



PARLIAMENT OF INDIA RAJYA SABHA

**DEPARTMENT-RELATED PARLIAMENTARY STANDING
COMMITTEE ON SCIENCE & TECHNOLOGY,
ENVIRONMENT & FORESTS**

TWO HUNDRED SIXTY THIRD REPORT

ON

**HIGH LEVEL COMMITTEE REPORT TO REVIEW VARIOUS ACTS
ADMINISTERED BY MINISTRY OF ENVIRONMENT, FOREST & CLIMATE
CHANGE**

**(PRESENTED TO THE RAJYA SABHA ON THE 21st JULY, 2015)
(LAID ON THE TABLE OF THE LOK SABHA ON THE 22ND JULY, 2015)**



RAJYA SABHA SECRETARIAT

**NEW DELHI
JULY, 2015/ ASHADHA, 1937 (SAKA)**

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• *To be appended at printing stage*

**MEMBERS OF THE DEPARTMENT-RELATED PARLIAMENTARY
STANDING COMMITTEE ON SCIENCE & TECHNOLOGY,
ENVIRONMENT & FORESTS (2015-16)**

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 3. Shri Prem Chand Gupta
 4. Shri C.P. Narayanan
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SECRETARIAT

Shri M.K. Khan, Joint Secretary
Shri Rohtas, Director
Shri V.S.P. Singh, Joint Director
Shri Rajiv Saxena, Assistant Director

* Nominated w.e.f. 25th March, 2015.

PREFACE

I, the Chairman of the Department-related Parliamentary Standing Committee on Science & Technology, Environment & Forests, having been authorized by the Committee to present the Report on its behalf, present this Two Hundred and Sixty-third Report on High Level Committee Report to review various Acts administered by Ministry of Environment, Forest & Climate Change.

2. In the meeting of Committee held on 9th January, 2015, the Committee heard the views of Experts and Civil Society Organisations/NGOs on the report of the High Level Committee to review various Acts administered by Ministry of Environment, Forest & Climate Change.

3. The Committee expresses its thanks to the Experts and Civil Society Organisations/NGOs for presenting their views before the Committee and for replying to the clarifications sought by the Members.

4. In its meeting held on 3rd July, 2015, the Committee considered the draft report and adopted the same.

NEW DELHI:
3rd July, 2015

ASHWANI KUMAR
Chairman,
Department-related Parliamentary Standing Committee
on Science & Technology, Environment & Forests

Report

The Ministry of Environment, Forest & Climate Change administers a number of statutes enacted by the Parliament. These statutes *inter-alia* include:

- (i) Environment (Protection) Act, 1986;
- (ii) Forest (Conservation) Act, 1980;
- (iii) Wildlife (Protection) Act, 1972;
- (iv) The Water (Prevention and Control of Pollution) Act, 1974;
- (v) The Air (Prevention and Control of Pollution) Act, 1981; and
- (vi) Indian Forest Act, 1927.¹

2. Based on experience gained in the implementation of aforesaid Acts, the Ministry of Environment, Forest and Climate Change constituted a High Level Committee (HLC) under the Chairmanship of Shri TSR Subramanian, former Cabinet Secretary, on 29th August, 2014, to review the above six major Acts that protect country's environment and to suggest appropriate amendments to bring them in line with their objectives.

3. The Terms of Reference of the High Level Committee were as follows:

- (i) To assess the status of implementation of each of the aforesaid Acts vis-à-vis the objectives;
- (ii) To examine and take into account various court orders and judicial pronouncements relating to these Acts;
- (iii) To recommend specific amendments needed in each of these Acts so as to bring them in line with current requirements to meet objectives; and
- (iv) To draft proposed amendments in each of the aforesaid Acts to give effect to the proposed recommendations.

The Committee was required to submit its report to the Ministry within two months from the date of its constitution. The tenure of the Committee was, however, extended by one month *i.e.* upto 28.11.2014.

4. The Committee submitted its report to Government on 18th November, 2014. An executive summary of the Report, as provided in the High level Committee Report is appended at Annexure- I. In addition, the specific recommendations of the high level Committee are appended at Annexure-II.

5.1 The recommendations of the Committee elicited widespread reaction and criticism as reported in the media. It was also commented that the Report was hurriedly prepared without comprehensive consultations with Experts/Institutions/NGOs etc. and therefore needed further scrutiny.

5.2 In this backdrop, the Department-related Parliamentary Standing Committee on Science & Technology, Environment & Forests, decided to take up the Report of the High Level Committee for examination and report. The Committee invited memoranda from various stakeholders on the recommendations of the High Level Committee. A list of stakeholders from whom memoranda were received is at Annexure III. The Committee heard the views of the experts/Civil Society Organisations/NGOs on the issue at its meeting held on the 9th January, 2015 (list of those who deposed is at Annexure IV) on the various recommendations of the Subramanian Committee Report and its likely impact on Environment, Forests and Wildlife. The representatives of the Ministry of Environment, Forest & Climate Change were also present in the meeting.

Summary of objections from the Civil Society organisations/Experts/NGOs

6. While deposing before the Committee, almost all representatives of Civil Society/NGOs and experts expressed serious reservations on the recommendations contained in the High Level Committee Report. Some of the objections are delineated in the following paragraphs:-

7.1 A threshold objection was raised with regard to the composition of the Committee on the ground that none of the persons who were Members of the Committee had any

¹ Added *vide* Ministry of Environment, Forest and Climate Change office order dated 18th September, 2014.

expertise in the field of environment and wildlife. Further questions as to whether the Minister of Environment, Forest & Climate Change was empowered, under a notification issued by the Ministry, to constitute a High Level Committee were also raised because as per convention, an HLC can be constituted only by the Prime Minister and not by individual Ministries.

7.2 It was submitted by almost all those who deposed that the High Level Committee did not hold enough and adequate public hearings to elicit public views. Only select groups were invited in the meetings organised in a few metropolitan cities. Among smaller cities, only in Mangalore, environmentalists and other stakeholders were invited to a meeting. A wide spectrum of civil society representatives, environmentalist and other stakeholders were not given an opportunity to express their views. In addition, word limit for public comments was restricted to 1,000 characters which meant 120 to 150 words only. Elaborating the point Shri Ritwick Dutta of Legal Initiative for Forest and Environment (LIFE), New Delhi stated that there was genuinely no public meeting that took place. No villages and no critically-polluted areas were visited by the HLC. Shri Ravi Chellam of Bombay Natural History Society stated that since interactions with the public were based on invitation, they had an access to the Committee. There was hardly any public consultation and the geography of these meetings was also pretty restricted. It was suggested strongly that the draft report should be made available to the public for comment. Unfortunately, that also did not happen.

7.3 The HLC report proposes a new law, the Environmental Laws Management Act (ELMA) but how this will be harmonised with the present Environmental Protection Act as well as Water Act and Air Act, is still to be worked out.

7.4 The recommendations of the HLC report will not empower regulatory agencies to safeguard the environment. In many cases implementation of the High Level Committee Report will lead to multiplicity of institutions and authorities with little strength, power and capacity in the institutions such as the proposed National Environmental Management Agency and State Environmental Management Agency. Ms. Sunita Narain, Director, Centre for Science and Environment, New Delhi in this regard stated that the Report does not go far enough, and, therefore, it needs more work because there is a need for reform, and, there is a need for strengthening the existing legal framework but the Report does not go far enough to do what needs to be done to actually improve the system. It will add to multiplicity of institutions and authorities. Biggest problem in environment is that there are too many institutions with too little strength, power and capacity in the institutions.

On this point, Shri Chandra Bhushan of Centre for Science and Environment stated that HLC recommendation to keep Environmental Protection Act as well as Water Act and Air Act will lead to multiplicity of laws. Similarly, the Committee's recommendation of National Environmental Management Authority (NEMA) and State Environmental Management Authority (SEMA), was not thought through simply because different States will have different requirement of institutional structure for environmental governance in India. In fact, HLC recommendation, and the draft model law, is going to bureaucratize the environmental governance in the country. The HLC did not discuss many details but had time actually to discuss that the head of NEMA and SEMA should be Additional Secretary of the Government of India. A lot more thought needs to go into deciding what kind of an institution this country needs in the future. Already there are National Green Tribunal; District Courts; High Courts and the Supreme Court. The HLC is recommending to add two more institutions, an appellate authority as well as District Courts.

7.5 It was further suggested that the HLC report has not holistically addressed the issue of rooting out arbitrariness from the process of enforcement, and that the recommendations of the HLC report do not touch upon the challenge posed by the lack of institutional capacity on the part of regulatory and enforcement institutions to monitor the enforcement of existing laws.

7.6 Engaging the public, creating awareness and promoting people's involvement are essential in strengthening and securing the environment. The HLC report is silent on ways to ensure greater public participation in this respect. In this connection, Ms. Sunita Narain, Director, Centre for Science and Environment, New Delhi stated that the environmental governance in India needs to be made much more coherent and streamlined. From that point of view, they are not saying that they are against the setting up of an effort to look into the reforms of the system. People are the ones who are worst affected by environmental mismanagement and their voice needs to be strengthened and not weakened in the process. The HLC Report talks about stronger monitoring and enforcement system but, it just does not build a strong enough case on how it will actually have a strengthened monitoring and enforcement system. The fear is that the Report could be taken selectively by the Government. There are certain parts of it which are relatively good but needs strengthening. There are certain parts of it which are not so good and their worry was that these might be taken selectively. Whereas Ms. Sejal Worah, Programme Director, World Wildlife Fund for Nature India, New Delhi stated in this regard the big area of concern was the issue of public participation and the project approval process. There are a number of things about genuine public participation, what was allowed in a public participation, who is allowed to participate, etc. The fact that people downstream, people away from the actual project site, might be even more affected than people near the project site and to not allow them a say in the public hearing process is just wrong. There is need to look at these clauses again because it just disempowers civil society in the process and, it will probably lead to just more unrest and more delays and more problems.

7.7 The HLC has not done a thorough legal audit and is guilty of inadequate review of existing legal architecture and the rich case law. The Committee, for instance, has not looked into the recommendations of the National Environmental Policy, 2006. Dr. Prodipto Ghosh, Distinguish Fellow, The Energy Research Institute (TERI) on inadequate review of the existing law stated that the Report has overlooked what already exists. HLC has not been sufficiently diligent in reviewing the material already on record. Plantation of approved species on private lands could be considered for compensatory afforestation with facility for 'tree land' trading. There is a provision on environmental offsetting in the National Environment Policy. It says that environmental offsetting must essentially seek to restore as nearly as may be feasible the same environmental services to the impacted public. What the trading would do is that it may simply facilitate trading in plantations which have no particular bearing on the loss of environmental services, like soil conservation, water conservation and so on, to the particular communities which are impacted by the diversion of forest land in a particular project. The conceptual basis already exists in the Kanchan Chopra Report, which is reflective of the principles of environmental economics. The HLC has not looked into what the National Environmental Policy has to say and the point is that in the early seventies, some 600 protected areas aggregating the size of the State of the Tamil Nadu were notified without proper examination of ecological aspects through scientific due diligence, and, this was really the root cause of the problem of man-animal conflict that is seen around the protected areas. The imperative really is, and, the National Environmental Policy does, in fact, say this, that is to that the total area under protected areas increases and delineation must be done protected area by protected area, taking into account the requirement of wildlife corridors on a proper ecological assessment. This was something which the HLC could have looked into.

7.8 On the issue of Compensatory Afforestation, HLC has recommended that the Compensatory afforestation guidelines be revised; Compensatory Afforestation (CA) on revenue land to be enhanced to 2:1 as against 1:1 at present; CA in degraded forest land be now fixed at 3:1; the Net Present Value (NPV) should be at least 5 times the present rates fixed. An appropriate mechanism to be created to ensure receipt of the CA funds, and their proper utilisation, delinking the project proponent from the CA process, after he obtains other approvals, and discharges his CA financial obligations.

7.9 Representatives of Civil Society and environmentalists were of the view that Compensatory Afforestation approach which was currently largely limited to tree plantation, therefore it should be replaced by ecological restoration. All restored areas should be designated as Reserved Forests for their long-term protection and to safeguard from land-use change. Ecological restoration should mandatorily involve ecologists and subject experts as well as appropriate local communities. The Experts cautioned that in many instances states have claimed that they do not have enough land available for compensatory afforestation/ecological restoration. It was also opined that the NPV should be increased 5 times the current values. The NPV rates that are fixed should reflect the value of the land and the ecological services that it provides. The NPV rate should be revised every three years. Funds raised from NPV should be used only for restoration and regeneration of degraded lands/habitats. On this point Shri Ravi Chellam, Bombay Natural History Society while deposing before the Committee stated that there is need to clearly make the distinction between trees and forests, and tree lands should not be part of the forest statistics provided by the FSI. Tree lands are a poor substitute for natural forests. Invariably one or two species, which are extremely poor species, do not provide the eco system services or home to the biodiversity that natural forest will hold. And, tree land should not be a part of the compensatory afforestation system at all because when land is diverted, it is not just forest which is diverted; all other kinds of lands are also diverted. Any attempt to compensatory afforestation should actually be ecological restoration rather than just afforestation. Afforestation is presently understood as merely planting, and it needs to move away from planting to ecological restoration. On Net Present Value, Shri Shankar Gopalakrishnan, Secretary, Campaign for Survival and Dignity, New Delhi added that the HLC recommendation to increase the amount of money to be paid for compensatory afforestation and the Net Present Value was being presented as a pro-environment recommendation. This was nothing of the kind. The payments that are required for Net Present Value and compensatory afforestation, for a large corporation entering into a large project, such as a mine or a dam. These compensations constitute less than one to two per cent of the project cost. So, this is no inconvenience for them. They would, in fact, be quite happy to pay even larger sums of money. Where this, in fact, becomes a problem is in the small minority of genuinely locally-beneficial projects, such as drinking water pipelines, schools and so on where a Government agency has to pay this sum of money to the Forest Department, and it is unable to do so because it is beyond their budgetary allocations. So, this recommendation will also, in no sense, protect the environment. This is also not a rational way of responding to a regulatory problem. Compensatory afforestation is no solution to forest destruction. The plantations that are made do not replace natural forests either in biodiversity terms or in terms of services to the local people. The HLC has stated that compensatory afforestation should be done in ecologically-sensitive way. These words have been repeated in every policy of the Government of India for the last 15 years. References exist in the Compensatory Afforestation and Management Planning Authority guidelines (CAMPA guidelines) which currently govern the expenditure of NPV money. Despite these guidelines, this money is being used to buy guns, radios, jeeps and to set up Forest Department houses. So, the payment of this money is extremely difficult to spend in any rational or useful way. It is, in no sense, a substitute for genuine regulation. The critical issues that have been completely ignored by the HLC, is that the entire process is built around information provided by the project proponent.

7.10 The Forest Rights Act, 2006 and The National Green Tribunal Act were not part of the mandate of the High Level Committee, but the Committee has given recommendations which refer to the areas which are strictly in the domain of the Forest Rights Act, 2006 and the NGT Act. HLC has overreached its mandate. Shri Ritwick Dutta of Legal Initiative for Forest and Environment (LIFE) while echoing the same view, stated that the National Green Tribunal and the Forest Rights Act were not included in the Terms of Reference of HLC. The HLC knew that these are the two laws which have worked and which are the hope for

environmental movement and have given a new voice and a new right to the forest dwellers and the National Green Tribunal is dealing with more than 5,000 cases. On this HLC recommendation says that the appeal against an environmental clearance will be filed before an appellate body to be comprised of two serving Secretaries to the Government and a retired High Court Judge, who will then hear the appeal, and, within 30 days the appeal will have to be filed. Sixty to seventy per cent of the appeals in the NGT are dismissed because people can't file appeals within ninety days. And, it is now being changed to 30 days!

7.11 The HLC has invoked the principle 'utmost good faith' in corporations/individuals, but, at the same time, there seems to be a lack of faith in local communities because there is an attempt at diluting public consultations. The dispensing of Gram Sabha consent for linear projects was objected to by the Experts. Shri Ravi Chellam of Bombay Natural History Society on the issue was of the view that it was a little curious that we have utmost good faith in corporations, but, at the same time, there seems to be a lack of any faith in local communities because there is an attempt at diluting public consultations, giving a say for *gram sabha* in decision making while we are expected to trust the corporation. At least, in India and definitely globally also, the track record completely indicates otherwise. Dr. Asad Rahmani, Director, Bombay Natural History Society, Mumbai, while associating himself with the issue, expressed very serious concern with regard to the whole dispensing of Gram Sabha consent for linear projects. He argued that it was extremely undesirable aspect especially because, on the one hand, the HLC says that linear projects will be welcomed by the Gram Sabha, and, on the other hand, it says, they don't want their consent. So, there seems to be a bit of contradiction there. That needs to be looked into.

7.12 The other recommendation that has invited serious concern is clause 7.1 of the report which is about according special treatment for certain projects. This includes linear projects i.e. roads, mining, power, strategic projects and that the projects of national importance, etc. Experts are of the view that all projects should be treated the same except for projects relating to defence or of strategic importance and that the environmental impact of every project should be clearly assessed through the normal process. Ms. Sejal Worah, Programme Director, World Wildlife Fund for Nature India, New Delhi on this issue while deposing before the Committee argued that there are a large number of projects which have been proposed for special treatment. This includes linear projects, mining projects, power projects, strategic projects, projects of national importance, etc. Nothing was left out when are look at this list of projects that need not go through a process of normal clearances. All projects should be treated the same and that the impacts of every project should be assessed very clearly and then go through the normal process, and no project should be considered as fast track or special projects because once we have lost something, it is irreversible. We are not going to get it back whereas we can look for alternatives to minimise impacts if we look at projects in their entirety rather than fast tracking them. Shri Shankar Gopalakrishnan, Secretary, Campaign for Survival and Dignity, New Delhi was also of the same view on linear projects. He stated that the critical problems with the clearance system that India has today have been completely ignored by the HLC. In fact, the clearance process already depends almost entirely on information submitted purely by the project proponent. The Environment Impact Assessment is paid for by the company. The proposal is produced by the company. In the forest clearance process, all the reports are prepared either by local officials or by the concerned project proponent. So, we already have a system that effectively relies entirely on the project proponent and we have seen the results of that system and to take this to a further extreme by incorporating a principle of utmost good faith in law, will make the current irrational system even worse. In fact, a vast majority of projects that have been cleared in forest areas since the 1st of January, 2008 have been cleared illegally because the Forest Rights Act implementation was not complete and consent had not been taken. However, the only thing that these provisions offer was that very few people in the area would come to know that a project is happening. Without these processes that requires some level of public notice, people who are affected by projects do

not even know that a decision is being taken that may destroy their entire livelihood or their lives until the stage at which construction begins. Yet, the HLC wishes to effectively remove this requirement in the case of linear projects. It wants to remove the requirement of public hearings where it claims that there are no settlements, where the pollution load has already been predetermined, where local conditions are not conducive. In all these cases, they say that public hearings may be dispensed with.

7.13 On the issue of identifying and specifying 'No Go' areas, it has been argued by HLC that protected areas and forest cover would be with over 70 per cent canopy. HLC's recommendations in this regard will leave large tracts of forest areas, natural forests, and areas of high endemism of genetic resources open to encroachment causing severe and irreparable ecological imbalances. Dr. K. Ullas Karanth, Director, Centre for Wildlife Studies, Bengaluru while deposing before the Committee stated that the premise in the HLC's approach that somehow the Conservation Laws have been the reason why our economy is in doldrums seemed questionable. We have a trillion dollar economy, that is, the tenth largest in the world which is linked to global economic cycle. What is forgotten is the fact that the most strictly protected parts of India's landscape occupies less than 4 per cent of our land. If a country cannot have economic growth, social equity, gender equity and all other social progressive things in 96 per cent of the land, I don't think sacrificing this remaining 4 per cent is going to speed up either economic growth or, in any way, really demonstrate progress that is different from what has been there. This perception is wrong that there is a huge amount of area in the country that is locked away and not available for progress. All the protected areas add up to less than 4 per cent and if you actually look at it this is legally protected area. If one examines the presence of manpower, presence of resources, reasonable management, terrestrially it is less than 2 per cent. The country occupies a unique position on the earth not because of anything that we did but because of millions of years of evolution we are strategically placed on the globe. Because of that, although India occupy 2 per cent of the surface, we have 15 per cent of the world's birds, 7 per cent of the world's mammals and one of the largest diversity of carnivorous mammals. 25 per cent of the world's carnivores exist in India. So, this incredible diversity was created due to ecology and due to geology primarily. To say that by just giving this away and doing something in the next ten or fifteen years to sacrifice it we are going to speed up the economic growth is a premise that does not seem credible. Explaining the point Ms. Belinda Wright, Executive Director, Wildlife Protection Society of India, New Delhi added that the idea of forest cover of over 70 per cent canopy is simply not workable. There are some really, really critical, important and amazing areas which don't have 70 per cent canopy and, of course, that includes grasslands, wetlands, deserts, which are extremely vital eco systems, which actually need to be protected. Shri Ravi Chellam, Bombay Natural History Society also argued that India has an amazing diversity, ranging from deserts to high icy mountains to deep oceans. All of which hold biodiversity, all of which provide eco system services and all of which require some element of protection. So, 'no go' area should cover the habitat and eco system diversity of this country. Several endangered populations of endangered species, several sights of migratory birds, migratory mammals and migratory reptiles do not find representation in protected areas and high canopy forests. There are several sights of geo-morphological and evolutionary significance which also need protection under 'no go' areas. 'Corridors' is another thing, and many corridors don't have protection as protected areas and where corridors get disrupted is where our highest levels of conflicts take place. So, corridors also should find some protection under 'no go' areas.

8. Comments of the Ministry of Environment, Forest and Climate Change were invited to the objections raised by various stakeholders. A statement indicating objections made and comments of the Ministry thereon are at Annexure V.

Conclusion

9. **Considering the various objections as aforesaid and comments of the Ministry, the Committee finds that objections raised by members of civil society/NGOs/experts**

are prima facie valid and require serious reflection. The Committee is of the view that the period of three months allotted to the High Level Committee for reviewing the six environmental Acts was too short and that there was no cogent reason for hurrying through with the Report without comprehensive, meaningful and wider consultations with all stakeholders.

10. The Committee, therefore, recommends that the Ministry of Environment, Forest & Climate Change, instead of proceeding with the implementation of the recommendations contained in High Level Committee Report, should give due consideration to the views/opinion and objections raised by stakeholders including environmental experts. Some of the essential recommendations of the HLC have been doubted and would result in an unacceptable dilution of the existing legal and policy architecture established to protect our environment. Further, an impression should not be created that a Committee whose constitution and jurisdiction are itself in doubt, has been used to tinker with the established law and policy. Should the government wish to consider specific areas of environmental policy afresh, it may consider appointing another Committee by following established procedures and comprising of acclaimed experts in the field who should be given enough time to enter into comprehensive consultations with all stakeholders so that the recommendations are credit worthy and well considered which is not the case with the recommendations of High Level Committee under review.

Annexure I

Executive Summary of Report of the High Level Committee on Forest and Environment Related Laws

(i) The management of the forest/environmental issues is a continuum with interlocking relationship between legislation, rules, regulations and executive instructions. Overall, forest and environment policy is inextricably intertwined with implementation issues in all its dimensions. The Committee covered the entire gamut of issues, with consultations to the best extent possible, on matters including laws, procedures, regulations, implementation issues and monitoring. While India has a strong environmental policy and legislative framework, much of the problem relates to weak implementation of the various acts and the rules thereunder. Conservation advocates, project proponents and judiciary – none is satisfied with current environmental governance and the policy tools currently deployed in the management of the sector. The basic principles applied by the Committee, inter alia, included primacy to conservation of the environment; reconstruction of degraded environment; transparency in the management of environment; technology-aided speedy and accountable decision making for project approval; effective monitoring; capacity building in environmental management; and elimination of ambiguity and reduction in litigation. The recommended framework relies primarily upon the principle of integration of development with environmental concerns, transparent institutional governance, accountability; effective deterrent and punitive action, and governance with the aid of technology to the extent feasible. Accordingly, the Committee has not just suggested new legislation, it has also provided a roadmap for amendment of existing rules, regulations, procedures and executive directions; it has also called for review of current policy, for the consideration of the MoEF&CC.

(ii) The primary focus of environmental and forest governance in the country needs to be re-aligned through a series of structural and process-oriented changes. While the pace of diversion of forest land has decreased in recent years, the target of 33% of land area as forest cover is a long way off; the more disturbing aspect is that the quality of forest cover has seen a secular decline. New forestation policies to attract investment of growing forests in private land, and providing a statutory safeguard – a classification of ‘treelands’ as distinct from ‘forest’ has been recommended. Early definition of the term ‘forest’, to remove ambiguity and minimise litigation has also been suggested.

A revision in the Compensatory Afforestation (CA) Policy has been outlined with the following key features – double CA area in revenue land, three times CA area in degraded forest land, encouragement to industry associations and other holders of private land to participate in CA; clarity in procedures, as well as delinking the project proponent from CA obligations after he fulfils the necessary financial commitments, are some features in the proposed approach; the Committee also recommends that the net present value (NPV) of forest land is currently underestimated, and should be increased at least five times.

(iii) The Committee also has recommended identification of ‘no go’ areas, which are in forest areas or inviolate zones – primarily with the criteria of over 70% canopy cover and ‘Protected Areas’ which should not be disturbed except in exceptional circumstances, and that too only with the prior approval of the Union Cabinet.

(iv) The Committee has recommended revisions in ‘Wild Life Protection Act and Rules’; and sought obligatory preparation of wild life plans. Enhanced punishment for offences under the WLP Act, with a stronger process for registration and prosecution has also been suggested. Eco sensitive zones around protected areas need to be demarcated unambiguously at an early date.

(v) A new project clearance mechanism, based on the ‘single window’ concept, with a unified, integrated, transparent and streamlined process, which would also significantly reduce the processing time, has been elaborated. Use of GIS reference maps, combined with use of multilayer data captured through satellite imagery for relief and topography, hydrology including underground water resources, soil characteristics and settlement patterns etc. would be used for preliminary screening and speedy process of project clearance applications using available technology. Newly proposed full time expert body National Environmental Management Authority (NEMA) at the Centre, and State Environmental Management Authority (SEMA) would be the premier institutions to evaluate project clearance, using technology and expertise, in a time bound manner, providing for single window clearance (the existing Central Pollution Control Board and corresponding State agencies would be subsumed respectively in NEMA and SEMA when they come into existence). A ‘fast track’ procedure for ‘linear’ projects which provide benefit to community at large, as well as power/ mining projects, as also projects of national importance has been recommended. A new concept of ‘utmost good faith’ has been inducted, through a new legislation, to ensure that the applicant for clearance is responsible legally for his statements, but would be severely penalized, as prescribed, for any deliberate falsehood, misrepresentation or suppression of facts. While this would throw the responsibility primarily on the project proponent, this would also significantly reduce ‘Inspector Raj’.

(vi) Environmental Management policies and programmes, and environmental mapping of the country, will facilitate pre-identification of locations for industries. The Committee recommends that the ‘environmental reconstruction cost’ of a project should be estimated and dovetailed with the project; the cost being recovered to be realised as a cess or duty during the life of the project. Noting that current procedures for monitoring conditions imposed are ineffective, a regime based on technology, along with deterrent penal action has been outlined by the Committee. The framework of penal provision includes financial burden as well as imprisonment in appropriate cases.

(vii) Some of the new institutional arrangements proposed include creation of an Environment Reconstruction Fund (ERF); establishment of a high quality National Environment Research Institute; creation of a new All India Service – Indian Environment Service; regular review of quality of forest cover and forest management; creation of a national ‘data base’ etc. Attention has also been drawn to the need to deal effectively with urban waste, as also air-pollution in cities, primarily caused by motor vehicles.

(viii) A new model ‘umbrella’ law, ELMA, {Environment Law (Management) Act} to give a statutory cover to the above has been recommended, incorporating inter-alia the concept of utmost good faith, as also the proposed national institutions and agencies. ELMA

will, inter alia, strengthen the process of dealing with and penalising/ prosecuting non-performance of conditions of project clearance. As decisions are taken on the above, including the proposed new legislation by government, at the next stage the Air Act and the Water Act could be clubbed and merged with the EP Act.

ELMA also provides for an appellate mechanism against the decision of SEMA/ NEMA/ MoEF&CC as the case may be, in respect of project clearance, prescribing a three-month time limit for disposal of appeals.

(ix) The specific recommendations are listed, ad seriatim, in Chapter 10.

Annexure-II

Summary of specific recommendations of T.S.R. Subramanian Committee Report

1. Identify and pre-specify 'no go' forest areas, mainly comprising PAs and forest cover over 70% canopy. (Para 5.4).
2. It is suggested that the Ministry may define the term 'forest' at an early date. (Para 5.5).
3. To offer economic incentives for increased community participation in farm and social forestry by way of promoting and proving statutory safeguards to 'treelands' as distinct from 'forest'. (Para 5.6)
4. Plantation of approved species on private lands could be considered for compensatory afforestation with facility for 'treeland' trading. (Para 5.7).
5. Revise procedure for clearance under FC Act as above, which is intended to reduce the time taken, without compromising the quality of examination. For linear projects, it is recommended that FR Act needs amendment to consider removal of the condition of Gram Sabha approval. (Para 5.10).
6. The Compensatory afforestation guidelines be revised; CA on revenue land to be enhanced to 2:1 as against 1:1 at present; CA in degraded forest land be now fixed at 3:1; the NPV should be at least 5 times the present rates fixed. An appropriate mechanism to be created to ensure receipt of the CA funds, and their proper utilisation, delinking the project proponent from the CA process, after he obtains other approvals, and discharges his CA financial obligations. (Para 5.11)
7. The quantum of NPV for compensatory afforestation needs to be sharply increased. A reliable mechanism for ensuring that CA is actually implemented, utilising either private or forest land, needs to be put in place. (Para 5.12).
8. Schedule 1 to be amended to include species likely to be threatened by illegal trade. An expert group should review the existing Schedules and address discrepancies relating to several species and sub species. (Para 6.2)
9. Regarding the issue of tackling damage to agriculture and farmland by amendments in Schedule 3, the MoEF&CC may issue circulars to all States apprising them of the legal position, suggesting that they may take appropriate action based on legal provisions. (Para 6.3)
10. Preparation of Wildlife Management plans should be made mandatory and a provision to this effect inserted in the Wildlife Protection Act, 1972. (Para 6.4)
11. Section 26A sub section (3) and section 35(5) should be amended so that permission from the Central Government would only be necessary when the State Government proposes to reduce the boundaries of an existing PA. (Para 6.5)
12. Manufacture and possession of leg and mouth traps should be completely prohibited, except where they are required for visual display for educational purposes. (Para 6.6)
13. Officers entrusted with the task of settlement should be given minimum tenure of 2 years. Regular review of such work should be done to ensure completion within time. (Para 6.7)
14. 'Expert' status may be given to the forensic facility of WII, after suitably strengthening it. (Para 6.8)

15. Section 50 and 55 of the WLP Act may suitably provide for adequate and purposeful delegation appropriate for faster and better prosecution in respect of a wildlife crime. (Para 6.9)
16. There is need to authorise officers of the Wildlife Crime Control Bureau under the MOEF&CC to file complaints in Courts.(Para 6.10)
17. Polythene bags and plastic bottles may be added to the banned list in Section 32.(Para 6.11)
18. Ministry of Environment, Forest & Climate Change to take immediate steps for demarcation of eco-sensitive zones around all the protected areas; States may be asked to send proposals in a time-bound manner. (Para 6.12)
19. Powers to approve applications for bona fide observational research, through photography, including videography may be delegated to the level of Park Director, after verifying the credentials. (Para 6.13)
20. The Schedules should provide appropriate provision for taking into account the needs of local festivals, subject to no harm or injury to animals. (Para 6.14)
21. Proposal to revamp this project clearance/ approval process. (Para 7.7)
22. Create National Environment Management Authority (NEMA) at Central Level and State Environment Management Authority (SEMA) at the State level as full time processing/ clearance/ monitoring agencies.(Para 7.8)
23. Proposed composition, functions and responsibilities of NEMA. (Para 7.9)
24. Proposed composition, functions and responsibilities of SEMA.(Para 7.10)
25. The proposed revised project approval process envisages 'single-window' unified, streamlined, purposeful, time-bound procedures.(Para 7.14)
26. Special treatment for linear projects, power/ mining and strategic border projects. (Para 7.15)
27. Review of A/B category units, to delegate a large number brought under the purview of SEMA.(Para 7.16)
28. The present monitoring processes, exclusively based on physical inspection should be strengthened by induction of technology, measuring instruments incorporating latest improvements; the standard setting and verification systems need to be tightened, to ensure all violators are identified. (Para 7.18)
29. (i) To create a new 'umbrella' law – Environmental laws (Management) Act (ELMA) – to enable creation of the institutions NEMA and SEMA.(Para 8.2)
(ii) To induct the concept of 'utmost goodfaith', holding the project proponent responsible for his statements at the cost of possible adverse consequences; thus also contributing to reduction in 'inspector raj'.(Para 8.2)
30. The new law prescribes new offences, as also for establishing special courts presided over by session judge. 'Serious offences' as defined to attract heavy penalties, including prosecution/ arrest.(Para 8.4)
31. Abatement of central and State Pollution Control Boards on creating of NEMA/SEMA.(Para 8.5)
32. Suggestion for incorporation of noise pollution as an offence in EP Act. (Para 8.6)
33. Procedure for appeals – creation of an appellate tribunal.(Para 8.7)
34. Judicial Review role for NGT.(Para 8.8)
35. i) Establish a National Environment Research Institute, through an Act of Parliament. (Para 9.1) – SEMA
ii) Identify specific technical institutions/ universities in India to act as technical advisors to the proposed NEMA/ SEMA and other environmental enforcement agencies, to provide credible technical back-stopping for management of the environment. (Para 9.1)
36. An Indian Environment Service may be created, as an All India Service, based on qualifications and other details prescribed by MoEF&CC/ DoPT/ UPSC. (Para 9.2)

37. The Indian Forest Service may encourage specialisation in various aspects of forestry and wildlife management, among the members of the service, as well as familiarity with all aspects of management of environment. (Para 9.3)
38. The MoEF&CC may like to undertake a comprehensive review of departmental forest management policies, practices and procedures, to initiate wide-ranging improvements and reforms. This preferably should not be an internal exercise, and should include independent knowledgeable experts from India and abroad, as well as qualified researchers. (Para 9.4)
39. MoEF&CC may consolidate all existing EIA Notifications/ circulars/ instructions into one comprehensive set of instructions. Amendments or additions may normally be done only once a year. (Para 9.5)
40. The MoEF&CC may arrange to revamp the Environment Protection Act, by inducting relevant provisions of the Water Act, 1977 and the Air Act, 1981 ; the latter two could be repealed, when the revamped EP Act, 1986 comes into force. This exercise may be done keeping in view the provisions of the proposed Environment Management Act. (Para 9.6)
41. Create an Environment Reconstruction Fund for facilitating research, standard setting, education and related matters. (9.7)
42. a) While overall responsibility vests with the Ministry, it is expected that the State Governments and the local bodies will play an effective role in management of the environment.
b) The Governments should provide dedicated budgetary support for environmental programmes as a part of each development project in all the sectors. (Para 9.8)
43. There is urgent need for creation of a comprehensive database, using all instruments available, on an on-going basis, in respect of all parameters relating to environment. (Para 9.9)
44. Environmental mapping of the country, using technology, should be undertaken as an on-going process. (9.10)
45. Identification & recovery of environmental reconstruction cost relating to each potentially polluting unit should be in-built in the appraisal process.(9.11)
46. The system of empanelment of 'consultants' needs to be reworked. (9.12)
47. A 'green awareness' programme need to be sponsored, including interweaving issues relating to environment in the primary and secondary school curriculum. (9.13)
48. MoEF should prepare regional plan for carrying out remediation of polluted sites in consultation with the State Governments and enabling provisions should be incorporated in EP Act for financing the remediation task.(Para 9.14)
49. Municipal Solid Waste (MSW) management has not been given requisite attention hitherto. New systems and procedures for handling MSW need to be in place early, for effective management of MSW and with accountability. Cities should set a target of reaching 20% of current levels in 3 years time to work out a mitigation plan. (Para 9.15)
50. Noting that vehicle emissions are the major cause of deterioration of air quality in urban areas, a concerted multi-pronged effort needs to be launched to not only to contain it, but to improve the situation in relatively short time.(Para 9.16)
51. Use of science and technology, wherever possible and appropriate should be encouraged; approval and enforcement agency should use latest technology to the maximum possible.(Para 9.17)
52. The MoEF&CC may finalise the CRZ demarcation, and bring it into public domain to pre-empt ambiguity.(Para 9.18)
53. In view of the key role played by the power sector, as also mining of various minerals in national development, NEMA may have a suitable cell, with

specialisation, to speedily deal with environmental approvals in these sectors, with due regard to environmental considerations.(Para 9.19)

54. All specified type of units would employ fully qualified technical personnel to manage their pollution control/ management equipment, and to keep the emission levels within prescribed limits. (Para 9.20)
 55. MoEF&CC may consider reworking standard-setting and revising a system of financial penalties and rewards to proceed to a market-related incentive system, which encourages 'green projects'. (Para 9.21)
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Annexure III**List of representations/Letters received on the T.S.R. Subramanian Committee Report to the Department Related Parliamentary Standing Committee on Science & Technology, Environment & Forests**

Sl. No.	Name	NGOs
1.	Shri Mahesh Pandya	Paryavaran Mitra, Ahmedabad.
2.	Shri Cleetus J.	K.R.C.
3.	Shri Sameer S. Shirodkar/ Shri Dilip Salvekar	Chamber of Small Industry Associations, Thane, Maharashtra.
4.	Dr. Ajith Kumar	National Centre for Biological Sciences, Bangalore.
5.	Shri Sai Manon Paikattil	Individual, Doha, Qatar.
6.	Shri Sabyasachi Patra	IndiaWilds, New Delhi.
7.	Dr. Jean-Philippe Puyravaud	Individual
8.	Shri Abdul Gafoor P. Mayookham	Individual, Malappuram, Kerala.
9.	Shri Vijayan Vadyil	Salim Ali Foundation, Thrissur, Kerala
10.	Shri R. P. Singh	Society for Environment & Development Alliance, New Delhi
11.	Shri Shripad Dharmadhikary	Manthan Adhyayan Kendra,Pune
12.	Dr. Shaju Thomas	Tropical Institute of Ecological Sciences, Kottayam
13.	Shri Fr. Abraham Kavilpurayidathil	Thamarassery
14.	Shri Fr. Sebastian Kochupurackal	Highrange Samrakshana Samithy, Idukki, Kerala.
15.	Shri Ullas Menon, Secretary General, UPASI	The United Planters Association of Southern India, (UPASI).
16.	Shri Debi Goenka, Executive Trustee	Conservation Action Trust, Narayan Nagar Ghatkopar (West), Mumbai.
17.	Shri Kochera Mohanan Nair	Spices Growers Association, Idukki, Kerala.
18.	Ms. Falguni Joshi	Individual
19.	Shri Rohit Kumar,	D- 236,Dashrath Puri, New Delhi
20.	Shri Chandra Bhushan	Individual
21.	United Council of Rajashthan Industries, UCORI	Rajasthan
22.	Shri Joice George	109,Kerala House, New Delhi.
23.	Shri Salu Abraham Mecheril, Chairman	Christian cultural Forum Wayanad.
24.	Shri P.C. Joseph	Thodupuzha, Kerala
25.	Shri V.C. Sebastian, Secretary General	Indian Christian Community National Council, 21, Balwant Rai Mehta Road, New Delhi.

26.	Shri Satish Panchal, Managing Director	Vadodara Enviro Channel Limited, Dhanora, Near GIPCL, Vadodara, Gujarat.
27.	Shri Jose Rodrigues (Vice President)	Benaulim Civic & Social Forum, Benaulim, Salcete-Goa 403716
28.	Shri Nilesh Gaonkar (President)	Caurem Adivasi Bachao Samiti C/o Nilesh Gaonkar, Gaonkarwada, Caurem, Quepem Taluka, Goa.
29.	Shri John Da Silva (President)	Curtorkarancho Ekvott
30.	Dr. K. V. Chacko	Western Ghats and Peoples Protection Forum Kozhikode
31.	Shri Ritwick Dutta	Legal Initiative for Forest and Environment (LIFE)
32.	Shri P. C. Saiju	Pottakkarn House, kuttiakd
33.	Shri Jinnet Mathew Naranath (President)	Pariyaram farmers protection forum Mothirakanni
34.	Shri K. S. Syamsundar	Confederation of Indian Industry Institute of Logistics
35.	Ms. Parineeta Dandekar Shri Himanshu Thakkar	Parineeta Deshpande-Dandekar South Asia Network on Dams, Rivers and People (SANDRP)
36.	Dr. N. K. S. Pillai	Kerala Sastra Sahithya Parishath, Bhavan, Thrissur, Kerala
37.	Shri S.P. Ravi Secretary	Chalakudy Puzha Samrakshana Samithi Pariyaram. PO, Thrissur District Kerala
38.	Dr. Latha Anantha (Ashoka Fellow) Director	River Research Centre Ollur. Kerala
39.	Nilesh Gaonkar, (President)	Citizen consumer and civic Action Group (CAG) 9/5, II Street, Padmanabha Nagar Adyar, Chennai 600 020.
40.	Shri Lalit Kumar Singhania	Paryavaran Urja Times, Raipur Chattisgarh.
41.	Shri Ravi Chellam	Foundation for Ecological Security & Vice-President, (M) 91-9900901112
42.	Shri C. Vinayaraghavan, Chairman, Association of Planters of Kerala	P.B. No. 63, 3 rd Floor, 3D, Capitol Centre, Opp. Govt. Secretariat, M.G. Road, Thiruvananthapuram, Kerala
43.	Shri Renee Borges, Chairman, Centre for Ecological Sciences	Indian Institute of Science, Bangalore - 560012

**List of Experts who appeared the before the Committee on High Level Committee
Report on Forest and Environment Related laws**

1. Ms. Sunita Narain, Director, Centre for Science and Environment, New Delhi
2. Shri Chandra Bhushan, Centre for Science and Environment.
3. Ms. Belinda Wright, Executive Director, Wildlife Protection Society of India, New Delhi.
4. Dr. K. Ullas Karanth, Director, Centre for Wildlife Studies, Bengaluru.
5. Dr. Asad Rahmani, Director, Bombay Natural History Society, Mumbai.
6. Ms. Sejal Worah, Programme Director, World Wildlife Fund for Nature India, New Delhi.
7. Shri Ullas Menon, Secretary-General, The United Planters' Association of Southern India (UPASI), Coonoor, Tamil Nadu.
8. Shri Shankar Gopalakrishnan, Secretary, Campaign for Survival and Dignity, New Delhi.
9. Shri Ritwick Dutta, Legal Initiative for Forest and Environment (LIFE), New Delhi.
10. Shri Ravi Chellam, Bombay Natural History Society. and
11. Dr. Prodipto Ghosh, Distinguish Fellow, The Energy Research Institute (TERI), New Delhi.

Annexure V

**Statement indicating objections made and comments of the Ministry of
Environment, Forest and Climate Change thereon**

Sub: View/ Comments/ Suggestions of the Ministry of Environment, Forests & Climate Change on the memoranda received on Report of High Level Committee headed by Shri T.S.R. Subramanian to review various Acts administered by Ministry of Environment, Forests and Climate Change

The report of High Level Committee headed by Shri T.S.R. Subramanian, former Cabinet Secretary, Govt. of India to review various Acts administered by Ministry of Environment, Forests and Climate Change is submitted to the Ministry. The recommendations given by Committee for the reform in environmental laws are under consideration/ examination in the Ministry. The Department-related Parliamentary Standing Committee on Science & Technology, Environment & Forests, headed by Shri Ashwani Kumar, Hon'ble M.P., Rajya Sabha to consider the Report and the views/suggestions/comments thereon from individuals/experts/Non Governmental Organisation/Stake-holders interested in the subject matter has convened a meeting on 9th January, 2015. The comments of the Ministry are as follows:

S. No.	Subject matter	Name of Organization/ Individual and gist of their Comments/ Suggestion on the Bill	Views/Comments/Suggestion of the Ministry of Environment, Forests and Climate Change
1	Suggestion in regard of MSME	United Council of Rajasthan Industries Memoranda-1 <i>inter alia</i> demands for categorization of Industries in red and orange category, exemption of non polluting industries from registration by PCB's and non applicability of E Waste rules on MSME. It also says that the technical support to industry along with setting up of CETP	The present categorization of industry is based upon the pollution potential of the project. This indicative list has been prepared by the Central Pollution Control Board and it can be adopted by the State pollution Control Boards with required amendments.

		should be given by Government.	
2	Suggestions for high level Committee Constituted to review various environmental laws administered by MoEFCC	<p>Shri Debi Goenka, Executive Trustee, Conservation Action Trust, Mumbai</p> <p>The Memoranda No-2 states that issues like strengthening of existing environmental legislations, transparency portal at state levels, adaptation of environment friendly practices and proper management of waste, strengthening of EIA process, environmental standards should be considered.</p>	<p>The introduction of online application system for clearances has been done to increase transparency and speed. The same is also being introduced at state level. The review of environmental standards is under taken by the CPCB from time to time.</p> <p>The Ministry is considering the mechanism to strengthen the system of monitoring of environmental compliances.</p>
3	Grave concerns regarding the report of the High Level Committee headed by T.S.R. Subramanian	<p>Nilesh Gaonkar, President and Tulsidas velip, Secretary, Grass root Organization, Goa</p> <p>Memoranda No-3 describes that the report has not given clarification about 'no go' forest areas, term 'forest', economic incentives for farm and social forestry, tree land trading, diversion of forest land. It also says that the new umbrella law would dilute all existing environmental laws. Efforts should be made to get scientific and reliable data and put restriction on submission of false information/ data by project proponent. It is an ignorance of gigantic global threats by Committee as role of gram sabha, protection to eco sensitive land etc are not considered.</p>	<p>The recommendation of the HLC is under examination. The Ministry is also in the process of finalizing the inviolate areas.</p> <p>Efforts are on to have the centralized data base system as a decision support system and the project proponent can utilize this data.</p>
4	Legal Initiative for Forest and Environment	<p>Legal Initiative for Forest and Environment, New Delhi</p> <p>Memoranda No-4 found abnormalities in Forest Governance including forest clearance, procedure adopted for forest diversion, provides no provision for field visit after constitution of NEMA. Issues related to public hearing, Clarification of the special procedures, Gram sabha approval are not addressed</p>	<p>The recommendations of the Committee are under examination and the anomalies (if any) as pointed out in the memoranda will be taken care of while finalizing the view in the Ministry.</p>

		properly. The report recommended setting up of Appellate Board for controlling National Green Tribunal which is unconstitutional.	
5	Overarching request: Reject the HLC report as it stands now	Shri Himanshu Thakkar, South Asia Network on Dam, Rivers and People (SANDARP), Delhi Memoranda No-5 It provides that the Report is lack of credibility, and has sweeping mandate and unclear TOR. The time given to the Committee was very short. The Committee has not addressed the issue of climate change. Reducing and eliminating public participation in decision making, and bypassing the 'Principle of Non- regression' by the Committee	The Committee has prepared its report after wide consultation. The report submitted is under examination in the ministry.
6	Comment on TSR Subramanian Committee Report	Dr Latha Anantha, Director, River Research Centre, Kerala Memoranda No-6 stated that there is absence of environmental expertise in the Committee, lack of credible database, doubtful creation of NEMA and SEMA. The Committee has put their efforts towards reducing legal purview of NGT. It has Lack of references and community participation while criteria for selection and role of EIA expert are not mentioned. The issues related to environmental reconstruction and revival of river basin, term 'forest', concept of good faith, No Go areas, role of gram sabha remain un answered. In addition to it, definition of project proponent in proposed ELMA, transparency and accountability , project cycle approach and Environmental audit should also considered while reviewing the recommendation of the Committee.	The Committee comprised of members with long and outstanding experience in the field of administration, environment and Law.

7	Comments on Report of High Level Committee to review various Acts	Shri Lalit Kumar Singhania, Editor, paryavaran Urja Times, Raipur (C.G.) Memoranda No- 7 , provides for restructuring and reform of state environmental agencies, amendment in present EC system and stressed that there should be provision of only one agency for environment related issues instead of NEMA and SEMA.	The recommendations of HLC are under consideration. The suggestions provided in the memoranda will be kept in view while taking a final decision in the matter.
8	Comments on the main recommendations of High Level Committee for review of Environmental Acts by BNHS-India	Shri Asad R Rehmani, Bombay Natural History Society, Mumbai Memoranda No-8 states that the issues related to 'No Go' areas, term 'forest', tree lands, revision of CA guidelines, wildlife management plans, appropriate provisions for taking in to account the need of local festivals have not been properly addressed in the report. It also suggested for revamping the clearance/ approval process and special treatment for linear projects.	The recommendations of HLC are under consideration. The suggestions provided in the memoranda will be kept in view while taking a final decision in the matter.
9	Strengthen institutions, reform laws and streamline processes	Shri Chandra Bhushan, DDG, Centre for Science and Environment, New Delhi Memoranda No-9 Not commented on the Committee report; however urge to present their views before the Committee.	It has been mentioned in the memoranda that there are reports enclosed with the memoranda, however, only one report "Strengthen institutions, reform law and streamline processes" is annexed with the memorandum. As the Committee has submitted its report which is under examination in the Ministry, the representative of the CSE may seek time to make their presentation in the Ministry.
10	UPASI's views on HLC report headed by TSR Subramanian	Secretary General, The United Planters Association of Southern India Memoranda No-10 , assessment of the Supreme Court's order relating to Forest (Conservation) Act, 1980 is provided and suggested to refer the same while finalizing the	The recommendations of HLC are under consideration. The suggestions provided in the memorandum will be kept in view while taking a final decision in the matter.

		recommendations.	
11	Views/Suggestions on the report of High Level Committee	Shri Praveen Bhargav and Others, Wildlife First, Bangalore Memoranda No-11 suggested for exclusion of Wildlife (Protection) Act and Forest (Conservation) Act from proposed ELMA. It also urged for deletion of proposal of "Utmost Good Faith". In addition, suggestions on Wildlife (Protection) Act and Forest Conservation Act are given in the Memoranda.	The recommendations of HLC are under consideration. The suggestions provided in the memorandum will be kept in view while taking a final decision in the matter.
12	Grave concerns regarding the report of the High Level Committee headed by T.S.R. Subramanian	Shri Josh Rodrigues and Others, Benaulim Civic and Social Forum, Goa Memoranda No-12 describes that the report has not given clarification about 'no go' forest areas, term 'forest', economic incentives for farm and social forestry, tree land trading, diversion of forest land. Further, it has been stated that the new umbrella law would dilute all existing environmental laws. Efforts should be made to get to get scientific and reliable data and restriction on submission on false information/ data by project proponent. It is an ignorance of gigantic global threats by Committee as role of gram sabha, protection to eco sensitive land etc are not considered.	Issues are same as given in Memorandum- 3 The recommendation of the HLC is under examination. The Ministry is also in the process of finalizing the inviolate areas.
13	Hearing upon High Level Committee report	Dr K V Chacko, General Convener, Western Ghat and Peoples Protection Forum, Kozhikode Memoranda No-13 states that in the TSR report, Western Ghat Reports and report of High level working group on Western Ghat are flawed. Issues related to wildlife (Protection) Act and Costal Regulation Zone (CRZ) notifications are raised in the memoranda and requested for consideration.	The points raised in the Memoranda will examine in the Ministry.

14	Comments on report of High Level Committee headed by Shri T. S.R. Subramanian to review various Acts administered by Ministry of Environment, Forests and Climate Change	K Vishnu Mohan Rao, Citizen, Consumer and Civic Action Group, Chennai Memoranda No-14 , provides that there are flaws in report like, absence of vigorous and motivated approach, non level playfield, no wider consultation, imbalance in environment and economic development and vague term of reference. In addition to it, issues related to environmental governance like; validity of NEMA and SEMA, diluting community participation, sidelining of CSOs and NGOs, lack of understanding of cumulative pollution impact etc. are also observed in the report.	The recommendations of HLC are under consideration. The suggestions provided in the memorandum will be kept in view while taking a final decision in the matter.
15	Views and suggestion to High Level Committee to review various environmental laws	Shri Rohit Kumar, Advocate, New Delhi Memoranda No- 15 describes that depredation to standing crop by wild animals and respect for culture, removal of conditions of Gram sabha, provisions of new umbrella Act and Institutional reforms are the main issues which were not addressed properly by the Committee.	The recommendations of HLC are under consideration. The suggestions provided in the memorandum will be kept in view while taking a final decision in the matter.
16	Report of the High level Committee headed by Shri T. S.R. Subramanian to review various Acts administered by Ministry of Environment, Forests and Climate Change	Shri Satish Panchal, Managing Director, Vadodara Enviro Channel Limited, Vadodara Memoranda No-16 , the suggestions are related to environment clearance of projects.	The introduction of online application system for clearances has been done to increase transparency and speed.
17	Suggestions on report of the High level Committee headed by Shri T. S.R. Subramanian to review various Acts administered by Ministry of Environment, Forests and	Shri Sejal Worah, Programme Director, WWF, India Memoranda No-17 finds anomalies in notification of 'No Go' areas, definition of 'Forest', removal of process of field verification and removal of gram sabha approval to speed up the clearance process. It	The recommendations of HLC are under consideration. The suggestions provided in the memorandum will be kept in view while taking a final decision in the matter.

	Climate Change	states that issues like; compensatory afforestation, respect to cultural traditions, mechanism for public hearing, special treatment for certain projects, concept of 'utmost good faith', constitution of NEMA and SEMA and Environmental Law Management Act are also not considered properly.	
18	Comment on TSR Committee	Dr Shaju Thomas, Head, DEEC, Tropical Institute of Ecological Sciences (TIES), Kottayam Memoranda No-18 describes that issue like definition of forest, treelands, constitution of NEMA / SEMA, environmental reconstruction fund, integration of IFS, term 'utmost good faith', public hearing, role of NGT and environmental education in Higher education are not addressed properly in the report.	The recommendations of HLC are under consideration. The suggestions provided in the memorandum will be kept in view while taking a final decision in the matter.
19	Comments on TSR Subramanian HLC Report	Shri Sudhir Vyas, IFS (Retd), Former Secretary MEA Memoranda No-19 pointed out that State wildlife management plans and use of environment friendly technologies need inclusion in the report. It also expressed the need of another high level study for wetland.	The suggestions will be examined and will be kept in view while taking a final decision in the matter.