

Bill No. 166 of 2022

THE ENVIRONMENT (PROTECTION) AMENDMENT
BILL, 2022

By

SHRI M.K. RAGHAVAN, M.P.

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BILL

further to amend the Environment (Protection) Act, 1986.

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

1. (1) This Act may be called the Environment (Protection) Amendment Act, 2022.

Short title and
commencement.

5 (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

29 of 1986.

2. After section 3 of the Environment (Protection) Act, 1986, following section shall be inserted, namely:—

Insertion of new
section 3A.

10 “3A (1) The Central Government shall, in consultation with the State Government of Kerala, by notification in the Official Gazette, declare such area as the Eco-sensitive Zones as it deems fit.

Declaration of
Eco-Sensitive
Zones in the
State of Kerala.

(2) For the purposes of sub-section (1), the Central Government shall constitute a Committee hereafter referred to as the State of Kerala Eco-Sensitive Zone Identification Committee consisting of,—

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| (a) | Chief Minister, State of Kerala. | Chairperson, <i>ex-officio</i> ; | 5 |
| (b) | five Members of Parliament of the House of the People to be nominated by the Speaker. | Members, <i>ex officio</i> ; | |
| (c) | Secretary, Union Ministry of Environment, Forest and Climate Change. | Member; | 10 |
| (d) | Chief Secretary, State of Kerala. | Member, Secretary; | |
| (e) | ten Members of State Legislative Assembly of the State of Kerala, to be nominated by the State Government of Kerala. | Members, <i>ex-officio</i> ; | 15 |
| (f) | Such number of representatives of Local self-Government to be nominated by the State Government of Kerala. | Member, <i>ex-officio</i> ; | 20 |
| (g) | Chief Wildlife warden. | Member, <i>ex-officio</i> ; | |
| (h) | three experts from the fields of environment to be nominated by the Central Government in such manner as may be prescribed. | Members. | 25 |

(3) The Central Government shall appoint such number of officers and staff to the Committee as it deem fit for carrying out the purposes of this Act. 30

(4) The salary and allowances payable to and other terms and conditions of services of the members other than *ex-officio* and officers and staff of the Committee shall be such as may be prescribed.”.

STATEMENT OF OBJECTS AND REASONS

Recently Honorable Supreme Court of India has fixed up one kilometer Eco-Sensitive Zone mandatory for all protected areas of India. In the same verdict the Hon'ble Court has put the onus on the Union Government saying that this ruling shall not be uniformly applicable across India. Forests, being a subject where State has equal role as centre, different States have different set of norms regarding its regulations. In the State of Kerala which is gifted with a large forest cover the population density is quite high when compared to other State. Kerala has no history of destroying its natural forest. It is also a State which respects the forest cover. Environmental activism in the State of Kerala has even lead to situations where even Government projects which destroys the nature has to be discarded.

Under this recent verdict of Honorable Supreme Court it has been estimated that 2.5 lakh hectares of land will be under Eco-Sensitive Zone. This will put the livelihoods of over one lakh families in danger. Hence respecting the verdict of Honorable Supreme Court of India a special committee called Eco-Sensitive Zone Identification Committee is required to be constituted under the chairpersonship of the Chief Minister of the State of Kerala to decide upon the Eco-Sensitive zones taking in views of inhabitant population.

The Bill, therefore, seeks to amend the Environment (Protection) Act, 1986 with a view to constitute a State of Kerala Eco-Sensitive Zone Identification Committee to identify and declare Eco-Sensitive Zones in the State.

Hence this Bill.

NEW DELHI;
1 July, 2022.

M.K. RAGHAVAN

FINANCIAL MEMORANDUM

Clause 2 of the Bill *vide* proposed section 3A provides for the constitution of a State of Kerala Eco-Sensitive Zone Identification Committee. The Bill, therefore, if enacted would involve expenditure from the Consolidated Fund of India. It is estimated that an expenditure of about rupees twenty lakh would be incurred per annum from the Consolidated Fund of India.

A non-recurring expenditure of about rupees ten lakh is also likely to be involved.

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further to amend the Environment (Protection) Act, 1986.

(Shri M.K. Raghavan, M.P.)