, a Public Liability Act has been enacted, however it still remains difficult to fix liability on the offending industry.

The recently announced policy for abatement of pollution says:

Public interest litigation has successfully demonstrated that responsible non-governmental organisations and public spirited individuals can bring about significant pressure on polluting units for adopting abatement measures. This commitment and expertise will be encouraged and their practical work supported.

As the present system of jurisprudence does not provide for compensation to individuals for environmental damage, including effect on health and environmental damage caused by pollution, it is proposed to set up special legal institutions to redress this deficiency and also make adequate arrangements for interim relief.

NATIONAL POLICIES

A. DESCRIPTION

Industrial Policy: The Government of India tabled a Statement of Industrial Policy in the Lok Sabha (Lower House of Parliament) on 24 July, 1991. This statement contains the following sections about the environment:

Government will continue to visualise new horizons. The major objectives of the new industrial policy package will be to build on the gains already made, correct the distortions or weaknesses that may have crept in, maintain a sustained growth in productivity and gainful employment and attain international competitiveness. The pursuit of these objectives will be tempered by the need to preserve the environment and ensure the efficient use of available resources.

Again, in para 23 the statement talks about abolishing industrial licensing except for specified industries because these are, among other things, having "problems related to safety and over-riding environmental issues."

Finally, while talking about industrial location, the statement says:

In respect of cities with population greater than 1 million, industries other than those of a non polluting nature such as electronics, computer software and printing will be located outside 25 kms. of the periphery, except in prior designated industrial areas.

A flexible location policy would be adopted in respect of such cities (with population greater than 1 million) which require industrial re-generation.

Zoning and Land Use Regulation and Environmental Legislation will continue to regulate industrial location.

The statement also has a section on technology without any reference to environmentally friendly technologies.

- <u>Technology Policy</u>: The Technology Policy Statement was announced by the Government in early 1983. This statement contains the following sections relevant to the environment:

Energy: Energy constitutes an expensive and sometimes scarce input. Therefore, the energy requirements both of a

direct and indirect nature from each product and each production activity and the associated technology employed will be analysed. Measures will be devised to avoid wastage or non-optimal use of energy. Fiscal measures as necessary will be introduced to ensure these. Research and Development in the energy sector will aim at improving the efficiency of its production, distribution and utilisation, as well as improvement of efficiency in processes and equipment.

Efficiency and Productivity: Technologies already employed will be evaluated on a continuing basis to realise maximum benefits in terms of increased production and lower costs, specially in the public sector enterprises. Every effort should be made to utilise by-products and wherever possible to recycle waste materials, especially those from urban areas. Programmes to make use of the easily available and less costly materials will be supported.

Environment: Development should not upset the ecological balance for short as well as long-term considerations. Poorly planned efforts to achieve apparently rapid development, ignoring the long-term effect of many technologies on the environment, have resulted in serious ecological damage. It is, therefore, essential to analyse the environmental impact of the application of each technology. Due regard will be given to the preservation and enhancement of the environment in the choice of technologies. Measures to improve environmental hygiene will be evolved.

<u>National</u> <u>Water</u> <u>Policy</u>: This policy has various sections dealing
 with the environment, notably:

In the planning, implementation and operation of projects, the preservation of the quality of environment and the ecological balance should be a primary consideration. The adverse impact, if any, on the environment should be minimised and should be off-set by adequate compensatory measures.

There should be an integrated and multi-disciplinary approach to the planning, formulation, clearance and implementation of projects, including catchment treatment and management, environmental and ecological aspects, the rehabilitation of affected people and command area development.

Water quality: Both surface water and ground water should be regularly monitored for quality. A phased programme should be undertaken for improvements in water quality.

Conservation of Water: The efficiency of utilisation in all the diverse uses of water should be improved and an awareness of water as a scarce resource should be fostered. Conservation consciousness should be promoted through education, regulation, incentives and disincentives.

Conclusion: In view of the vital importance of water for human and animal life, for maintaining ecological balance and for economic and developmental activities of all kinds, and considering its increasing scarcity, the planning and management of this resource and its optimal, economical and equitable use has become a matter of the utmost urgency. The success of the national water policy will depend entirely on the development and maintenance of a national consensus and commitments to its underlying principles and objectives.

Unfortunately, the water allocation priorities listed in the policy do not acknowledge the need to allocate water for ecological needs. The order of priorities is:

Drinking water, irrigation, hydro-power, navigation, industrial and other uses

Fiscal Policies: The recently announced pollution policy states:

While regulatory measures remain essential for the effectiveness of the policy, new approaches for considering market choices will be introduced. The aim is to give industries and consumers clear signals about the cost of using environmental and natural resources. The expectation is that market-oriented price mechanisms will influence behaviour to avoid excessive use of natural resources.

There are, at present several fiscal incentives for installation of pollution control equipment and for shifting polluting industries from congested areas. The items for which excise and customs rebate are allowed will be reviewed. This will stimulate the advancement of abatement technologies and create increased demands for the products.

Economic instruments will be investigated to encourage the shift from curative to preventive measures, internalise the costs of pollution and conserve resources, particularly water. A direct economic signal is offered by an effluent charge based on the nature and volume of releases to the environment. The level will be based on the cost of treatment and the flow discharged, in order to provide an incentive to set-up treatment plants. The scope of the charges will also be extended to emissions and solid waste. Charges provide a continuing incentive towards optimal releases.

These instruments will also have a distributive effect as the revenues will be used for enforcement, collective treatment facilities, research and promoting new investment.

The precise choice of economic instruments adopted will be determined by the ease with which releases can be measured, as well as prospective changes in technology and market structures. To deal with the range of pollution problems a mix of regulatory and economic measures will be adopted.

Some of the existing fiscal measures, especially financial incentives, are:

- (i) Depreciation on air pollution and water pollution control equipment used in industries and other business is allowed at a special rate of 50% instead of the normal rate of 33.33%.
- (ii) Section 35CCB allows a deduction to an assessee having income from business or profession in respect of expenditure incurred, subject to certain conditions, for conservation of natural resources. This section has been recently amended by the Finance Act, 1990, to include expenditure incurred on afforestation also. Section 80GGA allows deductions for similar payments made by assessees who are having income from sources other than business or professions.
- (iii) Section 5G exempts capital gains arising on sale of land, building, plant and machinery etc. when an industrial undertaking is shifted from urban areas. This is intended to promote shifting of polluting industries from urban areas.
- (iv) Concessional customs duty of 40% has been prescribed in respect of 35 specified pollution control instruments/equipments.
- (v) Further 26 specified pollution control instruments/equipments enjoy concessional excise duty of 5%
- (vi) Under the Water Cess Act, 1977, a rebate of 70% is provided for treating the effluent to the prescribed standards.
- (vii) In order to encourage industries to implement pollution control measures in their units, a scheme of awards has been instituted from 1990-91. Under this scheme awards will be given to units for achievements in pollution control over and above the statutory requirements of pollution control, particularly for adopting pollution prevention technologies.
- (viii) There is also a scheme to award "ecomarks" to those products and industries which are environmentally friendly. This would entitle the Industry to display this mark on its products thereby having an edge in the market.
- <u>Environmental Policies</u>: The main policy with relevance to pollution is the "Policy Statement for Abatement of Pollution", tabled in Parliament in the beginning of 1992. Given below are important extracts from this statement:

PREAMBLE: The commitment of Government on abatement of pollution for preventing deterioration of the environment is stated here. The policy elements seek to shift emphasis from defining objectives for each problem area towards actual implementation, but the focus is on the long term, because pollution particularly affects the poor. The complexities are considerable given the number of industries, organisations and government bodies involved. To achieve the objectives maximum use will be made of a mix of instruments in the form of legislation and regulation, fiscal incentives, voluntary agreements, educational

programmes and information campaigns. The emphasis will be on increased use of regulations and an increase in the development and application of financial incentives.

The objective is to integrate environmental considerations into decision making at all levels. To achieve this, steps have to be taken to:

- prevent pollution at source;
- encourage, develop and apply the best available practicable technical solutions;
- ensure that the polluter pays for the pollution and control arrangements;
- focus protection on heavily polluted areas and river stretches; and
- involve the public in decision making.

The Policy Statement goes on to address the crucial issue of integrating environmental concerns into all sectors of development, especially industry:

: Critical policy areas for control INTEGRATION pollution come under different departments and levels of Government. Sectoral Ministries, State Governments, local and agencies responsible for planning and implementation of development project will be required to integrate environmental concerns more effectively in all policy areas. Local authorities play a key role abatement of pollution and environmental concerns need to be built into the way they operate. Steps will have to be taken to strengthen governmental institutional and dealing with environmental structures management, especially within the ministries dealing with the sectors energy, industry, water resources, transport agriculture and who would develop specific programmes in regard to pollution prevention.

Policy making, legislation and law enforcement influence The increase in the number of regulations each other. enforcement. increases difficulties in Legislation regulating particular activities will be amended and eliminate clashes with environmental incorporate Traditional instruments for monitoring criteria. compliance and investigation of offences are becoming overburdened. An integrated overview and organisational structure for decentralised environment impact assessments and environmental law enforcement based on cooperation with local authorities will be sought.

It also has the following section on the environmental audit of industries:

ENVIRONMENTAL AUDIT: Industrial concerns and local bodies should feel that they have a responsibility for abatement of pollution. The procedure of an environmental statement will be introduced in local bodies, statutory authorities and public limited companies to evaluate the effect of their policies, operations and activities on the environment, particularly compliance with standards and the

generation and recycling of waste. An annual statement will help in identifying and focusing attention on areas of concern, practices that need to be changed and plans to deal with adverse effects. This will be extended to an environmental audit. The measures will provide better information to the public.

The Ministry has followed it up by recently issuing a notification making environmental audit of industry compulsory (copy at Annexure 4).

- In 1992, the Government of India announced a <u>National Conservation</u>

<u>Strategy and Policy Statement on Environment and Development</u>. This is perhaps the most comprehensive of the policy statements dealing with the environment. The preamble to the policy states:

The National Conservation Strategy and the Policy Statement on Environment and Development are in response to the need for laying down guidelines that will help to weave environmental considerations into the fabric of our national life and our development process. It is an expression of our commitment for reorienting policies and actions in unison with the environmental perspective. (Section 1.4)

The strategy and policy statement has sections dealing with population control, conservation of natural resources, sectors like agriculture, irrigation, energy, industry, mining, tourism, transport, and human settlements. It also addresses issues in international cooperation and discusses institutional structures, legislations, natural resources accounting, training, awareness, technology, rehabilitation of displaced persons, people's participation, gender issues and the relationship between central and state governments.

There is also a <u>National Forest Policy</u> which lists out the various priority uses and functions of the forests and lays down broad principles for the conservation of biodiversity and sustainable management of forests.

Recently (June, 1990), the Government of India has issued a circular urging state governments to take up joint forest management and to accordingly issue enabling orders. Government of Karnataka has issued the JFM enabling order in April, 1993. A copy of the order is at Annexure 5.

[A detailed assessment of some of these policies needs to be done to determine what action points, of relevance to the task in hand, are contained therein.]

B. PROCESS OF FORMULATION

Policies are formulated in a manner similar to laws, as described earlier, except that they are not approved by the Parliament or the State Assembly, but only tabled in them.

C. ISSUES

The implementation of policies needs to be assessed on the basis of:

- The action plans, programmes and schemes that operationalise the policy statement.
- The success of the policy statement in influencing and modifying thinking and action across sectors.

In these terms, the implementation of the environmental components of policies outside the environment sector seems lackluster. There is little evidence of the concerned departments following up policy pronouncements on technology and water by action plans and schemes aimed at minimising the environmental impact of projects and activities..

The <u>industrial policy</u> stresses on optimal location for industry. The Industries Ministry had, even prior to the latest policy statement, created industrial zones prohibiting all or certain categories of industry in certain districts (details at Annexure 6).

Though the liberalisation of industrial controls has resulted in the relaxation of the licensing policy, environmentally hazardous industries remain within the purview of licensing.

Apart from this, the various other issues involved in making the industrial sector environmentally sustainable are neither addressed in the policy, nor acted upon.

Despite the Technology Policy, funding of projects to develop

environmentally friendly intermediate technologies is non-existent; there is little appraisal, especially after liberalisation of the technology import policy, of the environmental friendliness of technologies sought to be imported.

Though the <u>Water Policy</u> states the conservation of water as an objective, no specific action has followed from this. Water inefficient industries continue to operate and be set up. The water conservation aspect is very rarely looked at when technology is being selected or project proposals appraised. The thrust is on site selection where it is not water efficiency but water availability that is assessed. In any case, the priorities for water allocation listed in section 8 of the policy statement (quoted above) do not acknowledge ecological requirements as a priority. But even the acknowledged priorities are not always followed and often the water needs of the industrial sector, though listed as the last priority, are given precedence over all others.

In sharp contrast, the <u>Pollution Policy</u> is strong and comprehensive and is supported by various laws (already described) and schemes. The main burden of preventing and controlling pollution is with the Central and State Pollution Control Boards. They operate the various acts, aimed at preventing water and air pollution, in the manner already described.

Apart from these regulatory functions, the Government and the MOEF have various schemes, described above, aimed at offering incentives and recognition to industry for environmental protection.

The Ministry also has various schemes aimed at minimising the impact of industry on the environment. An important scheme is the Ganga Action Plan (and the recently launched River Action Plan) which aims at cleaning the River Ganga, its tributaries and other critically polluted rivers of India. The strategy followed involves the diversion of sewers, development of the river front, enforcement of standards on industry discharging effluents into rivers, and setting up of a pollution monitoring system.

Another important scheme assists in the setting up and running of Common Effluent Treatment Plants for clusters of small industry.

The MOEF has also taken an initiative to make available, from financial institutions, soft loans to industry for the purpose of setting up pollution control equipment.

However, the impact of environmental policies on other policies and practices has been minimal. Despite explicit statements about the need for integrating environmental concerns into other sectors, or of integrating environmental concerns into the planning process, there is almost no action towards these ends.

DISCUSSION

The objective is to develop an integrated district plan which is environmentally sustainable.

The critical questions emerging from an analysis of the existing planning process are:

- 1. Whether there is the <u>ability</u> to develop and establish environmentally sustainable, integrated, plans for a district?
- 2. Whether there is the <u>inclination</u> to develop plans which are environmentally sustainable or, for that matter, integrated?

ABILITY

In assessing the ability, various questions need to be asked:

- How far does the current process of planning allow for the integration of environmental concerns into different sectors?
- What is the ability to plan specifically for the district?
- What is the ability to plan for the district at the district and sub-district level?
- Are there district level institutions that can integrate environmental concerns into district level plans?
- -Is there adequate information and expertise at the district level for the task?

1. <u>Integration of Environmental Concerns</u>

As much of the planning is done at the central and state level, the primary responsibility for the integration of environmental concerns should be at these levels. At the central level, this is a task that is entrusted to the Planning Commission which has the mandate and the institutional structure to do this. For central and centrally sponsored schemes the Ministry of Environment and Forests can also perform this function, though to a very limited extent. In addition, all the Ministries has the responsibility of ensuring that their activities and

schemes are as environmentally sustainable as possible. In 1980, the Government of India had set up a high level committee (popularly known as the Tiwari Committee after the Chairman, N.D.Tiwari, then Deputy Chairman of the Planning Commission) to recommend administrative and legislative measures for the management of the environment. This committee had recommended that each ministry or department should have an integrated environment division (like the existing integrated finance division in each ministry/department) with an Environmental Advisor. This recommendation has not yet been implemented.

The Planning Commission, by virtue of the fact that it has to clear each of the central, centrally sponsored and state schemes, and that it has an Environment and Forest Unit, has the ability to examine each of the schemes in all the sectors and ensure that, as appropriate, environmental concerns are integrated into them. Unfortunately, at present, this is not being done to any significant extent.

The Ministry of Environment and Forests, though not involved in the clearing of state schemes or of central or centrally sponsored schemes of other ministries, is represented in the Cabinet, the National Development Council and the Committee of Secretaries. Through these fora it can influence the planning process. Unfortunately, it does not manage to do this very effectively.

At the state level there is no comparable institution to the national Planning Commission. Though some states also have their own planning commissions or committees, these are mostly advisory and, in any case, with a major thrust on economic growth rather than on environmental safeguards and sustainability. There is also, at the state government, a planning department which, however, does not have a multi sectoral structure like the national Planning Commission and is not involved in clearing schemes. It is mainly responsible for putting together the annual and five year plan proposals based on the proposals received from the various departments. It also plays the role of

administrative coordination in the planning process and, along with the finance department, determines the availability of plan funds.

In short, there is even less institutional ability, at the state level, to develop integrated plans in which environmental concerns form an inherent part of all schemes and programmes.

Also, if schemes and programmes come from the central or state governments in a stratified form without effectively integrating environmental concerns, it becomes very difficult to integrate environmental concerns at the district level.

2. Planning for the District

At present, there are national (sectoral) plans implemented through central and centrally sponsored schemes, and state (sectoral) plans implemented through state schemes. There are also district plans for some sectors, like industry, but these are usually just financial allocations and repetitions of the state or central guidelines.

For most sectors there are no district plans, in any effective form, and there are no integrated district plans.

However, the ability to adapt centrally sponsored and state schemes, implemented by district level agencies, to meet the specific needs of the district, depends on the flexibility inherent in these schemes and the ability to adapt them accordingly. Whereas the question of ability is discussed below, it would need a special study to identify the levels of flexibility inherent in relevant centrally sponsored and state schemes.

Nevertheless, one major problem is the tendency to plan sectorally rather than area wise. Therefore, even though the need is to plan for the district, in actuality the planning is done for industrial development or agricultural improvement, with each line department trying to meet its own targets and follow its own priorities. Resources, especially natural resources, are not rationally allocated and sustainability is compromised. What is perhaps required is not only a

district and village plan but also a district and village natural resources budget.

The Government of India has already, in principle, accepted the need to develop village, district, state and regional environmental plans. In a recent report outlining the Environment Action Programmes for India, the Ministry of Environment and Forests states that it is a priority "To initiate and sustain a process of decentralised planning at the village, district, state and regional level" (Environment Action Programmes - India: Interim Document, Ministry of Environment and Forests, Government of India, New Delhi, November 1992).

Also, the <u>National Conservation Strategy and Policy Statement on Environment and Development</u> (Government of India, Ministry of Environment and Forests, June 1992) says:

The Government will prepare, each year, a natural resources budget which will reflect the state and availability of resources like land, forests, water etc. and which will rationally allocate these resources in keeping with the principles of conservation and sustainable development. (8.2.3)

In short, there appears to be support for this idea at the central government level and there might even be funding available, through the environmental action programmes, for this work.

3. Planning at the District

Much of the plan investments are through central, centrally sponsored and state schemes. Central and centrally sponsored schemes are formulated at the central level with some involvement of the state governments but no involvement of district level officials. State schemes are formulated at the state level in consultation with the various sectoral heads (Secretaries of departments and Directors of directorates), district level functionaries are not involved formally, except in the finalisation of financial outlays.

However, as already mentioned, many of these schemes have some inherent flexibility which allows for adaptation to district specific,

or even village specific, conditions. Whereas a detailed study has to be done to identify which schemes have how much flexibility, prima facie, in Karnataka, schemes being operated through the panchayats seem to be the most amenable to district level adaptation at the district. With the coming in force of the newly enacted Panchayati Raj Bill and the consequent formulation of rules and procedures by the Karnataka Government, it is possible that this flexibility would increase further. Whether there is the ability to do the required level of planning at the district level, still remains to be examined.

4. <u>Integration at District Level</u>

At the district level, though there appear to be no formal institutions with the explicit purpose of integrating environmental concerns into the activities and plans of the various sectors, there are (in Karnataka) at least two institutions that, in principle, have the ability to develop integrated plans that are environmentally sustainable. First, the Zilla Parishad, which controls a fair amount of development funds, can perform this role. Secondly, the Deputy Commissioner's office, which controls the remaining development funds and also controls various of the district level resources, can do this job.

One constraint that both these institutions would face is the levels of rigid prescriptions dictated by the state and central governments with respect to development activities and schemes. As already mentioned, their ability to adapt at a district level would depend on the inherent flexibility in the centrally sponsored and state schemes.

5. <u>Information and Expertise</u>

Much of the information required to properly assess and minimise the negative environmental impacts of development activities and projects is not ordinarily available at the district level. Most of the information is collected by central or state institutions and very rarely disseminates down to the district level. Some of the information required is not collected, or collected inappropriately.

Also, the information that is available, or could be got, at the district level is often in inappropriate, difficult to use, formats where information gathered by one organisation on a certain aspect does not interface data generated by another organisation on a related aspect. For example, names of villages in census maps do not match those in Survey of India topographical sheets, and no key is provided to convert one to the other. Consequently, the effort required to use this information for making day to day decisions is usually beyond the motivational level and the time availability of district officials.

Though, at present, only potentially polluting industries have a statutory requirement to get a no-objection and a compliance certificate from State Pollution Control Boards, recently notified intention to frame rules under the Environment (Protection) Act seek to make it mandatory for various types of development activities to get environmental clearance (not just pollution clearance) from state and central governments prior to their initiation (see Annexure 3 for a copy of the proposed notification). This would, hopefully, give the district authorities a greater ability to ensure the environmental viability of projects and activities in their district. However, it would also greatly increase the need for local level information. For a description of the prevailing process of environmental appraisal and clearance of projects, see Annexure 7.

The use of information available at the district level for better appreciation of environmental concerns is constrained by the lack of appropriate expertise at the district level. Though sophisticated scientific data is being generated in India and is relevant to planning for environmental sustainability, the ability to effectively use this information, even where it is available, is often missing. Also missing, at the district and often even the state level, is the ability

to use this information for preparing an environmental impact statement, for assessing the impact in terms of its acceptability, and for developing environmental management plans.

INCLINATION

A problem seen in the past with efforts to integrate environmental concerns at district levels is the fact that most district level institutions are far more interested in promoting quick economic growth rather than environmental sustainability. There are many reasons for this, perhaps the most important being the attractiveness of short term solutions to immediate problems, even if they are not sustainable and, being destructive of the environment, would lead to many more problems. This lack of long term perspective is characteristic of local level institutions and functionaries the world over. These institutions are usually so overwhelmed by pressing day to day problems that they have little patience for long term solutions. Where rural and tribal communities have incorporated environmental wisdom and sustainability into their own technologies and lifestyles, even when it often means immediate, short term, sacrifices, it has been through a long process of socialisation and fueled by their having to face the consequences of environmental degradation in the harshest terms. Bureaucratic institutions do not have the time frame to get socialised and their. functionaries rarely have to face the consequences of their decisions themselves.

Past experience has also shown that district (and even state) level functionaries and institutions are far more interested in finding ways and means of getting around laws and regulations relating to the environment (like the Forest Conservation Act, the Environment Protection Act, the Air and Water Pollution Acts or the Wild Life Protection Act) than in making development activities more environment friendly.

Apart from a lack of awareness and sensitivity, and of long term

perspectives, this hesitation to think and act green is reinforced by the 'belief that economic growth is antithetical to environment conservation and regeneration. Environmental imperatives are seen as hindering economic activities. The fact that, apart from the long term economic ramifications, even in the short term environmental care can generate employment and prosperity, is often not understood.

This lack of inclination is, as already discussed earlier in the paper, not restricted to the state or district level, but is very much a part of the thinking in the central government also.

THE PLANNING COMMISSION

ROLE, COMPOSITION AND FUNCTIONS

The Planning Commission is an advisory body at the national level, responsible for providing the policy and programme framework, for the Five Year and Annual Plans of the Central Ministries and the State Governments.

Development Plans in India are formulated under the overall guidance of the National Development Council, which is headed by the Prime Minister and includes Ministers of the Central Cabinet, Chief Ministers of the States and Union Territories, the Members of the Planning Commission and the Administrators of Union Territories. The Planning Commission, which is also the Secretariat for the National Development Council, undertakes detailed exercises with regard to sectoral projections, programmes, projects and schemes within the overall framework and approach approved by the National Development Council. It interacts with the Central Ministries and State Governments in this process and prepares the Five Year Plans and Annual Plans. It also monitors the implementation of plan programmes, projects and schemes through the mechanism of Annual Plans and periodic discussions with and visits to the States.

Functions

The Planning Commission was constituted in March, 1950 by a Resolution of the Government of India. The functions assigned to the Commission in the Resolution of Government of India are as follows:

- 1. Make an assessment of the material, capital and human resources of the country, including technical personnel, and investigate the possibilities of augmenting such of these resources as are found to be deficient in relation to the nation's requirements;
- 2. formulate a Plan for the most effective and balanced utilisation

of country's resources;

- 3. on a determination of priorities, define the stages in which the Plan should be carried out and propose the allocation of resources for the due completion of each stage;
- 4. indicate the factors which are tending to retard economic development, and determine the conditions, which in view of the current social and political situation, should be established for the successful execution of the Plan;
- 5. determine the nature of the machinery which will be necessary for securing the successful implementation of each stage of the Plan in all its aspects;
- 6. appraise from time to time the progress achieved in the execution of each stage of the Plan and recommend the adjustments of policy and measures that such appraisal may show to be necessary; and
- 7. make such interim or ancillary recommendations as appear to it to be appropriate either for facilitating the discharge of the duties assigned to it or on a consideration of prevailing economic conditions, current policies, measures and development programmes or on an examination of such specific problems as may be referred to it for advice by Central or State Governments.

In addition to the functions referred to above, the Planning Commission has been entrusted with the responsibility in respect of the following matters as provided for by the Government of India Allocation of Business Rules:

- a) Public cooperation in National Development:
- b) Hill Area Development Programme;
- c) Perspective Planning:
- d) Institute of Applied Manpower Research; and
- e) National Informatics Centre

Organisation Set-up

The Planning Commission comes in Secretariat parlance under the Ministry of Planning. The Commission functions through several technical/subject divisions. Each of the divisions is headed by a Senior Officer designated as Adviser and functions under the overall supervision and guidance of the Secretary, Planning Commission.

The Deputy Chairman and the full time Members of the Planning Commission function as a composite body in the matter of detailed plan formulation. They provide expert advice and guidance to the subject divisions in the Commission in the various exercises undertaken for the formulation of the Approach to the Plan, the Five year Plan and the Annual Plans. Their expert guidance also is available to the subject divisions for monitoring and evaluation of the Plan Programmes, Projects and Schemes.

The Commission has several administrative sections also to take care of service/administrative matters.

The various subject divisions in the Commission may be brought under two broad categories:

- a) General divisions which are concerned with special aspects of the entire economy; and
- b) Subject divisions which are concerned with specified fields of development.

The Perspective Planning Division of the Planning Commission provides the quantitative magnitudes, associated with long and medium term objectives, priorities and growth rates of the Plan, in terms of the outlay/investment projections and the corresponding gross output estimates. This division also undertakes short term forecasting of the economy.

The State Plans Division coordinates the work relating to formulation and finalising of the State Plans. The overall coordination of work within the Planning Commission is the responsibility of the Plan Coordination Division.

The general divisions functioning in the Planning Commission are:

- 1. Economic Divisions: Financial Resources Division, Development Policy Division, International Economics Division, Socio-Economic Research Unit.
- 2. Perspective Planning Division.
- 3. Labour, Employment and Manpower Division
- 4. Statistics and Surveys Division
- 5. State Plans Division, including Multilevel Planning, Hill Area Development and North Eastern Region.
- 6. Project Appraisal Division
- 7. Monitoring and Information Division
- 8. Plan Coordination Division

The Subject Divisions are:

- 1. Agriculture Division
- 2. Backward Classes Division
- 3. Communication and Information Division
- 4. Education Division
- 5. Energy Policy Division
- 6. Environment and Forest Unit
- 7. Health & Family Welfare Division
- 8. Housing, Urban Development and Water Supply Division
- 9. Indo-Japan Committee
- 10. Industry and Minerals Division
- 11. Irrigation & Command Area Development Division
- 12. Island Development Authority
- 13. Power and Energy Division
- 14. Rural Development Division
- 15. Rural Energy Division
- 16. Science and Technology Division
- 17. Social Welfare and Nutrition Division
- 18. Transport Division

- 19. Village and Small Industries Division
- 20. Western Ghats Secretariat

The programme Evaluation Organisation undertakes evaluation studies to assess the impact of selected plan programmes/schemes in order, to provide useful feed back to planners and implementing agencies.

RANKING TABLES OF STATES AND UNION TERRITORIES FOR ALLOCATIONS ON ENVIRONMENT

TABLE 1

TABLE 2

PERCENTAGE ALLOCATIONS ENVIRONMENT IN 7th PLA		PERCENTAGE ALLOCATIONS ENVIRONMENT IN 8th PLA	
*Madhya Pradesh	0.49	Daman & Diu	0.69
Sikkim	0.24	Chandigarh	0.36
Tripura	0.17	and the same of th	0.33
*Kerala	0.17	SUBSECTION OF THE COURSE AND ADDRESS OF THE	0.27
Assam	0.11		0.22
Andhra Pradesh	0.10	Jammu and Kashmir	0.22
All India	0.09	*Tamil Nadu	0.20
Manipur	0.08	Meghalaya	0.15
Jammu and Kashmir	0.08	*Kerala	0.13
*#Goa	0.08	Dadra & Nagar Haveli	0.13
*Uttar Pradesh	0.07	*Goa	0.13
*Tamil Nadu	0.07	*Haryana ,	0.11
*Orissa	0.07	Tripura	0.11
Delhi	0.06	*Rajasthan	0.11
Mizoram	0.06	Manipur	0.10
Meghalaya	0.06	Assam	0.09
*Haryana	0.05	All India	0.09
*Rajasthan	0.05	*West Bengal	0.08
*West Bengal	0.05	*Gujarat	0.08
*Punjab	0.04	*Uttar Pradesh	0.07
Pondicherry	0.04	*Orissa	0.07
*Karnataka	0.03	*Punjab	0.07
*Gujarat	0.03	Himachal Pradesh	0.07
Himachal Pradesh	0.03	*Bihar	0.05
*Bihar	0.02	Nagaland	0.05
*Maharashtra	0.02	Delhi	0.05
Arunachal Pradesh	0.02	Andaman & Nicobar	0.04
Andaman & Nicobar	0.01	Mizoram	0.03
Lakshadweep	0.00	Arunachal Pradesh	0.02
Nagaland	0.00	*Andhra Pradesh	0.02
Dadra & Nagar Haveli		Pondicherry	0.02
Chandigarh	0.00	*Karnataka	0.02
		*Maharashtra	0.01

^{*}

Indicates industrialised states
Includes allocations for Daman and Diu #

TABLE 3

PER CAPITA ALLOCATIONS ON

TABLE 4

PERCENTAGE ALLOCATIONS ON ENVIRONMENT IN 1992-93 (In Rupees) ENVIRONMENT IN 1992-93

*Madhya Pradesh	0.35	Lakshadweep	15.24
Lakshadweep	0.33	Sikkim	7.10
Sikkim	0.27	Meghalaya	2.71
Jammu and Kashmir	0.22	Jammu and Kashmir	2.21
Meghalaya	0.21	Andaman & Nicobar .	1.72
*Kerala	0.16	*Goa	1.63
*Rajasthan	0.14	Manipur	1.31
*Goa	0.13	*Madhya Pradesh	1.22
Manipur	0.12	Chandigarh	1.15
Chandigarh	0.11	Daman & Diu	0.94
Assam	0.10	Tripura	0.87
*Haryana	0.10	Mizoram	0.70
*Gujarat	0.10	Himachal Pradesh	0.69
All India	0.09	*Punjab	0.57
Tripura	0.09	Arunachal Pradesh	0.56
*Punjab	0.08	*Haryana	0.49
Himachal Pradesh	0.08	*Kerala	0.48
*Orissa	0.07	Nagaland	0.47
*West Bengal	0.07	*Rajasthan	0.44
Daman & Diu	0.07	Assam	0.43
*Bihar	0.05	*Gujarat	0.42
*Andhra Pradesh	0.05	All India	0.32
Uttar Pradesh	0.04	*Orissa	0.32
Delhi	0.03	Delhi	0.31
Nagaland	0.03	Pondicherry	0.24
Andaman & Nicobar	0.03	*West Bengal	0.15
*Karnataka	0.03	*Karnataka	0.13
Mizoram	0.03	*Biḥar	0.12
Pondicherry	0.02	*Uttar Pradesh	0.12
Arunachal Pradesh	0.02	*Andhra Pradesh	0.11
*Maharashtra	0.02	*Maharashtra	0.07
*Tamil Nadu	0.01	*Tamil Nadu	0.04
Dadra & Nagar Haveli	0.00	Dadra & Nagar Haveli	0.00

Indicates industrialised states

States/UTs	Population 1981	Population 1991	7th Pi Allocat (Rs. La	tions	7th Plan Allocations on environment as percentage	Per capita Per Annum Allocations on	Alloca (Rs. L	tions	8th Plan Allocations on environment as percentage	Allocations
:e.			Total	Environment		environment in 7th Plan (In Rupees)	Total	Environment		environment in 8th Plan (In Rupees)
1.	2.	3.	4,	5,	6,	1.	8.	9,	10,	11.
STATES						7924245 nuumo				
Andhra Pradesh	53549673	66304854	520000.00	544.00	0.10	0.18	1050000.00	200.00	0.02	0.06
Arunachal Pradesh	631839	858392	40000.00	7.50	0.02	0.20	115500.00	24.00	0.02	0.56
Assan	18041248	22294562	210000.00	227,00	0.11	0.23	466200.00	439.00	0.09	0.39
Bihar	69914734	86338853	510000.00	113.00	0.02	0.03		669.00	0.05	0.15
Goa	1086730	1168622	36000.00	28.97	0.08	0.51	76100.00	100.00	0.13	1.71
Gujarat	34085799	41174060	600000.00	156,00	0.03	0.08	1150000.00	950,00	0.08	0.46
Haryana	12922119	16317715	290000.00	148.00	0.05	0.20	570000.00	600.00	0.11	0.74
Himachal Pradesh	4280818	5111079	105000.00	35.00	0.03	0.15	250200.00	185.00	0.07	0.72
Jammu and Kashmir	5987389	7718700	140000.00	115.00	0.08	0.34	400000.00	880.00	0.22	2.28
<u>Karnetaka</u>	37135714	44817398	350000.00	99.00	0.03	0.05	1230000.00	300.00	0.02	0.13
Kerala	25453680	29011237	210000.00	366.00	0.17	0.27	546000.00	730.00	0.13	0.50
Hadhya Pradesh	52178844	66135862	700000.00	3446,00	0.49	1.17	1110000.00	2476.00	0.22	0.75
Maharashtra	62784171	78706719	1050000.00	176.00	0.02	0.05	1852000.00	243.00	0.01	0.06
Manipur	1420953	1826714	43000.00	35.00	0.08	0.43	97900.00	100.00	0.10	1.09
Heghalaya	1335819	1760626	44000.00	26.00	0.08	0.34	102900.00	150.00	0.15	1.70
Mizoram	493757	686217	26000,00	15,00	0.06	0.51	76300.00	25.00	0.03	0.73
Hagaland	774930	1215573	40000.00	0.00	0.00	0.00	84400.00	40.00	0.05	0.66
Orissa	26370271	31512070	270000.00	193.00	0.07	0.13	1000000.00	666.00	0.07	0.42
Punjab	16788915	20190795	328500.00	144.00	0.04	0.16	657000.00	435.00	0.07	0.43
Rajasthan	34261862	43880640	300000.00	148.00	0.05	0.08	1150000.00	1296.00	0,11	0.59
Sikkin	316385	403612	23000.00	55.00	0.24	3.06	55000.00	150.00	0.27	7.43
Tamil Hadu	48408077	55638318	575000.00	413.00	0.07	0.16	1020000.00	2000.00	0.20	0.72
Tripura	2053058	2744827	44000.00	74.00	0.17	0.62	113000.00	125.00	0.11	0.91
Uttar Pradesh	110862512	138760417	1044700.00	733.00	0.07	0.12	2100000.00	1500.00	0.07	0.22
West Bengal	54580647	67982732	412500.00	210.00	0.05	0.07	976000.00	754.00	0.08	0.22
Total-States	675719944	832560594	7911700.00	7507.47	0.09		17548500.00	15037.00	0.09	0.36
UNION TERRITORIES										
Andaman & Micobar	188741	277989	28500.00	3.57	0.01	0.31	68500.00	25.00	0.04	1.80
Chandigarh	451610	640725	20300.00	0.00	0.00	0.00	40000.00	142.00	0.36	4.43
Dadra & Wagar Have	103676	138542	4617.00	0.20	0.00	0.03	8000,00	10.00	0.13	1.44
Daman & Diu		101439			16 <u>7</u> 8		6500.00	45.00	0.69	8.87
Delhi	6220406	9370475	200000.00	123.32	0.08	0.32	450000.00	220.00	0.05	0.47
	40249	51681	4383.00	0.00	0.00	0.00	12000.00	40.00	0.33	15.48
Pondicherry 	MARKET REPORT TO A	789416	17000.00	7.26	0.04	0.21	40000.00	9,00	0.02	0.23
Total- UTs		11370267	274800.00	134.45	0,05	0.28	625000.00	491.00	0.08	0.8\$
All India Total	683329097	843930861	8186500.00	7641.92	0.09	0.20	18173500.00	15528.00	0.09	0.37

Sources:

Seventh Five Year Plan, GOI, Planning Commission
 Eighth Five Year Plan, GOI, Planning Commission
 Census of India, 1991, Provisional Population Totals

				ANNUAL PLAN	1991-92 A	LLOCATIONS	_								
	Total (For all Sectors)	Envir	rosseat	and Acti (Fore	Allied vities stry. & ldlife luded)	Irrigi and Co		Rural Dev	elopment	Energ	7	Industry and I	ticerals	Transpo	nrt
		Allocation	Percentage of Total	Allocation	Percentage of Total	Allocation	Percentage of Total	Allocation	Parcentage of Total	Allocation Pe	rcentage of Total		Percentage of Total	Allocation Pr	ercentage of Total
	[Rs Lakhs]	[Rs takhs]		[Rs Lakhs]		[Rs Lakhs]		[Rs Lakhs]		[Rs Lakhs]		[Rs Lakhs]		[Rs Lakhs]	
(1)	(16)	(2)	(3)			(4)		(5)		(6)		(1)	********	(8)	
STATES															
Andhra Pradesh	141000.00	77.00	0.05	3430.00	2.43	28486.00	20.20	9100.00	6.45	41721.00	. 29.59		3.25	20719.00	14.69
Arunachal Pradesh	23500.00	5.00	0.02	2685.00	11.43	1369.00	5.79	1023.00	4.35	2977.00	12.67		2.28	6927.00	29.48
Assan	80500.00	95,00	0.12	9692.00	12.04	10525.00	13.07	4015.00	4.99	19880.00	24.70	6590.00	8.19	5896.00	7.32
Bibar	225100.00	187.00		11689.00	5.19	61371.00	27.26	20857.00	9,27	47815.00	21.24	10215.00	4.54	16060.00	7.13
GOA	17250.00	14.00		1116.00	6.47	3315.00	19.22	459.00	2.66	1071.00	6.21		5.28	3360.00	19.41
Gujarat	175500.00	88.00	0.95	6848.00	3.90	45052.00	28.67	8010.80	4.56	48883.00	27.85		6.29	10802.00	6.1
Haryana	76500.00	88.00		5277.00	- 6.90	12823.00	15.76	100000000000000000000000000000000000000	1.99	18825,00	24.61		2.61	4618.00	6.0
Himachal Pradesh	41000.00	25.00		4236.00	10.33	3503.00	3.54		3.98	7200.00	17.56		2.94	5287.00	12.9
							5.83		7	21648.00	29.94		5.04	5196.80	7.1
Jammu and Kashmir	72300.00	70.00		6056.80	, 8.38	4214.00								9313.00	6.1
<u>Carnataka</u>	151000.00	50.00		11746.00	7.78	24843.00	8.45			37412,00	24.18		6.48		8.5
	80700,08	155.00		18881.00	13.48	10390.00	12.87	5838,80	1.23	15560,00	18.28		10.51	\$885.00	
Madhya Pradesh	242590.00	598.00		15233.00	6.28	57572.00	26.73			76252.00	31.43		3.85	7444.00	3.0
Maharashtra	250000.00	73.00	-0.03	17418.00	6.97	38030.00	15.21			62625.00	25.0		3.61	21411.00	8.5
Haniper	20000.00	23.00	0.12	1999.00	10.00	4401.00	22.01	504.00		3633.00	18.17		4,56	2699.00	13.5
Megha laya	21000.00	20.00	0.10	2487.00	11.84	738.00	3.51	762,00	3.63	3920.00	18.67	7 723.00	1.44	3830.00	18.2
Mizoran	15200.00	5.00	0.03	1482.00	9.75	270.00	1.78	2620.00	17.24	2235.00	14.7	875.00	5.76	2122.00	13.9
Naga land	17000.00	6.00	0.04	2435.00	14,32	651.00	3.83	1726.00	10.15	1751.00	10.30	0 1628.00	9.58	2472.00	14.5
Orissa	140200.00	98.00	10777	8088.00	5.77		22.86	8502.00	6.06	48100.00	34.3	1 10225.00	7.29	10711.00	7.6
Penjab	101000.00	59.00			9.04	120000000000000000000000000000000000000	3.46				34.7		6.34	4837.00	4.5
Rajesthen	117000.00	190.00		7233.00	6.18		13.96				27.2			6128.00	5.2
Sikkia	9680.00	36.00			11.52		2.29				22.9			1730.00	18.0
							5.74				26.5				5.8
Tamil Hadu	160500.00	140.00			9.86		7.91		10000		10.5			2000.00	8.8
Tripura	22700.00	22.00			17.49				100000000000000000000000000000000000000		14.0			1 1 1 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2	1.0
Uttar Pradesh West Bengal	371000.00 148600.00	250.00 110.00		30680.00 7119.88	8.27 4.79		11.4		0.000	To the second second	30.4				5.4
	2720750.00					440821,00	15.20			747279.00	21.4			212786.00	7.8
	2120194.04	2410.44	0.83	131339.04	1.20	446621.00	19.20	112144.41		141214.00					
UNION TERRITORIES	*														
Andaman & Micobar	15450.00						3.7				8.6				
Chandigarh	6536.00						1.3				13.2				4.1
Sadra & Magar Haveli	2150.00	0.50	0.02	604.89	28.13		15.0				7.1				5.8
Daman & Diu	1618.00	0.50	0.00	163.71	10.12	43.00	2.6			CONTRACTOR OF THE PROPERTY OF THE PARTY OF T	11.5				17.4
Delhi	92000.00	72.2	0.08	1067.00	1.16	1548.70	.6	500.0	0.50	27000.00	28.3				14.
Lel shadveep	2296.00	7.5	0.33	483.42	21.05	50,00	9.8	44.6	1.95	324.00	14.1				31.
Pondicherry	8500.00						3.2			1575.00	18.5	1053.00	12.31	638.00	1.
Jotal- UTs	128550.00	94.5	0.0	4004.72	. 3.12	2403.70	.8	7 1205.0	1 8.94	31434.82	24.4	15 2585.63	2.01	25167.00	19.
***************************************							******								8.3

States/WTs	POPULATION 1991	TOTAL A 1990-91	MNUAL PLAN 1931-92 (In Rs. La	1992-93	OK 1990-91	ENVIRONA	NT 1992-93	OR 1990-91	EKVIROW	(ERT 1992-93	AS A PERC AMAGAL P	ENTAGE O	F TOTAL	GROVTH IN 1881-92	ALLOCATIONS O ADJUSTED FOR POPULATION 1982-83 Upeas)
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	·(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)
STATES															
Anthra Fradesh	\$8304854				7.7.7.7.7		77.00	0.08	0.12	0, 12		0.05	0.05	0.11	0.11
Areaechel Fredesh	\$58312	18100.00					5.00	0.58	0.58	0.58	0.03	0.02	9.02	0.57	0.56
Assen	22284552	67500.00					100.00	0.38	0,43	0.45	0.13	0.12	0.10	9.42	0.43
Sihar	86338853						113.00	0.03	0.22	0.13	0.02	9.08	0.05	0.21	0.12
GOA .	1168622	13008.00	17250.00	15250.00	26.00		20.00	2.22	1.20	1.71	0.20	6.08	0.13	1.17	1.63
Cariarat	41174060	145100.08	175500.00	187500.00	52.00	11.00	180.00	0.13	0.21	0.44	9.04	0.05	0.10	8.21	0.42
Baryana	16317715	70000.00	76500.00	83000.00	85.00	11.00	\$4.00	0.53	0.54	6.51	0.12	0.12	0.10	4.53	0.49
Binachel Fradesh	5111079	36000.00	41000.00	48600.00	20.00	25.00	37.00	0.39	6.45	0.72	0.06	0.06	6.08	0.48	0.69
James and Kashair	1718700	65000.00	72300.00	82000.00	69.00	70.00	179.00	0.89	0.91	2.32	0.11	0.10	0.22	0.89	2.21
<u> Jaraataka</u>	44817398	112000.00	151000.60				49.00	0.07	0,11	0,13	0,03	0.03	0.03	9.11	9,13
Kerala	26011237	\$3500.80			135,00	155.00	145.00	0.47	0.53	0.50	0.21	0.19	0.16	0.52	0.48
Madaya Pradosh	65135852	200000.00	242500.00	240000.00	525.00	518.00	\$48.00	0.79	6.90	1.28	0.26	0.25	0.35	9.88	1.22
Maharashtra	78706719	245008.00	250000.00	316000.00	78.00	73.00	58.00	0.10	0.09	0.07	0.63	0.03	0.82	9.09	0.07
Leiger	1826714	17000.00	20000.00	21000.00	20.05	23.00	25.00	1.09	1.26	1.37	0.12	0.12	0.12	1.23	1.31
Meghalaya	1760626	17500.00	21000:00	24100.00	8.00	25.00	50.00	0.45	1.14	2.14	8.05	0.10	0.21	1.11	2.71
Hizoras	686217	12509.00	15200.00	16009.00	5.00	5.00	5.00	0.73	. 0.73	0.73	0.04	0.83	0.03	0.71	0.70
Maga land	1215573	14500.00		18500.60	5.00	6.00	4.00	0.41	0.49	0.49	0.03	0.04	0.03	8.48	0.47
Orissa	31512070	125000.00	140200.00	148500.00	280.00	90.00	104.00	0.89	0.29	0.33	0.22	0.06	0.07	0.28	0.32
Posjak	20190795	90500.00					120.00	9.29	0.29	0.59	0.06	0.06	0.08	0.29	0.57
Rajesthan	43880640	25600.00					200.00	0.30	0.43	0.46	0.14	0.16	0.14	0.42	0.44
Sittis	403112	7600.00	9600.00	11000.00			30.00	6.19	8.47	7.43	0.33	0.36	0.27	8.47	7.10
Tanil Keda		145000.00				140.80	23.00	0.24	0.25	0.04	0.09	0.09	0.01	0.25	0.04
Tripara	2144821	20000.00	22700.00	28200.00		22.68	25.00	0.80	0.80	0.91	0.11	0.10	0.09	0.78	0.87
Httar Fradesh	138760417		371000.00			100000000000000000000000000000000000000	172.00	0.14	0.18	0.12	0.06	0.07	0.04	0.18	0.12
gere gasårj		132800.00				110.00		0.10	0.16	0.16	0.05	0.07	0.07	0.16	0.15
Total-States	832568594	2346200.00	2720750.00	3021723.00	2148.00	2475.00	2775.00	0.26	0.30	*-0.33	0.09	0.09	0.09	0.29	0.32
MICH TERRITORIES															
iadeasa I Ticcher	277989	9700.00	15450.00	15500.00	2.00	5.00	5.00	0.72	1.80	1.80	0.02	0.03	0.03	. 1.76	1.72
Chandigarh	640725	5596,00	6536.00	\$800.00	5.00	5.75	1.15	0.78	0.98	1.21	0.09	0.09	0.11	5.88	1.15
Badra & Magar Haveli		1299.46	2150.00	1815.00	0.00	0.50	0.00	0.00	0.36	0.00	0.00	0.02	6.00	0.35	0.00
lases & Bir	101439	1257.74	1618.00	1450.00		0,50	1.00	0.00	0.49	0.49	0.50	0.03	0.07	0.48	0.54
lelbi	9370475	80000.00	92000.00	12000.00	151.00	72.25	30.00	1.51	0.77	0.32	0.19	0.08	0.03	0.75.	0.31
atshadseen	51681	2200.00	2296.00	2500.00	0.00	7.50	8.25	0.00	14.51	15.96	0.00	0.33	0.33	. 14.18	15.24
Posticherry	789416	7000.00	8500.00	9000.00	2.50	3.60	2.00	0.32	0.38	0.25	0.04	0.04	0.02	0.37	0.24
lotal- VIs	11376267	107053.20	128550.00	129065.00	160.50	94.50	54.00	1,41	0.83	0.47	0.15	0.07	0.04	0.81	0.45
All India Total	•			3150788.00	******			0.27	0.30	0.34	0.09	0.09	0.09	0.30	0.32

Sources:
1. Cansus of India, 1991, "Provisional Population Totals"
2. Annual Plans 1990-91, 1991-92, and 1992-93, Planning Commission

Annexure 2 : Table 8

STATE PLAN ALLOCATIONS AND INDUSTRIAL OUTPUT

STATES	INDUSTRIAL OUTPUT		ON ENVIRONMENT	AS A PERCENTAGE OF VALUE OF INDUSTRIAL	AS A PERCENTAGE OF
	(Rs. Lakhs)	(Rs Lakhs)	(Rs Lakhs)		
1,	2.	3.	4,	5.	6,
Andhra Pradesh	913654.21	237550.09	140.00	0.02	0.06
Bihar			26.00	0.00	0.00
	55762.87		8.00	0.01	0.06
Gujarat	1639470.66	1082050.64	25.00	0.00	0.00
Haryana		134564.95	90.00	0.02	0.07
Karnataka	656446.85	164111.71	35.00	0.01	0.02
	417281.29		80.00	0.02	0.08
Kadhya Pradesh		456340.08	900.00	0.11	0.20
Haharashtra	3283061.31	1280393,91	172.00	0.01	0.01
Orissa			33,00	0.01	0.05
Punjab	769830.23	192457.56	31.00	0.00	0.02
Rajasthan	435612.34	108903,09	40.00	0.01	0.04
Tanil Nadu	1634939.71	637626.49	80,00	0.00	0.01
Uttar Pradesh	1366602.50	505642.93	145.00	0.01	0.03
West Bengal	1108704.40		51.00	0.00	0.01
TOTAL			1856.00	0.01	0.03

Sources:

- Annual Plan, 1987, GOI, Planning Commission
 Planning Commission.
 Supplement to Annual Survey of Industries, 1987-88, CSO

यदि कैन्टिक बिजली इकाई लगाने का प्रस्ताव हो तो पूरा पर्यावरणीय ब्योरा मलग से भेजें।

- लगाया जाने वाला पंकि श्रीमक बल. जिनमे निन्न ब्योरा दिया जाए:
- प्रपिष्ठिट जन/वाय्/मृदा जनित रोगों के कारण क्षेत्र में स्थान य स्वास्थ्य समस्याएं।
- विद्यमान अंगर प्रस्तावित स्वास्थ्य देखभान प्रणानी
- 10.क. विस्थापित होने वाले गांवीं और नागीं की संख्या
- (ख) पुनर्वास बृहत योजना
- 11. वतरा मूल्यांकन रिपार्ट तथा विपदा प्रवन्ध योजना
- क. प्रयोवरणीय प्रभाव प्रयोवरण और वन मंद्रालय द्वारा मृत्यांकन रिपोर्ट
- ख. पर्यावणीय प्रबन्ध योजना समय-समय पर जारो दिशा-निर्देशों के प्रनसार तैयार
- (ग) विस्तृत व्यावहारिकता रिपोर्ट
- (भ) विधिवत भरी हुई प्रश्नावनी
- 13. पर्यावरणीय प्रवन्ध कक्ष का व्योश

में यह क्वन देता हूं कि ऊपर दिए गए आंकडे और गूचना मेरी सर्वोत्तम जानकारी और विश्वाम के अनुसार सही हैं और मुझे इस बात की जानकारी है कि यदि प्रस्तुत किए गए घांकड़ों/सूचना का कोई भाग किसी भी समय मिट्या या फ्रामक पाया जाता है तो परियोजना को नामंजूर कर दिया जायगा और परियोजना को दो गई भ्रमापत्ति, यदि कोई हो, को हमारी जोखिम और लागन पर वापस निया जा सकेगा।

ग्रावेदक के हस्ताक्षर

तारोख:

(नाम और प्रे पतं सहित)

स्यान :

भानेदक जिस संगटत की ओर से हस्ताक्षर कर रहा हे उस संगठन की माहर

टिप्पणी: लागुन हाने वानी मदों की काट दें।

MINISTRY OF ENVIRONMENT AND FORESTS NOTIFICATION

New Delhi, the 28th January, 1993

S.O. 80(E).—The following draft of a Notification which the Central Government proposes to issue in exercise of the powers conferred by sub-section (1) read with clause (v) of sub-section (2) of Section 3 of the Environment (Protection) Act, 1986 (29 of 1986) is hereby published, as required under sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, for the information of the public likely to be affected thereby;

And notice is hereby given that the said draft notification will be taken into consideration on or after the expiry of 60 days from the date of publication of this notification in the Official Gazette.

Any person interested in filing any objection against the proposed directions contained in this notification, may do so in writing to the Secretary, Ministry of Environment and Forests, Paryavaran Bhavan, C.G.O. Complex, Lodi Road, New Delhi within 60 days from the date of publication of this notification in the Official Gazette.

DRAFT NOTIFICATION

Whereas considerable adverse environment impact has been caused due to degradation of the environment with excessive soil erosion and water and air pollution on account of certain development activities, thereby engendering not only the destruction of natural resources like forests, mangroves, wetlands, rivers, lakes, genepool reserves and vegetation cover which is fast dwindling in large parts of the country, but also affecting the health and very survival of living beings-both animal and human;

And whereas it is necessary to protect and improve the quality of environment by controlling pollution of air, water and soil along with biotic pressure on natural resources, which is so intense that our natural biological and genetic wealth is threatened with severe damage;

And whereas certain development projects should be carried on within the carrying capacity of the eco-system through judicious location beyond defined distances from eco-systems which will otherwise come under stress, so as to ensure that developmental activity takes place in harmony with the environment and improvement thereof;

And whereas the aforesaid goals can be achieved only by careful assessment of a project proposed to be located in any area. On the basis of an environmental Impact Assessment of each project and the necessary Environment Management Plan for the Prevention elimination or miligation of the adverse impacts right from the inception stage of the projects;

Now, therefore, in exercise of the powers conferred by subsection (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act 1986 (29 of 1986), the Central Government hereby directs that on and from the date of the final publication of this notification under clause (d) of Subrule (3) of rule 5 of the Environment (Protection) Rules, 1986, the expansion or modernisation of any existing industry or new projects listed in Schedule I or Schedule II shall not be undertaken in any part of India unless it has been accorded environmental clearance by the Central Government or, as the case may be, the State Government concerned in accordance with the procedure hereinafter specified in this notification.

- 2. Any project listed in Schedule II and proposed to be located within 5 (five) kilometres of the boundary of reserve or protected forests, or a designated ecologically sensitive area, or within the safe distance stipulated in the Statement. On Industrial Policy or other policy statements of the Government of India for protection of human settlements or wildlife hawitats would also be considered by the State Government according to the guidelines issued by the Central Government.
- 3. Notwithstanding anything contained in Schedules I and II, the Central Government in the Ministry of Environment and Forests may review the environmental clearance given to any project by any State Government if a prima facie case against environmental clearance is made out by the affected parties. In all such cases, the matter would be referred by the Ministry of Environment and Forests to a Review Committee comprising of one representative from this Ministry, one representative from the State Government concerned and a maximum of three experts in the fields relevant to the project. The Chairman and the Members of the Review Committee shall be appointed by the Ministry of Environment and Forests. The Committee shall complete its work within the time-schedule as stipulated for the Impact Assessment Agency (IAA).
- Requirements and procedure for seeking environment clearance of projects:
 - I(a) Any person who desires to undertake any project in any part of India or the expansion or modernisation of any existing industry or project listed in Schedule-I and II shall submit an application to the Secretary, Ministry of Environment and Forests, New Delhi, where environmental clearance is required from the Central Government or to Environment Secretary of the State Government concerned, where the enpironmental clearance is required from the State Government. The application shall be made in the proforma appended to this notification and

shall be accompanied by a detailed project report which shall, inter alia, include an Environmental Impact Assessment Report and an Environment Management Plan prepared in accordance with the guidelines issued by the Central Government in the Ministry of Environment & Forests from time to time.

- (b) Cases rejected by the State Government or the Central Government due to submission of insufficient or inadequate data and Action Plans may be reviewed as and when submitted with complete data and Action Plans. Submission of incomplete data for the second time would itself be a sufficient reason for the Impact Assessment Agency to reject the case summarily.
- II. In case of the following site specific projects:
 - (a) mining;
 - (b) pit-head thermal power stations;
 - (c) hydro-electric power projects;
 - (d) multi-purpose river valley projects; and
 - (e) ports and harbours;

the project authorities will intimate the location of the project site to the Central Government in the Ministry of Environment & Forests or the State Government concerned depending on whether the project is covered under Schedule-I for Schedule-II respectively while initiating any investigation and surveys. The concerned agency at the Centre or the State will convey a decision regarding suitability or otherwise of the proposed site within a maximum period of three months. The said site clearance will be granted for a sanctioned capacity and will be valid for a period of five years for commencing the construction.

- III. (a) The detailed feasibility report submitted with the application shall be evaluated and assessed by the Impact Assessment Agency at the Central Government or, as the case may be, at the State Government in consultation with a Committee of Experts, having a composition as specified in Schedule-III of this notification.

 The Impact Assessment Agency (IAA) would be the Union Ministry of Environment and Forests and in the case of State Government concerned the Department of Environment and/or Pollution Control Board. The Committee of experts mentioned above shall be constituted by the IAA concerned.
 - (b) The said Committee of Experts shall have full right of entry and inspection of the site or, as the case may be, factory premises at any time prior to, during, or after the commencement of the operations relating to the project.
 - (c) The Impact Assessment Agency will prepare a set of recommendations based on technical assessment of documents and data, furnished by the project authorities supplemented by data collected during visits to sites or factories and interaction with affected population and environmental groups. Detailed feasibility reports. Environmental Management Plans, the recommendations and the conditions subject to which environmental clearance is given shall be made available to the concerned parties on request. Comments of the public may be solicited in public hearings arranged for the purpose after giving one month notice of such hearings in at least two newspapers. Public shall be provided access to the project reports and Enivronmental Management Plans at the agency headquarters. The assessment shall be completed within a period of three months on receipt of the requisite documents and data from the project authorities and decision conveyed within a maximum 30 days thereafter. No work preliminary or otherwise relating to the setting up of the project may be undertaken till the environmental site clearance is obtained.

- IV. In order to enable the Impact Assessment Agency concerned to monitor effectively the implementation of the recommendations and conditions subject to which the environmental clearance has been given, the project authorities concerned shall submit a half-yearly report to the concerned agency. Impact Assessment Agency will make compliance reports publicly available.
- 5. Concealing factual data or submission of false, misleading data/reports, decisions or recommendations would lead to the project being rejected. Approval, if granted earlier on the basis of false data, would also be revoked. Misleading and wrong information will cover the following:
 - False information.
 - False data.
 - Enigneered reports.
 - Concealing of actual data.
 - False recommendations or decisions,

[No. Z-12013/4/89/IA-I] R. RAJAMANI, Secretary (F&F)

SCHEDULE-I

(See paras 1 and 4)

LIST OF PROJECTS REQUIRING ENVIRONMENTAL CLEARANCE FROM THE CENTRAL GOVERNMENT

- Nuclear Power and related projects such as Heavy water plants, nuclear fuel complex, rare earths etc.
- 2. Multi-purpose River valley projects.
- Ports, Harbours and Air ports, (except minor ports and harrbours)
- Railway line (involving acquisition of non-railway land) including underground Railways.
- Petroleum Refineries including crude and product pipeline and storage of petroleum products.
- 6. Chemicals Fertilizers (Nitrogeneous and Phosphatic) other than single superphosphate.
- 7. Pesticides (Technical).
- Petrochemical complexes (both Olefinic and Aromatic), and Petrochemical intermediates such as DMT Caprolactum LAB etc. and Production of basic plastics such as LLDPE, HPDE, PP, PVC etc.
- Industrial explosives including detonating fuse, safety fuse, gun powder nitrocellulose. Electric detonators.
- 10. Drugs and Pharmaceuticals (Basic and Bulk)
- Exploration for oil and gas and their production, transportation and storage.
- 12. Synthetic rubber.
- 13. Ashestos and Ashestos products.
- 14. Hydrocyanic acid and its derivatives.
- Primary metallurgical industries (such as production of Iron and Steel, Aluminium, Copper, Zine Lead and Ferro Alloys)
- Pneumatic tyres and tubes of rubber used in buses and tracks, air erafts, jeeps, motor cars, tractors and of the road vehicles.
- 17. Chlor alkali industry.
- Integrated paint complex including manufacture of resins and basic raw materials required in the manufacture of paints.

outlas.

L'pto 2000 ha.

Upto 5 ha.

48. Tourism projects between 500m.

49. Canal irrigation and reservoir

creation.

50. Mining

and 1000m. of high water line and not specified in Schedule-1.

upto Rs. 1 crore of

17. Retreading of all types of tyres

(excluding cold processiong)

18. Paints, Pigments and Varnishes

20. Milk products (Skimmed milk,

and Marine animals.)

Baby food).

19. Food processing (Processing of meat

condensed milk, milk powder and

	H			*	
8	THE GA	AZETTE OF INDIA	:EX	TRAORDINARY	[PART II—SEC. 3(ii)]
19.	Man made fibres, filament yarn.		1	2	3
20.	Storage batteris integrated with m		21.	Rubber chemicals and auxilia	ries All sizes
	of lead and lead antimony alloy		22.	Photographic Chemicals and	auxilliaries -co-
21.	Incineration plant for hazardous was hydrocarbon.	iste and chlorinated	. 23.	Leather chemicals and auxillia	riesdo-
22.	All Tourism projects between 200 n	n-500 meters of High	24.	Textile chemicals and auxilliar	ies -do-
	Water Line and at locations with a than 1000 meters.		25.	Soaps and detergents (Except soap industries)	cottage -do-
23.	Commercial forestry and forest locations above 1000 meters.	based industrie: at	26.	Singlesuperphosphate	-do-
24.	All projects with threshold criteria	above those specified	27.	Wood based industry such as a mills, plywood etc.	-do-
	in Schedule-II.	*	28.	Transport equipments (Cars, S	
	SCHEDULE-II			Motor cycles, Trucks, and oth heavy duty vehicles)	er
1	(See paras, 2, 3 and 4 IST OF PROJECTS REQUIRING	ENVIRONMENTAL	29.	Incineration plant for non-haz- waste.	ardous -do-
C	LEARANCE FROM THE STATE	GOVERNMENT	30	Hydro-electric power	
SI.	Name of the Project/Industry	Threshold Criteria	20.	(a) New projects	upto 15 MW
No.		(If any) above which it shall be appraised by Central Government		(b) All power houses to be loc- an existing canal falls or e. dams with already embed penstocks.	xisting
		(Capacity/Area/	31.	Fully Gas Based power plants	upto 100 MW
	¥	Length etc.)		Coke Ovens/ Carbonising plan	t 50000 TPA
<u></u> 1	2	3		Thermal power plants	u pto 35 MW
		All sizes		Cement	upto 200 TPD
	Briquetting Coal washeries	-do-	35.	Electric Arc furnaces	upto 150000TPZ
	Ceramic products	-do-		(mini steel plant)	
	Calcium Carbide	-do-	36.	Sponge Iron	20000 TD 1
	Carbon black	-do-		(a) Coal based	upto 30000 TPA upto 500000TPA
	Coal tar chemicals	-do-		(b) Gas based	upto 5000 skins
	Electroplating and Galvanising	-do-	37.	Raw skins and Hides	per day
8.	Glass and Glasswares	-do-	38	Distilleries	upto 150 KL/Day
9.	Graphite Electrodes	-do-		Sugar	upto 2500 Tr
10.	Engineering (Tubings, casting, Rolling Mills)	-do-		Textiles	upto 500 metres per day
11.	Refractories	-do-		Pulp, paper and Newsprint	upto 33000 TPA
	Pipes (RCC, Steel and Scamless)	-do-		Dyes	upto 5 TPD
13.	Reprocessing of Lubricating Oils	-do-		Dye intermediates	upto 5 TPD
14.	Storage batteries (nonlead processing).	-do-		Thermoset resins	upto 5000 TPA
15	Alkalies (Soda ash and Calcium	-do-		Acids	upto 500 TPD
13.	Carbonate)			Animals or vegetables fats oils	upte 25 TPD
16-	Pneumatic tyres and tubes of rubbe used in Motorcycles, scooters, Mopeds, cycles and cycle Rickshav			and their fractions partly or whydrogenated. Foundries (Individual)	
17	Retreating of all types of tyres	-do-	47.	roundries (Individual)	outlay

-do-

-do-

-do-

-:10-

•			<u> </u>
. <u>.</u> 51.		roads (in Himalaya rest land).	s and upto 5 kms length
52.	Nation	al Highways	upto 5 kms length
53.	State H	lighways	i)
	(a) Invo	olving forest land	apto 5 kms length
(1	n Noti	avolving forest land	All lengths.
54.	Industr	ial estates	upto 100 units or 20 ha, area which- ever is more.
55	Industr	ial Townships	upto 5000 dwelling units or a total area of 50 ha. whichever is more.
56,	Ports ap	d Harbours	Minor Ports and Harbours only.

1. No separate environmental clearance is required for individual units located in Industial Estates provided the Industrial Estates are set up after EIA and individual units are being set up as per approved. Environment Management plan,

ar all tages a g

14.

- 2. No separate Environmental clearance is required for Industrial Townships provided it is as per the carrying capacity study of the area.
- 3i Captive power plants should be dealt either as schedule-I or II depending on the development activity.

SCHEDULE - III

(See sub-para III ta) of Para 41

COMPOSITION OF THE EXPERT COMMITTEES FOR ENVIRONMENTAL IMPACT ASSESSMENT

- 1. The evaluation and assessment of development projects at the Central or State level will be undertaken by Expert Committees consisting of experts in each discipline constituted as under:
 - (i) Eco-Systems Management
 - (ii) Air/Water Pollution control
 - (iii) Water Resource Management
 - (iv) Piora/fauna conservation and management
 - (v) Land Use Planning
 - (vi) Social Sciences/Rehabititation
 - (vii) Project Appraisal
- (viii) Ecology
- tix) Environmental Health
- (x) Subject Area Specialist-
- txi) Representatives of NGOs persons concerned with environmental issues.
- 2. The Chairman will be an outstanding and experienced ecologist or environmentalist or technical Professional in the relevant development sector.
- 3. The representative of Impacts Assessment Agency/ Central/State will act as a Member-Secretary. 269 GI/93-2

- 4. Chairman and Members will serve in their individual capacities except those specifically nominated as representa-
 - 5. The Membership of a Committee shall not exceee 15,

ANNEXURE

(See Sub-para I(a) of Para 4)

APPLICATION FORM

- i.(a) Name and Address of the project proposed:
 - (b) Location of the projects: Name of the place: District, Tehsil's Latilude/Longitude: Nearest Airport/Railway Station:
- (c) Alternate sites examined and the reasons for selecting the proposed site;
- (d) Does the site conform to stipulated land use as per loca! land use plan
- 2. Objectives of the project :
- 3. (a) Land Requirement: Agriculture Land: Forest land and Density of vegetation. Other (specify):
 - (b) (1) Land use in the Catchment, within 10 Kms. radius of the proposed site:
 - (a) Topography of the area indicating gradient aspects and altitude :
 - tun Erodability classification of the proposed land:
 - (c) Pollution sources existing in the 10km, radius and their impact on quality of air, water & land;
- (d) Distance of the nearest National Park/Sanctuary/ Biosphere Reserve Monuments/heritage site/ Reserve Forest:
- (e) Rehabilitation plan for quarries/borrow areas:
- ifi Green belt plan:
- (g) Compensatory afforestation plan:
- 4. Climate and Air Quality:
 - (a) Windrose at site:
 - (b) Max. Min. Nican annual temperature
 - (c) I requency of inversion:
 - (d) I requency of cyclones/tornades clouds bursts
 - (et Ambient air quality date :
 - (f) Nature & concentration of emission of SPM. Gas (CO, CO2, SO2, NOY, CHn etc.) from the project.
- 5. Water balance:
 - (a) Water balance at site:
- (b) Lean season water availability: Water Requirement:
- (c) Source to be tapped with competing users (River, lake, Ground, Public supply):

- (d) Water quality:
- (c) Changes observed in quality & quantity of ground water in the last 15 days years and present charging & extraction details:
- (f) (i) Quantum of waste water to be released with treatment details:
 - (ii) Quantum of quality of water in the receiving body before and after disposal of solid wastes:
 - (iii) Quantum of waste water to be released on land and type of land:
- (g) (i) Details of reservoir water quality with necessary catchment Treatment Plan:
 - (ii) Command area Development Plan :
- 6. Solid wastes:
 - (a) Nature & quantity of solid wastes generated:
 - (b) Solid waste disposal method:
- 7. Noise and Vibrations:
 - (a) Sources of noise & Vibrations:
 - (b) Ambeint noise level:
 - (c) Noise & Vibration control measures proposed:
 - (d) Subsidence problem if any with control measures:
- 8. Power requiremnt indicating source of supply: Complete environmental details to be furnished separately, if captive power unit proposed:

- 9. Peak labour force to be deployed giving details of:
 - _Endemic heal th problems in the area due to waste water/air /soil borne diseases:
 - -Health care system existing and proposed:
- 10.(a) Number of villages & population to be displaced.
 - (b) Rehabilitation Master Plan:
- 11 . Risk assessment report and Disaster Management Plant.
- 12.(a) Environmental Impact Assessment Prepared as per Report : guidelines of MEF issued from (b) Environmental Management Plan:

time to time'.

- (c) Detailed Feasibility Report:
- (d) Duty filled in questionare
- 13. Details of Environmental Managemet Cell:

I hereby give an undertaking that the data and information given above are true to the best of my knowledge and belief and I am aware that if any part of the data/information submitted is found to be false or misleading at any stage, the project be rejected and the clearance given, if any, to the project is likely to be revoked at our risk and cost.

> Signature of the applicant with name and full address.

Date:

Place:

Given under the seal of Organisation on behalf of whom the applicant is signing.

N.B.D elete which is not applicable.

Annexure 4

Extract

MINISTRY OF ENVIRONMENT AND FORESTS NOTIFICATION

- G.S.R. 329(E).- In exercise of the powers conferred by sections 6 and 25 of the Environment (Protection) Act, 1986 (29 of 1986), the Central Government hereby makes the following rules further to amend the Environment (Protection) Rules, 1986, namely:-
- 1. (1) These rules may be called the Environment (Protection) Second Amendment Rules, 1992.
 - (2) They shall come into force on the date of their publication in the Official Gazette.
 - 2. In the Environment (Protection) Rules, 1986,
 - (a) after rule 13, the following rule shall be inserted, namely:-
 - "14. Submission of environment audit report.-

Every person carrying on an industry, operation or process requiring consent under Section 25 of the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974) or under section 21 of the Air (Prevention and Control of Pollution) Act, 1981 (14 of 1981) or both or authorisation under the Hazardous Wastes (Management and Handling) Rules, 1989 issued under the Environment (Protection) Act, 1986 (29 of 1986) shall submit an environmental audit report for the financial year ending the 31st March in Form V to the concerned State Pollution Control Board on or before the 15th day of May every year, beginning 1993.

Information Update

Karnataka JFPM Implementation Order

The following are excerpts from proceedings of the Karnataka Government including its order No AHFF/232/FAP/ 86 dated 12.4.93 on 'implementation of the Joint Forest Planning and Management (JFPM) Scheme, Tree Patta Scheme and Sharing of Forest Produce' scheme in the state. Similar steps taken by 11 other States have been published by Wastelands News earlier.

Proceedings of the Government of Karnataka

- Ref: 1. G.O. No. FFD/75/FAP/83, dated 23.1.86.
 - Letter No. 6-21/89-FP, dated 1.6.90 from the Secretary to the Government of India, Ministry of Environment and Forests, New Delhi.
 - Correspondence ending with letter No. B2.CR. 100/MIS/90-91 dated 29.1.90 from the Principal Chief Conservator of Forests, Bangalore.

Preamble

The National Forest Policy 1988 envisages people's involvement in the development and protection of forests. It has also been felt that forest management programmes need to be recriented in such a manner that they respond to rural community's needs and that the forest produce, fuelwood, minor forest produce, timber, etc., are made available to the villagers preferentially, apart from a share in the proceeds, so that village communities are motivated to identify themselves with the development and protection of forests.

The Government of India, Ministry of Environment and Forests, in their letter dated 1.6.1990 read (2) above have also issued guidelines for involving village communities and voluntary agencies in the regeneration of degraded forest lands. They have asked the State Governments to take appropriate action along the suggested lines.

The guidelines suggested by the Government of India envisage the formulation of a Joint Forest Planning and Management (JFPM) Scheme charged with the responsibilities of preparing plans for the development and protection of forests with community participation and managing the same as per the approved plans. Grasses, lops and tops and pruned materials are to be given to the beneficiaries free of charge, apart from a share in the usufructs of minor forest produces and also from the final harvest of the standing crop.

The Government in their earlier order dated 23.1.1986 read (1) above have issued orders for sharing 50 per cent of the produce on all lands with the mandal panchayats, provided that the panchayats take care of the plantations after they are 3 years old and until harvest. Further, it was mentioned that out of the 50 per cent share given to panchayats, half the quantity was to be given at concessional rates to small and marginal farmers and landless labourers and the balance was left to the mandal panchayats to be sold independently or through the Forest Department. The balance 50 per cent of the produce retained by the Forest Department will have to be disposed on seigniorage rates to be fixed by the Government and subsidiary produces in the form of fodder and lops and tops will be handed over to panchayats for free distribution or at concessional rates at the discretion of the mandal panchayats. The bamboos produced from Social Forestry project were ordered to be given to the co-operative societies of STs at 50 per cent of the rate fixed by the Forest Department for the purpose of cottage industries. As regards the produce from the plantations on road-sides and canal banks, it was ordered to be retained by the Forest Department.

The Principal Chief Conservator of Forests has stated the "Process Plan" of the Western Ghats Forestry and Environmental Project funded by ODA of the U.K. depends mainly on the JFPM and the ODA authorities have insisted for a Government Order authorising the principles of Joint Forest Planning and Management. Accordingly, he has sent detailed proposal on the above scheme to the Government for consideration.

In Chief Minister's budget speeches of March 3rd, 1992 and 22nd February, 1993, announcements have been made emphasising the need for people's involvement in forest management, covering Joint Forest Planning and Management principles.

Keeping in view the Government of India guidelines and the announcements made in the Chief Minister's budget speeche

for the years 1992-93 and 1993-94, a comprehensive scheme of Joint Forest Planning and Management for people's participation in planning, development, protection and regeneration of degraded forests and other Government wastelands has been prepared after extensive discussions held at a series of meetings convened by the Development Commissioner involving voluntary agencies. Although, the Joint Forest Planning and Management scheme would result in people's involvement in a large measure, it is also proposed to involve individuals and adjoining land-holders, both in rural and urban areas, under a revised "Tree Patta Scheme" and also tackle lands belonging to other Government Departments. However, the latter two would be outside the Joint Forest Planning and Management scheme and sharing of forest produce will be between the beneficiaries/Institutions and the Department.

It is hoped that with the involvement of village communities under the spirit of Joint Forest Planning and Management, degraded forest and other Government wastelands will be protected fully and will be regenerated, besides meeting the genuine needs of the local population. It is also expected that this scheme of Joint Forest Planning and Management would lead to more sustainable forest development.

Government have examined all aspects of the above scheme and finally decided to supersede the earlier Government Order issued vide reference (1) above regarding sharing of forest produce from the plantations raised under ODA/World Bank-assisted Social Forestry Project. Accordingly, the following orders are issued.

G.O.No. AHFF/232/FAP/86, dated 12.4.1993

The Government are pleased to accord approval for the implementation of the following schemes with immediate effect. These orders supersede the Government Order No. FFD/75/FAP/83, dated 23.1.1986.

- (i) Joint Forest Planning and Management (JFPM) Scheme in the State wherein Village Forest Committees (VFCs) shall be associated with various aspects of forest management like planning, implementation, protection, harvesting and sharing of produce, permitting the Forest Department to incur expenditure towards setting up of the Village Forest Committees and creation of the "Village Forest Development Funds" from out of the provision made in the current year's budget under the head of Account "2406-01-102-1-19" (Plan) (State Sector) in respect of Village Forest Committees.
- (ii) "Tree Patta Scheme" for trees on roadsides, canal sides and other similar areas including urban areas and sharing of forest produce between the beneficiaries/institutions and Forest Department.

Details of the schemes at (i) and (ii) above shall be as in the Annexure.

(iii) Scheme to plant trees on lands belonging to institutions, communities and Government Departments other than Revenue Department with mutual consent.

The entire cost on raising and maintaining plantations in such lands shall be borne by the Forest Department.

- 2. Sharing of forest produce under the above three schemes shall be as follows:
- 2.1 Joint Forest Planning and Management: The total proceeds derived from the sale of forest produce at the notified (concessional) prices as well as in public auction shall be shared between the Government, beneficiaries and Village Forest Committees as per the ratios given below:
 - 50 per cent to the Government;
 - . 35 per cent to the beneficiaries through Village Forest Committees as per rules to be framed for this purpose; and
 - 25 per cent to a special fund to be called the a Village Forest Development Fund": This "Fund" shall be operated by the Village Forest Committees as per the rules to be framed by the Government in this regard.
- 2.2 Tree Patta Scheme: Beneficiaries under the scheme are eligible for 100 per cent usufructs. The final harvest shall be shared in the ratio of 75:25 between the beneficiaries and the Government.
- 2.3 Schemes of planting trees on lands belonging to Institutions, communities and Government Departments other than Revenue Department: The net income arising from the final harvest of trees raised under this scheme will be shared in the ratio of 50:50 between the Forest Department and the concerned Institution/community/government department (other than the Revenue Department).

- 3. The Forest Department shall execute suitable agreements with the respective beneficiaries (individuals/village forest committees/institutions/departments other than Revenue Department) under the above three schemes.
- 4. This order issues with the concurrence of the Planning Department and the Finance Department, vide their No. PD 13 PFD 92, dated 21.10.92 and U.O.No. FD 515 EXPR.4, dated 16.1.1993.

Annexure

(G.O. No. AHFF 232 FAP 86, dated: 12.4.93)

Joint Forest Planning and Management (JFPM) Scheme

1. Introduction

It has been the experience over several decades that damage to the forests due to biotic interference, namely illicit cuttings, grazing, fire and encroachment has increased over the years. Inspite of several measures like increase in staff, communication network and increased intensive patrolling etc., the desired results have not been achieved. Keeping this in view the State Government desires that the people living in the villages adjoining the forests are actively involved in the conservation/planning/protection/regeneration/development of degraded forests.

Further, the plantations raised over C & D lands, gomals, foreshores of tanks, roadsides, canal banks and other Government lands have been disappearing due to apathy of people. There have been several conflicts in the use of common property resources, output from them and in the choice of species in afforestation programmes. To reverse these trends, the Government wish to involve people actively in the conservation planning, protection, regeneration and development of these common property resources, outside degraded forests also.

The Government have come to the conclusion that the above objectives can be achieved through a system of Joint Forest Planning and Management, with the beneficiaries in the villages. Non-governmental organisations can help in catalysing this movement.

2. Aim of VFCs

With a view to involve people towards the planning, protection, regeneration, development and management of forest areas and other Government lands degraded due to biotic pressure and to perform similar duties, it is proposed that beneficiaries in the village constitute themselves into Village Forest Committees. The formation, the composition, duties and responsibilities, the mechanism of sharing of produce and other modalities of Village Forest Committees are proposed.

3. Areas Covered Under JFPM

Joint Forest Planning and Management shall, subject to issue of notification by the Forest Department for each class, subclass or category of land in respect of each village or group of villages shall be introduced in the following classes of lands in the State:

- (a) Degraded forest land, where the canopy cover is 0.25 and less;
- (b) Non-forest government waste lands under the control of the Revenue Department, like 'C' and 'D' class lands and transferred for the purpose of Joint Forest Planning and Management to Forest Department.
- (c) Roadsides and canal sides and foreshores of tanks.

4. Composition of Village Forest Committees

The Village Forest Committee shall be formed for any village or for a selected group of villages. The General body of the committee consists of beneficiaries who shall be as given below:

Any person belonging to village (or selected group of villages) and interested in Forest Development and Conservation shall be eligible to become a member of the general body of the Village Forest Committee by registering his/her name with the Secretary of the Village Forest Committee, upon payment of a sum of Rs. 2/- per member for the general category and Re. 1/- per member of the Scheduled Castes and Scheduled Tribes. However, only one member per family (consisting of the husband, wife, dependent children and dependent parents) would be eligible to become a member of the general body of the Village Forest Committee.

5. Formation of VFCs

(i) The beneficiaries interested in participating in the scheme of JFPM may appoint few facilitators/promoters to enable a meeting to be convened and take other necessary action to constitute the VFC. The facilitators/promoters shall approach the concerned Range Forest Officer and declare their intention to participate in the programme with a list of beneficiaries.

The Member Secretary shall register the beneficiaries of the village for the purpose of constitution of the VFC upon payment of the prescribed fee.

- (ii) All Village Forest Committees shall be registered as associations under the Karnataka Societies Act by the respective Deputy Conservator of Forest, before they can participate in the JFPM.
- (iii) The Village Forest Committee shall register itself with the Deputy Conservator of Forests (Territorial) having jurisdiction over the areas, duly giving by-laws governing its duties, responsibilities, powers and jurisdiction. It shall also indicate the village level boundaries for all legal and administrative purposes, if more than one village fall in the jurisdiction of the same Village Forest Committee.
- (iv) All the general body members except the ex-officio members and representatives of non-governmental organisation shall be the beneficiaries of the Village Forest Committee.

6. Ex-officio Members of VFCs

In addition to the registered members the following would also be ex-officio members of the general body.

- (a) Mandal panchayat members elected to the area's mandal panchayat from the village or the selected group of villages.
- (b) Concerned village accountant;
- (c) Concerned mandal panchayat secretary;
- (d) Agricultural Assistant/Agricultural Extension worker/Agriculture Extension Officer concerned with the mandai panchayat;
- (e) The officials of the Animal Husbandry Department at the village level;
- (f) Forest activators/extension workers of Social Forestry concerned with the village or group of villages;
- (g) Forest guard concerned;
- (h) Forester concerned;
- (i) School teachers working in the primary school/middle school/high school in the village; and
- One representative from the local non-governmental organisation if any (to be nominated by the Deputy Conservator of Forests concerned).

None of the ex-officio members including non-governmental organisations' representatives would be entitled to any of the benefits under Joint Forest Planning and Management.

7. Managing Committee of the VFC

There shall be a managing committee for each registered Village Forest Committee which shall manage the affairs of the Village Forest Committee on day-to-day basis. The management committee shall also be responsible for due performance of the duties and responsibilities of the Village Forest Committee. The Management Committee of each Village Forest Committee shall consist of the following:

- (i) Chairman-to be elected by the registered members of the general body (ex-officio members including the NGO representatives would not be eligible to vote, but the mandal panchayat members represented on the general body may take part in the voting and may also contest the election for the post of the chairman).
- (ii) Apart from the Chairman, there will be 14 other members including 10 elected members and 4 ex-officio members as follows:

Elected members-10

Scheduled Caste/Scheduled Tribe

Women members

Landless Labourers

1

Village artisans

General category members

4

(Women members may belong either to the general category or Scheduled Caste/Scheduled Tribe community.)

Ex-officio members - 4

The village accountant

Mandal panchayat secretary.

One non-government organisation representative (to be nominated by the Deputy Conservator of Forests concerned). Forester - who will be the ex-officio member secretary.

8. Conduct of Election for Managing Committee of the VFC:

To conduct the elections of the Managing Committee of the VFC, a meeting shall be convened by the forester concerned and the revenue inspector of the Revenue Department will be Presiding Officer for such election and conduct the meeting for electing members.

9. Dissolution of Promoters Committee:

If the elections are completed and VFC is constituted, the promoters committee, if any, will stand dissolved automatically.

10. Functions of the Managing Committee of the Village Forest Committee:

- (i) The fenure of the Managing Committee will be 5 years.
- (ii) The quorum for the meetings of the Managing Committee shall be not less than 1/3rd of the total number of members (i.e. five inclusive of chairman).
- (iii) The committee shall meet at least once a month. The meeting shall be convened by the ex-officio secretary of the committee.
- (iv) The members of the Managing Committee shall have the powers to apprehend the forest offenders and hand them over to the forest authorities to take further action against the offenders under the provisions of the relevant Forest Acts and Rules.
- (v) The managing committee members shall have powers to check and prevent those indulging in forest encroachment, illicit cutting, smuggling and poaching, etc.
- (vi) The managing Committee shall have powers to seize wood illegally cut, and impound cattle for un-authorised grazing.
- (vii) The Managing Committee shall have powers to levy fine for unauthorised grazing as per rules to be framed and notified in this behalf. The fine so collected shall be credited to the "Village Forest Development Fund". The accounts of such fines shall be maintained properly by the Member-Secretary.
- (viii) The audit of the accounts of the Village Forest Committee and Village Forest Development Fund shall be conducted by the local audit cell of the State Audit Department atleast once in two years. The audit report shall be placed before the general body of the Village Forest Committee and a copy of the same shall be sent to concerned Range Forest Officer/Deputy Conservator of Forests.
- (ix) Member Secretary, i.e., forester, shall be mainly responsible for maintaining all records together with the cash book and other accounts of the Village Forest Committee and Village Forest Development Fund properly. To assist the member-Secretary maintain the records, cash book and other accounts properly, and for errands, the Village Forest Committee may provide assistance of a clerk and a dalayat on a part-time basis as is necessary. The part-time employees shall be paid such consolidated wages as may be fixed in the rules, and they shall not be entitled to any other benefits like dearness or other allowances, pension, gratuity or P.F. etc.
- (x) The member-secretary shall be fully responsible for preparing and maintaining accounts of the Village Forest Committee and Village Forest Development fund. The accounts shall be approved by the Managing Committee and placed before the general body of the Village Forest Committee once every year. The concerned range forest officer shall scrutinise the annual accounts of the Village Forest Committee and Village Forest Development fund once a year and shall report to the Deputy Conservator or Forests for necessary action, if any irregularity is noticed.
- (xi) Other modalities for the functioning of the Managing Committee and the Village Forest Committee shall be governed by rules/directions framed/issued by the State Government or the Principal Chief Conservator of Forests in this behalf from time to time.

Termination of Membership, Dissolution of the Committee, etc.

- (i) If any member of the managing committee fails to attend three consecutive meetings of the committee, he shall be removed from the membership of the committee by the Range Forest Officer on the recommendation of the Member-Secretary, after giving the member concerned an opportunity of being heard.
- (ii) The Range Forest Officer is empowered to disqualify; any member of the committee permanently or for a specified period, on the recommendation of the member-secretary, if it is found necessary to do so in the interest of proper maintenance of the forest or other assigned areas and/or in the interest of the proper functioning of the committee.
- (iii) If a member of the managing committee is found guilty of any forest offence by a competent Government or other authority concerned, he/she shall automatically cease to be a member of the Village Forest Committee for life time.
- (iv) If a committee fails to function properly, or if there are instances of financial irregularities, misappropriation or violation of any rules and regulations stipulated thereon, the Deputy Conservator of Forests concerned, can supersede the committee on the recommendations in writing of the Member-Secretary/Range Forest Officer/Assistant Conservator of Forests, without paying any compensation for any work that might have been done prior to such supersession.
- (v) Appeal against any penal action by the Range Forest Officer under clause 11(i) & 11(ii) above may be preferred to the concerned Deputy Conservator Forests. The Deputy Conservator of Forests may delegate his powers under clause 11(i) and clause 11(ii) to the jurisdictional Assistant Conservator of Forests, if he finds it necessary.
- (vi) If there is any confusion or deadlock on any issue, the matter shall be referred to Principal Chief Conservator of Forests, whose direction/decision shall be binding on Village Forest Committee.

Maintenance of Records and Other Papers

- (i) The Village Forest Committee shall maintain a minute book where the proceedings of the meetings of the Committee as well as the Annual General Body meetings shall be recorded under the signatures of the chairman and the Member-Secretary of the managing committee. Copies of all such proceedings of the same shall be sent to concerned Range Forest Officer for record, immediately after the meetings are over.
- (ii) Complete physical account of all works taken up and all expenditures incurred including the details of forest produce permitted to be collected free, shall be kept by each Village Forest Committee. The details of timber, etc., sold together with the names of beneficiaries shall also be maintained. Such details shall be sent to the Range Forest Officer in the prescribed form once in every quarter, without fail.
- (iii) The officials of the Forest Department shall inspect the forest under JFPM scheme frequently and suggest necessary action to be taken by the Village Forest Committee.

Management Plan

- (i) The Deputy Conservator of Forests will select on priority basis such sensitive areas, where villagers are willing to share their co-operation in protection/planning/regeneration. The Village Forest Committee shall be entrusted with the responsibilities of protection/planning/regeneration, keeping in mind the interest of the Village Forest Committee, distance of the area from the village, population of the village, sharing mechanism of the forest produce etc., (as per the management plan duly prepared and approved).
- (ii) After a critical analysis of the protection issues and the needs of the forest produce in the village, the Deputy Conservator of Forests/(Range Forest Officer) will prepare a proposal for the planning, management, development, protection etc., of the degraded forest area and other government wastelands allotted to Village Forest Committee. If feasible, a preliminary socio-economic survey of the village may be undertaken for the purpose. The management plan shall aim at sustainable development and will include methods for development of degraded forest areas for the sufficient production of fuelwood, timber and fodder, distribution of forest produce and also the regulation of cattle grazing. The management plan shall also prescribe the quantities and modalities for removals of forest produce for procurement and distribution every year. The management plan will be for 5 years.
- (iii) The Deputy Conservator of Forests/Assistant Conservator of Forests/Range Forest Officer or his authorised officer will submit the management proposals before the managing committee of the Village Forest Committee. The prescriptions will be discussed along with suggestions of the Managing Committee, if any. If proposals are required to be amended it shall be done.
- (iv) After the amendment, if any, the management plan will be put before the Village Forest Committee for its approval.

The committee will be informed about the proposals and the execution of the management plan. These will be discussed in the general body of the Village Forest Committee and final acceptable points will be agreed upon. After obtaining the approval of the Village Forest Committee, the Deputy Conservator of Forests will give his formal acceptance for the execution of the plan. This shall become joint management then. Once the plan is accepted, it shall replace the existing management/working plans.

- (v) The pattern of implementation of management plan working scheme shall follow instructions and guidelines issued from time to time by Government or Principal Chief Conservator of Forests. The funds available under other Government schemes may be utilised for the purpose of implementation of such management plan/working scheme, if permitted under the relevant rules or guidelines governing such Government schemes.
- (vi) The Forest Department shall utilise the personal labour of beneficiaries who shall be paid for it as decided by Village Forest Committee to develop the areas of JFPM. The services of non-beneficiary labourers could also be utilised on suitable payment, wherever Village Forest Committee desires.
- (vii) The Village Forest Committee shall ensure smooth and timely execution of the various works listed in Joint Management Plan. The Forest Department shall provide necessary technical guidance or assistance to the Village Forest Committee when asked for.
- (viii) No agriculture for cultivation of plantation crops shall be taken in the land covered under JFPM.
- (ix) The Village Forest Committee may carry out extension and educational activities to facilitate the implementation of Joint Management Plans.
- (x) Harvesting of Forest produce shall be carried out as per approved plan under the guidance of Karnataka Forest Department.
- (xi) A memorandum of understanding (M.O.U) will be signed by the Deputy Conservator of Forests/RFO and the Managing Committee of the Village Forest Committee for the due performance of the agreed functions of the approved management plan. The model proforma of M.O.U. will be prescribed by the Principal Chief Conservator of Forests for different categories of areas.

14. Duties and Responsibilities of VFC

- (i) The Village Forest Committee shall help the Forest Department in preparing the Joint Management Plans for the areas assigned to it.
- (ii) The Village Forest Committee shall assist the Forest Department in planning, protection, conservation and development of forest areas and other Government waste lands, assigned to it in a village or group of villages, as per the approved management plan.
- (iii) The Village Forest Committee shall effectively perform its duties and responsibilities as per M.O.U. and Joint Management Plans and play an important role in the management of the forests falling under its jurisdiction.
- (iv) The Village Forest Committee shall also play an important role in the development of any Government land assigned to it for the purpose. In case of afforestation, the Village Forest Committee shall assist in identification of land, choice of species and mode of protection. The Village Forest Committee shall be entirely responsible for the full protection of the forest and plantations raised on such lands after three years, preferably through its volunteers or through paid watchmen employed by the Village Forest Committee out of its resources.
- (v) The Village Forest Committee shall play important role in enriching forests by preventing encroachments, regulating grazing, preventing forest fire and illicit-cutting, preventing smuggling of forest produce and poaching of wild animals and such other functions which are needed to develop forest resources.

15. Other Conditions Stipulated for the JFPM

- (i) As regards the cost of conservation, planning, protection, regeneration, development, management and the cost of raising and maintenance of plantations of JFPM areas, the Forest Department shall meet initial costs and for 3 years thereafter.
- (ii) No lease shall be granted on Forest Lands or any other Government waste lands to the Village Forest Committee since the purpose is limited to providing tree cover to such lands based on the principle of JFPM.
- (iii) In case of default by a beneficiary or a group of beneficiaries or by Village Forest Committee as a whole, the penal

clause prescribed under the scheme shall be enforced.

(iv) Lands belonging to Government Departments other than Revenue Department and community and institutional vacant lands may also be taken up for afforestation, but these shall be outside the JFPM.

16. Role of Government Departments and Officers of the Departments in the JFPM

- (i) There should be conscious attempt to ensure that the benefits from JFPM areas go to the people, not as a philanthropic gesture from a benevolent donor, but as a responsible and honourable partner in forest management and related activities.
- (ii) The Village Forest Committee shall be organised as a sort of meaningful partnership with communities to manage JFPM land. For this, the officials of the Forest Department should be motivated and professionally trained in the processes of Joint Forest Planning and Management.
- (iii) The problems arising from the interaction between the Village Forest Committee, between members of the same Village Forest Committee, and the viliagers outside Village Forest Committee, should be arbitrated by the Range Forest Officer/ Assistant Conservator of Forests/Deputy Conservator of Forests, as early as possible.
- (iv) Leadership of senior officers of the department to provide clear, coherent and unambiguous guidance and frequent site visits will be crucial for the success of the scheme.
- (v) An integrated approach and interest shown by different departments like Revenue, Agriculture, Horticulture, Irrigation, Forest, Animal Husbandry, Sericulture, will be useful to make the scheme successful.
- (vi) Senior Officers of the rank of Deputy Conservator of Forests and above should attend atleast one meeting of each Village Forest Committee once in 6 months.
- (vii) The success of the scheme shall depend largely on relevant information and training provided to the members of the Village Forest Committees. Special care should be taken to provide frequent information to the Village Forest Committees; the members shall be trained properly in all aspects of forest management. Frequent visits by Village Forest Committee members to spots of spectacular success and failure may be arranged and regular self evaluation by the Village Forest Committees made. Such visits may be organised once in a year to areas outside the state where such programme have succeeded.
- (viii) Village Forest Committees should not become an extension of the Forest Department, but these shall be strong village bodies, having functional autonomy and independent bargaining power to get rural credits, bank loans and other genuine facilities. All the Government Departments should take special care to ensure this.
- (ix) On the request of the concerned Village Forest Committees, the Forest Department/Revenue Department shall hand over the areas available under their control (based on the priorities) and within the jurisdiction of the Village Forest Committees for the planning, management, development and conservation of the forests to the Village Forest Committees concerned, after M.O.U. is signed. No lease or grant of such lands to these Village Forest Committees shall, however, be permissible or made.
- (x) The areas to be handed over for planning, management, development and conservation to the Village Forest Committees shall be notified as JFPM forests, but will continue to be legally governed under the provisions of the Karnataka Forests Act.
- (xi) The areas already developed under plantation raised under various schemes like World Bank/ODA aided SF, NREP, RLEGP, DPAR, JRY and the plantations raised under various watershed development programmes may also be notified as JFPM forests but will also be simultaneously notified as "protected areas" in accordance with the provisions of the Karnataka Land Revenue Act before handing over the same to Village Forest Committees for its further management.
- (xii) Necessary amendments to the Karnataka Forest Acts, Revenue Acts and Societies Registration Act, shall be issued separately to enable Village Forest Committees to manage the areas assigned to them as per the management plans with full legal jurisdiction.
- (xiii) The Animal Husbandry Department shall advise Village Forest Committees on live stock management, including fodder development, stall feeding and improvement in cattle breed.
- (xiv) The Agriculture Extension Officer/Assistants shall advise the Village Forest Committee on different extension strategies to be evolved to motivate everybody in the village to become willing partners in the management of the forest lands

and other Government lands assigned to the Village Forest Committee, as a sustainable link with the culture and agriculture-based activities in the village.

- (xv) When the areas are closed for grazing, an attempt should be made to provide alternatives, especially to those belonging to poorer sections and landless.
- (xvi) An attempt shall be made to help Village Forest Committees in those areas where the majority is willing to participate in the programme.

17. Disposal of Forest Produce and Sharing

- (i) The beneficiaries identified through the Village Forest Committee will be entitled to grasses, leaves and fuelwood free of cost, from the JFPM areas of forests as well as other non-forest lands, upon fulfilment of the prescribed conditions. The beneficiaries shall also be entitled for lops and tops and prunings free of cost. The distribution of such produce will be supervised by the Managing Committee of the Village Forest Committee. The Managing Committee shall ensure a fair and equitable distribution of the above forest produces to all the right holders. The Committee may work out its own principles and mechanism for distribution or produce with a view to meeting the needs of the local population.
- (ii) Regarding disposal of minor forest produce/fruits, timber and fuelwood, the requirements of the local village should be treated as a first charge on such final produce. The surplus, after meeting the demands of the concerned villages, shall be disposed off by the Village Forest Committee through open public auction.
- (iii) As it would be difficult to determine exactly the local needs of the villagers in absolute terms, 50 per cent of the Minor Forest Produce, fruits, timber and final harvest shall until further orders be made available for local sale through Village Forest Committees to meet the needs of the local villagers at the rates to be fixed by the Forest Department from time to time. The balance 50 per cent of the Minor Forest Produce, fruits, timber and final harvest will be disposed off through public auction.
- (iv) The proceeds arising from the local sale by the village Forest Committee as well as those arising from the disposal through auction, after deducting all the expenditure incurred on the final harvest and auction, shall be shared between the Government, beneficiaries and the Village Forest Committee in the ratios mentioned below:

As far as the degraded forest lands and non-forest Government waste lands belonging to the Revenue Department are concerned, the sharing would be on the following pattern:

50 per cent to Government:

25 per cent to the beneficiaries through the Village

Forest Committee as per the rules to be framed for the purpose; and

25 per cent to a special fund to be called the "Village Forest Development Fund". This fund will be operated by the Village Forest Committees as per the rules to be famed by the Government in consultation with the Principal Chief Conservator of Forests.

18 Role of NGOs in the JFPM

- (i) The voluntary agencies/NGOs with proven track record may be involved for motivation and organisation of Village Forest Committees for planning, protection/regeneration and development of forest lands and other Government lands covered under JFPM. The State Forest Department should take full advantage of the expertise and experience of such voluntary agencies and NGOs. While drawing management plans, the NGOs should also be consulted.
- (ii) The NGOs shall perform all other functions in the ex-officio capacity of the members of the general body and the Managing Committee of the Village Forest Committee. The NGOs are not entitled to any benefits accorded under the scheme.
- (iii) If there are more than one active group of NGOs in the locality, one representative from each of such groups may be selected by the NGOs themselves and their names forwarded to the Deputy Conservator of Forests for nomination provided under the scheme.
- (iv) NGOs may play a supportive role in assisting Forest Department and Village Forest Committees to develop joint participatory management programmes and break the communication barriers.
- (v) NGOs may assist in disseminating the information regarding guidelines/resolutions for community involvement issued

by Government/Forest Department among village communities.

(vi) NGOs can play an effective role of an extension agency between Village Forest Committees and Government Departments.

19. Village Forest Development Fund

This Fund is created on the account of each Village Forest Committee. The initial expenditure required for opening of the account shall be met from the funds provided by the Forest Department in this regard. This fund shall be operated by the VFC as per the rules to be framed by the Government in consultation with the Principal Chief Conservator of Forests. Fines and penalties collected by the Village Forest Committee as stated under the above rules shall be credited to this fund. Besides, 25 per cent of the final disposal of forest produce as per para 17 above shall also be credited to this Fund. All payments received by Village Forest Committees shall be credited to this fund. Village Forest Development Fund shall be used only for the development activities of forest as per the approved management plan of the Village Forest Committees. In any way, this fund shall not be used for the benefits of the members personally or shared as profit among the members.

The operations of Village Forest Development Fund shall be in joint account system in the name of the chairman of Managing Committee of Village Forest Committee and the Member-Secretary i.e. Forester. However the maintenance of records and accounts relating to Village Forest Development Fund shall be the responsibility of the Member-Secretary as stated at paras 10(ix) and (x) and 12(1) to (iii) of the above.

20, Tree Patta Scheme

- (a) The main features of the scheme and conditions stipulated under it are as follows:
 - (i) It is proposed to grant "Tree Pattas" to the adjoining land holders both in rural and urban areas. Where no private lands exist about the road-side or canalside or where the private land holder is not willing, the tree pattas will be issued to other willing beneficiaries of the Village Forest Committee.
 - (ii) If no individual is willing to avail the facility of "Tree Patta", the Village Forest Committee shall be given the responsibility of managing the same. In case the Village Forest Committee is also not willing, the Forest Department shall maintain the trees along roadsides/canal sides. In urban areas, if individuals are not willing to avail of the scheme, the Forest Department will manage.
 - (iii) A nominal rental of Re. one per tree per annum shall be charged from the Tree Patta holder/Village Forest Committee.
 - (iv) Usufructs and minor forest products/fruits from trees on roadsides/canal sides shall be enjoyed by the Tree Patta holder free of cost provided he maintains the trees at his own cost after the 3rd year of its planting.
 - (v) The trees along roads/canalside lands shall not be cut except with the prior permission of the Forest Department in writing. Upon such permission being granted, the produce shall be shared between the Tree Patta holder and the Government in the ratio of 75:25. The grant of permission will also be subject to the Tree Patta holder agreeing to replant the area in the manner agreed upon between him and the Forest Department.
 - (vi) Beneficiaries are entitled for 100 per cent usufructs.
 - (vii) The trees will be enumerated, listed and handed over to the Tree Patta holder under these schemes.
- (b) To decide all matters concerning the grant and implementation of the "Tree Patta" Scheme, a Committee shall be constituted in each taluk consisting of the following:

Assistant Commissioner -

Chairperson

2. Assistant Conservator of Forests/Range Forest Officer.

Member-Secretary

3. Block Development Officer of the taluk

Member

4. Chairman of the concerned mandal panchayat

Member

5. Tahsildar of the taluk

Member

One prominent NGO's representative, if available (to be nominated by the Deputy Conservator of Forests).

Member

(c) All disputes relating to the grant or implementation of the "Tree Patta" Scheme shall be referred to the Deputy Commissioner of the District, whose decision thereon shall be final.

Extract from Department of Industrial Development letter No. 10/157/85-LP dated 17 February, 1987.

"With a view to ensuring that ecologically fragile regions in the country are protected from adverse effects of industries which emit harmful effluents, the Department of Environment in the Ministry of Environment and Forest have identified a list of districts which they consider as totally protected and also those districts where non-polluting industries could be located. They have also identified a list of industries which could be set up in these districts in the various States/Union Territories".

LIST OF INDUSTRIES THAT CAN BE CONSIDERED IN PROTECTED DISTRICTS

Subject to the fulfillment of the four conditions listed below, the following industries can be considered:

- Assembly of
 - Musical instruments
 - Scientific and surgical instruments
 - Domestic electrical appliances
 - Electronic equipment
 - Photographic and optical equipment
- 2. Cottage level units of
 - Handloom weaving
 - Cotton and woolen hosiery and garments
 - Handicrafts.

CONDITIONS:

- 1. Should be non-obnoxious and non-hazardous.
- 2. Setting up of the unit, appurtenant structures and other infrastructural facilities including approach roads do not involve:
 - (a) Forest and agriculture land
 - (b) Butting of hill features; and
 - (c) Removal of orchards, trees or mangroves.
- 3. Do not discharge any effluents of a polluting nature.
- Do not use fossil fuel in their manufacturing process.

LIST OF INDUSTRIES THAT CAN BE CONSIDERED IN NON-POLLUTION DISTRICTS

The following industries can be considered with adoption of suitable pollution control measures and fulfillment of the conditions as stated in List-II.

- 1. Rubber Processing Industries
 - 1. Repair of tyres and tubes
 - 2. Footwear (rubber)
 - 3. Rubber goods involving cold process only.

2. Solid Waste disposal

- 4. Composing
- Refuse incineration (controlled)

Food Processing Industries 3.

- 6. Flour mills
- 7. bakery products and confectioneries
- Malted food 8.
- Vegetable oils including solvent extracted oils. 9.
- 10. Milk processing
- 11. Chilling
- 12. Pasteurisation
- 13. Canned food including fruits and vegetables.14. Fragrance: flowers and food additives
- Aerated water/soft drink.

Assembly Units 4.

- Musical instruments
- 17. Scientific and surgical instruments18. Domestic Electrical Appliances
- 19. Electronic equipment
- Photographic and technical equipment. 20.

Annexure 7

PROCESS OF ENVIRONMENTAL IMPACT ASSESSMENT

At present, all public sector projects above a certain investment limit (Rs. 20 crores), or requiring funding from the Central Government, need environmental clearance. Only those private sector projects which either need forest clearance (under the Forest (Conservation) Act) or involved foreign assistance require prior environmental clearance.

The Ministry of Environment and Forests (MOEF) is responsible for assessing these projects and accepting or rejecting them from the environmental angle. For this purpose the Ministry has drawn up environmental guidelines for different sectors.

The project proponents are required to have prepared an environmental impact statement in accordance with the guidelines and submit this to the MOEF along with the required certificates from concerned State authorities. The MOEF has constituted standing appraisal committees of technical experts, professionals and representatives of concerned ministries, which appraise the project and recommend clearance, with or without conditions, or rejection.

A recent notification of January, 1993 (Annexure 3), if it is finally gazetted, would have expanded the scope of this process and made it applicable to both public and private sector and to a larger range of activities and investment levels. It would also delegate some of the authority for granting environmental clearances to the State Governments.

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