

Bill No. XIX of 2014

**THE NATIONAL HIMALAYAN REGION ENVIRONMENT
PROTECTION AND DEVELOPMENT BILL, 2014**

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BILL

to provide for the establishment of the National Himalayan Region Environment Protection and Development Institute and fund for undertaking environment protection and development work in the Himalayan region of the country and for matters connected therewith and incidental thereto.

BE it enacted by Parliament in the Sixty-fifth Year of the Republic of India as follows:—

1. (1) This Act may be called the Indian (National) Himalayan Region Environment Protection and Development Act, 2014.

Short title,
extent and
commencement.

(2) It extends to the whole of India.

5 (3) It shall come into force with immediate effect.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) “Fund” means the National Himalayan Region Environment Protection and Development Fund established under section 5 of the Act.

10 (b) “Himalayan region” means the Himalayan region spreading along Indian borders;

(c) “Institute” means the National Himalayan Region Environment Protection and Development Institute established under section 3 of the Act; and

(d) “prescribed” means prescribed by rules made under this Act;

Establishment of the National Himalayan Region Environment Protection and Development Institute.	3. (1) The Central Government shall by notification in the Official Gazette establish an institute to be called as the National Himalayan Region Environment Protection and Development Institute for the purpose of carrying out the objectives under this Act.	
	(2) The institute shall have its headquarters at New Delhi and a regional office at the capital of every State having Himalayan region within its territorial jurisdiction.	5
	(3) The institute shall be headed by a Director-General appointed by the Central Government.	
	(4) Every regional office of the institute shall be headed by a Director to be appointed by the Central Government in such a manner as may be prescribed.	
	(5) The Central Government shall provide such number of officers and staff for the institute and its regional offices as may be required for its functioning.	10
	(6) The salary and allowances payable to, and other terms and conditions of the officers and staff of the Institute and regional offices shall be such as may be prescribed.	
Functions of the National Himalayan Region Environment Protection and Development Institute.	4. The National Himalayan Region Environment Protection and Development Institute shall perform the following functions:—	15
	(a) to frame a National Himalayan Region Environment Protection Policy in consultation with State Governments falling in the Himalayan regions and the environmentalists;	
	(b) to maintain the ecology of the Himalayan region and to protect it from climatic changes;	20
	(c) to ensure action inconsistent therewith and to evaluate the policy from time to time and to amend it; and	
	(d) to promote and develop traditional vocations and industries in Himalayan regions.	
Constitution of National Himalayan Region Environment Protection and Development Fund.	(1) The Central Government shall, by notification in the Official Gazette, constitute a fund to be known as the National Himalayan Region Environment Protection and Development Fund with an initial sum of rupees twenty five thousand crore.	25
	(2) The State Governments having the Himalayan regions shall contribute to the fund in such proportion as may be prescribed.	
	(3) The fund shall be administered by the National Himalayan Region Environment Protection and Development Institute established under sub-section (1) of section 3.	30
	(4) The fund shall be utilised for the implementation of the policy for environment protection and development of the Himalayan region.	
Act not to be in derogation of other laws.	6. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force relating to any of the matters dealt within this Act.	35
Power to make rules.	7. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.	

STATEMENT OF OBJECTS AND REGIONS

It became clearly evident in the aftermath of the recent disaster that struck Uttarakhand that if interference in the Himalayas in the name of unfettered development continues further, the country may have to face even more dreadful disasters in future. A comprehensive policy needs to be formulated for protection of environment and development in the Himalayan region.

There is an urgent need to develop the area scourged by the national disaster in the Himalayan region and to formulate a policy of sustainable development that does not harm the environment of the region. In this context, there is a need for institutionalised arrangement to give attention to the development and protection of environment in the entire Himalayan region falling within the Indian territory. A uniform policy needs to be formulated for all the areas falling within the Himalayan region of the country. For formulating and implementing any such policy, it is also essential to give a fillip to the utilisation of resources available in the Himalayan region and special means should be made available to the locals for the development of the region.

Hence, this Bill.

PRABHAT JHA

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for establishment of the National Himalayan Region Environment Protection and Development Institute. Clause 5 provides for constitution of the National Himalayan Region Environment Protection and Development Fund with the initial amount of rupees twenty five thousand crore. Hence, the Bill, if enacted, will involve expenditure from the Consolidated Fund of India.

At this stage, it is not possible to quantify the exact amount, however, it is estimated that a sum of rupees twenty five thousand crore per annum is likely to involve as recurring expenditure.

A sum of rupees one thousand crore is also likely to involve as non-recurring expenditure from the Consolidated Fund of India.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill. Since the rules will relate to matters of details only, the delegation of legislative power is of normal character.

RAJYA SABHA

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(Shri Prabhat Jha, M.P.)