

AS INTRODUCED IN THE RAJYA SABHA
ON THE 5TH DECEMBER, 2025

Bill No. XXXVI of 2025

THE NATIONAL ENVIRONMENT MANAGEMENT AND
REGULATORY AUTHORITY BILL, 2025

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BILL

*to provide for the establishment of a National Environment Management
and Regulatory Authority for the effective management, regulation
and monitoring of the use of environmental resources
and for matters connected therewith
or incidental thereto.*

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

1. (1) This Act may be called the National Environment Management and
Regulatory Authority Act, 2025.

Short title and
commencement.

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

Definitions.

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

(a) 'appropriate Government' means in the case of a State, the Government of that State and in all other cases, the Central Government;

(b) 'Authority' means the National Environment Management and Regulatory Authority established under section 3; 5

(c) 'environment' shall have the same meaning as defined under section 2(a) of the Environment Protection Act, 1986; 29 of 1986.

(d) 'environment risk assessment' means a systematic approach for identification, evaluation, mitigation, and control of hazards that could occur as a result of failures in process, procedures, or equipment; 10

(e) 'member' means a Member of the Authority; and

(f) 'prescribed' means prescribed by rules made under this Act.

Establishment
of the National
Environment
Management
and Regulatory
Authority.

3. (1) **The Central Government shall by notification in the Official Gazette, establish an apex agency, to be known as the National Environment Management and Regulatory Authority, to exercise the powers conferred on, and to perform the functions assigned to it under this Act.** 15

(2) The Authority shall be a body corporate by the name aforesaid, having perpetual succession and a common seal, with power to acquire, hold and dispose of property, both movable and immovable, and to contract, and shall, by the said name, sue and be sued. 20

(3) The head office of the Authority shall be at New Delhi and it may with the prior approval of the Central Government, establish offices at other places in the country as it may deem necessary for carrying out the purposes of this Act. 25

(4) The Authority shall consist of the following persons, namely—

(a) a Chairperson, having specialised knowledge and extensive experience in environmental management, natural resources protection, international environment policy, environmental risk assessment and related field to be appointed by the Central Government, in such manner as may be prescribed; 30

(b) three Members, to be nominated by the Central Government in such manner as may be prescribed, from amongst persons of ability, integrity and standing who have extensive professional experience in,— 35

(i) international and national environmental policies and programmes on environment protection, climate change, pollution, coastal zone management, environmental risk mitigation and natural resource conservation; 40

(ii) environmental laws and legal interventions, constitutional provisions, and international treaties and conventional related to environmental issues; and

(iii) environmental risks, impact assessment techniques and procedures and appraisal of projects for environmental clearance. 45

(5) The Authority shall have the power to regulate its own procedure with regard to transaction of its business.

	4.	(1) The Chairperson and every member of the Authority shall hold office for a period not exceeding four years from the date on which they assume office, or for such period as may be specified by the Central Government in this behalf.	Term of office and conditions of service of Chairperson and Members
5		(2) The salaries and allowances payable to, and the other terms and conditions of service of, the Chairperson and Members shall be such as may be prescribed.	
10	5.	(1) Notwithstanding anything contained in sub-section (1) of section 4, the Chairperson or a Member of the Authority may by writing under his hand to the Central Government resign from his office at any time;	Resignation or removal.
		(2) The Central Government may, by order, remove from office, the Chairperson or any member of the Authority, if the Chairperson or as the case may be, such other member—	
15		(a) has been adjudged insolvent; or	
		(b) is convicted and sentenced to imprisonment for an offence which, in the opinion of the Central Government, involves moral turpitude; or	
		(c) becomes of unsound mind and stands so declared by a competent court; or	
20		(d) refuses to act or has become physically or mentally incapable of acting as a member; or	
		(e) has, without obtaining leave of absence from the Authority, remained absent from three consecutive meetings of Authority;	
25		(f) has acquired such financial or other interest which is likely to affect prejudicially his functions as Chairperson or a Member; or	
		(g) has, in the opinion of the Central Government, so abused his office as to render his continuance in office detrimental to the interest of the office or public interest.	
30		Provided that no person shall be removed from office under this clause until that person has been given a reasonable opportunity of being heard in the matter.	
		(3) A vacancy caused under sub-sections (1) and (2) or otherwise shall be filled by fresh appointment or nomination, as the case may be.	
35		Provided that the Chairperson or any other member appointed or nominated against any casual vacancy in the Authority shall hold office only for the remainder of the term of the Chairperson or member in whose place he has been appointed or nominated.	
40	6.	No act or proceeding of the Authority shall be questioned or shall be invalid on the ground merely by reason of:	Vacancies, etc., not to invalidate proceedings of the Authority.
		(a) any vacancy in, or any defect in its constitution;	
		(b) any defect in the appointment of a person as Chairperson or member thereof; or	
		(c) any irregularity in its procedure not affecting the merits of the case.	
45	7.	(1) The Central Government shall, from time to time, appoint such number of officers and staff including experts to the Authority, as may be required to assist it in its efficient functioning, in such manner as may be prescribed.	Officers and staff including experts of the Authority.
50		(2) The method of recruitment or appointment of officers and staff including experts, the salaries and allowances payable to them, and	

other terms and conditions of their service, shall be such as may be prescribed.

Members,
officers and
staff to be
public servants.
Functions of the
Authority.

8. The Chairperson, Members, officers, staff and experts of the Authority shall be deemed, when acting or purporting to act in pursuance of any of the provisions of this Act, to be public servants within the meaning of sub-section (2) of section 28 of the Bharatiya Nyaya Sanhita, 2023. 5
9. The Authority shall perform all or any of the following functions, namely:—
 - (a) function as an autonomous, professional, multidisciplinary apex authority for managing, regulating and monitoring the protection and preservation of our environment with scientific and analytical rigour; 10
 - (b) design a comprehensive monitoring and regulatory landscape and compliance mechanism for the protection of environmental in the country; 15
 - (c) coordinate with various Government departments and Ministries of the Central and State Governments for cross-sector environmental risk assessment and mitigation;
 - (d) support the institutions, organisations and individuals who are engaged in the development of ethical and responsible environmental management; 20
 - (e) provide and manage an efficient reporting infrastructure for national and state-level data flows in order to avoid duplication and loss of data;
 - (f) carry out independent, objective, and transparent appraisal and approval of projects for environmental clearances; 25
 - (g) monitor the implementation of industrial and infrastructural projects on a regular basis in order to ensure compliance with the existing environmental regulations and standards;
 - (h) investigate into matters of violation of the environmental laws and regulations existing in the country and impose appropriate penalty on the violators; 30
 - (i) provide technical advice and capacity building trainings to state level environmental impact assessment authorities;**
 - (j) carry out and sponsoring investigations and research relating to the planning and management of environment and other preventive aspects of natural resources management;** 35
 - (k) facilitate the national databases of environmental information and dissemination thereof including environmental clearances and their monitoring; 40
 - (l) promote sustainable development by ensuring that environmental considerations are integrated into decision-making at various levels;
 - (m) recommend to the Central Government or the State Governments, as the case may be, the steps to be taken for the environmental/ecological protection; 45
 - (n) advise the Government on any other matter as may be referred to it, from time to time;
 - (o) present to the Central Government, annually and at such other times as the Authority may deem fit, reports on its 50

45 of 2023.

working;

(p) coordinate with the existing statutory regulators in the regime of environment protection and devise standard operating procedure in cases of overlap of jurisdictions; and

5 (q) such other matters as may be prescribed.

10 **10.** The Authority shall, while investigating any matter referred to in clause (h) of section 9, have all the powers of a civil court trying a suit and, in particular, in respect of the following matters, namely:—

Authority to have powers of a Civil Court.

(a) summoning and enforcing the attendance of any person from any part of India and examining him on oath;

(b) requiring the discovery and production of any document;

(c) receiving evidence on affidavits;

15 (d) requisitioning any public record or copy thereof from any court or office;

(e) issuing commissions for the examination of witnesses and documents; and

(f) any other matter which may be prescribed.

20 **11.** The appropriate Government shall consult the Authority on all policies affecting the management and conservation of environment in the country.

Appropriate Government to consult the Authority.

12. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide adequate funds to the Authority for carrying out the purposes of this Act.

Central Government to provide adequate funds to the Authority.

25 **13.** (1) The Authority shall, in consultation with the Comptroller and Auditor-General of India, maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form and manner, at such time of each financial year, and such intervals, as may be prescribed.

Accounts and audit.

30 (2) The accounts of the Authority shall be audited by the Comptroller and Auditor-General at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the Authority to the Comptroller and Auditor-General.

35 (3) The Comptroller and Auditor-General and any person appointed by him in connection with the audit of the accounts of the Authority under this Act shall have the same rights and privileges and the authority in connection with such audit as the Comptroller and Auditor-General generally has in connection with the audit of Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the Authority.

40 (4) The accounts of the Authority, as certified by the Comptroller and Auditor-General or any other person appointed by him in this behalf, together with the audit report thereon shall be forwarded annually to the Central Government by the Authority.

45 **14.** (1) The Authority shall prepare every year, in such form and within such time as may be prescribed by the Central Government, an annual report giving a true and full account of its activities during the previous year and copies thereof shall be forwarded to the Central Government.

Annual Report.

(2) The Central Government shall cause to be laid before each House of Parliament, the annual report along with a memorandum of action taken or

proposed to be taken on the recommendations of the Authority relating to the Union and the reasons for non-acceptance, if any, of such recommendations, within a period of one year from the date of receipt of such report.

(3) Where the report or any of its part is related to any of the issues connected with the State Government, a copy of such report shall be forwarded to the Governor of that State, who shall in turn cause it to be laid before the Legislature of the State concerned, along with an explanatory memorandum explaining the action taken or proposed to be taken on the recommendations related to the State, and the reasons for non-acceptance, if any, of such recommendations, within a period of one year from the date of receipt of such report.

Act to have overriding effect.

15. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Act not in derogation of any other law.

16. The provisions of this Act shall be in addition to and not in derogation of the provisions of any other law for the time being in force.

Power to remove difficulties.

17. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as may appear to be necessary for removing the difficulty.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

Power to make rules.

18. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Rapid industrialization and infrastructure development in the last two decades coupled with population growth and urbanization has exerted tremendous pressures on the environment. The existing regulatory institutions at the Central and State levels have been unable to cope up effectively with the rising environmental challenges. It is now well recognized that the gap between the environmental regulatory policies and their compliance is becoming wider. The traditional systems of environmental regulation exercised through the Union Ministry of Environment, Forest and Climate Change, Ministry of Environment in the State Governments, Central and State Pollution Control Boards etc. have become inadequate to address the alarming threats of climate change, global warming, pollution and environmental impacts of largescale infrastructure projects. The existing mechanism of criminal prosecution of environmental offenders has also failed to yield the desired results. The regime of environmental clearance which took shape through the environment impact assessment notification under the Environment (Protection) Act, 1986, involves grant of prior clearance to major projects by the Ministry of Environment, Forest and Climate Change and the State Environment Impact Assessment Authorities (SEIAAs). While the number and complexity of the projects being processed for environmental clearance has increased manifold, the capacity and resources available with these agencies have remained limited.

Here lies the significance of an impartial, independent and non-political apex authority to regulate and control all the activities related to environment management and conservation. In 2011, the Honourable Supreme Court in the verdict of the *Lafarge Umiam Mining Private Ltd. v. The Union of India* directed the Union Government to set up a national regulator to appraise projects, enforce environmental conditions for approvals, and impose penalties on polluters in accordance with sub-section (3) of section 3 of the Environment (Protection) Act, 1986. However, this direction hasn't been implemented even after fifteen years. In the past couple of years, the country has witnessed several changes to the environmental regulations, particularly regarding clearance mechanisms, with the Government advocating for the "ease of doing business." Several concerns have been raised about these changes, especially on the issues of impact assessment, inadequate public consultation, lack of transparency and credibility in the mechanism, and the non-existence of a proper post-clearance mechanism. This further illustrate the need for an independent environmental regulator for overseeing, controlling, monitoring and regulating all the concerns related to environmental management. The Bill, therefore, proposes to establish an apex body to be called the National Environment Management and Regulatory Authority to effectively manage, monitor and regulate the use of environmental resources.

Hence, this Bill.

SANDOSH KUMAR P.

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the constitution of the National Environment Management and Regulatory Authority (NEMRA) and for the appointment of the Chairperson and other Members thereof. Clause 4 *inter alia* provides for the salaries, allowances and other conditions of service of the Chairperson and Members of the NEMRA. Clause 7 provides for the appointment of officers and staff including experts of the NEMRA as may be considered necessary by the Central Government and for the salaries and allowances payable to and other terms and conditions of service of such officers and staff. Clause 9 lays down the functions of the NEMRA, which *inter alia*, includes provision of technical advice and capacity building trainings to state level environmental impact assessment authorities and carry out research relating to the planning and management of environment and other preventive aspects of natural resources management. Clause 12 provides for the Central to provide adequate funds to NEMRA for carrying out the purposes of this Bill.

The Bill, therefore, if enacted, will involve expenditure, both of recurring and non-recurring nature, from the Consolidated Fund of India. However, it is difficult to estimate the exact quantum of expenditure likely to be involved at this stage.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 17 empowers the Central Government to make such provisions through an order for removing any difficulty that might arise in giving effect to the provisions of this Bill. Clause 18 of the Bill empowers the Central Government to make rules carrying out the purposes of this Bill.

As the rules or orders rules will relate to matters of procedure and administrative detail only, the delegation of legislative power is of a normal character.

RAJYA SABHA

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BILL

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Regulatory Authority for the effective management, regulation and
monitoring of the use of environmental resources
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(Shri Sandosh Kumar P., M.P.)