# THE GREEN HOUR

Volume 1 | Issue I | January 2023

# A Report on Parliamentary Proceedings on Environmental Matters

(Winter Session 2022)



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V DH Centre for Legal Policy

This is an independent, non-commissioned piece of work by the Vidhi Centre for Legal Policy, an independent think-tank doing legal research to help make better laws and improve governance for public good.

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# Abreviations Used for Political Parties

AAP - Aam Aadmi Party

AITC - All India Trinamool Congress

BJD - Biju Janta Dal

BJP - Bharatiya Janta Party

BSP - Bahujan Samaj Party

CPI(M) - Communist Party of India (Marxist)

DMK - Dravida Munnetra Kazhagam

JD(U) - Janta Dal (United)

JMM - Jharkhand Mukti Morcha

KCM - Kerala Congress (M)

INC - Indian National Congress

IUML - Indian Union Muslim League

MDMK - Marumalarchi Dravida Munnetra Kazhagam

RJD - Rashtriya Janata Dal

SS - Shiv Sena

TMC(M) - Tamil Maanila Congress (Moopanar)

YSR Congress - Yuvajan Sramika Rythu Congress

## **Executive Summary**

The report provides an insight into the developments on environment-related matters in the winter session (December 2022) of the parliament. The findings in the report aim to provide information on environmental matters in a more accessible form for the public participation. The information is collated from official sources and presented in a lucid way to allow readers to understand both parliamentary process and environmental issues discussed.

In Chapter I, we provide the overview of the scope of the report and why there is a necessity for such research. In Chapter II, we decode the response of the Ministry of Environment, Forest & Climate Change ("MoEFCC") to the questions filed with it by various Member of Parliaments ("MPs"). The chapter also provides information about the States/Union Territories and MPs which are active on the subjects of the environment. For empirical analysis, the responses by the MoEFCC are categorised into ten broad themes. The chapter also gives deeper insight into the themes which occupied the most space in the questions by MPs for the MoEFCC.

In Chapter III, we discuss the two government bills approved by the parliament in this session: Wild Life (Protection) Amendment Bill 2022 ("WPA Bill") and Energy Conservation (Amendment) Bill 2022 ("ECA Bill"). We covered the discussion on WPA by elaborating on the four broad subjects most MPs addressed in their speech: elephants, human-wildlife conflict, displacement of local communities, and declaration of wild animals as vermin. For ECA Bill, we discussed the issues MPs raised on the authority of the Ministry of Power to introduce the Bill. Many MPs argued that MoEFCC should have introduced the ECA Bill given its effect on climate change issues.

Chapter IV explores other parliamentary interventions available to MPs to raise issues of importance. This analysis shows how often environmental matters were raised in both houses of the parliament. The analysis reveals the subjects and issues that MPs put forward for the consideration of the MoEFCC. The chapter also provides insights into local issues raised by MPs for their constituency or state.

In Chapter V, the report enumerates a list of the new bills introduced in the winter session by government and private members. The chapter elucidates the broad objective of these bills.

The following are the key highlights of the winter session of the parliament:

#### A. Responses of MoEFCC in the Parliament during Question Hour

In total, the government answered 5274 questions in both houses of the parliament, wherein 2274 were in Rajya Sabha ("RS") and 3000 in Lok Sabha ("LS"). Out of these, 205 (3.9%) questions were responded to by MoEFCC- 71 in the LS and 134 in the RS.

#### B. Bills Discussed and Passed by the Parliament

WPA and ECA Bill 2022 were debated and passed in RS on 8<sup>th</sup> and 12<sup>th</sup> December 2022 respectively.
 Both the bills were passed by LS in the Monsoon Session (July-August 2022).

#### C. Interventions by MPs to Raise Environmental Matters

- Four types of parliamentary interventions were analysed in the report. For LS, Zero Hour and Rule 377 notices were looked at, and for RS, Zero Hour and Special Mention notices were looked at.
- In LS, 12 out of 374 Zero Hour notices and 15 out of 298 Rule 377 interventions were on matters of environmental importance.
- In RS, 10 out of 109 Zero Hour notices and 14 out of 206 Special Mention notices were of environmental importance.

#### D. New Bills Introduced in the Parliament

- Ministry of Commerce and Industry introduced Jan Vishwas (Amendment of Provisions) Bill 2022 wherein it sought to decriminalise offenses under 3 key environmental legislations-Environment (Protection) Act, 1986; Indian Forest Act, 1927; and Air (Prevention and Control of Pollution) Act, 1981.
- 5 Private Members' Bills were introduced in both houses of the parliament.

### 1. Introduction

Environmental law-making in a democratic country like India is a multifaceted and complex process, which requires the parliament to take into consideration a diverse stakeholder interests. The parliament plays a crucial role in not only legislating on subject matters critical for environmental protection, but also holds the executive (union government) accountable through its parliamentary procedures by ensuring that the government is answerable to the people of India in performance of its functions and implementation of the different environmental laws.

Parliamentary discussions also provide information on issues that may not be readily available in the public domain. The different parliamentary interventions available to Member of Parliaments ("MPs") serve as a tool to extract additional information and responses from the government. However, often this information gets lost in the complex nature of the parliamentary process. There are numerous reports by government and non-government agencies on the functioning of the government, especially Ministry of Environment Forest and Climate Change ("MoEFCC"), in terms of laws introduced, implementation of environmental laws, and role of the judiciary within the environmental law framework. However, there is little attention on the functioning of parliament regarding environmental matters. Thus, there is a need for collating such information and making it accessible for the public.

Through "The Green Hour" report, Vidhi Centre for Legal Policy ("Vidhi") aims to inform the public about environmental affairs in the parliament and thus takes a new step towards ensuring greater transparency and accountability of the functioning of the elected representatives. The report aims to bring forth the performance of MPs on the subject of environmental protection. The report will also guide people interested in parliamentary observation by providing a framework for parliamentary proceedings' analysis and understanding of the nation's political mood regarding environmental protection.

The parliament of India has two houses: Lok Sabha ("LS") and Rajya Sabha ("RS"). MPs in LS represent the constituency from which they are elected, whereas MPs in RS represent states and union territories. Both houses generally have three sessions in a year to undertake their proceedings: Budget (January-April), Monsoon (July-August), and Winter (November-December). Laws and policies are formulated, discussed, and decided in these sessions. "The Green Hour" will be periodically released after every such parliamentary session. The scope and content of the report may be modified in the future based on the feedback from our readers.

#### A. Methodology

The information for the report including questions, debates, bills, interventions, etc were obtained from the official websites of the parliament<sup>1</sup> and the video recordings of parliamentary proceedings available on the official Youtube channel of the Sansad TV.<sup>2</sup>

Responses by the MoEFCC were selected and further categorised under various environmental themes depending upon the issues and subjects they cover. As there is intersectionality between subjects, some responses may have been categorised under multiple themes. The authors decided on the list of subjects and issues under each theme based on their domain knowledge. The information was documented and analysed using the computer application Microsoft Excel and was manually reviewed.

For analysis of the debate on Wild Life (Protection) Amendment, Bill 2022, and Energy Conservation (Amendment) Bill 2022, the authors relied on the uncorrected version of the debate as available on the website of RS. Arguments of MPs were derived from their speeches and drafted coherently in this report.

 $<sup>{\</sup>color{red}^{1}} Lok \, Sabha, Parliament \, of \, India \, {\color{red}^{\underline{}}} \, \underline{\hspace{1cm}^{\underline{}}} \, \underline{\hspace{1cm}^{\underline{}$ 

 $<sup>^{2}\,</sup>Sansad\,TV, YouTube\,Channel\,<\,https://www.youtube.com/channel/UCISgnSNwqQ2i8lhCun3KtQg>\,$ 

For analysis of the interventions raised by MPs in both houses of the parliament, their speeches were used to derive concise arguments and issues. The authors' have added additional information wherever required to improve the flow of the argument for readers.

The list of the government and private members' bills was taken from the Bulletin 1 of LS<sup>3</sup> and RS<sup>4</sup> proceedings.

#### **B.** Limitation

The authors have attempted to put forward an objective analysis of the proceedings of both the houses of the parliament on environmental subjects. However, this analysis may suffer from two limitations. First, the authors collected the information based on their subjective knowledge and cannot be certain that the data is exhaustive. Second, some of the parliamentary proceedings such as responses to questions, speeches, interventions, etc required some level of interpretation. Therefore, the assessment criteria devised by the authors may suffer from personal opinions and biases.

<sup>&</sup>lt;sup>3</sup> Bulletin 1, Business, Lok Sabha, Parliament of India <a href="https://loksabha.nic.in/Business/ListofBusiness.aspx">https://loksabha.nic.in/Business/ListofBusiness.aspx</a> accessed on 20<sup>th</sup> January 2023

<sup>&</sup>lt;sup>4</sup> Bulletin 1, Business, Rajya Sabha, Parliament of India < https://rajyasabha.nic.in/Business/BulletinPart1 > accessed on 20th January 2023

# 2. Decoding Parliamentary Questions

#### A. Overview of the MoEFCC's Responses

We analysed the responses of the MoEFCC in both houses of parliament during the winter session, i.e., 7th to 23rd Dec 2022. In total, 5274 questions- 3000 in LS and 2274 in RS were answered by the government in the winter session of the parliament. Out of these, 205 questions (3.9%) were addressed by the MoEFCC- 71 in the LS and 134 in the RS as shown in Figure 1. A compilation of all responses by the MoEFCC used for this analysis is freely accessible at https://bit.ly/sansad-dec-2022.

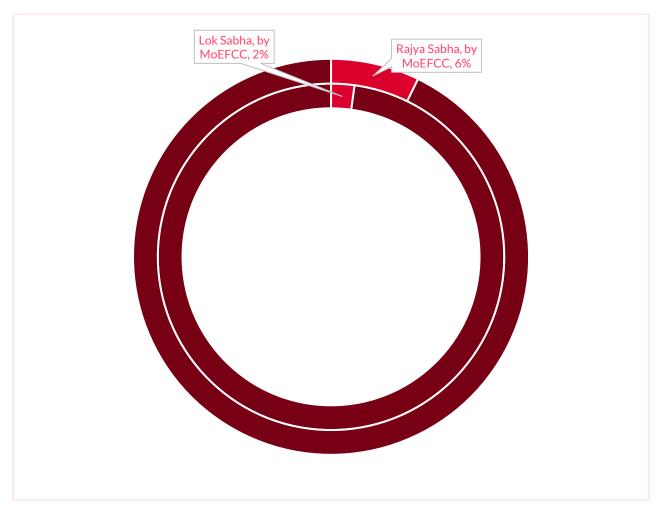


Figure 1. Percentage of questions responded to by the MoEFCC out of total questions answered by the Govt. of India.

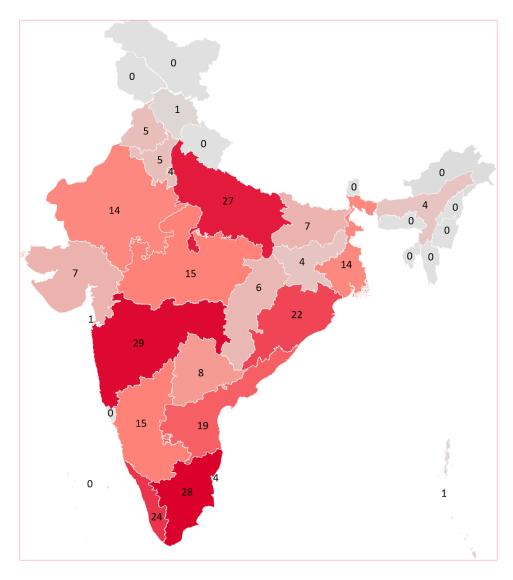


Figure 2. State/UT wise number of responses by the MoEFCC in the parliament.

Most of the replies on environmental matters were in response to the questions of MPs from the states of Maharashtra (29), Tamil Nadu (28), Uttar Pradesh (27), Kerala (24) and Odisha (22). Uttar Pradesh has 111 MPs (80 in LS and 31 In RS), which is the maximum representation from a state in both houses, comprising 14.2% of the current strength of the parliament, Maharashtra with 67 MPs (48 in LS and 19 In RS) and Tamil Nadu with 57 MPs (39 in LS and 18 In RS) comprises 8.6% and 7.3% respectively of the total strength of the parliament. Kerala with 29 MPs (20 in LS and 9 in RS) and Odisha with 31 MPs (21 in LS and 10 in RS) represent just 3.7% and 4% respectively of the total strength of the parliament but contributed significantly to the questions on environmental issues.

The North-Eastern region has 37 MPs (24 in LS and 13 in RS) representing seven sister states- Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Nagaland, and Tripura. However, only 4 responses from the MoEFCC could be traced to this region, all from the state of Assam.

Similarly, from the North-Himalayan region, 1 question from Himachal Pradesh was answered by the MoEFCC. The North-Himalayan region has 22 MPs (13 in LS and 9 in RS) representing Himachal Pradesh, Jammu & Kashmir, Ladakh, Sikkim, and Uttarakhand.

A map containing State and Union Territory ("**UT**") wise information on number of questions responded by the MoEFCC is provided Figure 2.

#### B. Analysis of the Issues Responded to by the MoEFCC

We analysed the detailed subject matter of the MoEFCC's responses to environmental-related questions. The responses were categorised into ten themes (Figure 3). Several responses by the MoEFCC were concerned with issues falling under different themes. Hence, there is intersectionality among themes. Various issues discussed under each of these themes are analysed and discussed in the following sections.

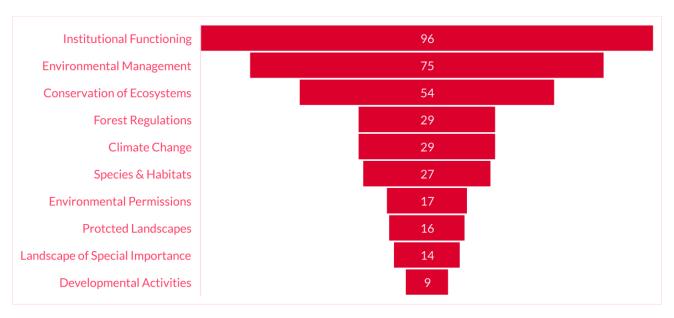


Figure 3. Broad themes of the responses by the MoEFCC in the parliament.

#### **Institutional functioning** I.

In 96 of its responses, the MoEFCC relied on the institutional functioning of boards under various Acts to answer the question. For instance, most pollution-related questions were responded to by providing the details of the role of the Central Pollution Control Board ("CPCB") and State Pollution Control Boards ("SPCB") at the centre and in respective states. As shown in Figure 4, most of the responses included mention of CPCB, followed by Compensatory Afforestation Fund Management and Planning Authority ("CAMPA"), SPCB, Forest Survey of India ("FSI"), Wildlife Institute of India ("WII"), Coastal Regulation Zone Authority ("CRZA"), Supreme Court ("SC"), National Tiger Conservation Authority ("NTCA"), National Green Tribunal ("NGT"), National Board of Wildlife ("NBWL"), Wildlife Crime Control Bureau ("WCCB"), Central Zoological Authority ("CZA"), and Botanical Survey of India ("BSI").

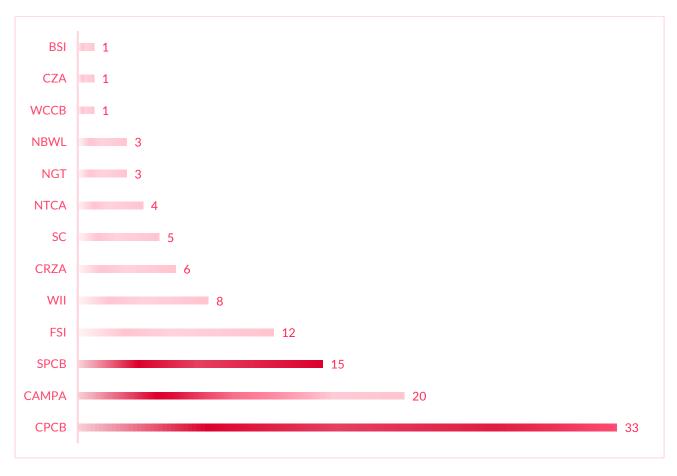


Figure 4. Number of responses related to institutional functioning

#### II. Environmental management

A total of 75 responses were related to environmental management, with air quality being the most addressed issue by the MoEFCC. However, most of the questions from MPs were directly or indirectly concerned with air pollution in and around Delhi. This was followed by responses related to circular economy. Responses under circular economy pertained to the waste management units and rules governing them, and concerns around e-waste and plastic waste. Water and soil concerns were raised mostly with respect to water pollution and the effect of Genetically Modified Crops ("GM crops") on soil health. A summary of all the issues discussed under this theme is shown below in Figure 5.

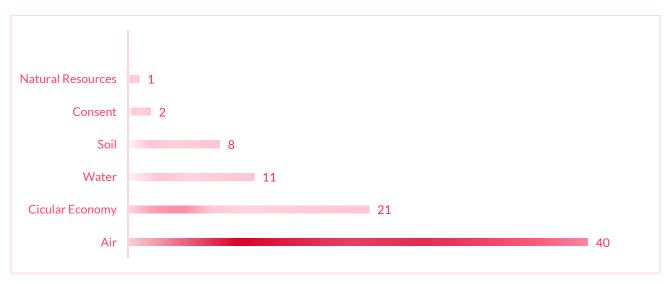


Figure 5. Number of responses related to environmental management.

#### III. Conservation of ecosystems

We were able to track 54 responses related to ecosystem conservation. Most of the questions were related to forests, followed by those concerning coasts and rivers. Change in forest cover featured most prominently in MPs' questions. MPs also raised issues like forest fire, mismanagement of afforestation programs, etc. In their questions for the MoEFCC, MPs raised concerns about the effect of climate change on coasts, islands, and marine areas. River and Wetland ecosystems featured in pollution-related responses. A summary of all the issues discussed under this theme is shown below in Figure 6.

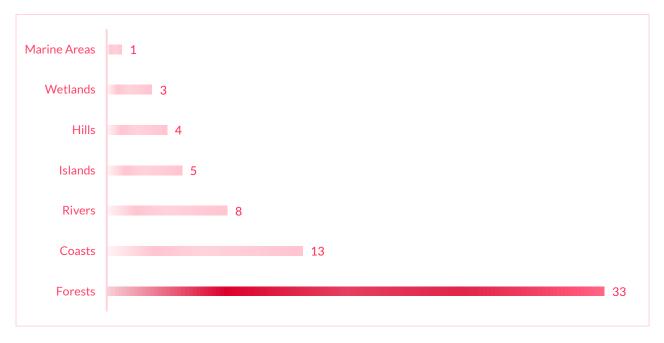


Figure 6. Number of responses related to conservation of various ecosystems.

#### IV. Forest regulations

In 29 responses, the MoEFCC dealt with the regulation of forests. The issues around forest rights and private forests were most discussed subjects under this theme. For instance, queries were raised concerning the Van Gram Vikas Yojana and forest rights of local communities in the Great Nicobar Islands. The issue of private forests was mostly raised concerning afforestation or the plantation of trees. Similarly, issues regarding governmentowned forests and concerns regarding Hon'ble Supreme Court's latest directions on Eco-Sensitive Zones ("ESZ") in T.N. Godavarman case<sup>5</sup> were also raised. A summary of all the issues discussed under this theme is shown below in Figure 7.



Figure 7. Number of responses related to forest regulations

<sup>&</sup>lt;sup>5</sup> In Re T.N. Godavarman Thirumulpad v. Union of India and Ors., Writ Petition (Civil) No. 202/1995

#### V. Climate change

In the backdrop of the Conference of Parties ("CoP") summit, there were 29 responses on issues concerning climate change. Questions by MPs were broadly concerned with how the government will implement its CoP-26 commitments, raise finances for meeting such commitments, and what steps have been taken so far.

#### VI. Species & habitats

The MoEFCC dealt with species and habitats in 27 of its responses. The limited number of responses by the MoEFCC provided under the theme gives some insight into the above mentioned issues. For instance, in response to question in the LS,<sup>6</sup> the MoEFCC responded that there were 35 deaths due to tiger attacks in 2022. Similarly, while answering question in the RS,<sup>7</sup> the MoEFCC clarified that the instances of human-wildlife conflict are primarily the responsibility of State Governments/UT administration and that the MoEFCC does not collate any data concerning such conflicts or the compensation paid/payable. A summary of all the issues discussed under this theme is shown in Figure 8.

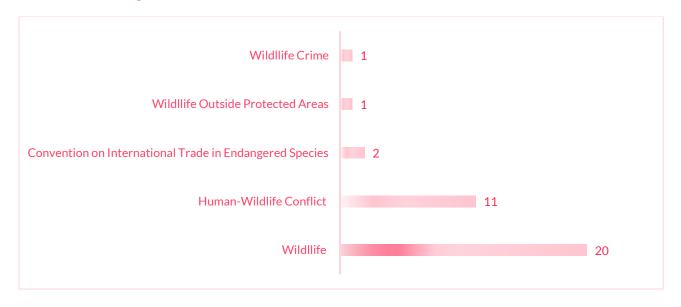


Figure 8. Number of responses related to conservation of species and habitats.

#### VII. Environmental permissions

The subject of environmental permissions was addressed in 17 responses. Most of the questions under the subject were addressed to seek clarification on environmental clearances, wherein 6 were directly addressed concerning the Andaman & Nicobar Islands. For instance, in question No. 1005 in the RS, the government informed that in October 2022, they provided 'in principle/stage I' approval for the diversion of 130.75 sq. km of forest land for sustainable development in the Great Nicobar Island. Responses on Consent to establish and operate were also provided with reference to Great Nicobar Islands. A summary of all the issues discussed under this theme is shown in Figure 9.

<sup>&</sup>lt;sup>6</sup> Question No. 877 in Lok Sabha, Parliament of India < <a href="https://pgals.nic.in/annex/1710/AU877.pdf">https://pgals.nic.in/annex/1710/AU877.pdf</a> accessed on 28<sup>th</sup> December 2022

<sup>&</sup>lt;sup>8</sup> Question No. 1005 in Rajya Sabha, Parliament of India < <a href="https://pqars.nic.in/annex/258/AU1005.pdf">https://pqars.nic.in/annex/258/AU1005.pdf</a> accessed on 20<sup>th</sup> January 2023

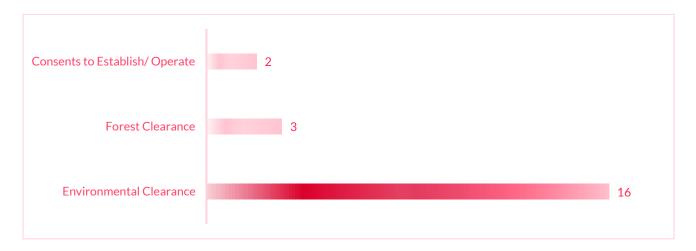


Figure 9. Number of responses related to environmental permissions.

#### VIII. Protected landscapes

16 responses by the MoEFCC specifically addressed the concerns around protected landscapes like ESZ, wildlife sanctuaries, and national parks. Responses on ESZ were focused on its width around protected areas. Specific concerns about protected landscapes like Galathea Bay Wildlife Sanctuary<sup>9</sup> and Ranganthittu Bird Sanctuary<sup>10</sup> were also raised. Questions on national parks dealt with the prospective plan of the MoEFCC for the translocation and introduction of wild animals like Asiatic lions and Cheetahs. A summary of all the issues discussed under this theme is shown below in Figure 10.

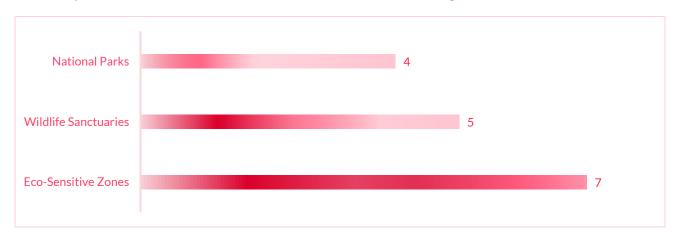


Figure 10. Number of responses related to protected landscapes.

#### IX. Landscape of special importance

A total of 14 responses addressed issues around tiger reserves, elephant reserves, and Ramsar wetlands. In response to a question on Project Tiger, <sup>11</sup> the MoEFCC provided details of the 18 tiger range states where the project is being implemented and funds allocated to the respective state under the scheme. Similarly, in response to a question in the RS, the MoEFCC informed that in the last 4 years, on average Rupees 30 crores per year had been budgeted for Project Elephant. A summary of all the issues discussed under this theme is shown below in Figure 11.

<sup>&</sup>lt;sup>9</sup> Question No. 1941 in Lok Sabha, Parliament of India < <a href="https://loksabha.nic.in/Questions/QResult15.aspx?qref=44887&lsno=17">https://loksabha.nic.in/Questions/QResult15.aspx?qref=44887&lsno=17</a> accessed on 28th December 2022

<sup>&</sup>lt;sup>10</sup> Question No. 853 in Lok Sabha, Parliament of India < <a href="https://loksabha.nic.in/Questions/QResult15.aspx?qref=43725&lsno=17">https://loksabha.nic.in/Questions/QResult15.aspx?qref=43725&lsno=17</a> accessed on 28th December 2022

**<sup>11</sup>** n6

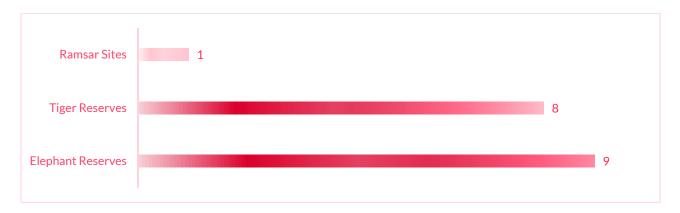
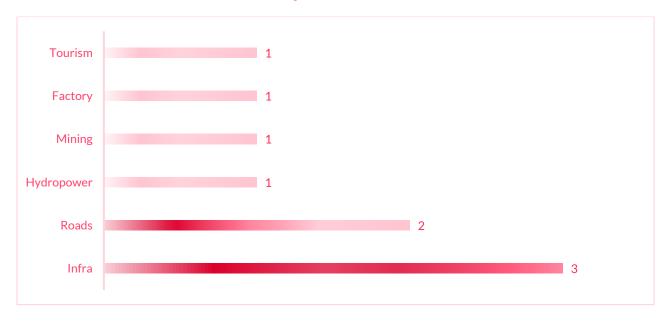


Figure 11. Number of responses related to landscapes of special importance.

#### X. Developmental activities

Little attention was paid to how development activities affect the environment. Only 9 responses pertained to this theme, under which subjects like mining, infrastructure, hydel projects, and tourism were covered. Questions were related to topics like clearance for a hydel projects in Kerala, <sup>12</sup> conversion of protected areas into safari parks, <sup>13</sup> and shifting of trees in the way of the greenfield expressway, <sup>14</sup> to name a few. A summary of all the issues discussed under this theme is shown below in Figure 12.



 $\label{lem:prop:section} \textbf{Figure 12. Number of responses related to developmental activities.}$ 

<sup>12</sup> Question No. 1789 in Rajya Sabha, Parliament of India < <a href="https://pgars.nic.in/annex/258/AU1789.pdf">https://pgars.nic.in/annex/258/AU1789.pdf</a> accessed on 15th January 2023

<sup>13</sup> Question No: 103 in Rajya Sabha, Parliament of India < <a href="https://pqars.nic.in/annex/258/AS103.pdf">https://pqars.nic.in/annex/258/AS103.pdf</a> accessed on 12<sup>th</sup> January 2023

<sup>&</sup>lt;sup>14</sup> Question No 979 in Rajya Sabha, Parliament of India < <a href="https://pgars.nic.in/annex/258/AU979.pdf">https://pgars.nic.in/annex/258/AU979.pdf</a> accessed on 13<sup>th</sup> January 2023

## 3. In Focus

# A. Wild Life (Protection) Amendment Bill, 2022

The Wild Life (Protection) Amendment Bill 2022 ("WPA Bill"), <sup>15</sup> was discussed and passed by the RS in the winter session on 8<sup>th</sup> December 2022. The Bill, which was introduced to amend the Wild Life (Protection) Act, 1972 ("WPA") was passed by the LS on 2<sup>nd</sup> August 2022. The debate in RS saw participation from 29 MPs. There were a few common themes across speeches that displayed the essential nature of those subjects. As per our analysis, elephants, human-wildlife conflict, displacement of forest-dependent communities, and declaration of wild animals as vermin were some of the most debated subjects during the debate.

#### I. Elephants

The issue of elephants was raised by multiple MPs either concerning human-wildlife conflict or captive elephants, especially with respect to clause 27 of the WPA Bill, which amends section 43 of the WPA for providing exemption of transport and transfer of captive elephants for 'religious and other purposes'. Vidhi has also pointed out the legal issues with the concerned clause in a discussion paper published in August 2022. Previously, Vidhi had submitted detailed comments and suggestions on the Wild Life (Protection) Amendment Bill, 2021 to the Parliamentary Standing Committee on Science and Technology, Environment, Forests and Climate Change, Parliament of India, on 15<sup>th</sup> January 2022.

Mr. Jairam Ramesh (INC, Karnataka) and Sushmita Dev (AITC, West Bengal) directly expressed their concern with respect to the 'any other purpose' exemption. Mr Ramesh requested that "...please drop the words 'any other purpose' from the Bill. If you have 'any other purpose', put it into the Bill and take the House into confidence." <sup>19</sup>

Mr. Bhupender Yadav, Union Minister for the MoEFCC responded that the term 'any other purpose' is inserted to keep the clause in consonance with Section 38 of the WPA, which regulates the transfer of animals by zoos. We assume the Minister was referring to Section 38(I) of the WPA, which mandates zoos to obtain prior permission from the authority to acquire, sell, or transfer any wild or captive animals specified in Schedules I and II of the WPA.

 $<sup>^{15}</sup>$  Wild Life (Protection) Amendment Bill 2022, Bill No. 159F of 2021 <  $\frac{\text{https://pqars.nic.in/annex/258/AU1808.pdf}}{\text{December 2022}}$ 

<sup>&</sup>lt;sup>16</sup> Wild Life (Protection) Act 1972, Act No. 53 of 1972

 $<sup>\</sup>frac{17}{\text{Debadityo Sinha, Deepa Padmar, 'Comments to the Parliamentary Standing Committee on The Wildlife (Protection) Amendment Bill 2021' (Vidhi Centre for Legal Policy, <math>17^{\text{th}}$  Jan 2022) <  $\frac{\text{https://vidhilegalpolicy.in/research/vidhis-submitted-comments-to-the-parliamentary-standing-committee-on-the-wildlife-protection-amendment-bill-2021/> accessed on <math>13^{\text{th}}$  January 2023

<sup>&</sup>lt;sup>18</sup> n17

<sup>&</sup>lt;sup>19</sup> Uncorrected debates, Rajya Sabha, Parliament of India,

<sup>&</sup>lt;a href="https://cms.rajyasabha.nic.in/UploadedFiles/Debates/VerbatimDebates/258/8122022/0300-0400%20PM//3-4(1).pdf">https://cms.rajyasabha.nic.in/UploadedFiles/Debates/VerbatimDebates/258/8122022/0300-0400%20PM//3-4(1).pdf</a> accessed on 14th January 2023



Photo 1. Ms Sulata Deo (BJD, Odisha) speaking on the issues related to elephant conservation during the debate on the WPA Bill in RS.

Several MPs suggested measures required to avoid human-elephant conflict. For instance, Sulata Deo (BJD, Odisha) advocated for better inter-state coordination to monitor the movement of elephants between states. She also suggested establishing the Elephant Conservation Authority on the lines of the NTCA. Ms. Deo raised the issue of elephants dying at railway lines. She also highlighted the need to increase the budgetary allocation for elephant conservation. However, there was no response from the Ministry.<sup>20</sup>

Similarly, the impact of developmental activities affecting elephants also featured in the debates. Mr. Pallabh Lochan Das (BJP, Assam) highlighted how Lower Subansiri Hydroelectric Project being constructed in Arunachal Pradesh affects the elephant corridor. In response to a question during the question hour on this issue, the government only highlighted that the project is being constructed at the cost of more than Rupees 17,000 crores but has been delayed since 2011.<sup>21</sup>

#### II. Human-wildlife conflict

Human-wildlife conflict featured in almost every MP's speech. Mr. Jose K Mani (KC(M), Kerala) suggested the establishment of the 'Wildlife Accident Claim Tribunal' for adequate and timely compensation that might not be provided in time. Mr. Mani also advocated for a Human-Sensitive Zone border of 500 meters around Protected Areas. Mr. Ramji (BSP, Uttar Pradesh) highlighted the disparity in compensation provided across states in cases of human-wildlife conflict. Mr. Abdul Wahab (IUML, Kerala) informed the house about the elephant attack at his home, which adversely affected crops and livelihood.

Ms. Sulata Deo (BJD, Odisha) also highlighted the issue of human-elephant conflict in Odisha and how compensation should be provided for those affected. As a suggestive measure for timely and proportional payment of compensation to people, she highlighted the 'Anukampa' initiative of the Odisha government, which is a user-friendly software developed for claiming compensation towards the human death, human injury, cattle kill, crop or house damage by wild animals as per Chapter-VAA of the Wildlife Protection (Odisha) Rules, 1974. Ms. Priyanka Chaturvedi (SS, Maharashtra) also highlighted the importance of the state wildlife plan for aligning human and wildlife interests. She mentioned that Maharashtra was the first state to adopt a state wildlife plan.

<sup>&</sup>lt;sup>20</sup> n19

 $<sup>\</sup>textbf{21} \ \text{Question No. 1591 in Rajya Sabha, Parliament of India} < \underline{\text{https://pqars.nic.in/annex/258/AU1591.pdf}} > \text{accessed on } 14^{\text{th}} \ \text{January 2023}$ 

<sup>&</sup>lt;sup>22</sup> About, Anukampa, PCCF Wild Life, Odisha (Forest & Environment Department)
<a href="https://www.anukampa.odisha.gov.in/index.php/home/applications">https://www.anukampa.odisha.gov.in/index.php/home/applications</a>> accessed on 12<sup>th</sup> January 2023

#### III. Displacement of local communities

Mr Bhupender Yadav, the Hon'ble Minister, while introducing the WPA Bill in the RS, highlighted twin objectives for the amendment; first, implementation of the 'Convention on International Trade in Endangered Species', and secondly, "...to give protection on some subjects to some extent to the people of traditional communities, who are tribal people, who have been living in our forest area for a long time". 23 However, this latter part lost significance in the debate, and only a few MPs highlighted the issues of tribal or local population.

In his speech, Prof Manoj Kumar Jha (RJD, Bihar) focused on the Sahariya tribal population who were allegedly displaced for Cheetah introduction in the Kuno National Park, Madhya Pradesh. He also highlighted that tribals from Kuno were originally displaced for the Asiatic Lion translocation program, which never happened. Mr. Kumar Ketkar (INC, Maharashtra) emphasised the fallacy of separating tribal populations and wildlife when both live together. He urged that this antithetical approach be dropped in law and policy formulation. Mr. Ramji (BSP, U.P.) suggested legal safeguards to protect the displacement of people from wildlife areas for commercial interests.

In his response to the debate, the Hon'ble Minister emphasised that the amendment to section 35 of the WPA through clause 14 of the WPA Bill protects local communities, such as forest dwellers and tribal people. The new sub-section (3A) and (3B) under the said section of the WPA have been added to ensure that local communities enjoy their rights as provided under the Forest Rights Act, 2006. Mr. Rakesh Sinha (BJP, Nominated) specifically responded to the issue of displacement of tribals from Kuno and stated that the Sahariya tribe, which used to struggle for food, is now prospering because of the Cheetah Reintroduction Project in the Kuno National Park.



Photo 2. Mr Bhupender Yadav, Hon'ble Minister of MoEFCC responding to various issues raised by the MPs on the WPA Bill in RS.

#### Declaration of wild animals as 'vermin'

As per section 62 of the WPA, the Central Government can declare any wild animal not listed in Schedule I and part II of Schedule II of the WPA as vermin. Although the WPA doesn't define 'vermin', declaring a species as vermin implies that it is a threat to agriculture and other human property. A species once declared vermin, can be hunted in a specific area for a certain period. 6 MPs raised this issue during the discussion.

Mr. GK Vasan (TMC(M), Tamil Nadu) said that the declaration of wild animals as vermin has been made without any scientific assessment or study, which will have far-reaching consequences. Mr. Vasan alluded to the need to clarify how an animal can be declared vermin. Any ambiguity around it can make wild animals vulnerable to exploitation. Dr. John Brittas (CPI(M), Kerala) requested the Minister to empower states to declare any wild animal as vermin.

Mr. Bhupender Yadav addressed queries related to vermin. He told the house that the vermin must be declared in a limited geographic area where there is a real problem from the particular species (like wild boar), and it must not be declared in the entire state. He further emphasised that the central government has already published guidelines on the process of declaration of vermin, which states must follow.

#### V. Other issues discussed

In the discussion, a few MPs highlighted prominent issues which deserved mention. For instance, Mr. Vivek Tankha (INC, Madhya Pradesh) highlighted the issue of ESZ around Wildlife Sanctuaries and National Parks. He pointed out how the Supreme Court's recent order<sup>24</sup> on Tungareshwar Wildlife Sanctuary exempting it from the mandatory requirement of 1 km ESZ around protected areas creates ambiguity. The MP advised the Minister to address the legal ambiguities around ESZ through an amendment to the WPA.

Some MPs also showed concern that the Bill impacts federalism and affects the country's federal structure by overriding state governments' power. Mr. Sanjay Singh (AAP, Delhi) said the Bill encroaches upon the State's jurisdiction. Dr. John Brittas claimed that the National Board of Wildlife had been used by the Central Government to block development in the State of Kerala.

Mr. Aneel Prasad Hegde (JD(U), Bihar) termed GM crops as alien species and argued that they threaten the Indian flora and fauna. Hence any steps toward promoting GM crops should be discouraged. Mr. Kumar Ketkar (INC, Maharashtra) also talked about the ignorance of biodiversity in the educational setup and teaching pedagogy. He emphasised that educational institutions are still reluctant to offer an expert course about wildlife in their institutions.

Mr. Jairam Ramesh (INC, Karnataka), former Minister of MoEFCC showed his dissatisfaction for not accepting suggestions of the Parliamentary Standing Committee<sup>25</sup> on the issues related to the standing committee of the State Board of Wild Life ("SBWL"). The parliamentary committee recommended that the standing committee of SBWL shall mandatorily have one-third of the non-official members of the SBWL, at least 3 institutional members, and the director of the Wildlife Institute of India or his/her nominee. He claimed that having the Standing Committee of the SBWL in its present form would make the SBWL a mere rubber stamp authority.

The Bill received the President's address on 19th December 2022.26

<sup>&</sup>lt;sup>24</sup> In Re: T.N. Godavarman v Union Of India And Ors, I.A. No. 161600 of 2022

<sup>&</sup>lt;sup>25</sup> The Wild Life (Protection) Amendment bill, 2021 Volume–I Recommendations of the committee, Department-related parliamentary standing committee on Science and Technology, Environment, Forests and Climate Change (21<sup>st</sup> April 2022) < <a href="https://prsindia.org/files/bills-acts/bills-parliament/2021/SCR%20Volume-1%20The%20Wild%20Life%20(Protection)%20Amendment%20Bill,%202021.pdf">https://prsindia.org/files/bills-acts/bills-parliament/2021/SCR%20Volume-1%20The%20Wild%20Life%20(Protection)%20Amendment%20Bill,%202021.pdf</a> > accessed on 20<sup>th</sup> January 2023

<sup>&</sup>lt;sup>26</sup> The Wild Life (Protection) Amendment Act 2022, Act No. 18 of 2022 < <a href="https://egazette.nic.in/WriteReadData/2022/241252.pdf">https://egazette.nic.in/WriteReadData/2022/241252.pdf</a> accessed on 15th January 2023



Photo 3. Mr Jairam Ramesh (INC, Karnataka) speaking on the issues related to the State Board of Wildlife during the debate on WPA Bill in RS.

#### **Energy Conservation (Amendment) Bill,** 2022

The Energy Conservation (Amendment) Bill, 2022 ("ECA Bill") was introduced and passed by the RS on 12th December 2022. LS had passed the Bill on 8<sup>th</sup> August 2022. 26 MPs participated in the ECA Bill debate in the RS.

Mr. R.K Singh, Minister of Power and Minister of New and Renewable Energy, while introducing the ECA Bill in RS, laid a three-fold broad objective: encouraging green buildings by providing for energy conservation and sustainable building code, providing standards of non-fossil fuel-based energy for different consumers, and carbon-credit trading system. All measures are aimed at checking air pollution and climate change.

Dr Abhishek Manu Sanghvi (INC, West Bengal) spoke about the inherent error in the introduction of the ECA Bill, wherein he believed that the MoEFCC should have been the nodal Ministry for overlooking these measures instead of the Ministry of Power. He argued that the ECA Bill should have been given to the MoEFCC to ensure more independence on environmental issues that the Bill intends to address.

Mr. P Wilson (DMK, Tami Nadu), building upon Dr. Singhvi's argument, pointed out that the ECA Bill is ultra vires the parent law, i.e., the Energy Conservation Act, 2001 ("ECA"): "... While the ECA deals with saving energy, the present Bill deals with saving the environment and conserving climate change due to usage of fossil and non-fossil fuels while generating electricity." He also pointed out that the Government of India (Allocation of Business) Rules, 1961<sup>27</sup> only provide for general policy in the power sector and related issues, including energy conservation and energy efficiency, for the Ministry of Power. This ECA Bill does not fall under the abovementioned criteria, and the issue of climate change specifically falls under the purview of MoEFCC.

<sup>&</sup>lt;sup>27</sup> Central Secretariat, Government of India (Allocation of Business) Rules 1961  $\frac{\text{https://cabsec.gov.in/writereaddata/allocationbusinessrule/completeaobrules/english/1 Upload 1187.pdf}{\text{accessed on 15}}$  January 2023



Photo 4. Mr R.K. Singh, Hon'ble Minister of Power speaking on the ECA Bill in RS.

Mr. Sandeep Kumar Pathak (AAP, Punjab) also questioned the authority of the Ministry of Power in introducing this Bill. Prof Manoj Kumar Jha (RJD, Bihar) termed it a 'domain conflict.' Other MPs expressed a similar concern. Mr. Vaiko (MDMK, Tamil Nadu) remarked that "...it is the Ministry of Environment, Forest and Climate Change which is the nodal Ministry in the matter of conservation, carbon credit trading and greenhouse gas emissions."

Ms. Priyanka Chaturvedi (SS, Maharashtra) suggested an 'inter-ministerial' channel to address this conflict which could also include other ministries like Coal, Civil Aviation, Urban Affairs, and Road & Transport.

Mr. Jawhar Sircar (AITC, West Bengal) pointed out the dichotomy of the government's stand on the issue of environmental preservation by pointing out its order to clear jungles in the Nicobar Islands. Ms. Mahua Maji (JMM, Jharkhand) pointed out the absence of any mechanism to hold the government accountable under the legislation.

The other aspects discussed by MPs were related to the ECA Bill's specific clauses concerning the energy sector, which is beyond the scope of this report.

The Bill received the President's assent on 19th December 2022.28

# 4. Interventions by MPs

Parliamentary interventions are important instruments available to MPs under the respective house rules which govern proceedings in the LS and RS. Such interventions allow MPs to channel the attention of the government or the concerned Ministry to a specific issue. Often, these issues are constituency-specific (in the LS) or state-specific (in the RS). We went through four types of interventions for this analysis, which are Zero Hour<sup>29</sup> and Rule 377 Notice<sup>30</sup> in the LS; and Zero Hour and Special Mentions<sup>31</sup> in the RS.

#### A. Interventions in LS

Out of 374 Zero Hour questions in the LS, only 12 (2.9%) were concerned with environmental issues. And out of 298 notices under Rule 377, only 15 (5%) were related to environmental issues.

The issues dealt with in Zero Hour were very diverse. To quote a few instances, Mr. B. Y. Raghvendra (BJP, Karnataka) brought up the issue of granting forest lands to families displaced by the Sharavathi Hydropower Project. Adv Dean Kuriakose (INC, Kerala) raised the issue of the declaration of the ESZ in the state of Kerala and its effects on people's livelihoods. He also pointed out how the delay in releasing the final ESZ Notification creates uncertainty for people living near a forest area in the state.

Ms. Chandrani Murmu (BJD, Odisha) emphasised the threat to elephants in mining areas, wherein "...fragmentation of traditional elephant corridors has forced the elephants to split into several metapopulations or herds and move to new areas in search of food and shelter...". She said this is increasing the human-elephant conflict and should be addressed soon.

Other MPs addressed issues like air and water pollution caused by factories (Mr. Manish Tewari, INC from Punjab), the effect of the Coastal Regulation Zone Notification, 2019<sup>32</sup> on families living in coastal areas (Mr. Rajmohan Unnithan, INC from Kerala) to name a few.

Rule 377 was used by MPs to put forward their constituency-specific issues before the house, demanding the MoEFCC to take cognizance of the same. For instance, Mr. Basanta Kumar Panda (BJP, Odisha) inquired about the environmental clearance for the Jonk Irrigation Project in Nuapada district, Odisha. Similarly, Subrat Pathak (BJP, U.P.) asked about the development plans of Lakh Bahosi Bird Sanctuary Lake in Kannauj Parliamentary Constituency, Uttar Pradesh. A few MPs also emphasised wildlife-specific issues such as urbanisation around Kaziranga National Park (Mr. Gaurav Gogoi, INC from Assam) and region-specific issues like increased black carbon in the North-East region due to climate change (Mr. Pradyut Bordoloi, INC from Assam).

<sup>&</sup>lt;sup>29</sup> FAQ, Lok Sabha, Parliament of India < <a href="https://loksabha.nic.in/FAQ.aspx#Procedural Devices for raising matters o">https://loksabha.nic.in/FAQ.aspx#Procedural Devices for raising matters o</a> . accessed on 18<sup>th</sup> January 2023

The term `Zero Hour' is not formally recognised in our parliamentary procedure. Zero Hour in Lok Sabha is the 2<sup>nd</sup> hour immediately following the question hour, wherein the members raise questions of urgent public importance with the permission of the Speaker

 $<sup>^{30}</sup>$  Rule 377: Raising a matter which is not a point of order, Rules of Procedure and Conduct of Business in Lok Sabha ( $^{16}$  Edn) < https://loksabha.nic.in/rules/rules.pdf> accessed on 18th January 2023

Rule 377 stipulates that a member who wishes to bring to the notice of the House a matter which is not a point of order shall give notice in writing to the Secretary-General, specifying clearly and precisely the text of the matter to be raised. The member may be permitted to raise it only after the Speaker has given the consent and at such time and date as the Speaker may fix

<sup>&</sup>lt;sup>31</sup> II. Special Mention, Chapter XIV, Rules of Procedure and Conduct of Business in the Council of States (Rajya Sabha 9<sup>th</sup> Edn) < https://rajvasabha.nic.in/Procedures/LegislativeRules > accessed on 15th January 2023 Special Mention is an instrument used to mention matters of public importance

<sup>&</sup>lt;sup>32</sup> Notification, Ministry of Environment, Forest and Climate Change (18<sup>th</sup> January 2019) <a href="https://www.mczma.gov.in/sites/default/files/CRZ%20Notification%202019.pdf">https://www.mczma.gov.in/sites/default/files/CRZ%20Notification%202019.pdf</a> accessed on 17<sup>th</sup> January 2023

#### **B.** Interventions in RS

In the RS, 206 special mentions were taken up, wherein 14 (6.9%) of total Special Mentions were filed with the MoEFCC.<sup>33</sup> Air pollution dominated these notices, with 5 out of 14 notices concerning the issue of air quality. Other notices focused on issues such as the human-wildlife conflict in the Sundarban (Ms Mausam Noor, AITC from West Bengal), degradation of biodiversity because of encouragement of oil palm cultivation in the country (Mr. Ajit Kumar Bhuyan, Independent from Assam) or rehabilitation of displaced population in Sanjay Dubri National Park and Tiger Reserve (Mr. Ajay Pratap Singh, BJP from Madhya Pradesh).



Photo 5. Ms. Mausam Noor (AITC, West Bengal) speaking in RS on the issue of human-wildlife conflict in Sunderban.

10 Zero Hour notices (out of 109) were used by MPs to raise environmental concerns in their regions. For instance, Mr. Balbir Singh (AAP, Punjab) pointed out the shortage of water in Punjab because of pollution and climate change, while Dr. John Brittas (CPI(M), Kerala) requested the government to exempt humans' settlement from the proposed Eco-sensitive buffer zones in Kerala.

#### I. Response of the Minister with respect to the Draft Prevention of Cruelty to Animals (Amendment) Bill, 2022

During Zero Hour in the RS, Mr. K.R.N. Rajeshkumar (DMK, Tamil Nadu) expressed concerns related to poultry birds in the proposed Draft Prevention of Cruelty to Animals (Amendment) Bill, 2022.<sup>34</sup> The Bill proposes 61 amendments to The Prevention of Cruelty to Animals Act, 1960 ("PCA Act")<sup>35</sup> and was released for public comments from 21<sup>st</sup> November 2022 till 7<sup>th</sup> December 2022. The concerns were with respect to proposed section 11C in the PCA Act vide clause 35 of the Bill, which prescribes for the 'Offence by poultry farm or livestock industries.'

Mr. Parshottam Rupala, Minister for Animal Husbandry, Dairying, and Fisheries was present. He responded to the concern by reassuring that the "...Government of India has no intention to harm their interests by any amendment in the law. We will not let this happen. We will make amendments to the Bill only after receiving suggestions from the State Governments and poultry farmers through the website. But comparing poultry farmers with dairy farmers is not right."

<sup>&</sup>lt;sup>33</sup> n31

 $<sup>^{34} \ \</sup>text{Public Notice, V-11/7/2019-Anlm\_Dadf, Ministry of Fisheries, Animal Husbandry and Dairying, } 21^{\text{st}} \ \text{November 2023} \\ < \underline{\text{https://dahd.nic.in/sites/default/filess/Public%20notice-Draft%20PCA%20bill-2022.pdf}} > \text{accessed on } 15^{\text{th}} \ \text{January 2023} \\ < \underline{\text{November 2023}} = 10^{-2} \ \text{Movember 2023} \\ < \underline{\text{November 2023}} = 10^{-2} \ \text{Movember 2023} \\ < \underline{\text{November 2023}} = 10^{-2} \ \text{Movember 2023} \\ < \underline{\text{November 2023}} = 10^{-2} \ \text{Movember 2023} \\ < \underline{\text{November 2023}} = 10^{-2} \ \text{Movember 2023} \\ < \underline{\text{November 2023}} = 10^{-2} \ \text{Movember 2023} \\ < \underline{\text{November 2023}} = 10^{-2} \ \text{Movember 2023} \\ < \underline{\text{November 2023}} = 10^{-2} \ \text{Movember 2023} \\ < \underline{\text{November 2023}} = 10^{-2} \ \text{Movember 2023} \\ < \underline{\text{November 2023}} = 10^{-2} \ \text{Movember 2023} \\ < \underline{\text{November 2023}} = 10^{-2} \ \text{Movember 2023} \\ < \underline{\text{November 2023}} = 10^{-2} \ \text{Movember 2023} \\ < \underline{\text{November 2023}} = 10^{-2} \ \text{Movember 2023} \\ < \underline{\text{November 2023}} = 10^{-2} \ \text{Movember 2023} \\ < \underline{\text{November 2023}} = 10^{-2} \ \text{Movember 2023} \\ < \underline{\text{November 2023}} = 10^{-2} \ \text{Movember 2023} \\ < \underline{\text{November 2023}} = 10^{-2} \ \text{Movember 2023} \\ < \underline{\text{November 2023}} = 10^{-2} \ \text{Movember 2023} \\ < \underline{\text{November 2023}} = 10^{-2} \ \text{Movember 2023} \\ < \underline{\text{November 2023}} = 10^{-2} \ \text{Movember 2023} \\ < \underline{\text{November 2023}} = 10^{-2} \ \text{Movember 2023} \\ < \underline{\text{November 2023}} = 10^{-2} \ \text{Movember 2023} \\ < \underline{\text{November 2023}} = 10^{-2} \ \text{Movember 2023} \\ < \underline{\text{November 2023}} = 10^{-2} \ \text{Movember 2023} \\ < \underline{\text{November 2023}} = 10^{-2} \ \text{Movember 2023} \\ < \underline{\text{November 2023}} = 10^{-2} \ \text{Movember 2023} \\ < \underline{\text{November 2023}} = 10^{-2} \ \text{Movember 2023} \\ < \underline{\text{November 2023}} = 10^{-2} \ \text{Movember 2023} \\ < \underline{\text{November 2023}} = 10^{-2} \ \text{Movember 2023} \\ < \underline{\text{November 2023}} = 10^{-2} \ \text{Movember 2023} \\ < \underline{\text{November 2023}} = 10^{-2} \ \text{Movember 2023} \\ < \underline{\text{November 2023}} = 10^{-2} \ \text{Movember 2023} \\ < \underline{\text{November 2023}} = 10^{-2} \ \text{Movember 2023} \\ < \underline{\text{November 20$ 

<sup>&</sup>lt;sup>35</sup> The Prevention of Cruelty to Animals Act 1960, Act No 59 of 1960

The Minister didn't inform any tentative period for the introduction of the Bill in the house.

#### II. Climate Change Debate



Photo 6. Mr Tiruchi Siva initiating the discussion on effects of climate change in RS

The RS had a 'Short-Duration Discussion'<sup>36</sup> on the "serious effects of global warming and the need for remedial steps to tackle it". Three MPs led by Mr. Tiruchi Siva (DMK, Tamil Nadu) moved the motion for discussion.

MPs expressed their concern on the issues of climate change concerning the government policies like renewable energy (Dr Amee Yajnik, INC from Gujarat) or their respective states' concerns (from which they are elected in RS). For instance, Niranjan Reddy, YSR Congress elected from Andhra Pradesh, spoke about how his coastal state is more susceptible to the effect of climate change and hence requires greater support.

However, two issues featured most among all speeches: deforestation and afforestation policy of the government; and India's commitment to the United Nations Framework for Countering Climate Changes. Prof Ram Gopal Yadav (SP, Uttar Pradesh) highlighted how the afforestation requirement for constructing Tehri Dam (Uttarakhand) was done in Jhansi (in UP) and not Tehri.

Dr Amar Patnaik (BJD, Odisha) provided specific recommendations on laws. First, amending the Companies Act, 2013<sup>37</sup> "...to change the Corporate Social Responsibility (CSR) provision to Environment, Social and Governance (ESG) provision." He argued for greater participation of the private sector on environmental issues. Secondly, he suggested amending the Disaster Management Authority Act, 2005, <sup>38</sup> to incorporate the changing requirements due to climate change. He argued that shifting from security to resilience and mitigation to adaptation necessitates these changes.

<sup>&</sup>lt;sup>36</sup> Chapter XIII, Rules of Procedure and Conduct of business in the Council of States, Rajya Sabha < <a href="https://rajyasabha.nic.in/Procedures/LegislativeRules">https://rajyasabha.nic.in/Procedures/LegislativeRules</a> accessed on 14<sup>th</sup> January 2023
Short-duration discussion allows any member desirous of raising discussion on a matter of urgent public importance to give notice in writing to the Secretary-General of the RS specifying clearly and precisely the matter to be raised

<sup>&</sup>lt;sup>37</sup> Companies Act 2013, Act No. 18 of 2013

<sup>&</sup>lt;sup>38</sup> Disaster Management Authority Act, 2005; Act No. 53 of 2005

The short-duration discussion was held for 2 hours, wherein numerous issues were discussed. In total, 18 MPs expressed their thoughts on the issue of climate change. However, the discussion did not conclude in this session and will continue in upcoming sessions.

## 5. New Bills Introduced

#### A. Government Bills

Apart from the Wild Life (Protection) Amendment Bill, 2022 and Energy Conservation (Amendment) Bill, 2022, the government introduced the Jan Vishwas (Amendment of Provisions) Bill, 2022 ("Jan Vishwas Bill"). The Bill seeks to amend 42 laws in force to ease the compliance burden on individuals and businesses. The Ministry of Commerce and Industry introduced the Bill.

The Bill seeks to amend three environment-related acts: The Indian Forest Act, 1927; The Environmental Protection Act, 1986; and The Air (Prevention and Control of Pollution) Act, 1981. These changes further the notice for public consultation released by the MoEFCC in July 2022 for proposed decriminalisation of key environmental legislations. In July 2022, Vidhi submitted detailed comments and suggestions to the MoEFCC on the proposed amendments.<sup>39</sup>

The Jan Vishwas Bill omits amendments to the Water (Prevention and Control of Pollution) Act, 1974 (as proposed in the July notice). The Bill has been sent to the Joint Committee on the Jan Vishwas (Amendment of Provisions) Bill 2022 for consideration and comments. The Joint Committee comprises 31 members from both houses of the parliament and is chaired by LS MP Mr. P.P Chaudhary (BJP, Rajasthan). The committee will submit its report by the 17<sup>th</sup> of March, 2023.

#### **B.** Private Members Bills

A Private Members' Bill ("PMB") can be introduced by MPs who is not in the government, i.e., do not hold a ministerial position. These bills are taken up every alternate friday during a parliamentary session in the second half of the day.

PMBs can provide a good template for the government to devise a policy or a law on the subjects. PMBs on environment-related subjects were introduced in both houses, but none of the bills reached the discussion stage. The following environment-related PMBs were introduced in the winter session of the parliament:

#### I. The Net Zero Emission Bill, 2022

Bill No. LXXXIII of 2022 | Introduced by Mr. Sujeet Kumar (BJD, Odisha) in RS

The Bill seeks to provide a framework to achieve net zero emissions by 2070 as per India's Nationally Determined Contributions ("NDCs") under the United Nations Framework Convention on Climate Change. The Bill also focused on preserving vulnerable communities from drastic climate events by maintaining a dynamic record maintenance framework for such communities.

India submitted its revised NDCs in August 2022<sup>40</sup> followed by submitting its Long-Term Low Emission Development Strategy<sup>41</sup> at CoP-27 held at Sharm-el-Sheikh, Egypt.

Text of the Bill is available at:

<sup>&</sup>lt;sup>39</sup> Debadityo Sinha, Tarika Jain, Himanshu Ahlawat, Comments on the Proposed Decriminalisation of Four Key Environmental Legislation, Vidhi Centre for Legal Policy 22 July 2022) <a href="https://vidhilegalpolicy.in/research/comments-on-the-proposed-decriminalisation-of-four-key-environmental-legislation/">https://vidhilegalpolicy.in/research/comments-on-the-proposed-decriminalisation-of-four-key-environmental-legislation/</a> > accessed on 20<sup>th</sup> January 2023

Also see: Tarika Jain, Debadityo Sinha, Himanshu Ahlawat, Comments On The Proposed Amendments to The Indian Forest Act, 1927, Vidhi Centre for Legal Policy (31st July 2022) <a href="https://vidhilegalpolicy.in/research/comments-on-the-proposal-to-amend-the-indian-forest-act-1927/">https://vidhilegalpolicy.in/research/comments-on-the-proposal-to-amend-the-indian-forest-act-1927/</a> accessed on 20th January 2023

 $<sup>^{40}</sup>$  'Cabinet approves India's Updated Nationally Determined Contribution to be communicated to the United Nations Framework Convention on Climate Change' <a href="https://pib.gov.in/PressReleaselframePage.aspx?PRID=1847812">https://pib.gov.in/PressReleaselframePage.aspx?PRID=1847812</a> accessed on 15<sup>th</sup> January 2023

<sup>41 &#</sup>x27;India Submits its Long-Term Low Emission Development Strategy to UNFCCC', PIB, <a href="https://pib.gov.in/PressReleasePage.aspx?PRID=1875816">https://pib.gov.in/PressReleasePage.aspx?PRID=1875816</a>> accessed on 15th January 2023

# II. The Climate Migrants (Protection and Rehabilitation) Bill, 2022

Bill No. 160 of 2022 | Introduced by Mr. Pradyut Bordoloi (INC, Assam) in LS

As per the statement of objects and reasons of the Bill, there is a need to develop a comprehensive, nationally integrated approach to address the causes, remedy effects, and protect the communities affected by climate migrants. The Bill intends to provide for the National Climate Migration Authority, which will broadly perform four functions – protection, preparedness, adoption, and mitigation.

Text of the Bill is available at:

http://164.100.47.4/BillsTexts/LSBillTexts/Asintroduced/160%20OF%202022%20AS12122022113734AM.pdf

#### III. The Forest (Conservation) Amendment Bill, 2022

Bill No. 9 of 2020 | Introduced by Mr. Tirath Singh Rawat (BJP, Uttarakhand) in LS

The Bill seeks to incorporate section 3C and section 3D in the Forest Conservation Act, 1980 ("FC Act") to provide for the inhabitants of hill stations in the vicinity of reserved forests or protected forests or any other forests from felling, cutting, sawing off, or removing trees, and exclude the requirement of Central Government permission for certain activities. The statement of objects and reasons explains these amendments wherein the MP has argued that the FC Act denies the inhabitants of hill stations of Uttarakhand their customary rights. Similarly, the tribal and non-tribal populations living in the vicinity of the forest are facing issues in constructing essential infrastructure because of prior permission requirements under the FC Act.

Text of the Bill is available at:

http://164.100.47.4/BillsTexts/LSBillTexts/Asintroduced/9%20of%202020%20%20AS121220221055 02AM.pdf

#### IV. Wild Life Protection (Amendment) Bill, 2022

Bill No. 205 of 2022 | Introduced by Mr. Thomas Chazhikadan (KC(M), Kerala) in LS

The Bill seeks to declare wild boars as vermin, allowing rubber pellets to be used against them to avoid human-wildlife conflict.

Text of the Bill is available at:

http://164.100.47.4/BillsTexts/LSBillTexts/Asintroduced/205%20OF%202022%20AS121220221153 39AM.pdf

#### V. Environmental Protection (Amendment) Bill, 2022

Bill No. 132 of 2022 | Introduced by Mr. V.K. Sreekandan (INC, Kerala) in LS

The Bill seeks to prevent the Central Government from declaring any protected areas beyond national parks or a wildlife sanctuary. The MP introduced this Bill in pursuance of the Hon'ble Supreme Court's

order,<sup>42</sup> arguing that the judgment disproportionately affects the state of Kerala because of high forest coverage and the population living around it.

Text of the Bill is available at:

http://164.100.47.4/BillsTexts/LSBillTexts/Asintroduced/166%20OF%202022%20AS121220221127 54AM.pdf

 $<sup>^{42}</sup>$  In Re: TN Godavarman Thirumalpad v. Union of India, Writ Petition (Civil) No. 202 of 1995

# 6. Upcoming: The Budget Session 2023

The budget session of the parliament is scheduled to start from 31st January 2023 till 6th April 2023 with 27 sittings. On 31st January, the President of India will lay down the vision of the government for the year. The 2023-24 Budget will be presented by the Hon'ble Finance Minister on 1st February 2023. The Budget document will contain budgetary allocation for the MoEFCC. The standing committee on Science & Technology, Environment, Forest & Climate Change will also be presenting its report on the demand-for-grants of the MoEFCC providing insight into the financial aspects of various environmental schemes of the government.

Budget session traditionally has been the longest session among all three. Hence, we will be seeing more questions, interventions and bills on environmental issues. The climate change discussion might also be taken up and concluded in the upcoming session.

The list of government bills to be introduced in the session is not provided yet. However, important bills like Prevention of Cruelty to Animals (Amendment) Bill, 2023 might be introduced in the session.<sup>43</sup> The Joint Committee on the Jan Vishwas Bill, 2022 which also amends offences under three environmental statutes is supposed to submit its report by 17th March, 2023.

The next issue of The Green Hour will be released after the budget session.

We would love your feedback and suggestion at environment@vidhilegalpolicy.in.

<sup>&</sup>lt;sup>43</sup> Public comments on the Draft Prevention of Cruelty to Animals (Amendment) Bill 2022 was invited by Ministry of Animal Husbandry, Fisheries and Dairying till 7<sup>th</sup> December 2022

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