

# Report Summary

## High Level Committee to Review Acts Administered by the Ministry of Environment, Forest and Climate Change

The High Level Committee (Chair: Mr. TSR Subramanian) to Review Various Acts Administered by the Ministry of Environment, Forest, and Climate Change submitted its report on November 18, 2014.

The Committee reviewed the following laws: (i) Indian Forests Act, 1927, (ii) Wild Life (Protection) Act, 1972 (iii) Water (Prevention and Control of Pollution) Act, 1974, (iv) Forest (Conservation) Act, 1980, (v) Air (Prevention and Control of Pollution) Act, 1981, and (vi) Environment (Protection) Act, 1986. Key recommendations of the Committee are outlined below:

### Changes proposed to the legal and policy framework

- Currently, projects requiring environmental clearances are classified as category 'A' or 'B', with the former requiring approvals from the central government, and the latter from the State Level Environment Impact Assessment Authorities.
- The Committee recommends single window clearance for environmental approvals through a National Environmental Management Authority (NEMA) for category 'A' projects, and through State Environmental Management Authorities (SEMAs) for category 'B' projects. Additionally, the Committee recommends review the categorisation of projects as 'A' or 'B', and categorising a larger number of projects as category 'B'. These new authorities will also monitor compliance with conditions of approval.
- The Central Board of Pollution Control and State Boards of Pollution Control should be subsumed by NEMA and SEMA(s), respectively.
- The Committee recommends enacting a new law, the Environmental Laws (Management) Act, to give statutory status to NEMA and SEMAs. Under the proposed law, applicants for environmental clearances should be legally obliged to disclose all pertinent information relating to the application. The proposed law should outline penalties for non-disclosure of information, and non compliance with conditions of approval. Special Courts should be established to try cases related to the proposed law.
- A Board, headed by a retired judge of a High Court, should hear appeals against decisions of the

government on recommendations of the NEMA or SEMA. The National Green Tribunal will have the power of judicial review over the Board.

- The Committee also recommends establishing a national research institute for environmental research, creating a new All India Service relating to environmental management and creating an Environmental Reconstruction Fund.

### Amendments proposed to specific environment laws

- **Forest legislation:** Activity which threatens the environment should not be permitted in areas comprising 'protected areas', and forests with over 70% canopy.
- Key recommendations to alter the current procedure for granting forest clearances include: (i) geo-referenced maps of the Forest Survey of India should be used for faster verification of applications, (ii) a certificate under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 should not be required at the first stage of clearance, as is current practice, and (iii) gram sabha approval under this Act should be done away with for linear projects (roads, pipes, etc).
- Currently, user agencies must deposit money for compensatory afforestation of an equal amount of degraded revenue land, or in some cases, degraded forest land. The Committee recommends increasing compensatory afforestation to two times for revenue land, and to three times in degraded forest areas.
- **Wild life legislation:** Key recommendations relating to wildlife protection include: (i) Schedule I of the Wildlife Act, 1972 needs to be updated to include species threatened by illegal trade, (ii) the preparation of wildlife management plans by state government should be made mandatory, and (iii) the Wildlife Act, 1972 should be amended to provide for faster prosecution of wildlife crimes.
- **Water and air legislation:** The Committee recommended inducting relevant provisions of the Water (Prevention and Control of Pollution) Act, 1974, and Air (Prevention and Control of Pollution) Act, 1981 in the Environment (Protection) Act, 1986, and repealing these two Acts.

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