

## **MINUTES OF THE WORKSHOP ON REFORMS IN ENVIRONMENTAL REGULATION HELD ON 25.05.2010**

1. A Workshop on Reforms in Environmental Regulation with specific reference to the establishment of the National Environment Protection Authority (NEPA) was conducted by the Ministry of Environment & Forests on 25.05.2010 at WWF Auditorium, New Delhi. The workshop was chaired by the Hon'ble Minister for Environment & Forests, Shri Jairam Ramesh. The participants included environmental activists and representatives from reputed civil society organisations, USEPA, State Pollution Control Boards, the Central Pollution Control Board, MoEF, industrial associations, IIT Delhi, the media and various other stake holders. All those who had given comments on the NEPA discussion paper dated 17.9.2009 (53 persons/organisations) were also invited to the workshop. The list of participants is enclosed as Annexure I.

2. The, Special Secretary, MoEF, Shri R. H. Khwaja welcomed all the participants. He summarised the evolution of NEPA and gave reasons for the purpose of the workshop. Hon'ble Minister for Environment & Forests stated that NEPA was part of the comprehensive reforms in environmental governance initiated by the Ministry, which included the establishment of the National Green Tribunal. He stated that the following points were the guiding principles of the Ministry's approach to NEPA:

- The current institutional structure is very weak and has not been adequate and effective to ensure monitoring and compliance. It is necessary to put in place a system that will ensure proactive monitoring and evaluation of compliance with standards and conditions.
- The second principle is decentralisation, that is to ensure that all layers of our polity (Centre, States and local bodies) have sufficient institutional capacity to carry out the respective functions in environmental governance.
- Redefining the role of the MoEF to make it much more strategic in nature in order to ensure that it does not get involved in minor, time consuming regulatory functions.
- NEPA should have professional expertise, institutional independence through legislation and must be guided by scientific principles.

3. Following the Minister's address, there were two panel discussions, the first on **Improving environmental regulation – NEPA and beyond** and the second on **civil society expectations from the reform agenda**. The names of the panellists are enclosed as Annexure II. As part of the first panel discussion, a detailed presentation on NEPA was made. The panellists opined that NEPA should be a smart, IT led organisation with transparent governance. It should apply the principles of sustainable development, precautionary principle and the polluter pays principle in its functioning. It was also suggested that the possibility of making environmental offences

cognizable by amending the Environment Protection Act should be explored.

4. In the second panel discussion, it was mentioned that existing mechanisms have not been fully exploited and that the problem, definition and justification for creating NEPA have not been brought out strongly. The other issues flagged were the linkage between NGT and NEPA, the need for taking a social approach in addition to scientific approach, problems in the present regulation design and the way environmental clearances are granted and monitored and the need to establish conditions for working of an independent and autonomous body. It was suggested that an advisory wing should be established to get inputs from civil society and proper mechanisms should be put in place to ensure that NEPA is accountable to all the stakeholders. Furthermore, the participants and the panellists together expressed their concerns on the functioning of the SPCBs and the CPCB, and measures in which they could be strengthened, so that their role gets enhanced with the creation of NEPA.

5. After the panel discussions, the Minister for Environment & Forests summarised the discussions into the following eight fundamental issues which have to be addressed:

(i) There is a need to build a stronger, clearer case to justify the need for NEPA.

(ii) The relationship of existing institutions and structures with NEPA need to be clarified.

(iii) The problems associated with the existing regulatory process and EIA process (public hearing, etc) have to be addressed.

(iv) There is a need for a clear linkage between the Environment and the Forest clearances.

(v) Source of funding is a critical determinant of institutional independence and autonomy and the sources of funding for NEPA have to be clearly defined.

(vi) Role of non-central/state government institutions, community institutions and local bodies in environmental matters, particularly in tribal areas, has to be kept in mind.

(vii) Strengthening of the existing regulatory bodies and providing alternate regulatory mechanisms like administrative adjudication have to be paralelly carried out.

(viii) Systems to monitor NEPA have to be devised so that it is accountable to its stakeholders.

6. Concluding the workshop proceedings, the Minister stated that the Ministry will keep the above issues in mind while finalising the legislation for establishing NEPA. As most of the issues raised by the participants related to environmental clearances and their monitoring, the proposed NEPA may have to focus its energies on streamlining the EIA processes and monitoring the compliance to the conditions stipulated in the clearances. The meeting ended with the vote of thanks to all the participants for their active participation and suggestions.

## Annexure I

### List of participants:-

List of Participants		
Sl. No.	Name	Organization
1	Dr. R. Murugan	DSTE, Govt. of Puduchhery
2	Felicia Marcus	NRDC
3	Raman Nanda	FICCI
4	Sharad Gaur	CEE, Delhi
5	Nikhil Vijakar	NRDC
6	B. Basu	NTPC
7	Priya Ghose	US Embassy
8	Geetanjay Sahu	TISS, Mumbai
9	P. Michael Vetha Siromony	RGNIYD
10	R. Bartharur	BT+FF Assam
11	Sanjay Upadhyay	Advocate, Supreme Court
12	Dr. N. Ramesh	PPCC. EE
13	C. R. Kesavan	RGNIYD
14	K. P. Nyati	FIMI
15	Mita Sharma	CEE
16	Archana Jyoti	PTI, Reporter
17	Taruna Saxena	TATA Power
18	R. Sreedhar	Environmental Scientist
19	Dr. Asha Sharma	IREO Management Pvt.
20	Mahesh Pandya	Prayavaran Mitra
21	Chinmay Shah	Gulbrandsen Chemicals
22	Alex L. Wang	NRDC
23	Udayabhaskar Gullalli	Essar Group

24	V.B. Bhattacharya	CII
25	Dr. Vijay Prakash	NTPC, Noida
26	Chanakya Chaudhary	Tata Steel
27	Karunesh Chaturvedi	Avantha Power
28	Ranjit Barthakur	Balipara Foundation
29	Nick Robinson	SATRF
30	Stute Sharma	TERI
31	H.S. Karangle	ICC
32	Charles J. Cormier	World Bank
33	Vinod K Verma	Aditya Birla Group
34	Chandra Bhushan	CSE, New Delhi
35	Belinda Wright	WPSI
36	Veena Aggarwal	TERI
37	Satish Sinha	Toxic Link
38	Rajesh Rangarajan	CDF, IFMR
39	Dr. Kanika T. Bhal	IIT, Delhi
40	Vinay Shanker	Samyak Vikas Sanstha
41	L. Pugazhenthay	ILZDA, ND
42	Ankit Gupta	IITD
43	Smridh Talwar	TERI
44	Urmi Goswami	ET
45	P. Srinivas	CII
46	Anandi Sharan	WSD
47	Dr. Vijay Kulkarni	SPINFRA
48	B. K. Razada	Ranbaxy (CII)
49	S.C. Srivastav	ILI
50	Dr. D. Pandey	Former D.G., Forests Survey of India
51	Swati Shresth	ATREE
52	Guneet Kaur	HNLU, Raipur, C.G.
53	M.Sadelyts	U.S.Embassy
54	Anna Da Corva	Jangpura Extension
55	Arif Hussain	PHD, India
56	Pardeep Gupta	IGCEP
57	Charu Gupta	IGCEP
58	Mr.K.V. Subhano	UP, Forest Deptt.
59	Sonia Chand Sandhu	World Bank
60	Tapas Paul	World Bank
61	Ravis	Aditya Birla Group
62	M. V. Rajeev Gowda	IIM, Bangalore
63	Avinash Basker	WPSI
64	Mangesh Dakhore	Senes Consultants

65	T.S. Panwar	Teris
66	Santosh Gupta	ESSAR Group
67	Col. JMT Arafaat	ESSAR Group
68	Samir Sinha	WWF, Traffic
69	Lakshminarasimhan	TCS
70	Kartikeya V. Sarabhai	CEE
71	David E. Adelman	University of Texas
72	Anjali I. Jaiswal	NRDC
73	Michael Thompson	Teri
74	Kanchan Zutshi	PHD Chamber of Commerce & Industry
75	T. Gopal Krishna	J.N.U
76	Sandeep Shrivastava	Ambuja Cements
77	Liqian Nirole	Teri
78	Hitendra Bhuptawat	Hindustan Zinc
79	Sunil Babbar	Aditya Birla Group
80	K. Sasiohareram	Aditya Birla Group
81	Dr. P C Jha	Bharat Jan Vignyan Janta
82	Judhajit Sen	Senes Consultants
83	Mamie R. Miller	USEPA
84	Neilima Senjalia	USEPA
85	Ankit Ratan	IIT, Delhi
86	Roohi K. Handoo	Handoo & Handoo, LLP
87	Anirudh Burman	PRS legislative Research
88	Ashok Kapoor	We the People, NGO
89	A. Guha	ICPE, Delhi.
90	Moushumi Basu	The Pioneer

<b>List of Participants from MoEF</b>		
<b>Sl. No.</b>	<b>Name</b>	<b>Organization</b>
1	Nalini Bhat	MoEF
2	Dr. A. Senthilvel	MoEF
3	S. Bhowmik	MoEF
4	Pankaj Yadav	MoEF
5	Pankej Verma	MOEF
6	Ishwer Singh	MOEF
7	DR. S. Anna Durai	MOEF
8	Dr. S.K. Aggarwal	MOEF
9	Anuj Kumar	MOEF
10	G.Saravanan	MOEF
11	K.K. Jain	MOEF

12	Satbir	MOEF
13	T. Chandini	MOEF
14	Bharat Bhushan	MOEF
15	Dr. P. Ahujaues	MOEF
16	Dr. P. B. Rastogi	MOEF
17	Dr. B. P. Nilaratna	MOEF
18	DR. R.K. Suri	MOEF

<b>List of Participants from CPCB/SPCB</b>		
<b>Sl. No.</b>	<b>Name</b>	<b>Organization</b>
1	Prof. S. P. Gautam	CPCB
2	J. S. Kamyotra	MS, CPCB
3	Paritosh Kumar	CPCB, Delhi
4	P. M. Ansari	CPCB, Delhi
5	R.G. Shah	GPCB
6	P.V.Narsinga Rao	Chattisgarh Environment Conservation Board
7	Bidyanand Singh	BSPCB
8	Dr. D N Pandey	Member Secretary RSPCB, Rajasthan
9	Er. Arun Verma	Chairman, MSPCB
10	Er. S. Syicm	A.E.E, MSPCB
11	M.D.N. Simha	CEO, KSPCB
12	Rajat Agarwal	Chairman, PPCB
13	A. K. Dutta	Chairman, Assam Pollution Control Board
14	C. Bhadury	Sr. E.E. Assam Pollution Control Board
15	Prof. S.C. Singh	Bihar, SPCB Patna
16	Prof. Mihir Deb	Tripura, SPCB.
17	Arjun Pal Singh	Bihar PCB, Patna
18	S. D. Makhijani	CPCB
19	R. Ramachandran	TNPCB
20	A. B. Akolkar	CPCB
21	M.Q. Ansari	CPCB
22	Sudheer Ba	SEE, KSPCB
23	Siddharta Das	SPCB Orissa
24	J.N. Sharma	J&K SPCB, Srinagar
25	Dr. N. Nanda	H.P. PCB, Shimla
26	Dr. T.K. Gupta	Chief Engineer, WBPCB
27	S.K. Monga	HSPCB
28	R. Balakrishnan	TNPCB

**Names of the panellists:-**

**Panel I: Improving environmental regulation – NEPA and beyond**

1. Shri Jairam Ramesh
2. Shri R. H. Khwaja
3. Shri J. M. Mauskar
4. Shri S. P. Gautam
5. Shri N. Muruganandam

**Panel II: Civil society expectations from the reform agenda**

1. Shri Jairam Ramesh
2. Shri Ravi Singh
3. Shri Bimal Raizada
4. Shri Ritwick Dutta
5. Shri Chandra Bhushan
6. Ms. Kanchi Kohli
7. Shri Raman Nanda