

Bill No. XXXVIII of 2021

THE COUNCIL ON CLIMATE CHANGE BILL, 2021

A

BILL

to provide for the establishment of a Council on Climate Change at the Centre and in each State and for matters connected therewith or incidental thereto.

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

1. (1) This Act may be called the Council on Climate Change Act, 2021.

Short title,
extent and
commencement.

(2) It extends to the whole of India.

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

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

Definitions.

10 (a) "baseline year" implies net emissions of carbon dioxide and other targeted greenhouse gases in India during a particular year against which the emission in other years is to be measured;

(b) "climate change" refers to a change of climate that is attributed directly or indirectly to human activity that alters the composition of the global atmosphere and that is in addition to natural climate variability observed over comparable time periods.

(c) "National Action Plan on Climate Change (NAPCC)" refers to following eight National Missions on climate change: 5

(i) National Solar Mission;

(ii) National Mission for Enhanced Energy Efficiency;

(iii) National Mission on Sustainable Habitat;

(iv) National Water Mission; 10

(v) National Mission for Sustaining the Himalayan Eco-system;

(vi) National Mission for a Green India;

(vii) National Mission for Sustainable Agriculture; and

(viii) National Mission on Strategic Knowledge for Climate Change;

(d) "National Council" means the National Council on Climate Change constituted under section 3; 15

(e) "net carbon account" means a cap on the net Carbon Account for that year set by the Central Government; and

(f) "State Council" means the State Council on Climate Change constituted under section 5. 20

Constitution
of the
National
Council on
Climate
Change.

3. (1) The Central Government shall, within three months of the coming into force of this Act, constitute a Council to be known as the National Council on Climate Change for the purpose of advising the Central Government on all matters related to climate change including those referred to in or arising from the implementation of this Act.

(2) The National Council shall consist of:— 25

(i) The Prime Minister as the Chairperson;

(ii) The Union Minister of Environment, Forest and Climate Change - Vice Chairperson;

(iii) The Union Minister of State in the Ministry of Environment, Forest and Climate Change - Member; 30

(iv) The Minister In-charge of Environment or any other Minister nominated by each State Government - Members;

(v) Chairperson of the National Green Tribunal constituted under the National Green Tribunal Act, 2010 - Member; 19 of 2010.

(vi) Chairperson of the Central Pollution Control Board - Member; 35

(vii) Not less than two persons representing the non-Governmental Organizations working in the field of climate change, to be nominated by the Central Government in such manner as may be prescribed - Members; and

(viii) The Central Government may, if it considers necessary, appoint two or more persons having specialized knowledge and experience in the field of climate change as *ad hoc* members. 40

(3) The Salary and allowances payable to, and other terms and conditions of services of the persons nominated to the National Council under clauses (vii) and (viii) of sub-section (2) shall be such as may be prescribed by the Central Government.

(4) The Chairperson may invite any other Minister or officer or experts to any meeting of the Committee depending upon the context of the meeting.

(5) The National Council shall be assisted by the Union Ministry of Environment, Forest and Climate Change.

5 (6) The National Council shall have its office in New Delhi.

4. (1) The National Council shall have the following powers and functions—

Powers and
functions of
the National
Council.

(a) to evolve a coordinated response to issues relating to climate change at the national and state level;

10 (b) to prescribe a target of net carbon account for the year 2050 in accordance with international obligations if any agreed to by India;

(c) to specify a baseline year for an absolute reduction of carbon emission and the proportion of reduction of carbon emission during each year following the baseline year;

15 (d) to provide oversight for the formulation of action plans in the area of assessment adaptation and mitigation of climate change;

(e) to periodically advise and monitor key policy decisions focusing on National Action Plan on Climate Change;

20 (f) to study enquire and conduct research into problems concerning climate change involving subjects under the Central Government or involving more than one State or Union Territory;

(g) to enquire into any matter relating to climate change and its impact which any State and/or Union Territory deems urgent or extensive enough to necessitate deeper inquiry and study;

25 (h) to recommend to the Central Government or State Councils concerned the steps to be taken for the climate change protection;

(i) to recommend, aid and advise the State Councils in the matters of research, climate studies, and connected matters; and

30 (j) to issue orders of injunction *suo-motu* or at the request of any State Government, against any person, institute or Government body in respect of acts determined by the National Council in such manner as may be prescribed and deemed to be harmful to the environment or ecology and the order issued shall be final unless an order vacating the injunction is obtained within six months from any High Court having jurisdiction over the subject-matter or area or a major portion thereof.

35 (2) The National Council shall meet at least once a year to discuss, enquire, implement decisions and policies concerning climate change and related issues.

40 **5.** (1) Every State Government shall, within three months of the coming into force of this Act, constitute a State Council on Climate Change headed by the Minister-in-charge of Environment and Climate or any other Minister and consisting of three other members who are experts in the field of climate change or such field as may be determined by the respective State Government.

Constitution
of the State
Council on
Climate
Change.

(2) The salary and allowances payable to, and other terms and conditions of services of the experts nominated to each State Council shall be such as may be prescribed by the respective State Government.

(3) Each State Council shall have its office at the capital of the respective State.

Powers and functions of the State Councils.

6. (1) Every State Council shall have the following powers and functions—

(a) to study, enquire into and do research upon the problems and issues associated with climate change in the respective State;

(b) to recommend to the respective Government of the State the steps to be taken for climate change mitigation and preservation. 5

(c) To furnish an annual report of the work and expenditure undertaken to address the issues and solutions related to climate change and ecology to the National Council;

(d) to issue orders of injunction against any person, institute or Government body in respect of acts determined by the State Council in such manner as may be prescribed and deemed harmful to the environment or ecology and the order of injunction issued by such State Council shall take effect immediately and shall become final and binding on the expiry of six months from the date of order unless the person, institute or Government body, against whom the order is passed, obtains an order of a competent Court, not below the rank of District Judge, vacating the injunction within that period: 10 15

Provided that the State Council and/or the aggrieved party may file an appeal against the order of the District Judge before the High Court.

(2) The State Council shall meet at least twice a year to discuss, enquire, implement decisions and policies concerning climate change and related issues in the State. 20

Annual Report of the National Council.

7. (1) The National Council shall prepare an annual report in such form and at such time, as may be prescribed, giving a true and full account of its activities, best practices undertaken by States and Union Territories and the overall expenditure undertaken both at the national and state level to tackle issues of and related to climate change during the previous year and forward it to the Central Government, which shall cause the report to be laid before each House of Parliament within one month of its receipt. 25

(2) The Central Government shall, within three months of the receipt of the report from the National Council, lay before each House of Parliament, an action taken report on the annual report submitted by the National Council.

Central Government to provide funds.

9. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide adequate funds to the National Council and State Government for carrying out the purposes of this Act. 30

Powers to make rules.

10. (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 the 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; however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule. 35 40

STATEMENT OF OBJECTS AND REASONS

The 6th Assessment Report of the Inter-Governmental Panel Climate Change Report (IPCC's Working Group 1) has issued a "code red" warning: climate change is widespread, rapid and intensifying and has unequivocally ascertained that human beings are the cause of rapid climate change. The report indicates that in the coming decades the impacts of climate change will increase in all regions and there will be "increasing heat waves, longer warm seasons and shorter cold seasons".

2. Under the Paris Agreement, India has pledged to reduce the emission intensity of its gross domestic product (GHG emissions per unit GDP) BY 33-35 percent over 2005 levels by 2030 and create an additional carbon sink of 2.5-3 billion tonnes of CO₂ equivalent through additional forest and tree cover. However, these steps are voluntary and not calibrated to ensure the achievement of the global warming target.

3. India is now the fourth-largest emitter of greenhouse gases after China, the US and the EU, and as it is known that we would be among the most severely affected countries. There have already been huge economic and social losses in recent years. The recent IPCC report acknowledges this and for the first time addressed the role of compound extremes and multiple climate change drivers operating together in maximizing disaster impacts in India and elsewhere. Massive landslides, unprecedented rainfall, extreme weather events etc., have been the norms for at least a decade.

4. Unfortunately, India does not have a comprehensive law addressing climate change. There are separate laws and bodies that deal with environmental and ecological issues (deforestation, pollution, etc.) but none subsumes climate change and its impact extensively and there does not exist any law or a body that focuses and addresses climate change solely. Deforestation, ecological degradation and pollution are a few of the microcosmic effects of climate change and hence, it becomes necessary to have a law and body in place that focuses on climate change and its assessment, adaption and mitigation.

5. The Bill seeks to achieve the above- mentioned objectives.

PRIYANKA CHATURVEDI

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides that the Central Government shall constitute a National Council on Climate Change for the purpose of advising the Government on matters related to climate change. Clause 5 provides that each State Government shall establish State Council on Climate Change. Clause 9 makes it obligatory for the Central Government to provide funds to the National Council and State Governments for carrying out the purposes of the Bill.

At this stage, it is not possible to give the exact amount to be incurred on this account. However, the expenditure, whether recurring or non-recurring will be met out of the Consolidated Fund of India. It is expected that a recurring expenditure of about rupees one hundred crores will be involved annually.

A non-recurring expenditure of about rupees fifty crores is also likely to be involved for office infrastructure at the Centre.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. Since the rules will relate to matters of details only, the delegation of legislative power is of a normal character.

RAJYA SABHA

A

BILL

to provide for the establishment of a Council on Climate Change at the Centre and in each State and for matters connected therewith or incidental thereto.

(Smt. Priyanka Chaturvedi, M.P.)