

The Monsoon Session 2023

THE GREEN HOUR

Volume 1 | Issue III | November 2023

**A Report on Parliamentary Proceedings
on Environmental Matters**



IN THIS ISSUE

IN-FOCUS

The Forest (Conservation) Amendment Bill, 2023
The Biological Diversity (Amendment) Bill, 2023
The Jan Vishwas (Amendment of Provisions) Bill, 2022
The Mines & Minerals Amendment Bill 2023
The Offshore Areas Mineral Amendment Bill 2023

BEYOND THE PARLIAMENT

Green Credit Programme
Eco-Mark Certification Rules
Central Empowered Committee

DATA CORNER

NEW

Forest Land Diverted since 2008-2022
CRZ Clearances 2019-2023
Allocation of Funds for Development of Wildlife Habitats Scheme
Allocation of Funds under CAMPA

by **V | D | H |** Centre for
Legal Policy

The Green Hour

Report on

Parliamentary

Proceedings on

Environmental

Matters

Volume 1 | Issue III | The Monsoon Session 2023

November 2023

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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Acknowledgements

The authors express their gratitude to Himanshu Ahlawat, Research Fellow (Climate & Ecosystems) and Nihal Sahu, Research Fellow (Health) at Vidhi for their research assistance. Appreciation is also extended to Parimal Kashyap and Shuchi Agrawal, Research Fellows (Corporate Law and Financial Regulation at Vidhi); and Srijan Rai, Policy Analyst for their review and feedback.

Any errors or omissions in this publication are solely the responsibility of the authors.

The Climate & Ecosystems team is thankful to Mr Sandeep Singhal and Rainmatter Foundation for their support.

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ABBREVIATIONS

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
INC	Indian National Congress
IUML	Indian Union Muslim League
JD(U)	Janta Dal (United)
JMM	Jharkhand Mukti Morcha
KCM	Kerala Congress (M)
MDMK	Marumalarchi Dravida Munnetra Kazhagam
RJD	Rashtriya Janata Dal
SS	Shiv Sena
TMC(M)	Tamil Maanila Congress (Moopanar)
YSR Congress	Yuvajan Sramika Rythu Congress

Others

BDA Bill	Biological Diversity (Amendment) Bill, 2022
BDA	Biological Diversity Act, 2002
CITES	Convention on International Trade in Endangered Species
EPA	Environment (Protection) Act, 1986
FCA Bill	Forest (Conservation) Amendment Bill, 2023
FCA	Forest (Conservation) Act, 1980
IFA	Indian Forest Act, 1926
OAMDR	Offshore Areas Mineral (Development and Regulation) Act, 2002
DPR	Detailed Project Report
ISFR	Indian State of Forest Report
BSI	Botanical Survey of India
CAQM	Commission for Air Quality Management
CGA	Committee on Government Assurances
CPCB	Central Pollution Control Board
CRZA	Coastal Regulation Zone Authority
CZA	Central Zoological Authority
EAC	Expert Appraisal Committee
FSI	Forest Survey of India
GSI	Geological Survey of India
IIFM	Indian Institute of Forest Management

JC	Joint Committee
LS	Lok Sabha
MOEFCC	Ministry of Environment, Forest & Climate Change
NBA	National Biodiversity Authority
NBWL	National Board of Wildlife
NGT	National Green Tribunal
NTCA	National Tiger Conservation Authority
RS	Rajya Sabha
SBB	State Biodiversity Board
SC	Supreme Court
SEIAA	State Environment Impact Assessment Authority
SPCB	State Pollution Control Board
UT	Union Territory
UTBC	Union Territory Biodiversity Council
WCCB	Wildlife Crime Control Bureau
CoP	Conference of Parties
CSS	Central Sponsored Schemes
EPR	Extended Producer Responsibility
GIM	Green India Mission
MISHTI	Mangrove Initiative for Shoreline Habitats & Tangible Incomes
NAPCC	National Action Plan for Climate Change
NCAP	National Clean Air Program
NDC	Nationally Determined Goals
NPCA	National Plan for Conservation on Aquatic Eco-systems
BCA	International Big Cat Alliance
BE	Budget Estimate
CRZ	Coastal Regulation Zone
EC	Environmental Clearance
ESZ	Eco-sensitive Zone
Ha	Hectares
MP	Member of Parliament
PLI	Public Liability Insurance
RE	Revised Estimate

EXECUTIVE SUMMARY

The Green Hour is a periodical that traces environment-related proceedings during each parliamentary session. This report is the third edition in the series and covers the Monsoon Session held between 19th July and 11th August 2023. In addition to the analysis from this session, this edition comparatively analyses important trends from the last three sessions, i.e., Winter Session'22, Budget Session'23, and Monsoon Session'23.

The report is organised into 7 Chapters. **Chapter I** presents the broad framework of the report. The purpose, utility, scope, methodology, and limitations of the report are laid out in this chapter.

Chapter II analyses environment-related proceedings during the Question Hour. It covers questions and responses by the Ministry of Environment, Forest and Climate Change (“**MOEFCC**”), thematic distribution of these questions and responses, and geographical representation of the Members of the Parliament (“**MPs**”).

Chapter III titled ‘In Focus’ covers proceedings on 5 environment-related Bills that were discussed during the Monsoon Session'23. **Chapter IV** covers other interventions in the Monsoon Session'23, such as the Zero-Hour, Special Mentions. **Chapter V**, titled ‘Beyond the Parliament’, provides important environment-related policy and legal updates.

The newly introduced **Chapter VI**, titled ‘Data Corner’, aims to elucidate crucial environmental data disclosed by the MOEFCC during the Monsoon Session'23. And **Chapter VII** covers Private Members’ Bills that were introduced in the Monsoon Session'23 in the Parliament.

Key Highlights from the Monsoon Session, 2023

I. The Question Hour and The Responses by the MOEFCC

Out of the total 7218 questions asked during the Question Hour, MOEFCC responded to or was addressed in 248 questions. It is merely 3.4% of the total. In the last two sessions, this percentage was close to 4%.

II. States and the Question Hour

- The distribution of questions among the States was especially disproportionate in the Monsoon Session.
- The highest participation was from Uttar Pradesh, Maharashtra, and Andhra Pradesh, with share in the questions being 15.3%, 12.5%, and 11.7%, respectively.
- From the North-eastern region, only Assam participated in the Question Hour.
- From the North- Himalayan region, 4 out of 5 questions were from Himachal Pradesh alone.

III. Themes and the Question Hour

- Following the trend from the last two sessions, the theme of ‘Institutional Functioning’ was the most addressed one during this Monsoon Session as well, with 43% share in questions.
- The theme of ‘Climate Change’ saw the highest increase in the proportion of questions and responses, from 14.2% and 18.6% in the last two sessions to 25.7% in the Monsoon Session'23.
- The theme of ‘Conservation of Ecosystems’ saw the highest decline from the last Budget Session'23, from 33.3% share to almost 21% in this session.
- Within the themes, ‘Central Pollution Control Board’ under the theme of ‘Institutional Functioning’ and ‘air’ and ‘circular economy’ under the theme of ‘Environmental Management’ were the most frequently addressed issues with reference in 39 responses each.

IV. Bills Introduced, Debated Upon, Reported on and Passed During the Monsoon Session'23

- 5 environment- related Bills were discussed and passed in this session.
- The time allocated to all these Bills for debate and discussion remained underutilised during the session.
- The Joint Committee tabled its report on The Forest (Conservation) Amendment Bill, 2023. The Bill was discussed in both the Houses and passed.
- The revised version of The Biological Diversity (Amendment) Bill, 2023, as introduced in the Budget Session'23, was discussed, debated, and passed in both Houses in this session.
- The Offshore Areas Mineral (Development and Regulation) Amendment Bill, 2023 and The Mines and Minerals (Development and Regulation) Amendment Bill, 2023 were introduced by the Ministry of Mines in the Lok Sabha during the Budget Session'23 and were debated and passed in this session.
- The Jan Vishwas (Amendment of Provisions) Bill, 2023, which was first introduced in the Lok Sabha in the Winter Session'22, was passed in this session. The original Bill was referred to a Joint Committee, which tabled its report during the Budget Session'23. The report of the Joint Committee was discussed in this session.

V. Interventions in the Parliament

- In the Lok Sabha, no Zero Hour was conducted because of repeated disruptions during the session.
- In the Rajya Sabha, there were 2 Zero Hour notices related to the environment out of a total of 15 notices.
- In the Winter Session'22, 12 Zero Hour notices out of total 374 notices and in the Budget Session'23, 8 out of total 133 notices were on environmental matters.
- Under Rule 377 notices, 24 out of 369 notices were on environmental matters in the Monsoon Session'23. This figure was 61 out of 436 in the Budget Session'23 and 15 out of 298 in the Winter Session'22.

VI. Beyond the Parliament

Some important developments in the arena of environment-related policy making also took place outside the Parliament.

- Green Credit Programme Implementation Rules, 2023 were notified by the MOEFCC on 12th October 2023. These Rules do not differ significantly from the Draft Green Credit Programme Implementation Rules, 2023.
- Draft Ecomark Certification Rules, 2023 were published by the MOEFCC on 11th October 2023. Public comments were invited on the draft Rules within 30 days. The purpose of the Rules is to encourage and ensure environmental performance of household and other consumer products.
- The Supreme Court approved the draft notification issued by MOEFCC for the constitution of a new Central Empowered Committee (“CEC”). The primary purpose of the CEC is to monitor the compliance of the Supreme Court's Forest and wildlife-related orders. The notification makes significant changes in the constitution, structure and functioning of the CEC.

VII. Data Corner

The MOEFCC disclosed some crucial environmental data during the Monsoon Session'23. The following data points stood out:

- State-wise details of diversion of forest land under Forest (Conservation) Act, 1980 from 2008 to 2023.

- State-wise details of the number of infrastructural projects that were granted Coastal Regulation Zone Clearance by the MOEFCC since 2019.
- State-wise financial allocation for the Centrally Sponsored Scheme “Development of Wildlife Habitats” for the purpose of protecting endangered species.
- State-wise allocation of funds under the Compensatory Afforestation Fund Act, 2016, during the last three years till July 2023.
- Details of additional budgetary requirements of the MOEFCC at the Revised Estimates stage.

VIII. Private Members’ Bills

- During the Monsoon Session’23, private members' business day was held just for one day and only in Lok Sabha.
- Out of 134 Private Members’ Bills introduced in the Lok Sabha, only 9 related to the MOEFCC.
- Notable environment-related Bills introduced in this session, inter alia, were; The Man-Animal Conflicts Prevention Board Bill, The Plastic Manufacturing (Regulation) Bill, The Vehicular Pollution Reduction Bill.

1. INTRODUCTION

In a democratic state, policymaking is the responsibility of the elected representatives who establish specific goals for the benefit of the people. Accountability involves the government's duty to explain and justify its policies and actions to the legislature. It also provides an opportunity for legislators to comment on, reject, alter, or propose new policy measures. The effectiveness of accountability depends on the legislature's ability to supervise and examine governmental activities to ensure that public policies align with the people's needs and desires.

The Parliament of India ("Parliament") has two Houses: Lok Sabha ("LS") and Rajya Sabha ("RS"). Members of Parliament ("MPs") in LS represent the constituency from which they are elected, whereas MPs in RS represent States and Union Territories ("UTs"). As MPs, they are responsible for holding the executive accountable for its policies.

The Green Hour is a periodical summarising analysis of each parliamentary sessions from the environmental perspective. As such, it is intended to work as one of the tools for checking the accountability of the executive in environment- related matters. Two issues of *The Green Hour* have been published in the public domain since December 2022.¹ This issue of *The Green Hour* is focused on the Monsoon Session'23 of the Parliament, held from 19th July to 11th August 2023.

Parliament also called a Special Session of the Parliament in September for 4 days from 18th to 21st September 2023. This Special Session² saw inauguration of the new Parliament building. The subsequent proceeding of the Parliament will now happen in the new building. However, in the session no major parliamentary work was taken up. Only 1 legislative business was taken up to pass The Constitution (One Hundred and Twenty-Eighth Amendment) Bill, 2023 (commonly called Women Reservation Bill).

A. Scope

This report covers information and analysis related to environmental issues that came up during the Parliament's Monsoon Session'23. It covers questions asked in the Parliament during the Monsoon Session, environment- related Bills debated and passed, interventions held in the form of Zero-Hour, Special Mentions, matters under Rule 377, and reports presented in both the Houses of Parliament. Additionally, the report also includes certain important updates and essential data points related to environmental matters, retrieved from official sources like Annual Budget, Annual Reports of MOEFCC, response by Minister in the Parliament etc.

B. Definitions and Classifications

To enhance the classification and usability of the data, the responses of the Ministry of Environment, Forest and Climate Change ("MOEFCC") have been divided into 10 themes that have been explained in Chapter II along with the data and its analysis. In this report, there is a reference to specific parliamentary terms and procedures. These include:

¹ Shashank Pandey, Debadityo Sinha, 'The Green Hour', Vol. 1, Issue I, Vidhi Centre for Legal Policy, 1st Feb, 2023, <<https://vidhilegalpolicy.in/research/the-green-hour-vol-1-issue-i/>> accessed on 2nd Nov 2023; Shashank Pandey, Debadityo Sinha, Shikha Sharma, 'The Green Hour', Vol. 1, Issue II, Vidhi Centre for Legal Policy, 14th July 2023, <<https://vidhilegalpolicy.in/research/the-green-hour-july-2023/>> accessed on 2nd Nov 2023.

² Article 352 of the Constitution deals with the proclamation of Emergency, specifically referring to a 'special sitting' of the House. However, neither the Rules of Procedure for the Conduct of Business in the Lok Sabha nor the Rajya Sabha define or employ this phrase. Instead, the term "Special Session" is commonly used in parliamentary language to indicate that the session is not a regular, periodic one.

Parliamentary Sessions: The two Houses of the Parliament hold parliamentary proceedings generally in three sessions every year. These are: Budget Session (January-April), Monsoon Session (July-August), and Winter Session (November-December).³

Questions and Responses: Each House has a one-hour long Question Hour in its sitting. It is the first hour of a sitting session in the LS and the second hour in the RS. The MPs raise issues about matters of public interest to the government and hold Ministers accountable for the functioning of their respective Ministries. The concerned Minister is obligated to answer the Parliament orally or in writing. Four types of questions are generally asked in a parliamentary session: starred,⁴ unstarred,⁵ short-notice questions⁶ and questions addressed to private members.⁷

Special Mentions: Under Rule 180 A-E of the 'Rules of Procedure and Conduct of Business of the Council of States', the RS members can put forth matters of public importance through special mentions. These are the matters which do not fall within the scope of Question Hour or other discussions of the RS. These are to be submitted until 5 PM on the day of the sitting.⁸

Zero-Hour Notices: Zero-Hour is an innovation of the Indian Parliament. Because it is not mentioned in any rules of procedure, it is not as regulated as the Question Hour. It is used to raise urgent public or national interest issues. It is usually the second hour in the LS and first hour in the RS.

Rule 377 Notices: It is the Lok Sabha corollary of Special Mentions in Rajya Sabha. Under rule 377 of 'Rules of Procedure and Conduct of Business of the Lok Sabha', matters which cannot be raised during Question Hour or other notices or motions, but are of public importance are raised.⁹

Department-related Parliamentary Standing Committees: These are permanent committees and are periodically constituted on annual basis. There are 24 of these committees in total, 16 in LS and 8 in RS, under the direction and control of the Chairman, RS and Speaker, LS, respectively.¹⁰

Joint Parliamentary Committees: These are *ad hoc* committees. These are constituted to consider and report on Bills and legislative instruments as referred to them by the two Houses. After completion of the task assigned, these committees are dissolved. The procedures and functioning of these committees are like the standing committees. These committees have members from both Houses of Parliament, hence are referred to as Joint Committees.

³ Usually, these are the three parliamentary sessions. However, these timelines are not strict, and their tenure may change depending upon contingencies like elections, natural calamity or any other factor. For instance, during the COVID-19 pandemic, the Winter Session of 2020 was cancelled, and Monsoon Session was held in Sept-Oct.

⁴ Rule 36, 'Starred questions', Rules of Procedure and Conduct of Business of the Lok Sabha.
"These questions are answered orally by the Minister concerned during the Question Hour."

⁵ Rule 39, 'Unstarred questions', Rules of Procedure and Conduct of Business of the Lok Sabha.
"A written answer from the concerned ministry is laid on the table of the House for unstarred questions."

⁶ Rule 54, 'Short notice questions', Rules of Procedure and Conduct of Business of the Lok Sabha.
"These are questions which are of urgent public importance and taken up by the House, with permission from the Speaker wherein the requirement of 15-day prior filing is relaxed."

⁷ Rule 40, 'Questions to Private members', Rules of Procedure and Conduct of Business of the Lok Sabha
"A question may be addressed to a private member provided the subject matter of the question relates to some Bill, resolution or other matter connected with the business of the House for which that member is responsible; and the procedure in regard to such questions shall, as far as may be, be the same as that followed in the case of questions addressed to a Minister with such variations as the Speaker may consider necessary or convenient."

⁸ Rule 180C, Time for tabling notice and their validity, 'Rules of Procedure and Conduct of Business of the Council of States',
<https://cms.rajyasabha.nic.in/UploadedFiles/LegislativeSection/LegislativeRules/English_2052022english_3092021rules_pro.pdf>

⁹ Rule 377, Raising a matter which is not a point of order, 'Rules of Procedure and Conduct of Business in Lok Sabha',
<https://eparlib.nic.in/bitstream/123456789/66/1/Rules_Procedure_LokSabha.pdf>

¹⁰ Rule 331C, Departmentally Related Standing Committees, 'Rules of Procedure and Conduct of Business in Lok Sabha'; Rule 268, Departmentally Related Standing Committees, 'Rules of Procedure and Conduct of Business of the Council of States'

C. Methodology

The information for the report, including questions, debates, Bills, interventions, etc. was obtained from the official websites of the RS¹¹ and LS,¹² and the video recordings of parliamentary proceedings available on Sansad TV's website¹³ and official YouTube channel.¹⁴ The authors have also relied on the uncorrected version of the debates as available on the respective official websites.

For the analysis of the questions and responses by the MPs, a thorough assortment of the data available on the official websites of both Houses was made. The categorisation of subject matter within the questions and responses into 10 themes was made based on the domain knowledge of the authors. The intersectionality of themes has also been duly accounted for in the analysis.

Names of MPs were clubbed in responses by MOEFCC to questions on a similar subject. Thus, a single question may have the names of multiple MPs. The geographical representation of questions depicts the percentage of the MPs from a State/ UT/ region vis-à-vis the number of environment-related responses from that geography. For our analysis of geographical representation, we have counted all MPs whose names feature in individual responses. Hence, the total number of questions asked by different States and UTs will be higher than the total number of questions in the respective House as each question can represent multiple states.

The document containing uncorrected versions of debates for all days in LS and RS was read by authors to identify important legislations and interventions. Arguments by the MPs were derived from their speeches and drafted coherently. The authors have tried to make the debates and speeches easy to understand for the readers by giving them the necessary context and ensuring a smooth flow of the argument. Such information is gathered from official government sources and Parliamentary records available in the public domain.

D. Limitations

The purpose of the report, *inter alia*, is to provide an in-depth presentation of data and analysis of the information from both the Houses. However, it suffers from two limitations. Firstly, the subjective understanding and knowledge of the authors is the primary basis of the selection of themes/ issues for the questions, reports and legislations for this report. As such, the authors do not claim it to be exhaustive. Secondly, certain parliamentary proceedings, such as speeches, arguments, and interventions, also require a degree of interpretation that can reflect authors' own understanding of the subject. An internal peer-review of the report has been conducted to minimize the risk of personal biases and opinions.

¹¹ Rajya Sabha, Parliament of India, <<https://sansad.in/rs>>

¹² Lok Sabha, Parliament of India, <<https://sansad.in/lb>>

¹³ Sansad TV, <<https://sansadtv.nic.in/>>

¹⁴ Sansad TV, Youtube Channel, <<https://www.youtube.com/@SansadTV>>

2. DECODING PARLIAMENTARY QUESTIONS

A. Overview of MOEFCC's Responses

In the Monsoon Session'23 of the Parliament, the government responded to 7218 questions (4250 in Lok Sabha, 2968 in Rajya Sabha). Out of this, only 248 questions (101 in Lok Sabha, 147 in Rajya Sabha) were addressed to and responded by the MOEFCC. This is a mere 3.4% of the total questions asked to the government in the Parliament. This is in line with the trend of the share of questions addressed to the MOEFCC, which has been under 4% in the previous sessions as well. For instance, in the Winter Session (December 2022) and in the Budget Session (January 2023-April 2023), the percentage was 3.9%.¹⁵

In terms of House-wise distribution of environment- related questions in the last three sessions, the variation is not much significant. Share of Rajya Sabha has been consistently slightly more than Lok Sabha.

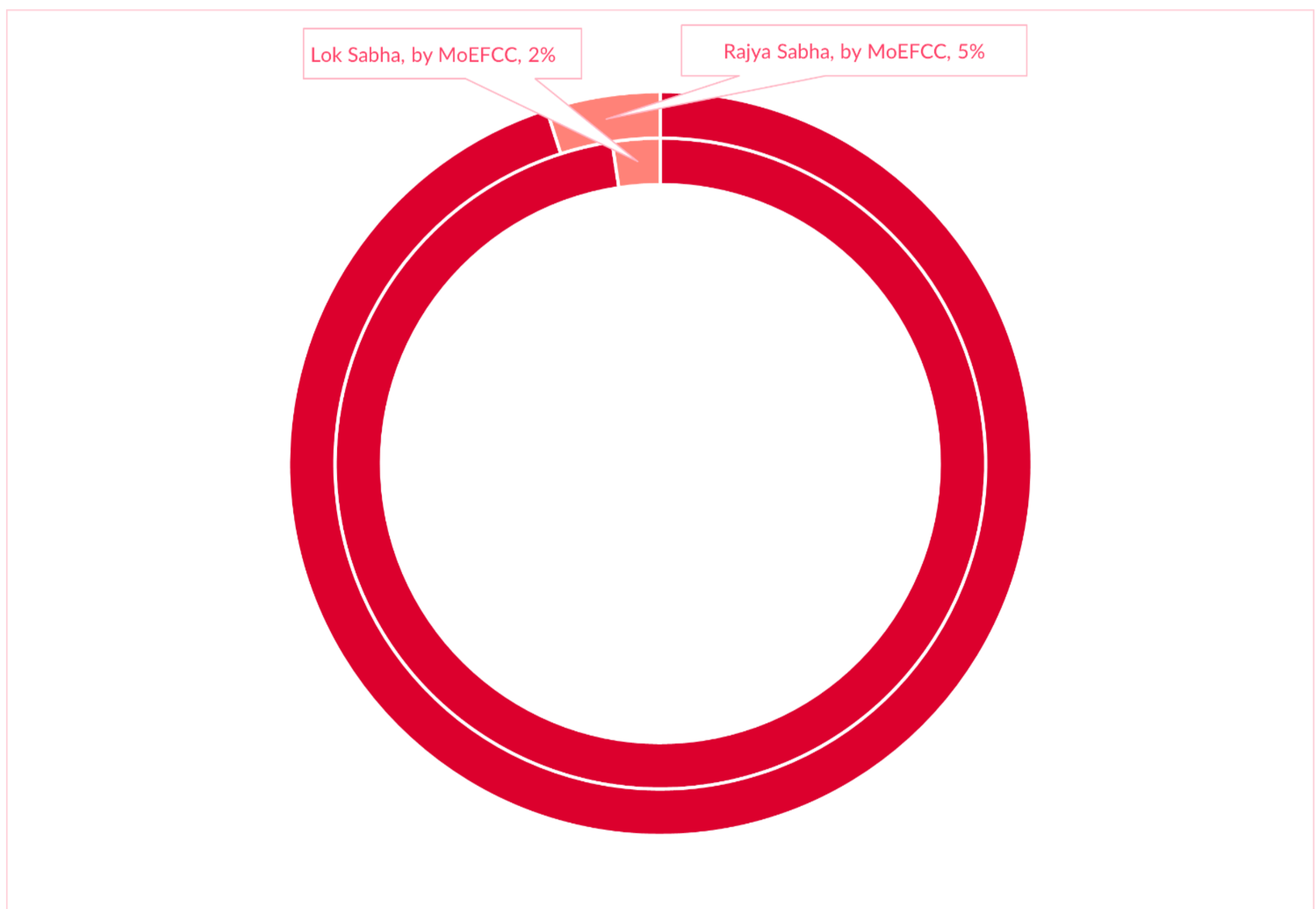


Figure 1. Percentage of questions responded to by the MOEFCC out of the total questions answered by the Government of India in each House of the Parliament during the Monsoon Session'23.

¹⁵ 'The Green Hour', n1

B. Geographical Representation

The questions were asked by MPs from across States and UTs. The States from where MPs were most proactive were Uttar Pradesh (38), Maharashtra (31), Andhra Pradesh (29), Tamil Nadu (24), Odisha (24) and Kerala (24). In the previous sessions also, these States showed a higher frequency of participation in environmental matters.¹⁶

Uttar Pradesh, with 14.2% representation in the Parliament,¹⁷ the maximum from any State, contributed to 15.3% of the questions. With 8.6% representation, Maharashtra contributed to 12.5% of the questions. Andhra Pradesh, with 4.7% representation, contributed to 11.7% of the questions. Tamil Nadu, with 7.3% representation, contributed to 9.7% of questions and Odisha and Kerala, with 4% representation each, contributed a similar percentage of questions, i.e., 9.7%.

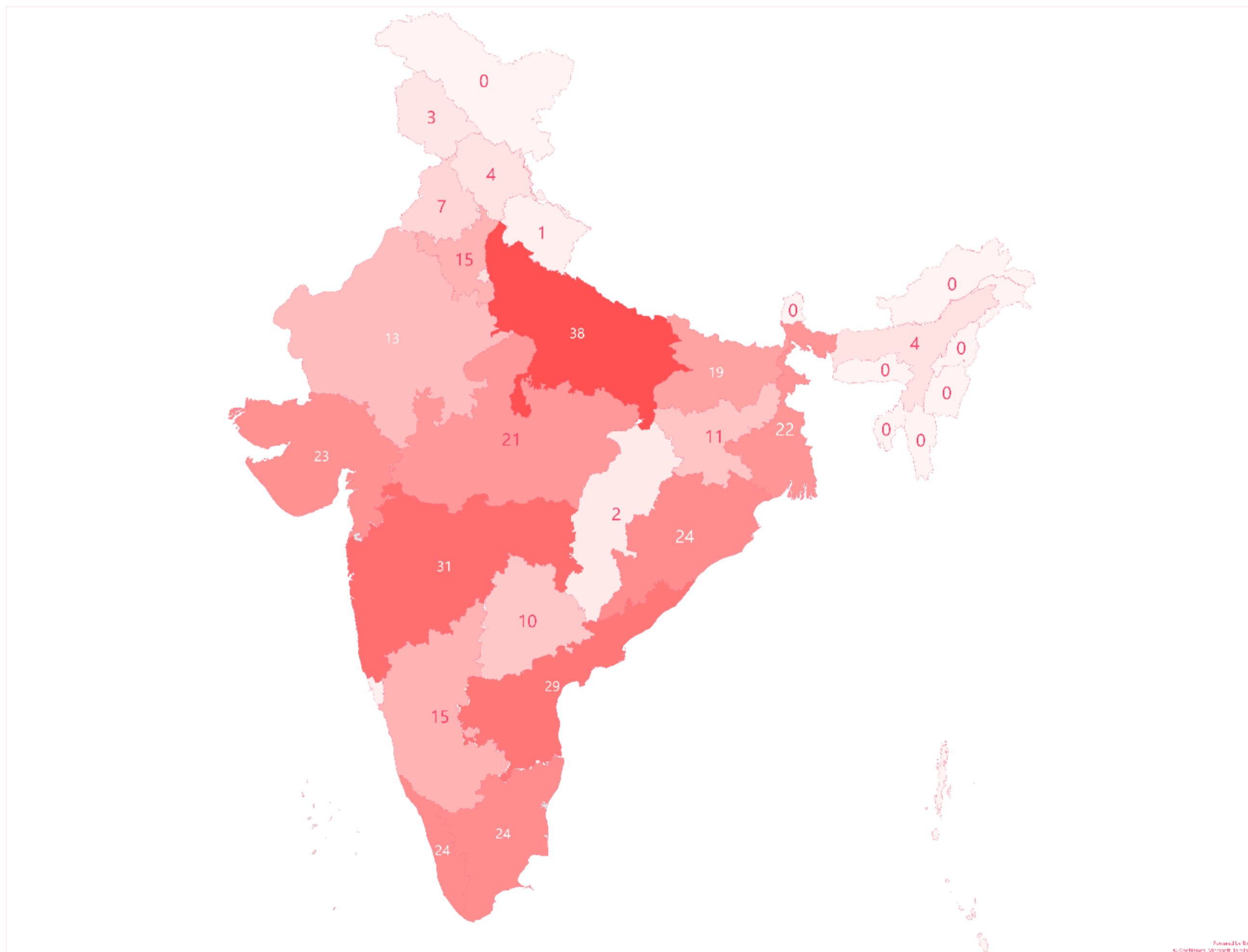


Figure 2. State/UT-wise representation of the number of MPs asking questions to the MOEFCC in the Parliament. Base map credit: Bing Maps. (Disclaimer: Information is collated for all MPs whose questions were responded to in the session. Sometimes MP's names are clubbed under one question by the MOEFCC while responding. Hence, the total number of MPs asking questions will be greater than the total number of questions.)

The North-eastern region has 37 MPs (representing 4.8% of the total strength of the Parliament) from Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Nagaland, and Tripura. In the Monsoon Session'23, only 4 questions were asked from the region, with all of them being from MPs from Assam. Other North-eastern States saw no participation. In terms of percentage, this was just 1.6% of the

¹⁶ Shashank Pandey, Debadityo Sinha, Shikha Sharma, "The Green Hour," Vol. I Issue II, Vidhi Centre for Legal Policy, 14th July 2023, <<https://vidhilegalpolicy.in/research/the-green-hour-july-2023/>> accessed on 24th October 2023.

¹⁷ The total strength, of the Parliament as of October 31st, 2023, is 778 MPs, with 539 MPs in the Lok Sabha and 239 MPs in the Rajya Sabha.

total questions responded by MOEFCC. This is the least among last three sessions. In the Winter Session'22, it was 2%, and in the Budget Session'23, it was 4%.

The North-Himalayan region consisting of Himachal Pradesh, Jammu & Kashmir ("J&K"), Ladakh, Sikkim, and Uttarakhand having 27 MPs, represents 4.8% of the total strength of the Parliament. In the Monsoon Session'23, 5 questions were asked from this region, with 4 of them being just from Himachal Pradesh, which is 2% of the total questions. In the Winter Session'22, only 1 question was asked from this region and in the Budget Session'23, 10 questions were from this region.

C. Thematic Analysis of Questions and Responses by the MOEFCC

The responses by the MOEFCC are categorised under 10 broad themes encompassing myriad environmental subject matter. Each theme covers multiple issues under it, like environmental management theme deals with issues around air, water, natural resources, circular economy etc. The objective behind such categorisation is to analyse the prominence of each theme and respective subject matter in the responses to understand the focus areas of MPs in their questions during respective Parliament sessions.

Some of the questions and their responses by MOEFCC fall under multiple themes. This overlap has been duly accounted for in our analysis. The overall data representation of entries under each theme is provided in [Figure 3](#). A comparative analysis of each theme in the last two sessions of the Parliament is also depicted in [Table 1](#). A detailed analysis of each theme is provided in the following sections.

Themes	Winter Session (December 2022)	Budget Session (Jan 2023-April 2023)	Monsoon Session (July 2023-August 2023)
Institutional Functioning	96 (46.8%)	178 (44.6%)	107 (43%)
Environment Management	75 (36.6%)	144 (36.1%)	89 (35.8%)
Conservation of Ecosystems	54 (26.3%)	133 (33.3%)	52 (20.9%)
Forest Regulation	29 (14.2%)	20 (5.0%)	9 (3.6%)
Climate Change	29 (14.2%)	74 (18.6%)	64 (25.7%)
Species and Habitats	27 (13.2%)	69 (17.3%)	38 (15.3%)
Environmental Permissions	17 (8.3%)	37 (9.3%)	27 (10.8%)
Protected Landscapes	16 (7.8%)	37 (9.3%)	21 (8.4%)
Landscapes of Special Importance	14 (6.9%)	38 (9.5%)	16 (6.4%)
Developmental Activities	9 (4.4%)	37 (9.3%)	22 (8.8%)

Table 1. Comparative analysis of responses by MOEFCC to parliamentary questions under each theme in last three parliamentary sessions.

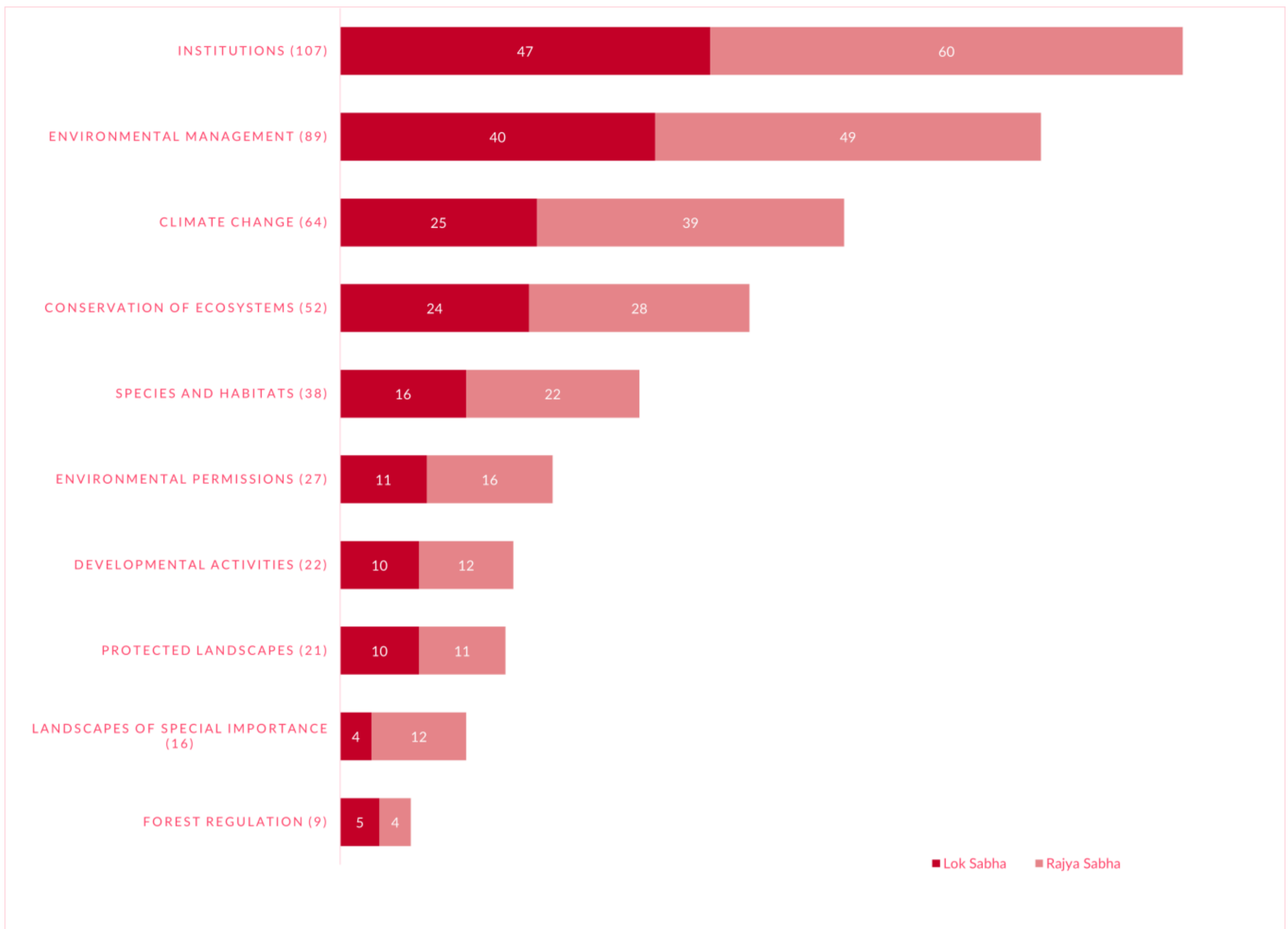


Figure 3. Number of responses by MOEFCC under respective themes.

I. Institutional Functioning

This theme highlights entries where the MOEFCC’s responses dealt with the functioning of statutory institutions and regulators involved with environmental regulations. The responses primarily highlighted the role, responsibilities, functions, or interventions such government functionaries took. Out of 249 responses, 107 (43%) fell under this theme. A detailed analysis of the questions is shown in [Figure 4](#). This is the highest percentage among all the themes. This aligns with the trend in the previous sessions, wherein the maximum responses were under this theme. For instance, 46.8% of total responses in the Winter Session’22 and 44.6% in the Budget Session’23 was identified under this theme.

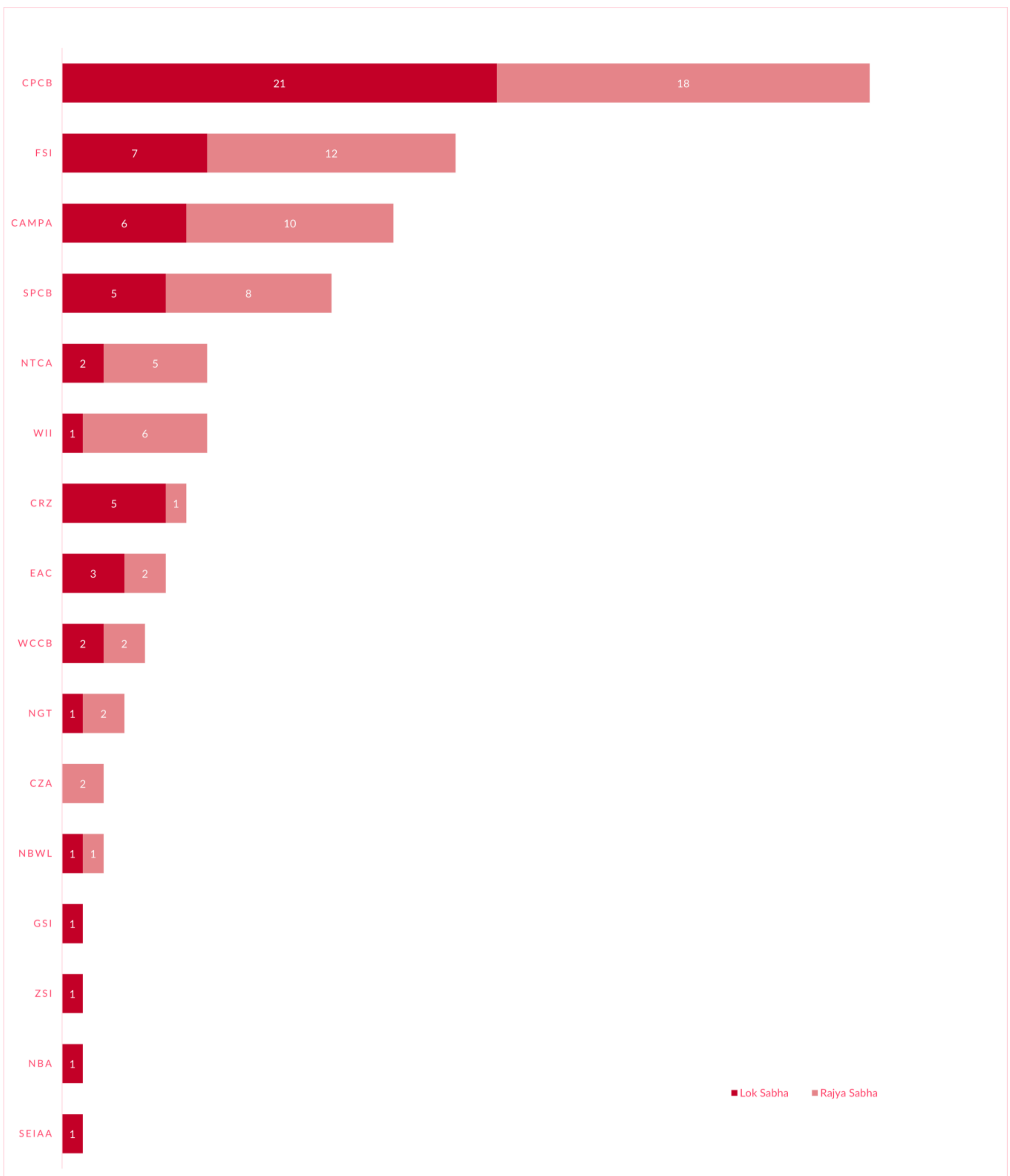


Figure 4. Number of responses by MOEFCC related to institutional functioning.

Issues involving the role of Central Pollution Control Boards (“**CPCB**”) were most frequently addressed (in 39 responses). This was followed by the Forest Survey of India (“**FSI**”) in 19 responses, the Compensatory Afforestation Fund Management and Planning Authority (“**CAMPA**”) in 16 responses, and the State Pollution Control Boards (“**SPCB**”) in 13 responses. Other institutions that were covered in different responses under this theme were Wildlife Institute of India (“**WII**”), National Tiger Conservation Authority (“**NTCA**”), Coastal Regulation Zone Authority (“**CRZA**”), Supreme Court (“**SC**”), National Green Tribunal (“**NGT**”), Wildlife Crime Control Bureau (“**WCCB**”), National Board of Wildlife (“**NBWL**”) and State Environment Impact Assessment Authority (“**SEIAAs**”).

National Biodiversity Authority (“NBA”), Zoological Survey of India (“ZSI”), Geological Survey of India (“GSI”), Central Zoological Authority (“CZA”), and Expert Appraisal Committee (“EAC”) found places in limited responses. Few other institutions, like the Botanical Survey of India (“BSI”) and the State Biodiversity Board (“SBB”) did not appear in any of the responses in this session.

VACANCY IN WILDLIFE CRIME CONTROL BUREAU

The MoEFCC informed that the number of sanctioned posts in Wildlife Crime Control Bureau (WCCB) is 109 and out of total sanctioned posts, 80 posts are filled up as on date. Orders for 6 head constables through deputation have been issued in July 2023. It also stated that Ministry has been taking steps through recruitment, promotion, and deputation to fill up the vacancies regularly.

Source: Question No. 457, “Vacancy in Wildlife Crime Control Bureau”, Lok Sabha, Parliament of India, 24th July 2023.

II. Environmental Management

This theme deals with responses about the general environment and pollution-related issues. In the Monsoon Session’23, 89 responses, or 35.8% of total responses, dealt with the theme of Environmental Management. In the previous two sessions, the figure was 36.6% for the Winter Session’22 and 36.1% for the Budget Session’23. Thus, this theme has prominently appeared in similar proportions across the last three sessions. Refer [Figure 5](#) for a detailed analysis of various issues discussed under this theme.

In contrast to the last two sessions, the most prominent issue under the theme was circular economy. The majority of questions related to inquiry about the existence of a framework for dealing with the recycling of different kinds of waste,¹⁸ especially e-waste.¹⁹ In response to the query on the management of hazardous waste,²⁰ CPCB informed that the total number of existing solid waste material recovery facilities in the country is 4446, with a capacity of 31427.2 tonnes per day (“TPD”). As per CPCB, the total amount of waste treated for 2020-21 and 2021-22 is 79956.3 TPD and 91553.1 TPD, respectively.²¹

With respect to queries on e-waste, MOEFCC informed that in the last three years (2019-20, 2020-21 and 2021-22) the percentage of e-waste collected, dismantled, and recycled is 22.07%, 26,31% and 32.92%, respectively.²²

¹⁸ Question No. 833, “Managing Pharmaceuticals Waste”, Rajya Sabha, Parliament of India, 27th July 2023.

¹⁹ Question No. 523, “Recycling of E-waste”, Lok Sabha, Parliament of India, 24th July 2023; Question No. 834, “Generation of E-Waste”, Rajya Sabha, Parliament of India, 27th July 2023.

²⁰ Question No. 2885, “Management of Hazardous Waste”, Lok Sabha, Parliament of India, 7th August 2023.

²¹ *ibid.*

²² Question No. 2426, “Disposal of E-Waste”, Rajya Sabha, Parliament of India, 10th August 2023.

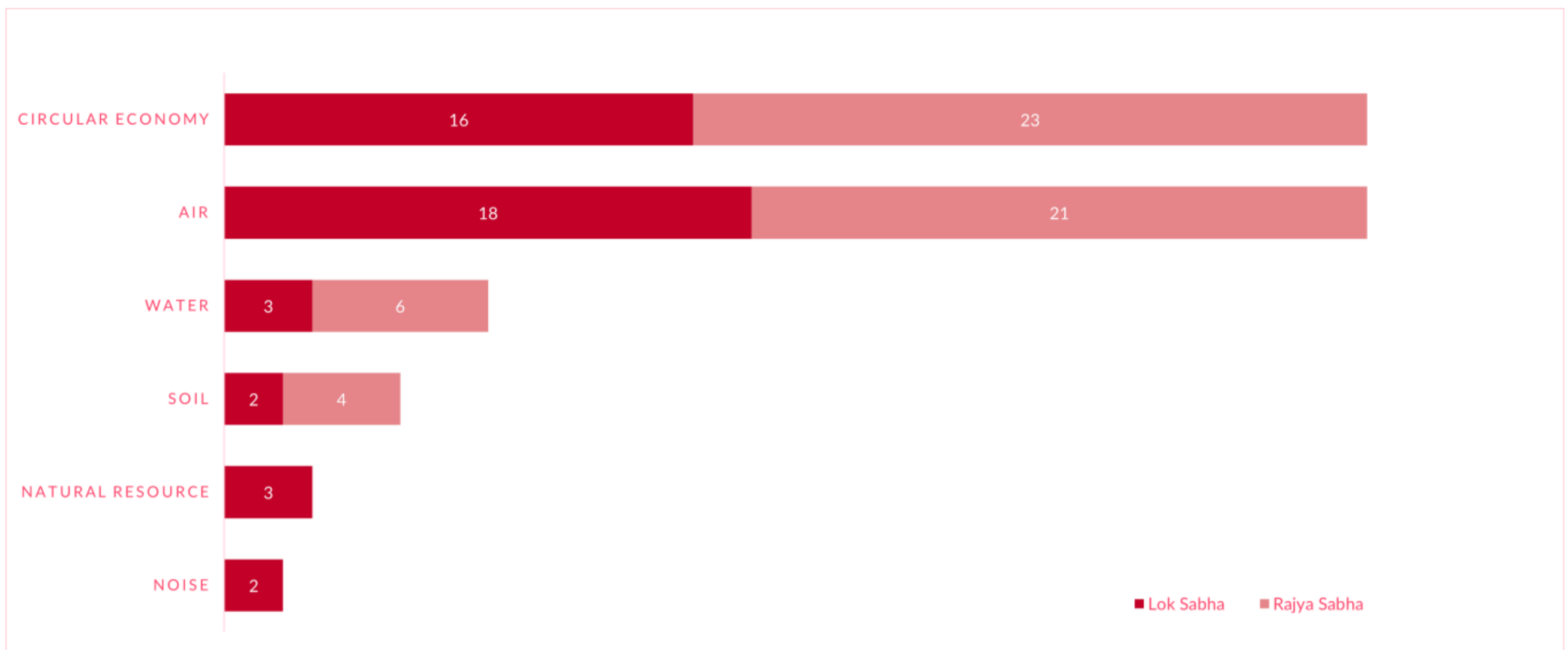


Figure 5. Number of responses related to environmental management.

Air quality was the second most prominent issue under the theme. The questions primarily dealt with inquiring about the existing measures to curb air pollution in the country.²³ The measures taken under the National Clean Air Program (“NCAP”)²⁴ were highlighted by MOEFCC in multiple responses. Few questions also inquired about the causes to air pollution.²⁵

MOEFCC’S RESPONSE ON THE STUBBLE BURNING ISSUE

MoEFCC informed that a Central Sector Scheme of crop residue management had been implemented since 2018-19, wherein financial assistance at 50% is provided to the farmers for the purchase of crop residue management machinery and at 80% to Cooperative Societies, FPOs and Panchayats, for the establishment of Custom Hiring Centres (“CHC”). MoEFCC informed that during the period between 2018-19 and 2022-23, Rs. 3138.17 Crores have been released. State-wise distribution of this amount is as follows:

- Punjab- Rs. 1426.45 Crores
- Haryana- Rs. 916.17 Crores
- Uttar Pradesh- Rs. 713.67 Crores
- NCT of Delhi- Rs. 6.05 Crores
- ICAR- Rs. 75.29 Crores

It was informed that more than 2.40 lakh machines to individual farmers and 37,000 CHCs were distributed in these 4 States.

Source: Question No. 34, “Climate Change Impact Assessment”, Rajya Sabha, Parliament of India, 20th July 2023.

Water-related issues involved questions on pollution in rivers²⁶ and funds for their rejuvenation.²⁷ The next most frequent occurrence of issue was related to soil. The questions were primarily concerned

²³ Question No. 524, “Steps to check air pollution”, Lok Sabha, Parliament of India, 24th July 2023.

²⁴ About National Clean Air Programme (NCAP), Central Pollution Control Board, <<https://prana.cpcb.gov.in/#/home>> accessed 25th October 2023.

²⁵ About National Clean Air Programme (NCAP), Central Pollution Control Board, <<https://prana.cpcb.gov.in/#/home>> accessed 25th October 2023.

²⁶ Question No. 1660, “Garbage dumps around Mahanadi River”, Rajya Sabha, Parliament of India, 3rd August 2023.

²⁷ Question No. 1797, “Funds for Rejuvenation of Rivers/Lakes”, Lok Sabha, Parliament of India, 31st July 2023.

with land degradation²⁸ and soil erosion caused by extreme weather events like floods.²⁹ Other issues related to a subject like natural resources and noise pollution. However, these received little attention in questions and their respective responses by the MOEFCC. The issues around the natural resources were limited to the protection of ecologically rich areas like the Western Ghats³⁰ to preserve their resources and questions on noise primarily dealt with measures to curb noise pollution.³¹

III. Climate Change

The theme of Climate Change gained prominence in the Monsoon Session'23. As opposed to previous sessions, the share of questions on the theme of climate change has increased significantly. In the Monsoon Session'23, 25.7% or 64 entries related to this. This percentage was 14.2% in the Winter Session'22 and 18.6% in the Budget Session'23 in the previous session. Refer Figure 6 for a detailed analysis of various issues discussed under this theme.

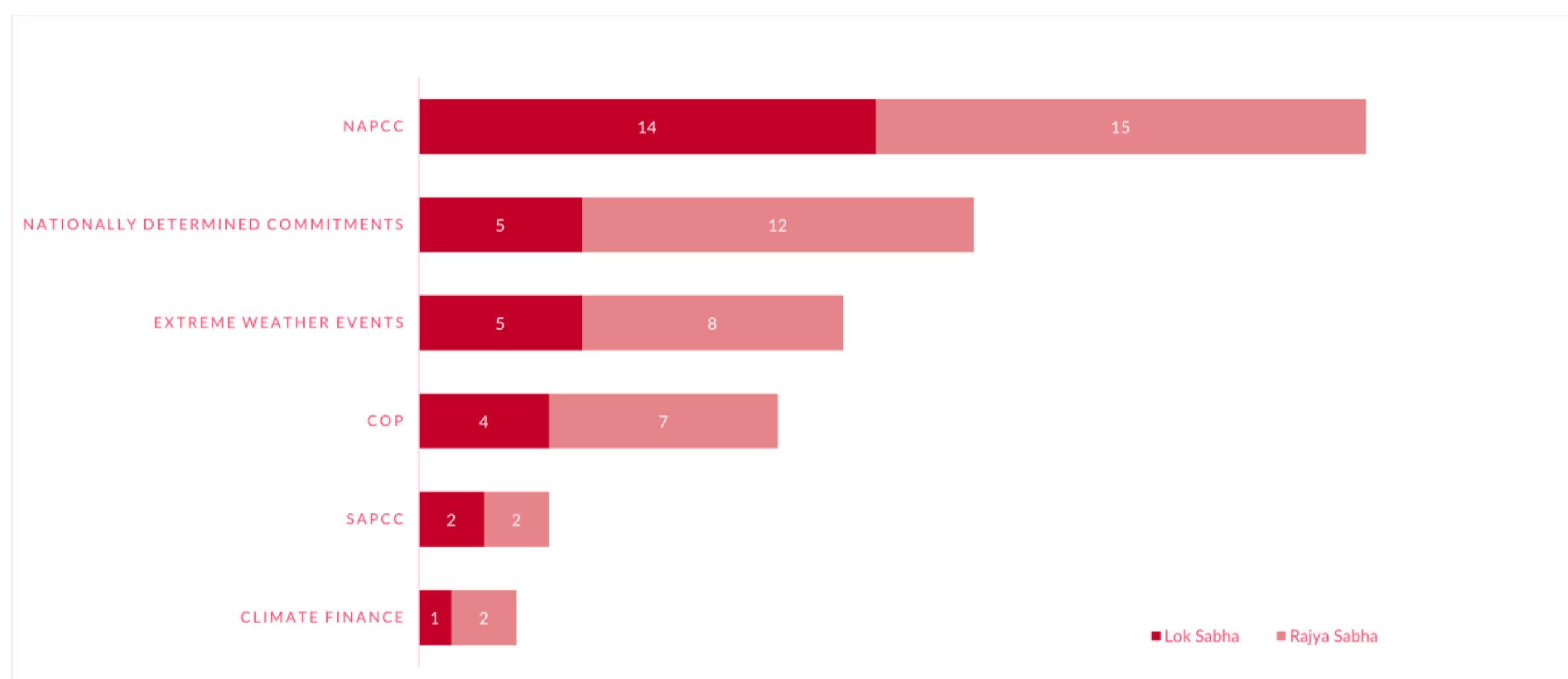


Figure 6. Number of responses related to climate change.

Most responses were related to the National Action Plan for Climate Change (“NAPCC”)³² and actions undertaken under it. Under NAPCC, out of 8 schemes, the National Mission for Green India was the most inquired about. MOEFCC informed that it has approved the Annual Plan of Operation³³ of 14 States and 1 UT for 2023-24 with a total outlay of Rs. 264.42 Crores.³⁴

The second most prominent issue was related to the Nationally Determined Contributions (“NDC”). The MOEFCC informed that India updated its 1st NDC in August 2022 and that the nation’s Gross Domestic Product (“GDP”) emission intensity reduced.³⁵

²⁸ Question No. 2828, “Land Degradation and Desertification”, Lok Sabha, Parliament of India, 9th August 2023.

²⁹ Question No. 2454, “Deterioration of forest land due to flash floods and heavy rains”, Rajya Sabha, Parliament of India, 10th August 2023.

³⁰ Question No. 1827, “Schemes to protect Western Ghats”, Lok Sabha, Parliament of India, 31st July 2023.

³¹ Question No. 202, “Noise Pollution”, Lok Sabha, Parliament of India, 20th July 2023.

³² ‘National Action Plan on Climate Change’, PIB, <<https://pib.gov.in/PressReleasePage.aspx?PRID=1810566>> accessed on 25th October 2023

³³ Annual Plan of Operation means the annual plan for physical activities and financial provisions approved by the National and State Authority, which describes milestones, and conditions for success, and explains how, a strategic annual plan will be put into operation during the financial year in a given budgetary term.

³⁴ Question No, 1637, “Delay in release of Central share for National Mission for Green India (GIM) Scheme during the FY 2023-24”, Rajya Sabha, Parliament of India, 3rd August 2023.

³⁵ Question No. 256, “Nationally Determined Contributions” Lok Sabha, Parliament of India, 7th August 2023.

Climate Change-related issues were also discussed with reference to the Conference of Parties (“CoP”) under the United Nations Framework Convention on Climate Change (“UNFCCC”).³⁶

There were also questions related to the State Action Plan for Climate Change (“SAPCC”) and climate finance.³⁷ However, the SAPCC was not directly addressed in any response but related to the finding of the Intergovernmental Panel on Climate Change (“IPCC”) in its Sixth Assessment Report.³⁸

Extreme weather events were also a prominent occurrence under the climate change theme. Responses were sought on issues like lightning,³⁹ forest fires,⁴⁰ excessive rain,⁴¹ etc. In response to a question on climate-induced migration, MOEFCC responded that “*there is no established study for India providing a quantified attribution of climate change triggering displacement of people.*”

ON CLIMATE CHANGE IMPACT ASSESSMENT

The MoEFCC responded, “There is no established study for India providing a quantified attribution of climate change leading to increased outbreak of floods. While many studies monitor disasters such as floods, drought and heat, the science of attribution of these changes particularly to climate change, is far more complex and currently an evolving subject. Most studies so far have relied on mathematical modelling of climate change impacts but these are not empirically verified.”

Source: Question No. 34, “Climate Change Impact Assessment”, Rajya Sabha, Parliament of India, 20th July 2023.

IV. Conservation of Ecosystems

In this theme, issues pertaining to different types of natural ecosystems are collated. Ecosystems are broad in nature, so they find mention in a significant number of responses. 52 responses out of 249 were related to the theme of ecosystems conservation. The percentage of responses under this theme is just 20.9% or 1/5th, whereas it was 26.3% (1/4th) and 33.3% (1/3rd) in the Winter’22 and Budget Sessions’23, respectively. Refer [Figure 7](#) for a detailed analysis of various issues discussed under this theme.

³⁶ Question No. 227, “Paris Agreement and Nationally Determined Contribution”, Rajya Sabha, Parliament of India, 10th August 2023.

³⁷ Question No. 1655, “Action plan on Intergovernmental Panel on Climate Change (IPCC) Report”, Rajya Sabha, Parliament of India, 3rd August 2023.

³⁸ *ibid.*

³⁹ Question No. 2791, “Cases of Lightning”, Lok Sabha, Parliament of India, 7th August 2023.

⁴⁰ Question No. 1650, “Increase in forest fire cases”, Rajya Sabha, Parliament of India, 3rd August 2023; Question No. 2918, “Damage due to forest fire”, Lok Sabha, Parliament of India, 7th August 2023.

⁴¹ Question No. 2454, “Deterioration of forest land due to flash floods and heavy rains”, Rajya Sabha, Parliament of India, 10th August 2023.

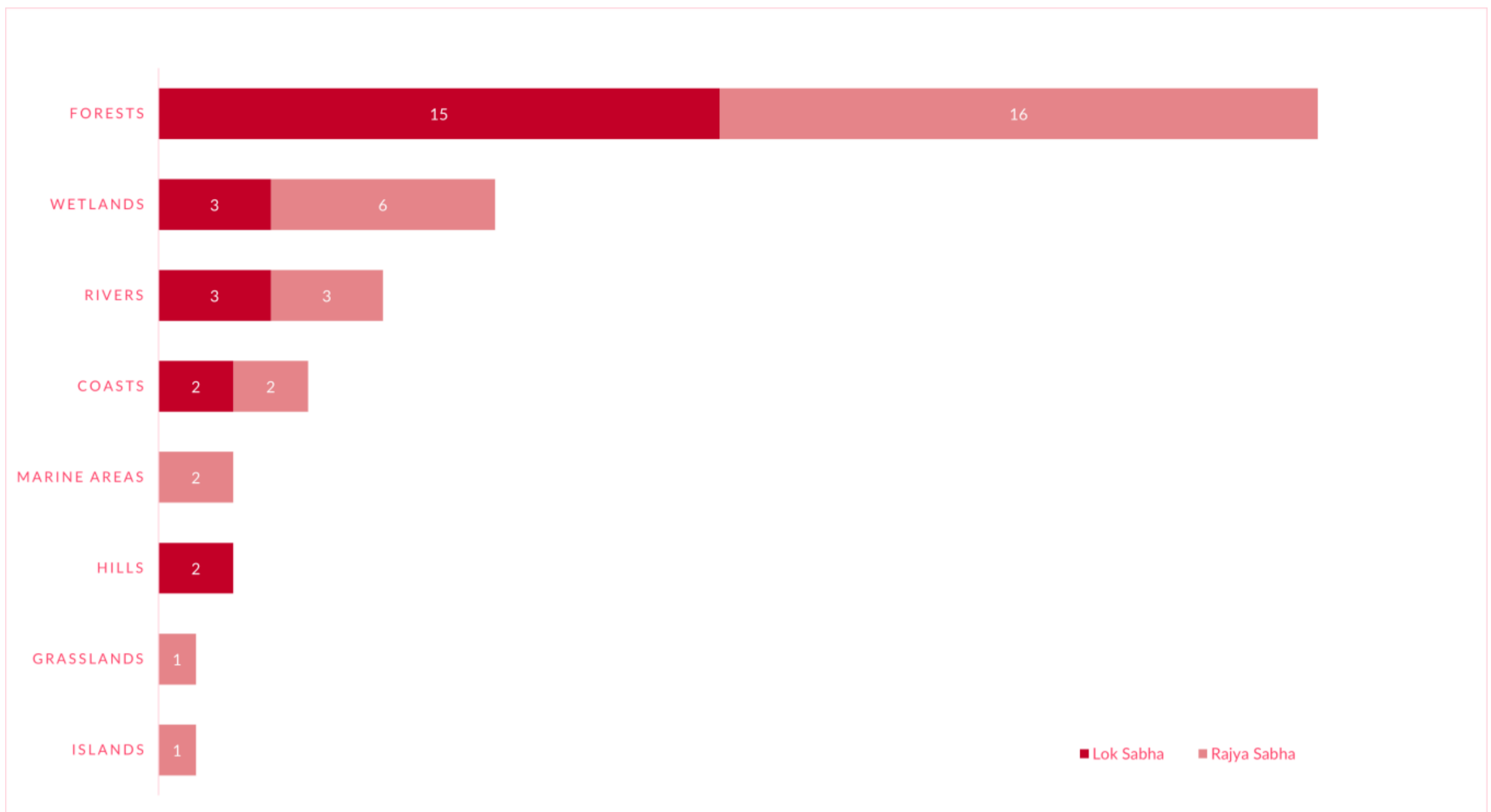


Figure 7. Number of responses related to conservation of ecosystems.

The most significant ecosystem under this theme was the forest, wherein almost 31 out of 52 responses were related to this. The majority of questions under the forest ecosystem were related to forest cover, wherein MOEFCC cited the findings of the India State of Forest Report (“ISFR”).⁴² Wetlands were the next most featured ecosystem under this theme. Responses under it related to the protection of wetlands wherein the MOEFCC informed that it is implementing a Centrally Sponsored Scheme, namely, National Plan for Conservation of Aquatic Ecosystems.⁴³

The MOEFCC also responded to questions related to rivers and coasts. Questions on the riverine ecosystem were primarily concerned with pollution in rivers⁴⁴ and interventions for their cleaning.⁴⁵ In contrast, questions on the coastal ecosystem were concerned with the threat of increasing sea levels due to climate change.⁴⁶ The other ecosystems-related questions responded to under this theme were hills,⁴⁷ marine areas,⁴⁸ and grasslands.⁴⁹

V. *Species and Habitats*

In the Species and Habitat themes, responses related to wildlife were the most prominent. Under the wildlife, the questions were focused on concerns around myriad wildlife like the conservation of dolphins,⁵⁰ protection of Rhesus monkeys under the Wild Life (Protection) Act, 1972 (“WPA”), wherein MOEFCC informed that the legislation does not apply to the Rhesus monkeys.⁵¹ Questions on other

⁴² Question No. 2788, “Forest Cover”, Lok Sabha, Parliament of India, 7th August 2023; Question No. 2463, “Forest Cover”, Rajya Sabha, Parliament of India, 10th August 2023; Question No. 868, “Decreasing forest cover in the country”, Rajya Sabha, Parliament of India, 27th July 2023.

⁴³ Question No. 1638, “Protection of wetland”, Rajya Sabha, Parliament of India, 3rd August 2023.

⁴⁴ Question No. 144, “Pollution in Kaveri River”, Lok Sabha, Parliament of India, 31st July 2023.

⁴⁵ Question No. 1767, “Funds for Rejuvenation of Rivers/Lakes”, Lok Sabha, Parliament of India, 31st July 2023.

⁴⁶ Question No. 1716, “Rising of Sea Level”, Lok Sabha, Parliament of India, 31st July 2023.

⁴⁷ Question No. 668, “Construction Work atop Rushikonda Hill, Andhra Pradesh”, Lok Sabha, Parliament of India, 24th July 2023.

⁴⁸ Question No. 2464, “Preservation of Horseshoe crabs”, Rajya Sabha, Parliament of India, 10th August 2023.

⁴⁹ Question No. 2438, “Conservation of grass plants in Himachal Pradesh”, Rajya Sabha, Parliament of India, 10th August 2023.

⁵⁰ Question No. 2770, “Conservation of Dolphins”, Lok Sabha, Parliament of India, 7th August 2023.

⁵¹ Question No. 2440, “Protection of Rhesus Macaques”, Rajya Sabha, Parliament of India, 10th August 2023.

wildlife were related to the conservation of migratory birds,⁵² the death of tigers and leopards⁵³ and others.

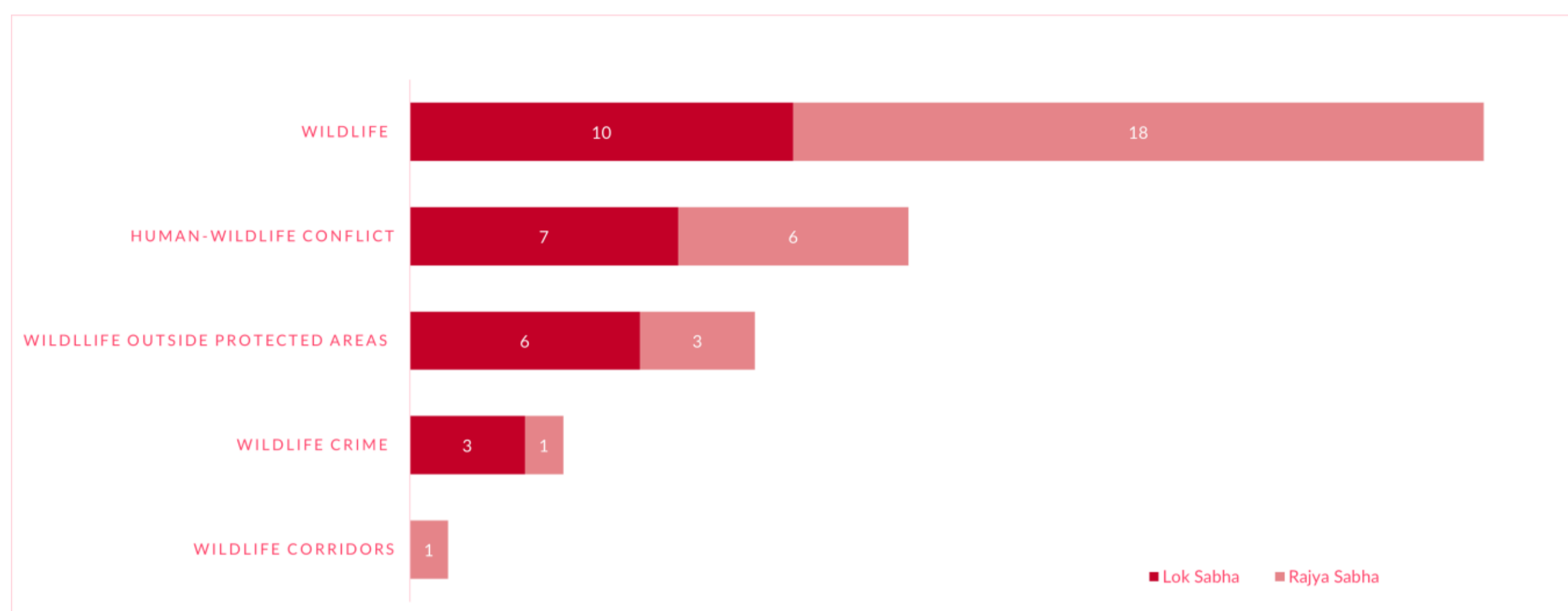


Figure 8. Number of responses related to species and habitats.

The second most frequent issue under this theme was related to the human-wildlife conflict.⁵⁴ For instance, MOEFCC informed that just in Assam, there have been 73 human deaths because of a wild elephant attack in 2023, wherein Rs 3.4 Crores compensation has been paid.⁵⁵ MOEFCC also informed that the NTCA has issued 3 Standard Operation Procedures to deal with emergencies arising due to the straying of tigers in human-dominated landscapes, depredation on livestock by tigers and rehabilitation of tigers.⁵⁶

Other issues under the theme related to the wildlife outside Protected Areas (“PAs”) and wildlife crimes. MOEFCC informed that wildlife⁵⁷ For instance, in the elephant poaching cases, MOEFCC informed that substantial poaching happens outside elephant reserves.⁵⁸

VI. Environmental Permissions

Various consents, clearances, and permissions are required under different environmental laws for the construction and operation of industries and other developmental projects. The issues under this theme have garnered increased prominence *vis-a-vis* previous parliamentary sessions wherein the percentage of responses under the theme were 8.3% and 9.3% for the Winter Session’22 and the Budget Session’23, respectively.

The most prominent issue under the theme was related to environmental clearance granted under the Environment Impact Assessment Notification, 2006 (“**EIA Notification**”).⁵⁹ MOEFCC informed that there are a total of 153 proposals relating to the Central/State Governments/UTs currently at different stages of environmental clearance.⁶⁰

⁵² Question No. 1801, “Conservation of Migratory Birds”, Lok Sabha, Parliament of India, 31st July 2023.

⁵³ Question No. 1748, “Reports on the Death of Tiger/Leopard”, Lok Sabha, Parliament of India, 31st July 2023.

⁵⁴ Question No. 559, “Human-Wildlife Conflict”, Lok Sabha, Parliament of India, 24th July 2023; Question No. 655, “Death due to Wild Elephant Attack”, Lok Sabha, Parliament of India, 24th July 2023.

⁵⁵ Question No. 2442, “Man and elephant conflict in Assam”, Rajya Sabha, Parliament of India, 10th August 2023.

⁵⁶ Question No. 918, “Wild animal attacks in the country”, Rajya Sabha, Parliament of India, 27th July 2023.

⁵⁷ Question No. 2908, “Poaching of Elephants”, Lok Sabha, Parliament of India, 7th August 2023.

⁵⁸ *ibid.*

⁵⁹ EIA Notification 2006, SI 2006/ 1533(E).

⁶⁰ Question No. 41, “Environmental Clearance to Pending Projects”, Lok Sabha, Parliament of India, 24th July 2023.

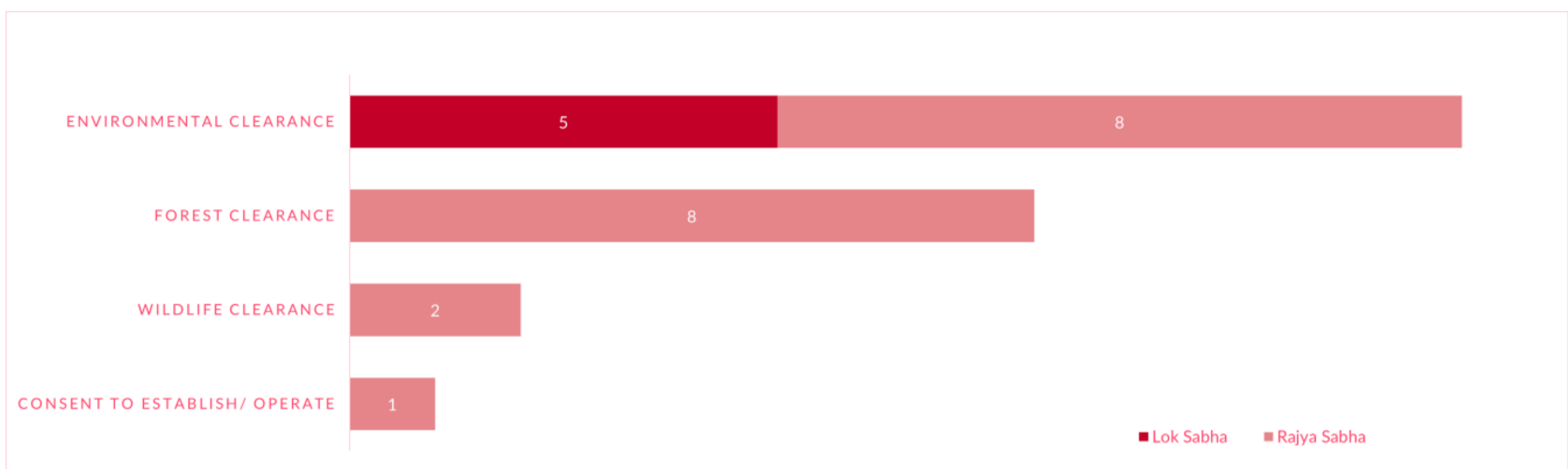


Figure 9. Number of responses related to environmental permissions.

Forest Clearance, *i.e.*, permission of the Central Government under Section 2 of the Forest Conservation Act, 1980 (“FCA”) was the second most inquired issue under the theme. The parliamentary debate on the FCA Bill, 2023 is discussed in detail in Chapter III of this report. MPs also asked questions about the felling of trees for development⁶¹ and construction projects,⁶² wherein the MOEFCC informed that the data is not maintained at the constituency level and the States are responsible for maintaining such data. On the query of diversion of forest land for non-forest purposes, the MOEFCC informed that it is done on a case-by-case basis when the situation is unavoidable. Additionally, it informed that the land being the State subject, it is the obligation of the State to look after the rehabilitation and resettlement in tribal areas, and the MOEFCC maintains no such data.⁶³

Wildlife clearance was the least inquired clearance aspect under the theme. Wildlife clearance is a clearance or permission required from NBWL, a statutory body created under Wild Life (Protection Act), 1972 (“WPA”), to establish any industry or development projects, including zoos, inside the Eco-Sensitive Zones (“ESZ”) and in absence of such delimitation, within 10 km radius of any PA.⁶⁴ On the question of the establishment of the private zoo,⁶⁵ MOEFCC informed that the CZA had accorded permission to ‘Greens Zoological, Rescue and Rehabilitation Centre’, Jamnagar, as the facility to house rescued animals under Section 38-H (1, 3 & 4) of the WPA. It also informed that the Gujarat Government has not allotted any land for the above purpose.⁶⁶

ENVIRONMENTAL CLEARANCE IN ECO-SENSITIVE ZONES

As per information available with the Ministry, during the last five years, total of 53 proposals were received, of which 40 proposals were granted Environmental Clearance by the Ministry in the default Eco-Sensitive Zones as per the provisions of the EIA Notification, 2006, as amended.

Source: Question No. 1647, “Clearances in Eco Sensitive Zones and Protected Areas”, Rajya Sabha, Parliament of India, 3rd August 2023.

⁶¹ Question No. 2827, “Felling of trees for Developmental Projects”, Lok Sabha, Parliament of India, 7th August 2023.

⁶² Question No. 2827, “Felling of trees for Construction Projects”, Lok Sabha, Parliament of India, 31st July 2023.

⁶³ Question No. 847, “Diversion of forest land for non-forestry purpose”, Rajya Sabha, Parliament of India, 27th July 2023.

⁶⁴ Supreme Court order dated 4th December 2006 in Goa Foundation vs Union of India, Writ Petition (Civil) No. 460/2004.

⁶⁵ Question No. 57, “Permission to build private zoo”, Rajya Sabha, Parliament of India, 20th July 2023.

⁶⁶ *ibid.*

VII. Developmental Activities

This theme covers issues related to Developmental Activities regulated by the MOEFCC. About 8.8% of responses were related to this theme in this session as opposed to 4.4% in the Winter Session'22 and 9.3% in the Budget Session'23. The most significant issue raised under the theme was related to the permission and pollution caused by the mining activities.⁶⁷ Questions were also raised with respect to air pollution in mining, leading to the release of hazardous gases.⁶⁸

Environmental impact with respect to development activities like roads⁶⁹ and thermal power plants⁷⁰ was also responded to by the MOEFCC in relation to the pollution caused by them. The other developmental activities related queries were with respect to railways⁷¹ and tourism.⁷²

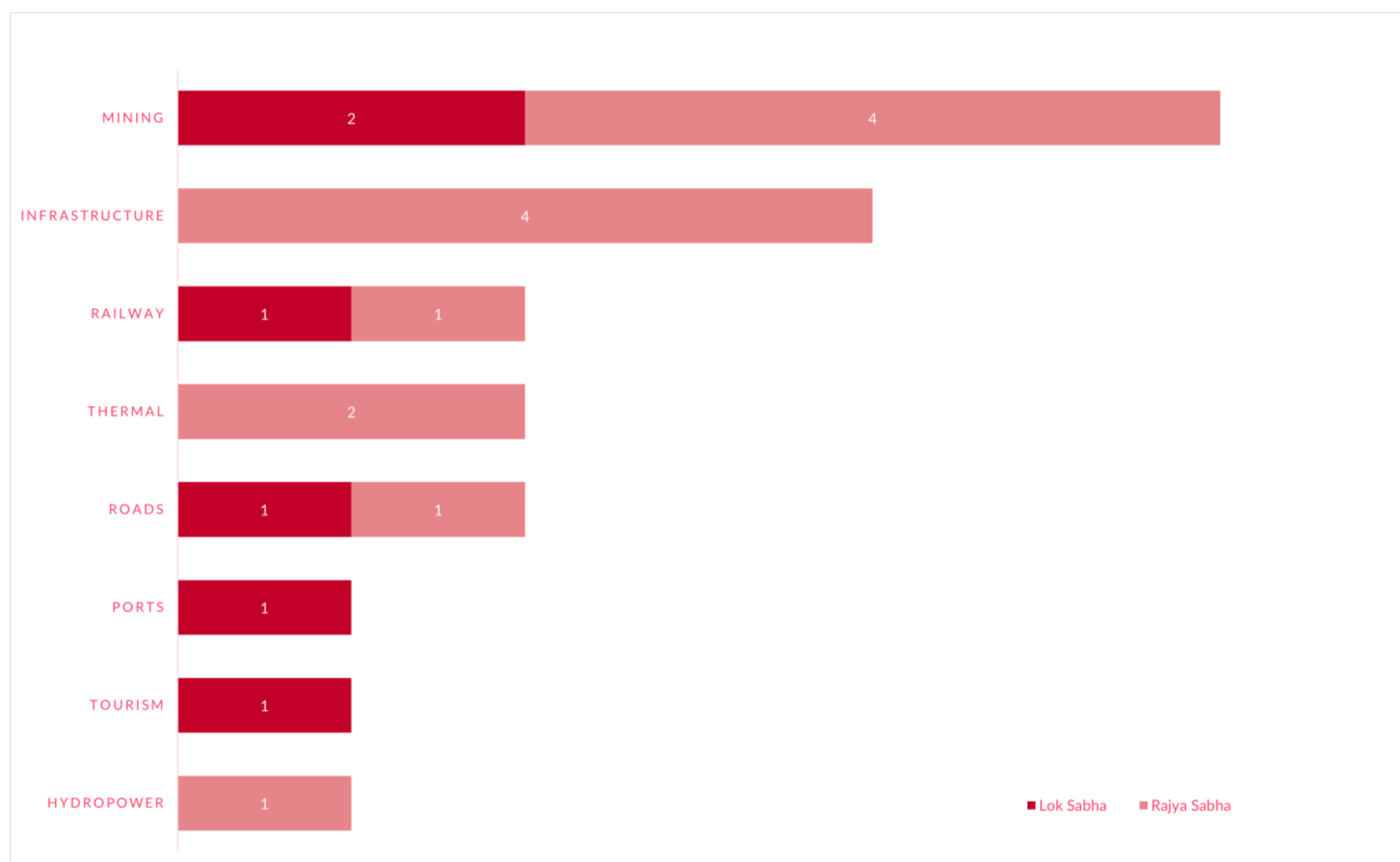


Figure 10. Number of responses related to developmental activities.

VIII. Protected Landscapes

National Parks and Wildlife Sanctuaries are the most prominent PAs that appeared under the theme.⁷³ The responses under the theme have been consistent across parliamentary sessions with little variance. For instance, in the current session, 8.4% of responses were under this theme, whereas it was 7.8% and 9.3% in the Winter Session'22 and Budget Session'23, respectively.⁷⁴

⁶⁷ Question No. 41, "Pollution due to coal mining", Lok Sabha, Parliament of India, 24th July 2023; Question No. 568, "Environmental Pollution due to Mining Activities", Lok Sabha, Parliament of India, 24th July 2023; Question No. 58, "Pollution due to coal mining activities", Rajya Sabha, Parliament of India, 20th July 2023.

⁶⁸ *ibid.*

⁶⁹ Question No. 2769, "Pollution due to Construction of Highways", Lok Sabha, Parliament of India, 7th August 2023.

⁷⁰ Question No. 2449, "Control on SO₂ emission", Rajya Sabha, Parliament of India, 10th August 2023.

⁷¹ Question No. 628, "Elephants death by trains", Lok Sabha, Parliament of India, 24th July 2023.

⁷² Question No. 1625, "Sustainable Tourism in Biodiversity Heritage Sites", Lok Sabha, 31st July 2023.

⁷³ Chapter IV of the WPA deals with the Protected Areas.

⁷⁴ Question No. 476, "Setting up of New Parks/Sanctuaries", Lok Sabha, Parliament of India, 24th July 2023.

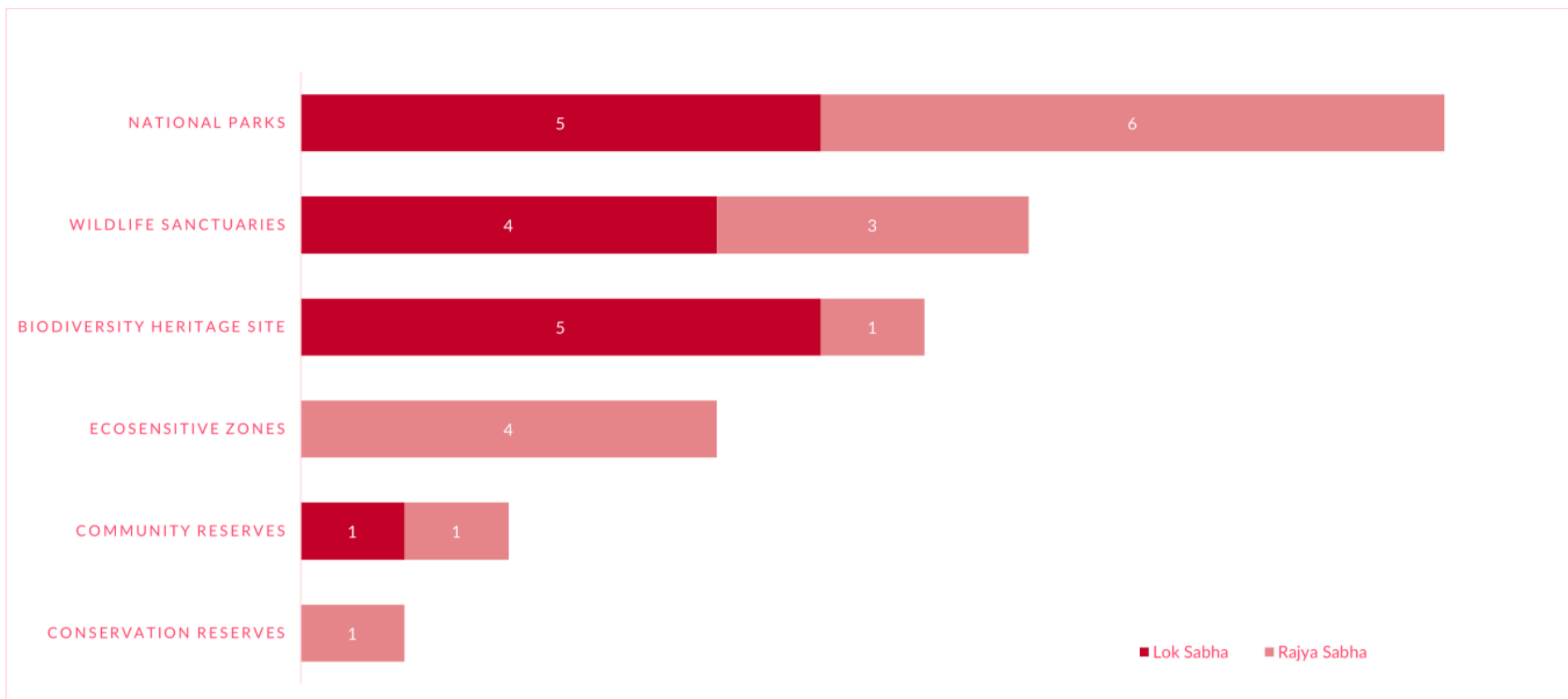


Figure 11. Number of responses related to protected landscapes.

Questions on Biodiversity Heritage Sites (“BHS”) were general in nature, mainly inquiring about the existence of such sites. MOEFCC informed that as per Section 37 (1) of the Biological Diversity Act, 2002,⁷⁵ the State Government may, from time to time in consultation with the local bodies, notify in the official gazette, of areas of biodiversity importance as BHS. So far, 44 BHSs have been declared by 16 States.⁷⁶

Concerns regarding ESZ were also responded to with respect to issues like construction in the ESZ⁷⁷ areas and notifying ESZ maps.⁷⁸ On the latter, the MOEFCC informed that it notifies ESZs around PAs based on the proposals received from the State Government in accordance with the guidelines formulated by the MOEFCC. For Kerala, the MOEFCC informed that there are 23 PAs in the State, and it has not received any fresh ESZ maps for any PAs barring one.⁷⁹ The other protected landscapes that appeared under this theme were Community Reserve⁸⁰ and Conservation Reserves.⁸¹

IX. Landscapes of Special Importance

This theme covers Protected Areas that have received special recognition for their ecological significance. This theme has seen some decline in the percentage of questions from the last sessions. For instance, in the current session, there are 6.4% questions under this theme, whereas in the

⁷⁵ The Biological Diversity Act, 2002, Section 37: **Biological Heritage Sites**

(1) *Without prejudice to any other law for the time being in force, the State Government may, from time to time in consultation with the local bodies, notify in the Official Gazette, areas of biodiversity importance as biodiversity heritage sites under this Act.*

⁷⁶ Question No. 4, “Biodiversity Heritage Sites”, Rajya Sabha, Parliament of India, 20th July 2023.

⁷⁷ Question No.840, “Construction in Eco-Sensitive Zone of Joshimath”, Rajya Sabha, Parliament of India, 27th July 2023.

⁷⁸ Question No. 236, “Eco-Sensitive Zone Maps”, Rajya Sabha, Parliament of India, 10th August 2023.

⁷⁹ Question No. 236, “Eco-Sensitive Zone maps”, Rajya Sabha, Parliament of India, 10th August 2023.

⁸⁰ Question No.580, “Survey on Extinct/Endangered Wildlife Species”, Lok Sabha, Parliament of India, 24th July 2023.

Wild Life (Protection) Act, 1972

“Section 31C: **Declaration and management of community reserve,**

(1) *The State Government may, where the community or an individual has volunteered to conserve wild life and its habitat, declare any private or community land not comprised within a National Park, sanctuary or a conservation reserve, as a community reserve, for protecting fauna, flora and traditional or cultural conservation values and practices.”*

⁸¹ Question No. 60, “Critically endangered species in the country”, Rajya Sabha, Parliament of India, 20th July 2023.

Wild Life (Protection) Act, 1972

“Section 36A: **Declaration and management of a conservation reserve,**

(1) *The State Government may, after having consultations with the local communities, declare any area owned by the Government, particularly the areas adjacent to National Parks and sanctuaries and those areas which link one protected area with another, as a conservation reserve for protecting landscapes, seascapes, flora and fauna and their habitat: Provided that where the conservation reserve includes any land owned by the Central Government, its prior concurrence shall be obtained before making such declaration.”*

previous two sessions, it was 6.9% and 9.5% for Winter Session'22 and Budget Session'23, respectively.

Most responses under the theme were related to the Tiger Reserves. In the Budget of 2023-24, Project Tiger and Project Elephant were merged into a single scheme, and financial allocation was made under Project Tiger and Elephant.⁸² A detailed reasoning behind this change is covered in the last issue of *The Green Hour*.⁸³ The issue of tiger population in the Tiger Reserves was the most prominent occurrence under the theme wherein the MOEFCC cited the latest figure of the Tiger Census reported by NTCA.⁸⁴

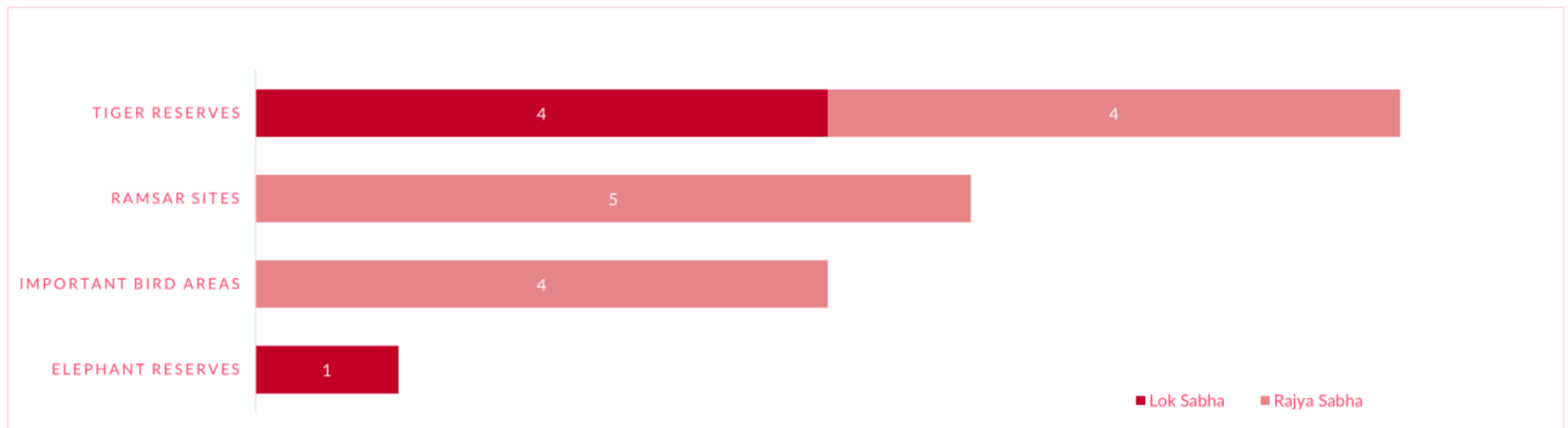


Figure 12. Number of responses related to landscapes of special importance.

Ramsar sites were the second most common subject under the theme wherein the questions posed were general and broad in nature. For instance, in response to a question in the Rajya Sabha, MOEFCC informed that in the year 2022-23, it has designated 19 wetlands as Ramsar sites, with 11 of them being in Tamil Nadu.⁸⁵ The other landscapes under the theme were Elephant Reserves⁸⁶ and Important Bird Areas, wherein the latter primarily dealt with the issue of Great Indian Bustard.⁸⁷ The MOEFCC informed that we have 150 Great Indian Bustards left in the country.⁸⁸

REHABILITATION OF DISPLACED VILLAGES

As per the information provided by the MoEFCC, the number of proposals for relocation of villages from Protected Areas between 2019-20 and 2022-23 is 19 with such diverted area of about 2,000 Hectares. 18 of such proposals were carried out by the Satpura Tiger Reserve user agency.

Source: Question No. 475, "Rehabilitation of displaced villages", Lok Sabha, Parliament of India, 24th August 2023.

X. Forest Regulation

This theme deals with the issues related to the management and regulation of forests. Although questions on the forest ecosystem increased in this Parliament's session, the specific technicalities around their management and regulation did not see a corresponding increase. For instance, only 3.6%

⁸² Detailed Demands for Grants 2023-24, Ministry of Environment, Forest and Climate Change, <<https://moef.gov.in/wp-content/uploads/2023/11/DDG-2023-24.pdf>>

⁸³ The Green Hour, Vol. 1, Issue II, n16.

⁸⁴ Question No. 2453, "Results of latest Tiger Census", Rajya Sabha, Parliament of India, 10th August 2023.

⁸⁵ Question No. 832, "Ramsar Site Wetlands", Rajya Sabha, Parliament of India, 27th August 2023.

⁸⁶ Question No. 2442, "Man and elephant conflict in Assam", Rajya Sabha, Parliament of India, 10th August 2023.

⁸⁷ Question No. 2446, "Special campaign for conservation of The Great Indian Bustard", Rajya Sabha, Parliament of India, 10th August 2023.

⁸⁸ *ibid.*

of total responses could be clubbed under this theme as opposed to 14.2% in the Winter Session'22 and 5% in the Budget Session'23.

Issue of forest rights was discussed the most under the theme. On a question of rehabilitation of the displaced villages, MOEFCC informed that vide letter F. No. 8-34/2017-FC dated 20th May 2019,⁸⁹ it had issued guidelines in accordance with the directions of the Hon'ble Supreme Court in the order dated 28th January 2019,⁹⁰ regarding relocation/rehabilitation of the villages from the core/critical Tiger Reserves and critical habitats of the PAs.

The other questions were related to private forest, deemed forest, and recorded forest.⁹¹ However, the queries were based on estimating such categories in terms of forest cover wherein the MOEFCC cited the ISFR 2021 findings.

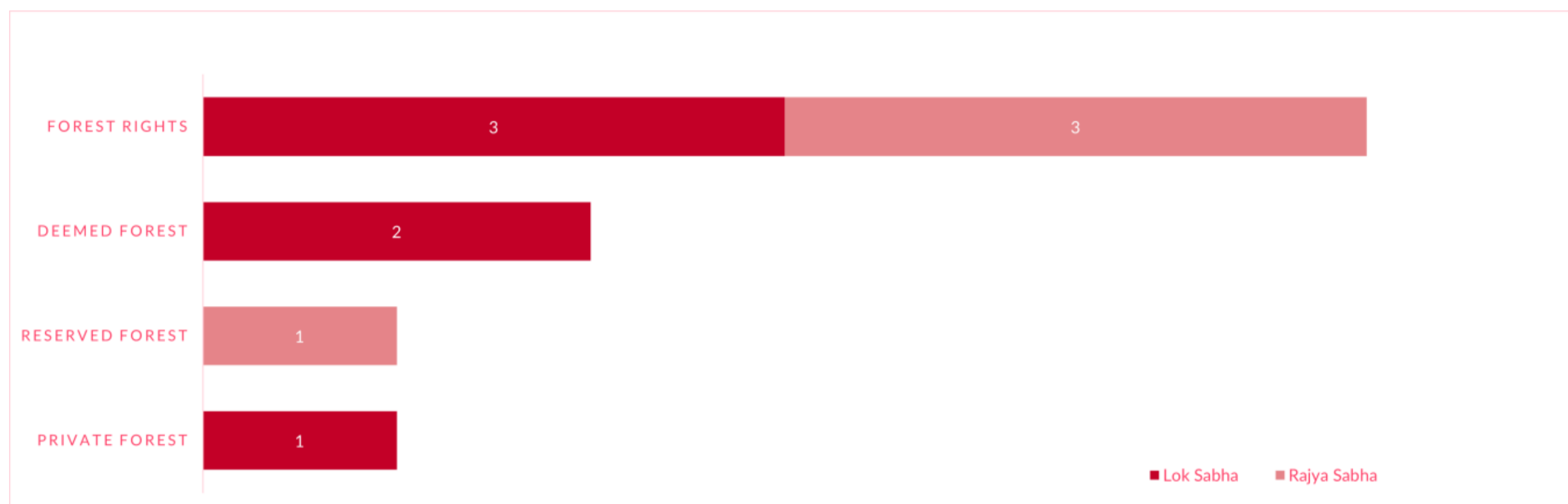


Figure 13. Number of responses related to forest regulation.

⁸⁹ MoEFCC, 8-34/2017-FC, 20th May 2019, 'Order of the Hon'ble Supreme Court dated 28.01.2019 on I.A. No.3924/2015 in WP (Civil) 202/1995 regarding changing status of forest land to revenue land in case of voluntary relocation of villages, reg.', PARIVESH <https://forestsclearance.nic.in/writereaddata/AdditionalInformation/AddInfoSought/0_0_7112312912181FileN8-192021-FC.pdf> accessed on 31st October 2023.

⁹⁰ In Re: T.N. Godavarman Thirumulpad v. Union of India, WP (Civil) 202/1995.

⁹¹ Question No. 2434, "Declining dense forest cover", Rajya Sabha, Parliament of India, 10th August 2023.

3. IN FOCUS

Prominent environmental legislations were passed in the Monsoon Session'23. However, detailed debates on such legislations were missing because of walkouts by the MPs in opposition. Only a few MPs spoke on the Bills, mainly from the ruling party and their allies. Hence, there's a dearth of critical issues being raised during the parliamentary debates. In this Chapter, we discuss 5 Bills that became Act namely, Forest (Conservation) Amendment Bill, 2023 ("FCA Bill"), The Biological Diversity (Amendment) Bill 2023 ("BDA Bill"), The Mines and Minerals (Development and Regulation) Amendment Bill, 2023 ("Mines Bill"), The Offshore Areas Mineral (Development and Regulation) Amendment Bill, 2023 ("OAMDR Bill") and Jan Vishwas (Amendment of Provisions) Bill, 2023 ("Jan Vishwas Bill").

A. Forest (Conservation) Amendment Bill, 2023

The FCA Bill was introduced by the MOEFCC during the Budget Session'23 and was immediately referred to the 31-member Joint Committee on Forest (Conservation) Amendment Bill, 2023("JC-FCA") chaired by Mr. Rajendra Agrawal. Vidhi constituted an independent High-Level Working Group ("HLWG") that submitted its recommendations to the JC-FCA. The report can be accessed here.⁹²

See Figure 14 for FCA Bill's timeline. Critical issues related to the FCA Bill was also discussed in the last issue of *The Green Hour*.⁹³

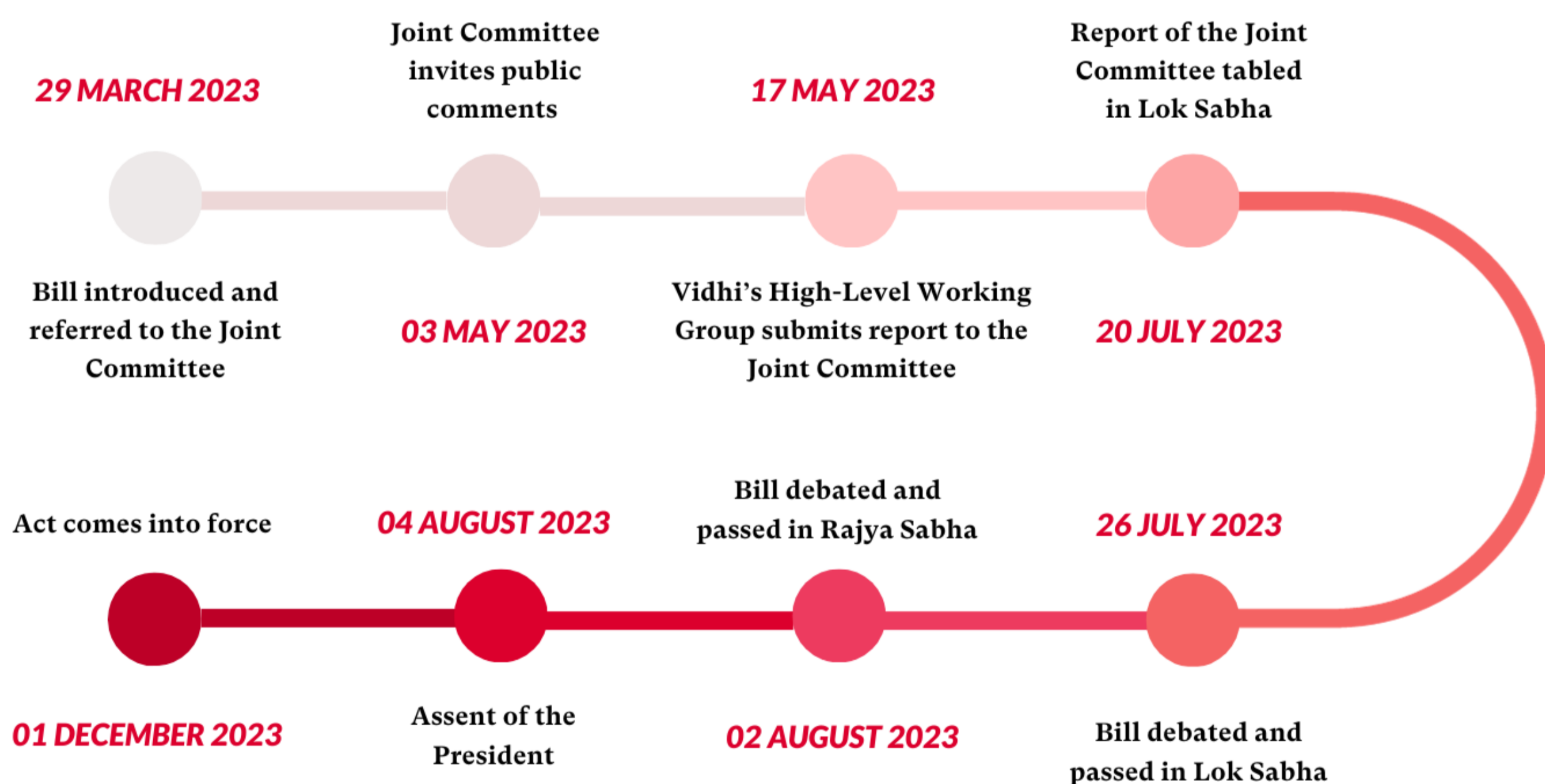


Figure 14. Timeline for the FCA Bill.

In the Lok Sabha, the FCA Bill was discussed for only 38 minutes against the allotted time of 3 hours wherein only 4 MPs spoke on it. Ms. Diya Kumari (BJP, Rajasthan), also a member of the JC-FCA emphasised how exemptions provided under the FCA depict the government's commitment to responsible forest management and sustainable development. For instance, she emphasised how the inclusion of zoos, safaris, and eco-tourism facilities reflects government's efforts to ensure the

⁹² 'Report of the High-Level Working Group on the Forest (Conservation) Amendment Bill 2023' (Vidhi Centre for Legal Policy), <<https://vidhilegalpolicy.in/research/report-of-the-high-level-working-group-on-the-forest-conservation-amendment-bill-2023/>> accessed 24th October 2023.

⁹³ The Green Hour, Vol I, Issue II, n16.

responsible use of forest resources and promoting sustainable livelihoods. Mr. Raju Bista (BJP, West Bengal) also spoke in detail reiterating the statements and objects attached to the FCA Bill.

Mr. Bellan Chandra Sekhar (YSRCP, Andhra Pradesh), who supported the Bill, underlined two aspects. First, he suggested protecting biodiversity-rich hotspots like the Western Ghats and Aravalli. Second, he asked for better collaboration with the State Governments for providing environmental clearance under the law.

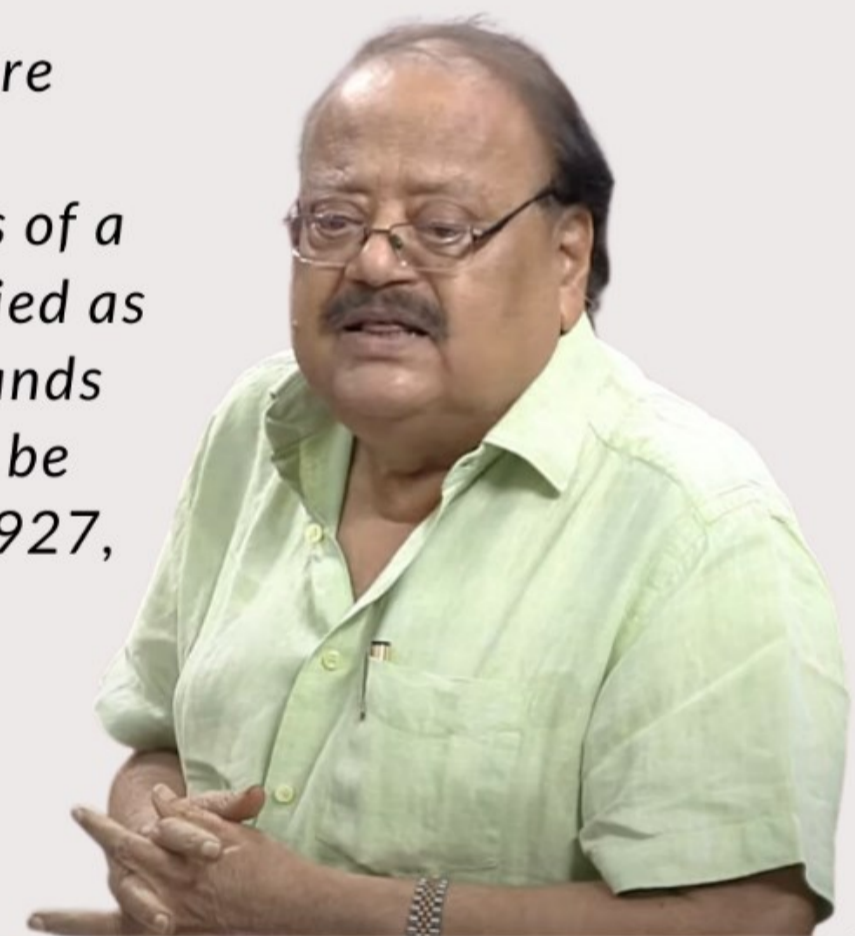
Ms. Bhawana Gawali (SS, Maharashtra), spoke on issues related to the pendency of the multiple projects for approval under the FCA with the State Governments. She mentioned that almost 51 border road projects are pending, wherein 29 such projects are pending with the State Government. She also mentioned that *Jhudupi jungle* present in Maharashtra should be used for tree plantation or setting up of solar panels as these are vacant lands.

In Rajya Sabha, FCA Bill was discussed for 1 hr 40 minutes wherein 11 MP spoke on the Bill. Dr. Prashanta Nanda (BJD, Odisha) put forward a few important pointers. Firstly, he pointed out that the title mentions *Sanrakshhan* (Conservation) and *Samvardhan* (Promotion). He argued that the number of exemptions under the FCA Bill does not promote forests. Secondly, he underlined the role of his State in the conservation of forests, especially with reference to the Forest Rights Act, 2006 by specifically allocating Rs. 2,600 lakhs in its 2023-24 Budget. Thirdly, he highlighted the concerns around the exemption of certain kinds of lands under the FCA Bill from the purview of the FCA- Vidhi's HLWG report also underlined this anomaly in the FCA Bill in detail.⁹⁴ Lastly, Dr. Nanda underlined how trees planted under compensatory afforestation scheme in lieu of the forests diverted for developmental activities do not look or function like a natural forest, hence, this practice must be corrected.



The new changes omit the category of 'lands' that are neither notified nor recorded as forest in any Government records, but qualify the characteristics of a natural forest, including those proposed to be notified as forest. The new changes also exclude those forest lands that are proposed to be declared 'forest,' but yet to be notified under Section 4 of the Indian Forest Act, 1927, or other State laws.

**- Dr. Prashanta Nanda
Member, Rajya Sabha**



Mr. Niranjana Reddy (YSRCP, Andhra Pradesh) expressed his dilemma while supporting the FCA Bill. He agreed with the reasons provided by the government in the national interest. But expressed apprehension about the misuse of the provisions of the FCA Bill. He requested the government that the guidelines and directions issued under the Bill shall be formulated stringently to protect legitimate "forest land." Mr. Vijayasi Reddy (YSRCP, Andhra Pradesh), supporting his colleague, suggested the

⁹⁴ HLWG Report, n92.

adoption of a participatory forest management regime as being implemented in Andhra Pradesh through the tenets of Joint Forest Management and Community Forest Resources.⁹⁵

Mr. Hishey Lachungpa (SDF, Sikkim) spoke on behalf of the people from his State. He underlined that after Sikkim became a part of India, an abrupt Reserve Forest Land Survey was conducted and before its completion, FCA was enacted. This led to unclassified non-forest/ utility lands like *gorucharan*, *khasmal*, river courses etc., being incorporated into the FCA. He also requested that the forest rights of the tribal Sikkim population be protected while constructing defence-related infrastructures.

Dr. M. Thambidurai (AIADMK, Tamil Nadu), while supporting the FCA Bill, focused on the human-elephant conflict by emphasising that animals need to be restricted to forest areas. He also expressed concerns about using phrases like “eco-tourism” and “any other purpose” which can be exploited for self-interests. Lastly, he expressed concerns with the use of Hindi language for the title of the FCA Bill. He suggested that when the legislation goes to States, give an equivalent translation with respect to that State.

Mr. GK Vasan (TMC-M, Tamil Nadu) supported the Bill by seeking three clarifications from the government. First, how does a name change help in the enhancement of the conservation of forests? Second, why is there a need for proposals for zoos, safaris, and ecotourism in the Bill? Third, whether the afforestation activities under CAMPA will be compromised?

Response by the Minister

Mr. Bhupender Yadav responded to debates in both the Houses. This section provides a comprehensive outline of his arguments.

I. On the definition of “forest land”

The Minister argued that the wider interpretation granted to “forest land” by the Hon’ble Supreme Court in the Godavarman judgment⁹⁶ brought revenue lands under the ambit of the FCA where schools and government buildings were located. This curbed the development of those lands. The Minister added that this amendment is being brought to provide public utility facilities in tribal areas.

The expansion of the Central Government's power under the FCA Bill is also provided to allow the issue of periodical guidelines on compensatory afforestation to increase carbon sequestration, as mentioned in the Preamble (of the FCA Bill) in view of India’s international commitments.

II. On change in the title of the Act

The Minister said that given the government’s insistence on formulating laws for Indian people, the word “forest” which was given by Britishers is dropped in the title of the Act. The Bill will also promote agroforestry by encouraging private forestation.

III. Exempted lands under Section 1A (2)

The Minister reiterated that these exempted lands on border areas, Left-Wing-Extremism areas or near rail and settlements are to encourage national security and development of far-flung areas. The argument is based on the content of the statement of object and the reasons attached in the FCA Bill.

⁹⁵ Ministry of Environment and Forest, “Joint Forest Management: A handbook”, <<https://ifs.nic.in/Dynamic/pdf/JFM%20handbook.pdf>> accessed on 3rd Nov 2023.

“Joint Forest Management (JFM) is an approach and program initiated in the context of the National Forest Policy of 1988 wherein state forest departments support local forest dwelling and forest fringe communities to protect and manage forests and share the costs and benefits from the forests with them. Communities organize themselves into a JFM Committee to protect and manage nearby forests, guided by locally prepared byelaws and micro plans.”

Community Forest Rights are claimed under the Forest Rights Act, 2006.

⁹⁶ T.N. Godavarman Thirumulkpad v. Union of India & Ors., [1997] 2 SCC 267

IV. Expansion of definition of “non-forestry” activity

The Minister clarified that the increase in “non-forestry” activities refers to encouraging the country's economic development. He underlined that under FCA Bill, the government intends to establish rescue centres around forest areas to preserve endangered species.

B. The Biological Diversity (Amendment) Bill, 2023

The Biological Diversity (Amendment) Bill was introduced by the MOEFCC on 16th December 2021. The BDA Bill was subsequently referred to the Joint Committee on the Biological Diversity (Amendment) Bill, 2021. The committee submitted its report in August 2022.⁹⁷ The revised version of the BDA Bill was introduced in February 2023. Vidhi made detailed comments on the contents of the original Bill.⁹⁸ The MOEFCC accepted most of the suggestions incorporated in the Joint Committee report while tabling the revised version of the Bill. Vidhi's suggestion on defining foreign-controlled companies and the definition of traditional codified knowledge was also incorporated by the MOEFCC in the revised draft.

A detailed analysis of the amendment is available in the previous issue of *The Green Hour*.⁹⁹ The timeline of events related to the BDA Bill is provided in the Figure 15.

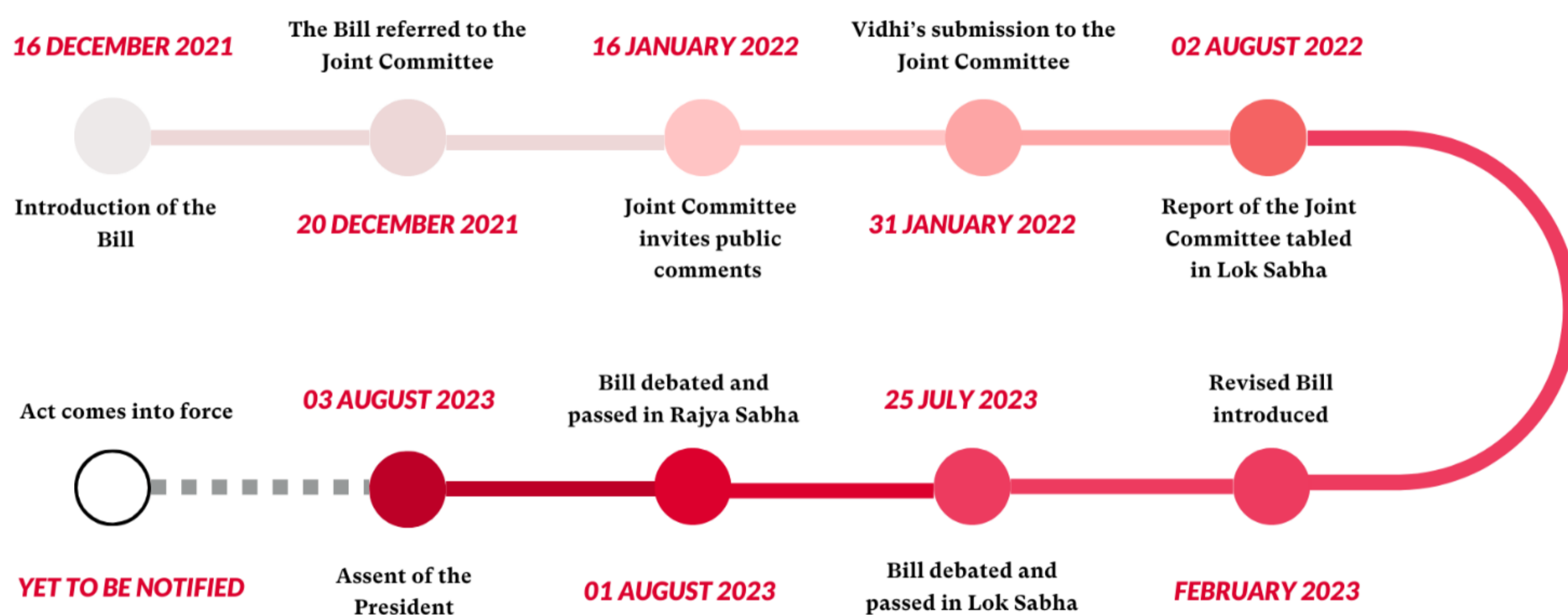


Figure 15. Timeline for the BDA Bill.

The BDA Bill was discussed for 33 minutes in the LS against the allotted 4 hours. Only 4 MPs spoke on the Bill. Dr Sanjay Jaiswal (BJP, Bihar), who was the chairperson of the Joint Committee, spoke on the Bill, highlighting that no dissent note was filed by any members which depicts universal consensus on the Bill.

Ms. Aprajita Sarangi (BJP, Odisha), who was also a part of the Joint Committee, provided three reasons for the amendments. First, demands by stakeholders in the Indian medicine, biotechnology, and research centres for simplifying, streamlining, reducing compliance burden, and encouraging a conducive environment for collaboration, research, and investment. Second, simplification of the patent application process by fast-tracking it. And third, widening the scope of access and benefit sharing.

⁹⁷ 'Report of the Joint Committee on the Biological Diversity (Amendment) Bill, 2021' Lok Sabha, <https://eparlib.nic.in/bitstream/123456789/931978/1/17_Joint_Committee_on_the_Biological_Diversity_Amendment_Bill_2021_1.pdf> accessed 26 Oct 2023

⁹⁸ Debadityo Sinha, Mridhu Tandon, Utkarsh Jain, 'Comments to the Joint Committee of Parliament on The Biological Diversity (Amendment) Bill, 2021' (Vidhi Centre for Legal Policy), <<https://vidhilegalpolicy.in/research/comments-to-the-joint-committee-on-parliament-on-the-biological-diversity-amendment-bill-2021/>> accessed 5 Nov 2023

⁹⁹ The Green Hour, Vol I, Issue II, n16.

Ms. Vanga Geetha Viswanath (YSRCP, Andhra Pradesh) spoke about the absence of a definition of codified traditional knowledge in the BDA Bill. She further points out the tilting of balance towards commerce and intellectual property rights against the conservation of biological needs. However, the revised version of the Bill defined codified traditional knowledge under Section 2(ea).¹⁰⁰

In Rajya Sabha, the BDA Bill was discussed for 43 minutes, wherein 7 MPs participated in the debate. Ms. Sulata Deo (BJD, Odisha) spoke on the BDA Bill and underlined the rich biodiversity of Odisha. She mentioned that Odisha has established 8 medicinal plant conservation areas. Additionally, she emphasised the devolution of benefits under the Bill to local communities.

Mr. Bhubaneswar Kalita (BJP, Assam) spoke on amendments in general terms, elaborating on what the Bill seeks to amend. He expressed a single concern with respect to the imposition of penalty by the adjudicating authority under the Bill as there is no legislative guidance on how the penalty ranging from Rs. 1 Lakh to 1 Crore will be imposed. He also expressed concerns about whether handing adjudication power to government authority rather than the judiciary is correct.

Mr. Ayodhya Rami Reddy (YSRCP, Andhra Pradesh) stressed upon how the amendment will encourage the collaborative approach in biological research. He suggested a few interventions from the government side- first, that the benefit sharing should be done in consultation with local communities. Second, that an executive authority should impose penalty. Third, Indian companies' interests should be protected by clearly defining the role of NBA. And fourth, to combat the climate change effect on biodiversity, a more collaborative approach among Ministries is required.

Mr. GK Vasan (TMC-M, Tamil Nadu) supported the Bill and applauded the government for catering to the interest of local communities. He expressed a single concern on exploitation by corporates or international interest in traditional medicine licences.

Mr. Ramji (BSP, UP) expressed concerns with respect to insufficient forest cover to conserve biodiversity and requested the Minister to increase forest cover as per the National Forest Policy, 1988.¹⁰¹

Response by the Minister

Mr. Bhupender Yadav, Minister of Environment, Forest and Climate Change, said that there are threefold reasons for bringing the amendment. These reasons should be looked at in the background of changes in our land production since the inception of the BDA. These are the conservation of biological resources, their sustainable use and equitable benefit sharing, especially with vulnerable communities. He emphasized that the objective is to promote ease of doing business and these changes are brought in that regard.

Mr. Yadav said that with this amendment, the government is providing local communities with more means to benefit from traditional knowledge and promote ayurveda and its practitioners. In pursuit of this, the government is making amendments to encourage research and collaboration and simplifying the patent application process without compromising national interest.

¹⁰⁰ The Green Hour, Vol I, Issue II, n16.

¹⁰¹ Aim and objectives under Forest Policy, 1988', PIB, <<https://pib.gov.in/newsite/erecontent.aspx?relid=57051>> accessed on 20 June 2023



“The present amendments aim to reduce the pressure on the wild medicinal plants by encouraging the cultivation of medicinal plants and removing the compliance burdens on Indian companies.”

**~ Mr. Bhupender Yadav
Minister, MOEFCC**



The Minister also highlighted that the present amendment would enable the State Governments to develop strategies and plans for the conservation and sustainable usage of biological diversity.

In response to the fear of the executive body functioning as an adjudication authority, the Minister informed that the power will not be exempted from judicial review. He further explained that the purpose of decriminalisation under the BDA Bill is to promote ease of doing business. The Minister also highlighted other initiatives taken by the MOEFCC to promote traditional medicines and practices. For instance, the MOEFCC effort on MISHTI program¹⁰² wherein BSI has maintained a database of benefits accruing out of different species of mangroves.

C. The Mines and Minerals (Development and Regulation) Amendment Bill, 2023

The Mines and Minerals (Development and Regulation) Amendment Bill, 2023¹⁰³ (“**Mines Bill**”) was introduced in the Lok Sabha on 26th July, 2023. It got the President’s assent on 9th August 2023, thus making it The Mines and Minerals (Development and Regulation) Amendment Act, 2023¹⁰⁴ (“**Mines Amendment Act 2023**”), The Mines and Minerals (Development and Regulation) Act, 1957 (“**MMDR Act**”) has been frequently amended in the past, for example, in 2015 to introduce auction-based mineral concession allocation, in 2016, 2020, and 2021 to address specific issues like uniform provisions for captive and merchant mines.

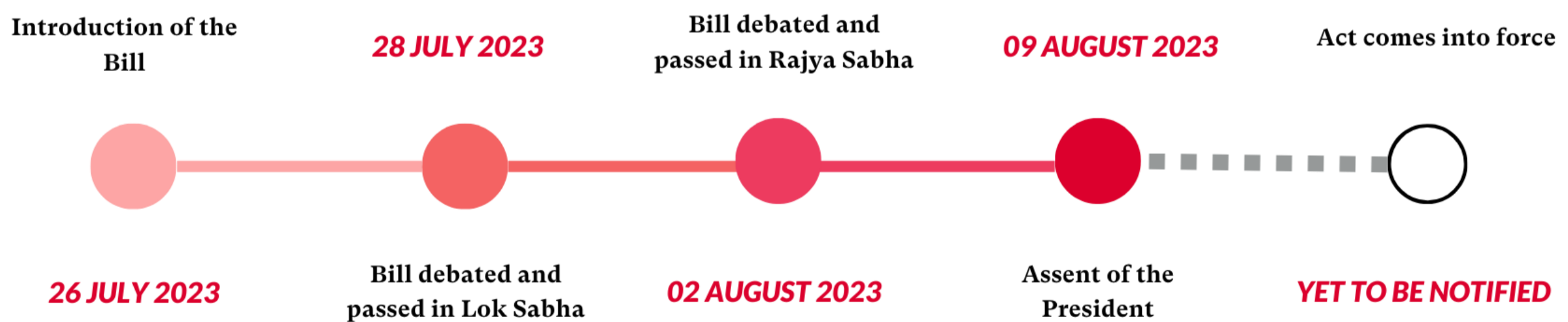


Figure 16. Timeline for the Mines Bill.

¹⁰² ‘MISHTI scheme promotes development of 540 Sq. Kms Mangroves across 11 States and 2 Union Territories’, PIB, 6th April 2023, <<https://pib.gov.in/PressReleasframePage.aspx?PRID=1914421>> accessed on 31st Oct 2023

¹⁰³ The Mines and Minerals (Development and Regulation) Amendment Bill, 2023, Bill No. 101 of 2023.

¹⁰⁴ The Mines and Minerals (Development and Regulation) Amendment Act, 2023, No. 16 of 2023.

The most crucial amendment brought in The Mines Amendment Act, 2023 includes provisions for 'exploration license' for deep-seated and critical minerals. It is defined as a license granted for undertaking reconnaissance operations or prospecting operations or both with respect of minerals specified in the Seventh Schedule.¹⁰⁵ The newly inserted Seventh Schedule includes 29 minerals like gold, silver, diamond, graphite etc. The State Government is empowered to grant exploration licence through competitive bidding, while the Central Government shall prescribe rules, including terms and conditions, manner of auction, bidding parameters etc.

To incentivise exploration, the Mines Amendment Act, 2023 states that in case resources are proved after exploration and after submission of a report by the exploration licensee, the State Government is obligated to conduct an auction for a mining lease within six months and the licensee shall receive a share in the auction value of the mining lease.

Under the MMDR Act, only State agencies were allowed to explore atomic minerals, such as lithium, titanium, beryllium etc. The Mines Amendment Act 2023 makes provision for allowing even the private sector to mine 6 out of 12 atomic minerals.¹⁰⁶ The Centre is empowered exclusively to auction mining leases and composite licences for critical minerals like gold, silver, diamond etc.

Another important provision of the Mines Amendment Act 2023 is that under a single exploration licence, activities can be undertaken in an area up to 1,000 sq. km. The MMDR Act prescribed activities in an area of 25 sq. km under a prospecting licence and an area up to 5,000 sq. km under a single reconnaissance permit. The Mines Amendment Act 2023, under the exploration licence, allows activities up to 1000 sq. km. It now allows for the retention of up to 25% of the originally authorised area to the licensee, which was not allowed under the MMDR Act.

Concerns have been raised over allowing the private sector to explore critical minerals. Critiques of the amendment have contended that the amendment is against the principle of federalism and that the public sector units will suffer.¹⁰⁷

The Mines Bill was discussed and passed in the Lok Sabha on 28th July 2023. The discussion on the Bill was only for 19 minutes against the allocated time of 2 hours. Only two members participated in the debate.

Mr. Suhil Kumar Singh (BJP, Bihar) only spoke about the different facets of amendments being brought by the government. He iterated that the amendment would help the nation reduce reliance on importing essential minerals. Mr. Magunata Sreenivasulu Reddy (YSRCP, Andhra Pradesh) spoke about initiatives of the Andhra Pradesh Government in setting up different plants for mining minerals.¹⁰⁸

The Rajya Sabha discussed and passed the Mines Bill on the 2nd August 2023. The discussion lasted for 2 hours and 33 minutes, and 11 MPs participated in the debate. Dr Sasmit Patra (BJD, Odisha) supported the Bill and spoke on specifics of the amendment. He emphasised that the new Bill would reduce India's dependence on import of essential metals significantly. Mr. V. Vijaysai Reddy (YSRCP, Andhra Pradesh), while supporting the Bill and underlining the fact of India's dependence on imports of critical minerals from China, emphasizes the need to focus on recycling critical minerals, which will reduce the requirement of mining in the future.

¹⁰⁵ Clause 2, Mines Bill, n105.

¹⁰⁶ These 6 atomic minerals are: (i) beryl and beryllium, (ii) lithium, (iii) niobium, (iv) titanium, (v) tantalum, and (vi) zirconium

¹⁰⁷ PTI, "Mines and Minerals (Development and Regulation Amendment) Bill 2023 introduced in Lok Sabha", ET Energy, 26th July 2023 <<https://energy.economictimes.indiatimes.com/news/coal/mines-and-minerals-development-and-regulation-amendment-bill-2023-introduced-in-lok-sabha/102139537>> accessed on 31st October 2023.

¹⁰⁸ Samdani MN, Andhra Pradesh bets big on mining sector for investments, Times of India, 28th Feb 2023, <<https://timesofindia.indiatimes.com/city/amaravati/andhra-pradesh-bets-big-on-mining-sector-for-investments/articleshow/98293702.cms>> accessed on 4th Nov 2023.

Response by the Minister

Mr. Pralhad Joshi, Minister of Mines, responded to the discussion in both the Houses of the Parliament. He emphasised that India's commitment to net zero emission necessitates introduction of this Bill as demand for minerals like Lithium and Cobalt will increase significantly. He cited the case study of Australia and how, being a small nation, it is still ahead in the mining of deep-seated minerals. He informed that introducing "exploration licence" brings in junior miners¹⁰⁹ from the private sector who can explore minerals on a revenue share model.

He further explained that the reason for mining 6 atomic minerals is that these minerals have more non-atomic utility now and hence should be encouraged for exploration.

D. The Offshore Areas Mineral (Development and Regulation) Amendment Bill, 2023

The Offshore Areas Mineral (Development and Regulation) Amendment Bill, 2023 was introduced by the Ministry of Mines in the Lok Sabha on 27th July 2023.¹¹⁰ The draft of the proposed amendment was released for public comments on 3rd February 2023.¹¹¹ The detailed aspects of the OAMDR Bill are covered in the previous edition of *The Green Hour*.¹¹²

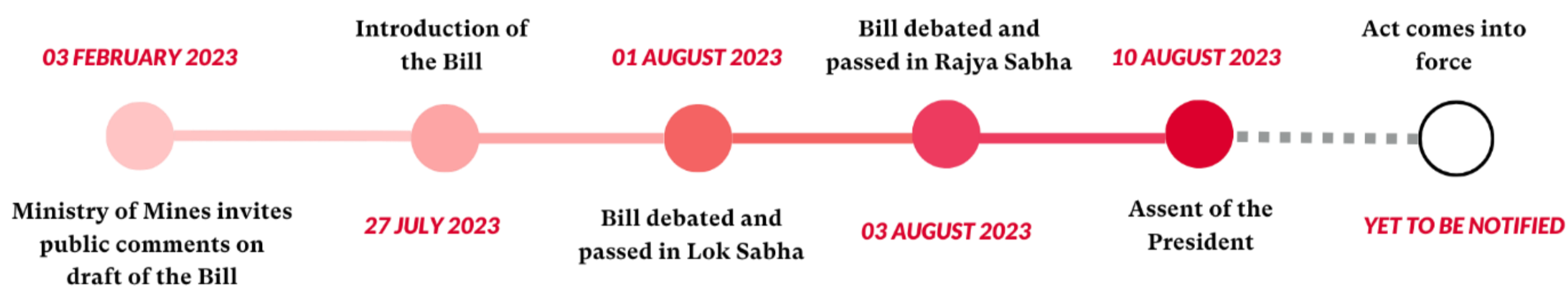


Figure 17. Timeline for the OAMDR Bill.

The OAMDR Bill was discussed in the Lok Sabha for 23 minutes wherein 4 MPs participated. Mr. Gopal Chinayya Shetty (BJP, Maharashtra) spoke on the Bill's provisions and how it will help create employment opportunities and assist States in revenue generation. Mr. Pinaki Mishra (BJD, Odisha) supported the Bill and applauded the government for providing an auction for the allocation of mineral resources through competitive bidding. He requested the government to take appropriate action to prevent the environment under precautionary principles to curb environmental damage. Mr. Krupal Balaji Tumane (Shiv Sena, Maharashtra) supported the Bill. He spoke on how the OAMDR Bill will help exploit minerals that have been untapped within our country, which have forced us to be dependent on imports worth Rs. 2.5 lakh Crores.

In Rajya Sabha, the OAMDR Bill was discussed for 1 hour and 3 minutes, wherein 6 MPs engaged in the debate. Dr. Sasmit Patra (BJD, Odisha) appreciated the government for opening India's offshore to mineral exploration. He then dwelled upon the features of the Bill like; the composite licence regime, that is, an exploration licence-cum-production lease, which is a two-stage operating right granted for the purpose of undertaking exploration operation followed by production operation; increase in the monetary penalty from 5 to 10 lakhs in addition to provision for imprisonment of 5 years; composite licence for atomic mineral exploration to only government companies; and establishment of Offshore

¹⁰⁹ Junior Miners are the small enterprises who restrict themselves to just the activity of exploration and sell their stake after discovery to large mining corporates.

¹¹⁰ The Offshore Areas Mineral (Development and Regulation) Amendment Bill, 2023, Bill No. 17 of 2023.

¹¹¹ Public Notice, Ministry of Mines, M. VI- 1/1/2022- Mines VI- Part (1), 9 February 2023, <<https://economictimes.indiatimes.com/industry/indl-goods/svs/metals-mining/govt-to-introduce-amendment-bill-for-offshore-minerals/articleshow/100392921.cms>> accessed 2nd Nov 2023

¹¹² The Green Hour, Vol I, Issue II, n16, pg 46-47.

Minerals Trust which will provide necessary funds for mitigation measures. He expressed disappointment in the fact that despite of the existence of the Act for 21 years, not 1 gram of mineral was harvested under it. This, however, is a wrong interpretation as blocks were awarded and minerals were also explored from such blocks under the Act.¹¹³

Dr. M. Thambidurai (AIADMK, Tamil Nadu) spoke on illegal mining being carried out in the State of Tamil Nadu especially of coastal sands of Thoothukudi, Tiruchendur and Kanyakumari that are valuable and rich in uranium contents. He quoted the statement of objects and reasons¹¹⁴ of the Bill to underline the concern of States like Odisha and Tamil Nadu who are not getting the royalty on minerals extracted, also affecting the farmers in those areas. The Bill will also help in the vision of a “blue economy” vision of the government.¹¹⁵

Mr. V. Vijayasai Reddy (YSRCP, Andhra Pradesh) supported the Bill but expressed few concerns. Firstly, he mentioned that it is going to significantly affect the communities dependent on marine environment. Secondly, he requested the government to bring a seabed mining policy to protect the interest of communities and biodiversity. Thirdly, there must be a mechanism wherein coastal State can express concerns and participate in the decision-making process. Lastly, the deep-sea mining is a capital-intensive area, but recently 37 financial institutions came up with a demand to governments to not allow deep sea mining which has made the private players reluctant to invest.¹¹⁶ He inquired how the government then envisions drawing investment into the field.

Mr. Ramji (BSP, Uttar Pradesh) expressed serious concerns about allowing mining activities in the coastal areas. He underlined how the process will involve blasts and heavy machinery in the areas that will destroy the marine ecosystem, affecting the employment of millions of people.

Response by the Minister

Mr. Pralhad Joshi, Minister of Mines, initially clarified that the Bill is not for seabed mining but for exploration in the country's Exclusive Economic Zone (“EEZ”). He also gave an assurance that environmental regulations will be followed and other stakeholders, including the Ministry of Fisheries, MOEFCC, Ministry of Home Affairs and State Governments, will be duly consulted. Section 19¹¹⁷ and 20¹¹⁸ of the OAMDR Act also ensure that protection is granted to persons and the marine environment.

¹¹³ ‘Indian Minerals Yearbook: 2020 (Part I)’, Ministry of Mines, 59th Edition, October 2022, <https://ibm.gov.in/writereaddata/files/11122022183529Offshore-2020_AR.pdf> accessed on 3rd Nov 2023.

¹¹⁴ The Offshore Areas Mineral (Development and Regulation) Amendment Bill, 2023, Statements of Objects and Reasons, “In case of onshore mineral resources, auction was introduced as the method of allocation of mineral concession by amending the Mines and Minerals (Development and Regulation) Act, 1957, in 2015. Pursuant to the same, since 2015, hundreds of mineral blocks have been auctioned for grant of mining lease or composite licence under the Mines and Minerals (Development and Regulation) Act, 1957. The auction process has also generated additional source of revenue to the State Governments in terms of auction premium.”

¹¹⁵ For details on the collection, allocation and expenditure of DMFF please see <<https://csep.org/discussion-note/district-mineral-foundation-funds-evaluating-the-performance/>>

¹¹⁶ “Leading Financial Institutions Call on Governments to not Permit Seep-Sea Mining”, Finance for Bio-diversity Foundation, 19th July 2022, <<https://www.financeforbiodiversity.org/leading-financial-institutions-call-on-governments-to-not-permit-deep-sea-mining/#:~:text=3%20trillion%20of%20combined%20assets,minerals%20have%20been%20fully%20explored.>> accessed on 3rd Nov 2023.

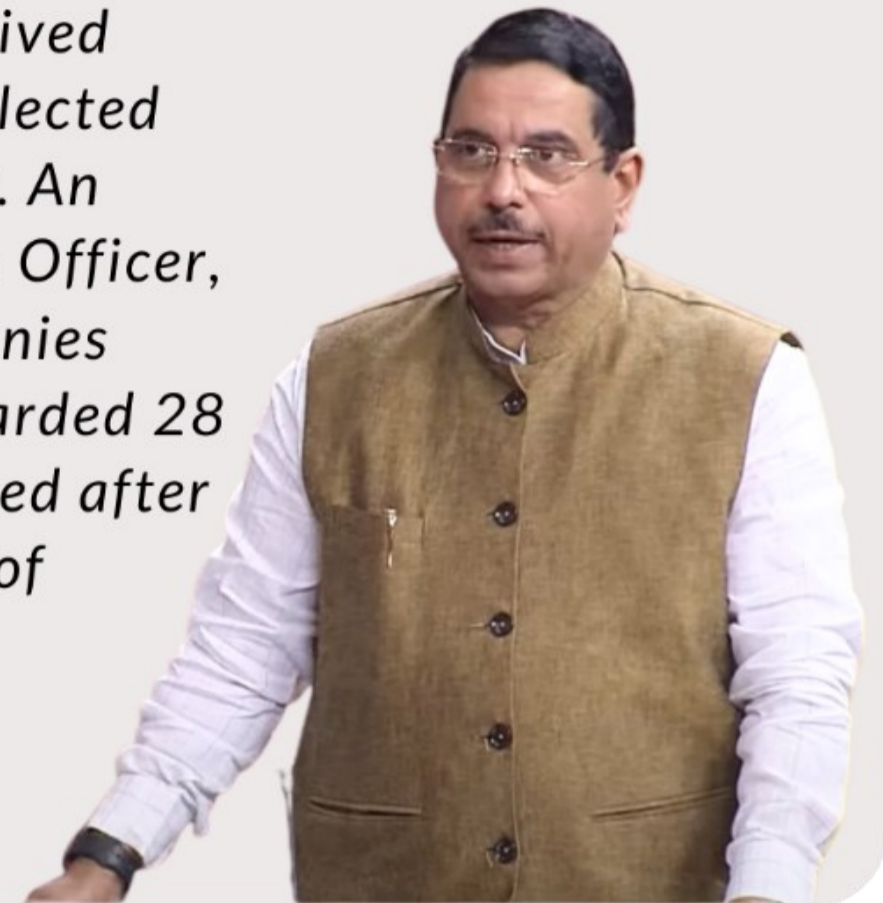
¹¹⁷ Section 19: Safety of persons and property, OAMDR Act (Act No. 17 of 2003).

¹¹⁸ Section 20: Prevention and control of pollution and protection of marine environment, OAMDR Act (Act No. 17 of 2003).



In 2010, 64 offshore blocks were notified for grant of exploration wherein 377 applications were received from 53 applicants. The screening committee selected 16 applications for the grant of 62 explorations. An inquiry was ordered wherein the Chief Vigilance Officer, the Indian Bureau of Mines, found that 5 companies having the same address and directors were awarded 28 out of 62 blocks. These companies were registered after the date of notification of application for grant of exploration

**~ Mr Pralhad Joshi
Minister, Ministry of Mines**



The Minister clarified that if, during normal exploration, atomic minerals are found, then they will go to the Public Sector Undertakings (PSUs) and not private companies. If the production is not done within 4 years of the production license grant, the lease will be cancelled. The Minister informed the House that GSI has already created 300 blocks, which include heavy minerals, sand, lime mud, phosphates, and crust with cobalt and nickel resources. Although the process would be expensive, the establishment of a framework was necessary.

E. The Jan Vishwas (Amendment of Provisions) Bill, 2023

The Jan Vishwas (Amendment of Provisions) Bill, 2023, was introduced in the Lok Sabha by the Ministry of Commerce and Industry on 22nd December 2022.¹¹⁹ The Bill seeks to amend 42 pieces of legislation to decriminalise and rationalise minor offences. This included amendments to 4 environmental legislations: The Indian Forest Act, 1927; Environmental Protection Act, 1984, Air (Prevention and Control of Pollution) Act, 1981; and Public Liability Insurance Act, 1991. Vidhi prepared detailed comments on the earlier version of these Bills when they were released as a consultation paper.¹²⁰ Vidhi also prepared a comparative study to underline the changes made to respective environmental Bills under the Jan Vishwas Bill and the pre-legislative consultation paper.¹²¹ In summary, we observed that the monetary punishment imposed in lieu of decriminalisation under the Jan Vishwas Bill is starkly less than initially prescribed in the draft.

The Jan Vishwas Bill was referred to the Joint Committee for consideration and comments. The Joint Committee submitted its report on 17th March 2023 in the Rajya Sabha. The contents and changes suggested by the Joint Committee on the 4 legislations were covered in detail in the last issue of *The Green Hour*.¹²² A timeline of events is mentioned in the **Figure 18**.

¹¹⁹ The Jan Vishwas (Amendment of Provisions) Bill, 2023, Bill No. 18 of 2023.

¹²⁰ Debadityo Sinha, Tarika Jain, Himanshu Ahlawat, 'Comments on the Proposed Decriminalisation of Four Key Environmental Legislation' (Vidhi Centre for Legal Policy), 22nd July 2022, <<https://vidhilegalpolicy.in/research/comments-on-the-proposed-decriminalisation-of-four-key-environmental-legislation/>> accessed on 4th Nov 2023; Tarika Jain, Debadityo Sinha, Himanshu Ahlawat, 'Comments On The Proposed Amendments to The Indian Forest Act, 1927' (Vidhi Centre for Legal Policy), 2nd August 2022, <<https://vidhilegalpolicy.in/research/comments-on-the-proposal-to-amend-the-indian-forest-act-1927/>> accessed on 4th Nov 2023.

¹²¹ Debadityo Sinha, Himanshu Ahlawat, Shashank Pandey, 'Analysis of Proposed Amendments to the Environmental Laws in Jan Vishwas (Amendment of Provisions) Bill, 2022' (Vidhi Centre for Legal Policy), <<https://vidhilegalpolicy.in/research/analysis-of-proposed-amendments-to-the-environmental-laws-in-jan-vishwas-amendment-of-provisions-bill-2022/>> accessed on 4th Nov 2023.

¹²² The Green Hour, Vol I, Issue II, n16.

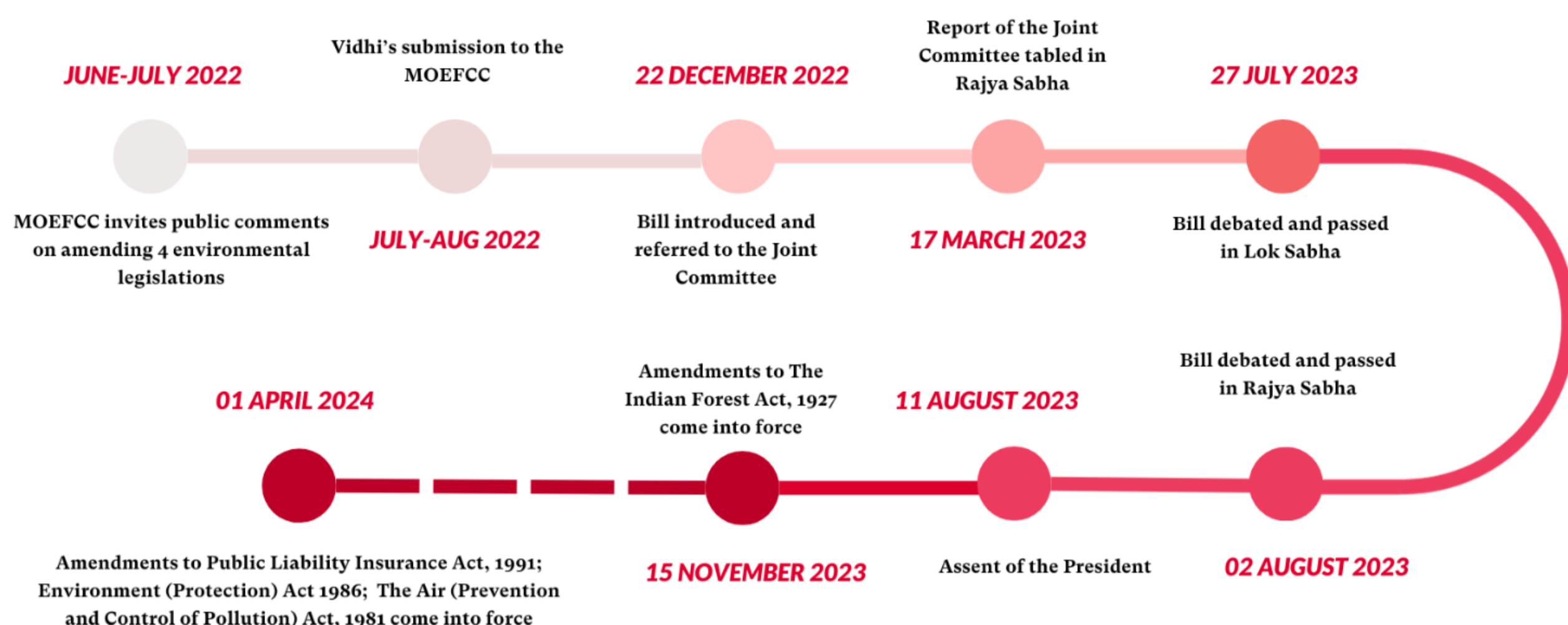


Figure 18. Timeline for the Jan Vishwas Bill.

The Bill was discussed in the Lok Sabha for 42 minutes against the allotted 4 hrs. Only 3 members spoke on the Bill. Mr. Rajendra Agrawal (BJP, Uttar Pradesh) spoke first on the Bill. He was part of the Joint Committee and underlined how the Bill would help ease business in the country. He provided statistical information on different facets of decriminalisation under the Bill: a total of 182 provisions are decriminalised, wherein in both imprisonment and fine are removed from 60 provisions.

Dr. Bessetti Venkata Satyavathi (YSRCP, Andhra Pradesh) spoke in support of the Bill. She was also a part of the Joint Committee. She said that the Bill's impact on true decriminalisation is limited, considering the vast number of imprisonment clauses in economic legislations. She then went on to underline a few plausible concerns with the Bill. First, she underlined that there will be a shift of pressure from the criminal justice system to the administrative bodies that lack uniformity. This would give an impression of unfairness. Second, she insisted on balancing economic interest with social justice, i.e., while promoting ease of doing business is essential, it should not overshadow the importance of protecting public welfare, social justice, and environmental concerns.

In the Rajya Sabha, the Bill was discussed for roughly 2 hours and 11 MPs participated in the debate. Mr. Sujeet Kumar (BJD, Odisha) was part of the Joint Committee and supported the Bill on behalf of his party. He underlined that the Bill has threefold objectives: ease of doing business, living for citizens, and reducing the burden on the courts. He argued that entrepreneurs are jailed even for petty offenses when *no mens rea (criminal intent)* exists. The MSME and startups have to spend Rs. 10 lakhs annually on just compliance. On reducing the burden on courts, he mentioned that compounding offenses and penalty provisions through administrative burden would help in this endeavour. Mr. Kumar spoke on other facets of the Bill but highlighted the necessity of creating an Environmental Protection Fund because SPCBs and CPCBs already have dedicated funds for environmental education. Secondly, he pointed out that the adjudicating authority appointed might not have the competency or judicial acumen to discharge the functions. Additionally, the government appointed such an adjudication officer, and the latter is the most prominent litigator. Hence, impartiality can be questioned.

He concluded with a few suggestions. Firstly, there should be a Standard Operating Procedure for periodic review of obsolete laws. Secondly, the change in social dynamics has made certain petty offenses more grievous. Lastly, this amendment should have retrospective effects so that the pending cases against such provisions can be fast-tracked.

Mr. Masthan Rao Beeda (YSRCP, Andhra Pradesh) spoke on the benefits of decriminalisation. First, it would help in the better utilisation of criminal justice system resources to fight more serious crimes and prevent overcrowding. Second, an active self-reporting by the corporate houses. Third, civil or

administrative enforcement might be tough. Lastly, the imposition of fines might disproportionately affect the marginalised communities.

Dr. M. Thambidurai (AIADMK, Tamil Nadu) only spoke on the publication of the Bill in other regional languages, especially those included in the 8th Schedule.

Mr. Vijayasai Reddy (YSRCP, Andhra Pradesh) supported the Bill. He made three broad points: first, that imprisonment under State laws is 4 times more than the central laws, and therefore drive for decriminalisation is to be carried out under the framework provided by the Central Government. Second, there are almost 3500 regulatory changes every year, to make it convenient for people, there should be a central database highlighting the changes. Third, that there should be an introduction of the sunset clause¹²³ in the Bill. Mr. G.V.L. Narasimha Rao (BJP, Uttar Pradesh) spoke generally on the Bill's contents but inquired about the government's stand on the general recommendation of the Joint Committee.

Mr. Bhubaneswar Kalita (BJP, Assam) only highlighted that the Minister should try to specify the reasons behind the decriminalisation of a few offenses under postal-related legislation as they might affect the right to privacy of a person.

Response by the Minister

Mr. Piyush Goyal, Minister of Commerce and Industry, focused on how the government has systematically reduced compliance and regulation cases infringing on the ease of doing business. The purpose of decriminalisation is not to remove criminal offences but to encourage small businesses to promote business activity and reduce fear. These offences were not of nature where a person must be put behind bars.

The Minister informed that the government had established a "Working Group on Decriminalisation of Offenses in Legislation," which includes members from across industries and stakeholders. He emphasised that this is the first time a single Bill amended such numbers of legislation across 19 Ministries and departments. The Minister didn't provide any specific clarification with respect to concerns raised by MPs in their debate. The Minister also didn't touch upon any environmental legislation in his response either in the Lok Sabha or Rajya Sabha.

¹²³ 'Part of a law or contract that states when it will end, or the conditions under which it will end:', Cambridge Dictionary.

4. OTHER INTERVENTIONS IN THE PARLIAMENT

A. Interventions in the Lok Sabha

Out of a total of 369 matters under Rule 377, 24 were related to environmental matters. In Budget Session'23, 61 entries out of 436, and in the Winter Session'22, 15 out of 298 entries related to environmental matters.

8 of the entries under Rule 377 in the Monsoon Session'23 pertained to floods and heavy rains and the need to provide financial assistance to compensate for the damage caused.

Shri Sujoy Radhakrishna Vikhepatti (BJP, Maharashtra) raised the matter regarding sanctioning the Leopard Rescue Centre at Ahmednagar, Maharashtra.¹²⁴ Matters regarding effect of drought in certain States were a key concern. For instance, Mr. Sushil Kumar Singh (BJP, Bihar) raised the matter regarding the need to declare Bihar as a drought-prone State.¹²⁵ Similarly, Shri Bidyut Baran Mahato (BJP, Jharkhand) raised the issue of the need to declare Jharkhand as a 'drought-hit' State.¹²⁶ Dr. T.R. Paarivendhar (DMK, Tamil Nadu) spoke about the need to remove breed dogs in Tamil Nadu from the list of wild animals and to set up a 'Country-breed Dog Welfare Board.'¹²⁷

Because of repetitive disruptions during the proceedings of the Houses, the Zero Hour was not held in the Lok Sabha in the Monsoon Session. In the Winter Session'22, there were 12 Zero Hour notices on environmental matters out of 374 such notices. And in the Budget Session'23, 8 out of 133 notices related to the environmental matters.

B. Interventions in the Rajya Sabha

Out of the 40 Special Mention notices in the Rajya Sabha, 5 were related to environmental matters. In the Budget Session'23, 2 out of 13 Special Mentions were on environmental matters. And in the Winter Session'22, there were 13 entries out of 206 entries related to the environment.

These notices were regarding concerns over climate change in India¹²⁸ (Shri Naresh Bansal, BJP, Uttarakhand), the need for national Children Centric Environmental Policies¹²⁹ (Shri Naresh Bansal, BJP, Uttarakhand), concerns over flash floods in Telangana¹³⁰ (Dr. K. Laxman, BJP, Uttar Pradesh), drinking water issue in Kuttanad¹³¹ (Dr. Radha Mohan Das Agrawal) and spreading of diseases due to contaminated water in Delhi NCR¹³² (Shri Vijay Pal Singh Tomar, BJP, Uttar Pradesh).

There were 2 matters related to environmental issues out of a total of 15 that were raised during the Zero-Hour. In the Winter Session'22, 10 out of 109 notices were on environmental matters and in the Budget Session'23, only 2 out of 29 notices were related to environment.

¹²⁴ Uncorrected debates, Lok Sabha 17, Session XII, Parliament of India.

¹²⁵ *ibid.*

¹²⁶ *ibid.*

¹²⁷ *ibid.*

¹²⁸ Special Mentions, Bulletin I, Rajya Sabha, Session 260, Parliament of India.

¹²⁹ *ibid.*

¹³⁰ *ibid.*

¹³¹ *ibid.*

¹³² *ibid.*

The first Zero Hour notice relates to the pollution of different rivers of NCR due to industrial effluents, chemical wastes, etc.¹³³ The other matter pertained to the conservation and restoration of 'Moin Jheel' in Begusarai and the granting of national status to it.¹³⁴

¹³³ Matters of Urgent Public Importance, Rajya Sabha, Session 260, Parliament of India.

¹³⁴ *ibid.*

5. BEYOND THE PARLIAMENT

There are certain guidelines, notifications, orders, and other forms of subsidiary legislation that the MOEFCC and other Ministries and institutions publish for the information of the public. This section covers them in the form of updates. These updates may or may not fall strictly within the scope of parliamentary proceedings but are nevertheless associated with law-making process. Some of the essential updates are discussed below.

A. Green Credit Programme

For the implementation of the Green Credit Programme (“GCP”), Draft Green Credit Programme Implementation Rules, 2023 (“draft GCP Rules”) were published on 26th June 2023 for public consultation.¹³⁵ On 12th October 2023, the Green Credit Programme Rules¹³⁶ (“final GCP Rules”) were officially notified by the MOEFCC.

In the previous issue of *The Green Hour*,¹³⁷ the draft GCP rules were discussed in detail.¹³⁸ The final GCP Rules do not diverge from the draft GCP rules in a significant manner, but there were minor modifications. The changes and clarifications in the final GCP Rules are enumerated below.

The role of the Central Government has been specified with respect to various functionaries responsible for the execution of the GCP. The Administrator is responsible for the effective *implementation* of the GCP. Under the final GCP Rules, the Administrator is required to seek approval from the Central Government for developing guidelines and methodologies.

The Steering Committee, responsible for monitoring the GCP, has been responsible for reviewing the GCP and making recommendations to the Central Government.

The ‘Accredited Green Credit Verifiers’ under the draft GCP Rules, responsible for the grant of Green Credits, have been replaced by ‘designated agency’ under the final GCP rules.

The provisions related to auditors have been made more specific under the final GCP Rules. The activities of the Administrator, designated agency, Registry, and other functionaries under the rules are liable to be audited by independent auditors within one year at the end of every third financial year. The auditors are to be appointed by the Central Government on the recommendation of the Steering committee. The audit report will be followed by an action-taken report by the Administrator within 6 months.

Both the final GCP rules and draft GCP rules have provisions for the generation of demand for Green Credits. Within this provision, the draft GCP Rules made it mandatory for all the entities that are registered for Accredited Compensatory Afforestation¹³⁹ to register themselves under the GCP. The guidelines on Accredited Compensatory Afforestation provide the process by which the compensatory afforestation shall be eligible for consideration for diversion of forest land under FCA, 1980. The draft GCP Rules created an additional condition for the eligibility of this compensatory afforestation. The

¹³⁵ S.O. 2779(E), Draft Green Credit Programme Implementation Rules, 2023, <<https://moef.gov.in/wp-content/uploads/2023/06/DraftGCP-Notification-Inviting-Comments-27062023.pdf>> accessed on 27th Oct 2023

¹³⁶ S.O. 4458 (E). Green Credit Programme Implementation Rules, 2023, <<https://egazette.gov.in/WriteReadData/2023/249377.pdf>> accessed on 1st Nov 2023

¹³⁷ The Green Hour, Issue II, n16.

¹³⁸ The Green Hour, Vol I, Issue II, n16, pg-50.

¹³⁹ FC-11/159/2022-FC, Guidelines on the Accredited Compensatory Afforestation <[https://forestclearance.nic.in/writereaddata/public_display/schemes/354734717\\$Guidelines%20on%20Accredited%20Compensatory%20Afforestation.pdf](https://forestclearance.nic.in/writereaddata/public_display/schemes/354734717$Guidelines%20on%20Accredited%20Compensatory%20Afforestation.pdf)> accessed on 1st Nov 2023.

condition is that the compensatory afforestation will be subject to qualification and allocation of Green Credits under the GCP. Notably, this provision has been removed under the final GCP Rules.

B. Eco-Mark Certification Rules

Under the Ecomark Scheme, household and other consumer products that meet specific environmental criteria and corresponding quality requirements of Indian standards were provided accreditation and labelling of environment-friendly products.

The Ecomark Rules apply to any product that is produced or supplied for distribution or use in the market unless otherwise excluded under the Ecomark Rules. The purpose of these rules is to promote sustainability by encouraging producers and consumers to transition to Ecomark-certified products.¹⁴⁰ It is envisaged that it will encourage and ensure the environmental performance of the products vis-a-vis resource consumption, impact on climate change, generation of waste etc. The Ecomark Rules are also intended to support the principles of LiFE¹⁴¹ and prevent misleading information on the environmental aspects of products.

As per the Ecomark Rules, the Central Government shall notify the environmental criteria for each product/ product category. The environmental criteria shall be provided at two levels: first, at the broad environmental level and second at the product level. The environmental criteria are the examination of products in terms of environmental impact, such as recyclability, the potential for pollution, environmental emission, waste generation, contribution to saving non-renewable resources etc. At the product level, each product shall be examined in terms of production or process including source of raw material, disposal of the product and its packaging, use of natural resources etc.

The provisions under the Ecomark Rules also include the implementation mechanism. The Steering Committee is made responsible for the governance of the Ecomark Rules. The CPCB has been made the Administrator who shall be responsible for implementing the Ecomark Rules. The provisions also provide for the establishment of Technical Committees and for compulsory registration on the ecomark portal. Designated ecomark verifiers shall verify compliance with ecolabelling criteria for the award/renewal of certificates to products under the Ecomark Rules. The Implementation Committee constituted by the Central Government shall monitor the implementation of the Ecomark Rules.

C. Central Empowered Committee

On 18th August 2023, the Supreme Court approved the draft notification issued by MOEFCC for the constitution of a new central empowered committee (“CEC”).¹⁴² CEC came into being after the 2002 order of the SC in T.N. Godavarman vs. Union of India.¹⁴³ The primary purpose of the CEC is to monitor the compliance of forest and wildlife-related orders of the Supreme Court. The MOEFCC, in pursuance of SC’s order, issued a notification on 5th September 2023. The notification makes significant changes in the constitution, structure and functioning of the CEC.

The new CEC is supposed to be a permanent body as opposed to the previous CEC, which was an *ad hoc* committee constituted by the Supreme Court. The new CEC is to be constituted by the Union Government. In terms of composition, the new CEC will have a chairperson with 25 years of experience either in the field of environment, forestry, or wildlife; or of proven administrative experience in the Union Government or State Governments, a member secretary and 3 expert

¹⁴⁰ *ibid.*

¹⁴¹ PIB, ‘PM Launches ‘LiFE Movement’ for Adoption of Environment-Conscious Lifestyle,’ 5th June 2022, <<https://pib.gov.in/PressReleaselframePage.aspx?PRID=1831364>> accessed on 1st Nov 2023.

¹⁴² Abraham Thomas, “SC approves new ‘permanent’ forest expert body”, Hindustan Times, 19th August 2023, <<https://www.hindustantimes.com/india-news/supreme-court-approves-creation-of-permanent-expert-body-for-environment-and-forest-cases-replacing-ad-hoc-panel-101692421977493.html>> accessed on 1st Nov 2023.

¹⁴³ Writ Petition (Civil), 202 of 1995, order dated 30th October 2002.

members- all to be nominated or appointed by the Union Government. The previous CEC consisted of a panel of experts, including non-government organisations as members. The composition and appointment method of the new CEC raises severe concerns about its independence ¹⁴⁴ One of the authors of this report also questioned its feasibility by highlighting that, “*instead of creating a mechanism for addressing grievances in cases where the State or [Union Government] may disagree with the recommendations of the CEC, the [Union Government] retains the ultimate decision-making authority*”.¹⁴⁵

In terms of powers, the new CEC, in addition to assisting the SC, shall also make recommendations to the Central Government.

¹⁴⁴ Debi Goenka, “Will the new CEC be able to protect India’s forests?”, Frontline The Hindu, 11th Sept 2023, <<https://frontline.thehindu.com/environment/controversy-will-the-new-cec-be-able-to-protect-indias-forests-forest-conservation-act-amendments-supreme-court-moefcc/article67295803.ece>> accessed on 2nd Nov 2023.

¹⁴⁵ The Wire Staff, “Centre’s Notification Constituting New Environment Monitoring Body Draws Criticism”, The Wire Science, 7th Sept 2023, <<https://thewire.in/government/environment-ministry-notifies-new-cec-non-governmental-actors-absent>> accessed on 5th Nov 2023.

6. DATA CORNER

This newly inserted section aims to elucidate crucial environmental data disclosed by the government, particularly the MOEFCC, during the parliamentary session. In this issue, we look at 5 issues and corresponding data that stood out in our analysis.

A. Diversion of Forest Land under FCA, 1980

Context: The Union Government recently amended the Forest (Conservation) Act, 1980 which further relaxes provisions for the diversion of forest land (See Chapter III).

Data: As per the information available in the PARIVESH portal, a total of 17,301 projects involving 3,05,945.38 hectares of forest land have been approved for non-forest use under Forest (Conservation) Act, 1980 since 2008-09 to 2022-23.¹⁴⁶

State	Area (Ha)
Punjab	61318
Madhya Pradesh	40628
Orissa	28321
Telangana	19420
Gujarat	16071
Jharkhand	15691
Chhattisgarh	15083
Uttarakhand	14141
Maharashtra	13298
Rajasthan	12878
Arunachal Pradesh	12779
Andhra Pradesh	11093
Uttar Pradesh	6966
Himachal Pradesh	6697
Bihar	6167
Haryana	5836
Karnataka	5048
Manipur	3759
Assam	2559

¹⁴⁶ Question No. 257, "Diversion of Forest Land under FCA, 1980", Lok Sabha, Parliament of India, 7th August 2023.

Tripura	1860
Sikkim	1450
West Bengal	1109
Mizoram	927
Tamil Nadu	919
Goa	483
Jammu and Kashmir	423
Meghalaya	422
Kerala	267
Andaman and Nicobar	147
Delhi	104
Chandigarh	43
Dadar and Nagar Haveli	34
Daman and Diu	6
Pondicherry	0

Table 2. State-wise details of diversion of forest land from 2008 to 2023 (area in Ha)

B. CRZ Clearance for Infrastructural Projects

Context: As per extant provisions of Coastal Regulation Zone Notifications, permissible and regulated activities in CRZ areas require Rapid EIA, including marine and terrestrial component (except for building construction projects or housing schemes); Comprehensive EIA with cumulative studies for projects in the stretches classified as low and medium eroding; Disaster Management Report; Risk Assessment Report and Management Plan for seeking prior CRZ clearance. The EIA report also includes the issues, if any, related to displacement and rehabilitation of people, including socio-economic surveys. Based on the recommendation of the concerned State Coastal Zone Management Authority, the Expert Appraisal Committee (“EAC”), constituted by the MOEFCC as per the provision of CRZ Notification, examines the proposal along with the studies/ reports in detail and decides on grant or rejection of the clearance. While granting CRZ clearances, the EAC also stipulates specific conditions on case-to-case basis.

Data: The State-wise numbers of infrastructure projects granted CRZ Clearance by the MOEFCC since 2019, as of 24th July 2023, are as follows:¹⁴⁷

¹⁴⁷ Question No. 855, “Costal Regulation Zone (CRZ) clearance for infra projects”, Rajya Sabha, Parliament of India, 27th July 2023.

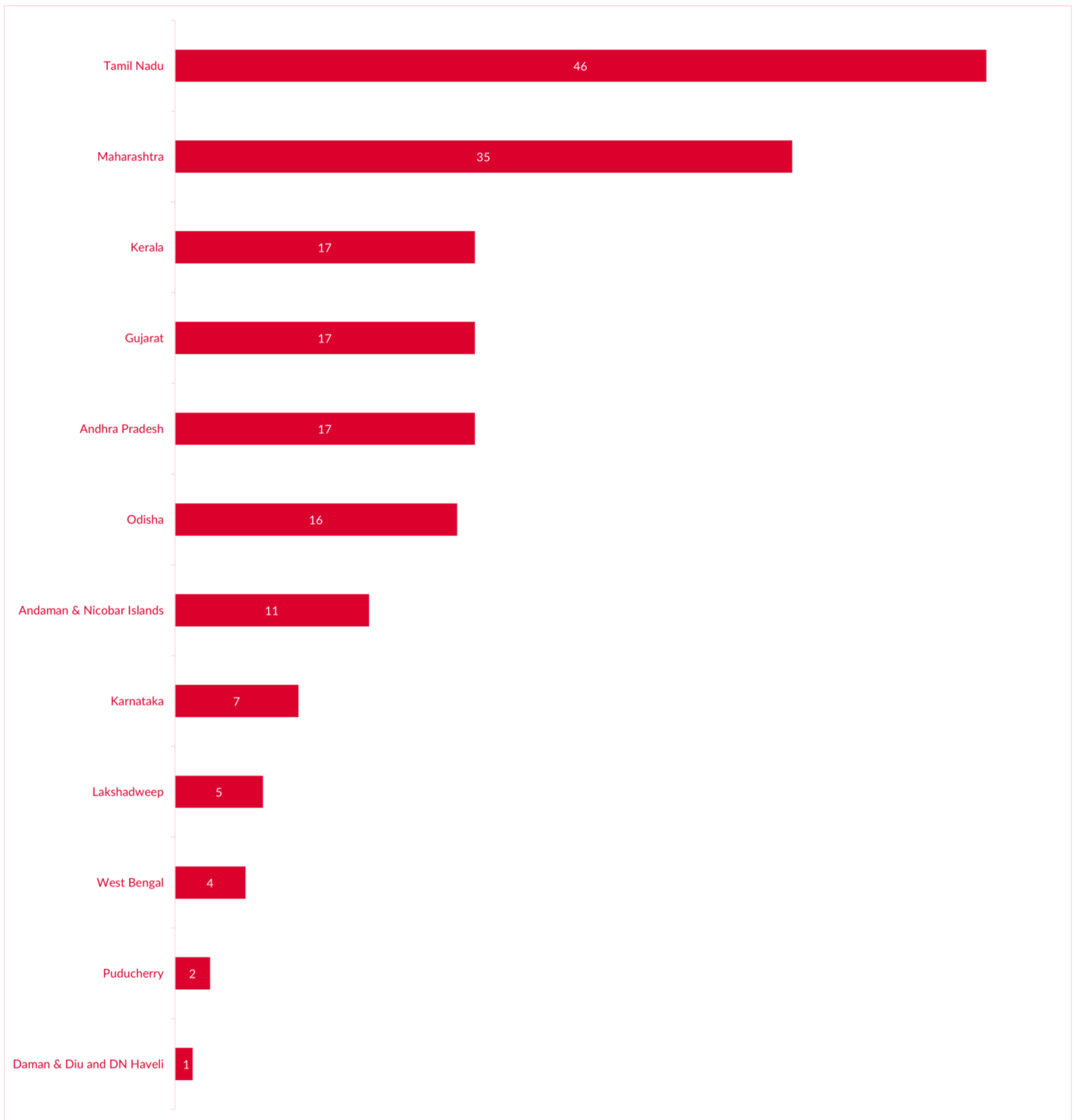


Figure 19 State-wise details of number of infrastructure projects granted Coastal Zone Clearance (CRZ) by MOEFCC since 2019.

C. Allocation of Funds for The Centrally Sponsored Scheme of “Development of Wildlife Habitats” to Protect Endangered Species

Context: The MOEFCC provides financial assistance to the State/UT Governments for conserving and protecting wildlife and its habitat. The scheme has three components: i) Support to PAs (National Parks, Wildlife Sanctuaries, Conservation Reserves and Community Reserves), ii) Protection for Wildlife outside PAs and iii) Recovery program for saving Critically endangered Species and their habitats.

Data: The data is based on the financial allocation for MOEFCC's program under the respective Annual Budget announced in the Budget Session yearly.¹⁴⁸

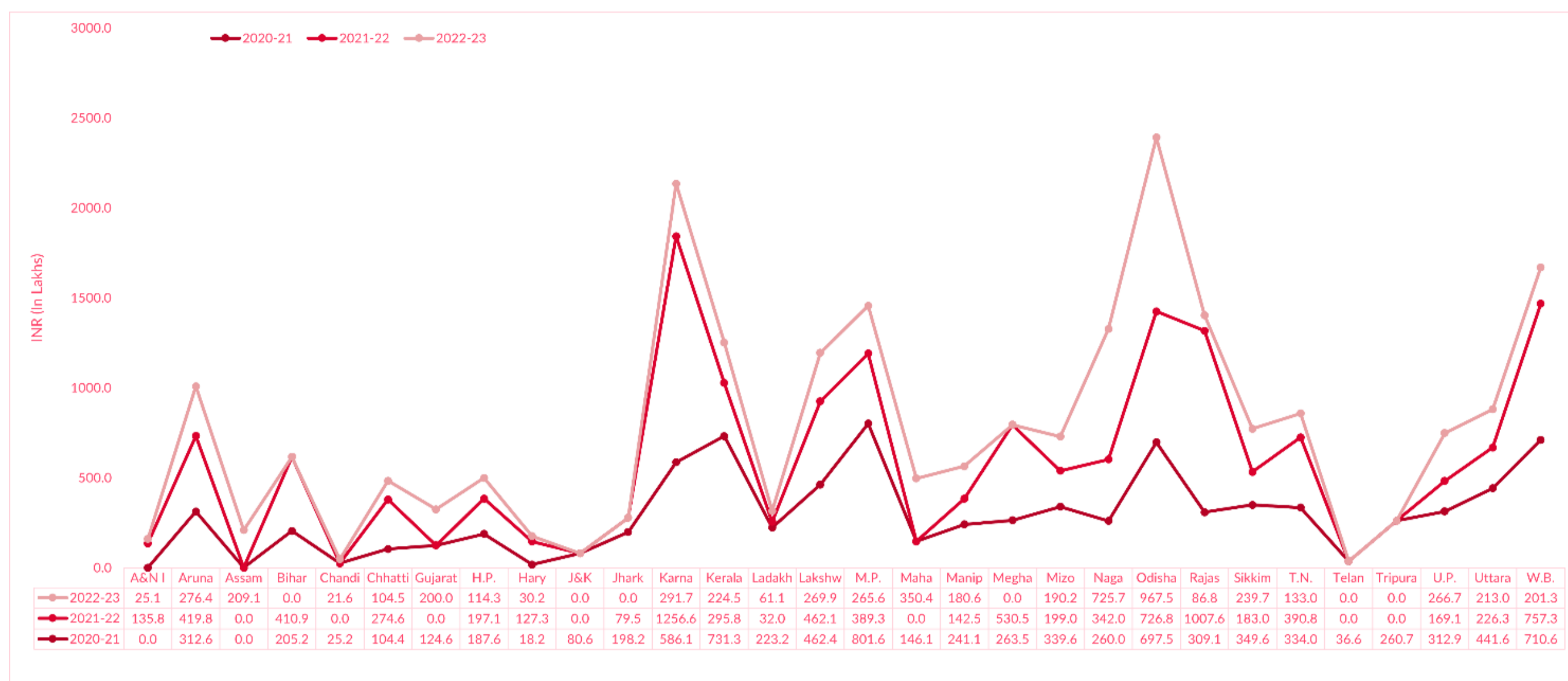


Figure 20. State-wise details of the financial allocation for the development of the Wildlife Habitat Scheme.

D. Allocation of Funds Under CAMPA

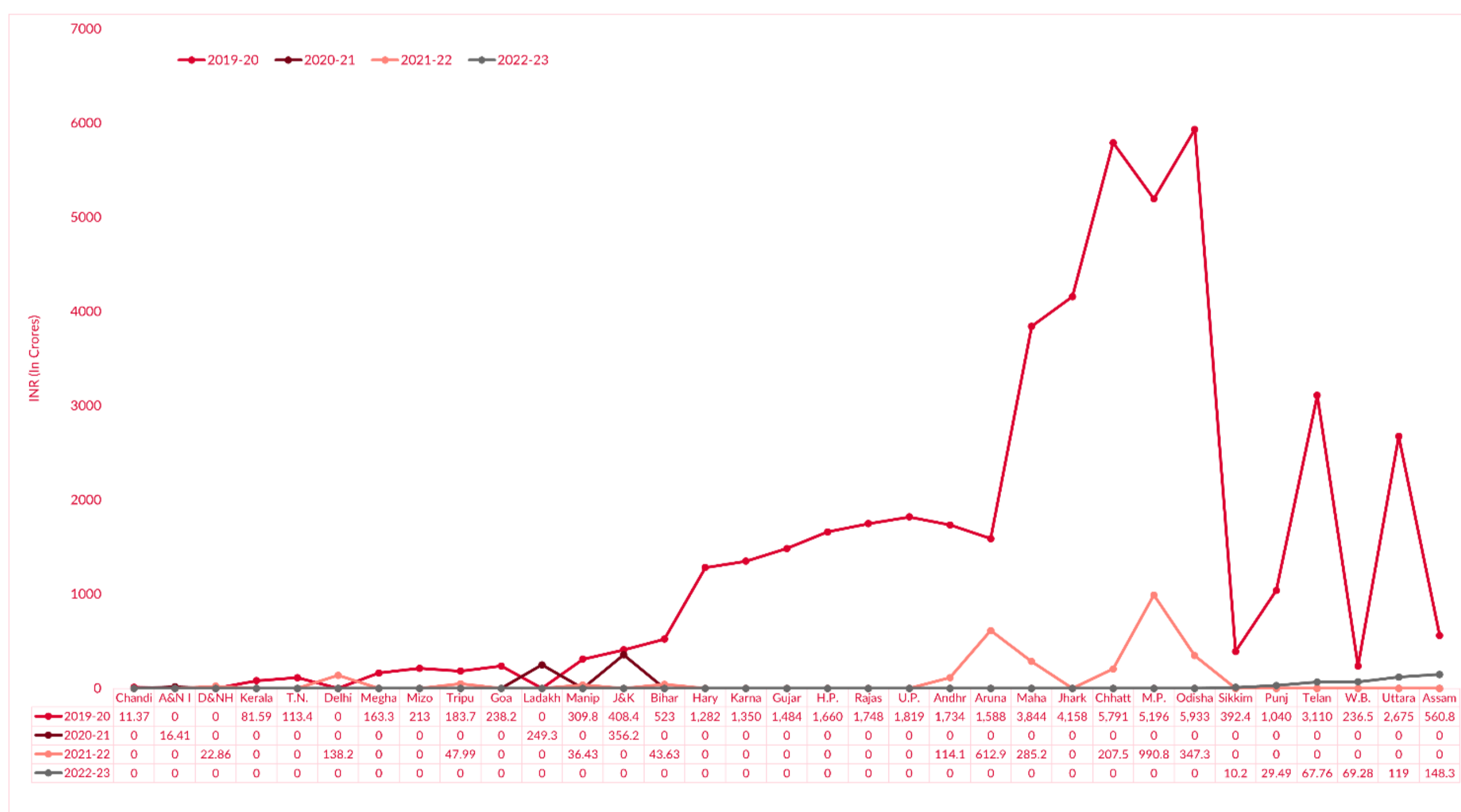


Figure 21. State-wise details of allocation of funds under CAMPA in the last three years (till July 2023)

Context: The Compensatory Afforestation Fund Management and Planning Authority (“CAMPA”) have been created at national and State levels under the Compensatory Afforestation Fund (“CAF”) Act, 2016.¹⁴⁹ The Act provides for establishment of funds under the Public Accounts of India and Public Accounts of each State for depositing compensatory levies received from user agencies towards compensating the loss of forest and ecosystem services in lieu of diversion of forest land for non-

¹⁴⁸ Question No. 80, “Critically endangered species in the country”, Rajya Sabha, Parliament of India, 20th July 2023.

¹⁴⁹ Compensatory Afforestation Fund Act, 2016, Act No. 38 of 2016.

forestry purposes as per the provisions of the FCA. These funds are utilized for undertaking compensatory afforestation and other related activities as per the provisions of the CAF Act, 2016 and CAF Rules, 2018.

Data: The information for each State is for the last three years till July 2023. The information is given in the [Figure 21](#).¹⁵⁰

E. Additional Budgetary Requirements at R.E. Stage

Context: The MOEFCC had been allotted Rs. 3,079.40 Crores in the Budget for financial year 2023-24.¹⁵¹ The Revised Estimate (“R.E.”) for 2022-23 was 19% lower than the Budget Estimate (“B.E.”) for 2022-23, and therefore, the allocation that the MOEFCC received was 30% less than what it had requested. In the Action taken report by the Department-related Standing Committee on Science and Technology, Environment, Forests and Climate Change on the demands for grants (2023-24) of MOEFCC,¹⁵² the MOEFCC has requested additional funds at the R.E. stage.

Data: As per the MOEFCC, to make up for the 30% that was requested but was not allocated, an additional Rs. 374.20 cr. is needed in the budgetary allocations at R.E. stage for the year 2023-24. The details are as under:

Scheme/ Organisation	B.E. 2023-24 (Proposed) INR in Cr	B.E. 2023-24 (Allocated) INR in Cr	Difference INR in Cr
Centrally Sponsored Schemes			
Green India Mission- National Afforestation Programme	250.00	169.00	-81.00
Project Tiger & Elephant	375.00	331.80	-43.20
Central Sector Schemes			
Control of Pollution	847.00	756.00	-91.00
Non- Scheme			
Indian Council of Forestry Research and Education	300.00	230.00	-70.00
Botanical Survey of India	185.00	136.00	-49.00
Indira Gandhi National Forest Academy	92.00	52.00	-40.00
Total			374.20

Table 3. Demand for additional budget by MOEFCC at the R.E. stage 2023-24.

¹⁵⁰ Question No. 835, “Allocation of Funds under CAMPA”, Rajya Sabha, Parliament of India, 27th July 2023.

¹⁵¹ Shashank Pandey, “Green Budget 2023-24 and the ‘Green’ Shortcomings”, Vidhi Centre for Legal Policy, 31st March 2023, <<https://vidhilegalpolicy.in/blog/green-budget-2023-24-and-the-green-shortcomings/>> accessed on 5th Nov 2023.

¹⁵² 385th Report, ‘Action taken by the Government on the Recommendations/Observations contained in the Three Hundred Seventy Eighth Report of the Department-related Parliamentary Standing Committee on Science and Technology, Environment, Forests and Climate Change on the Demands for Grants (2023-24) of the Ministry of Environment, Forest and Climate Change’, Department-Related Parliamentary Standing Committee On Science And Technology, Environment, Forests And Climate Change, Rajya Sabha, Parliament of India, 10th August 2023.

7. PRIVATE MEMBERS' BILLS

The Monsoon Session'23 of the Parliament was highly proactive in legislative business. In total, 22 Bills in Lok Sabha¹⁵³ and 23 Bills in the Rajya Sabha were passed. All 5 government Bills related to environmental issues that were introduced in the session were passed, the 'In Focus' section provides insights into the discussion of all such Bills.

However, the Monsoon Session'23 saw few Private Members' Bills ("PMB") being introduced in the Parliament. A Private Members' Bill can be introduced by MPs who are 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.¹⁵⁴

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 only in the Lok Sabha, but none of the Bills reached the discussion stage. The following environment related PMBs were introduced in the Monsoon Session'23 of the Parliament.

A. The Electronic Waste (Management and Disposal) Bill, 2021

Bill No. 105 of 2021 by Mr. Jugal Kishore Sharma, (BJP, Jammu and Kashmir)

House: Lok Sabha

The Bill seeks to provide a framework for the discharge of electronic goods in safe and environmentally friendly manner. It also provides the duty of the manufacturer of electronic goods and the duty of consumers. It also provides for an entity called re-cycler which means the person who processes electronic waste and transforms it into raw material for producing new product that may or may not be similar to the original product.

The text of the Bill can be accessed [here](#).

B. The Man-Animal Conflicts Prevention Board Bill, 2023

Bill No. 11 of 2023 by Mr. V.K. Sreekandan, (INC, Kerala)

House: Lok Sabha

The Bill seeks to establish a man-animal conflict prevention board and provides power and funds for carrying out different activities as mentioned in the Bill. It also envisages registration of organisation working in animal welfare to register themselves with the board. The Bill is brought in pursuance of the increasing human-animal conflict due to a decrease in the forest cover.

The text of the Bill can be accessed [here](#).

¹⁵³ Statement of Work, 12th Session, Lok Sabha, Parliament of India <<https://sansad.in/lb/business/agenda>> accessed on 3rd Nov 2023

¹⁵⁴ Rule 26: Allotment of time for Private Members' Business, 'Rule of Procedure of Conduct of Business in Lok Sabha'; Rule 24: Allotment of time for Private Members' Business, 'Rules Of Procedure And Conduct Of Business In The Council Of States (Rajya Sabha)'.

C. The Constitution (Amendment) Bill, 2021

Bill No. 127 of 2021 by Mr. Jagdambika Pal (BJP, Uttar Pradesh)

House: Lok Sabha

The Bill seeks to amend the concurrent list of the Constitution and add a new entry called “Environmental Protection and matters relating to climate change”. The statement and objects of the reason mention that there is no express entry to fight the climate change issue, and, in the past, Article 252 has been used to derive legislative competency for environmental legislation and is in line with the recommendation of the Tiwari Committee that submitted its report in 1980.

The text of the Bill can be accessed [here](#).

D. The National Green Tribunal (Amendment) Bill, 2022 (Amendment of section 15, etc.)

Bill No. 198 of 2022 by Mr. E.T. Mohammed Basheer, (IUML, Kerala)

House: Lok Sabha

The Bill seeks to amend sections 15, 22 and 35 of The National Green Tribunal Act 2010. The statement of objects and reasons of the bill mentions that an expeditious mechanism is required to finalise assessing the compensation and disbursing it to the victims. The Bill aims to provide a process for assessing environmental damage and quantifying environmental compensation and recast the process of appeal and formation of a panel of technicians to assist the National Green Tribunal in surveying the damage and quantifying compensation.

The text of the Bill can be accessed [here](#).

E. The Constitution (Amendment) Bill, 2023 (Insertion of new article 48B)

Bill No. 22 of 2023 by Ms. Sunita Duggal (BJP, Haryana)

House: Lok Sabha

The Bill seeks to add a new article in the Directive Principles of State Policy called Article 48B:

“Article 48B: Achieving net zero emissions for a sustainable future

The State shall endeavour to reduce emissions and eventually realize the goal of net zero emission for a clean sustainable and habitable environment which shall provide for an inclusive posterity, for all citizens.”

This amendment is proposed in the backdrop of India’s commitment at COP-26 and submission of revised Nationally Determined Contributions. Hence, it is imperative that federal polity of the country should work cohesively to contrive a path of national development that is distinctive yet at the same time serves balance between economic growth and climate sustainability.

The text of the Bill can be accessed [here](#).

F. The Commission for Air Quality Management in National Capital Region and Adjoining Areas (Amendment) Bill, 2022 (Amendment of section 2, etc.)

Bill No. 271 of 2022 by Mr. Gaurav Gogoi, (INC, Assam)

House: Lok Sabha

This Bill seeks to make amendments to Section 2, 3, 11, 12, 12A, 13, and 16 of the principal Act to enable the Commission to perform its functions better, aligning with the changing global scenario. The Bill, *inter alia*, proposes that (i) the Commission allocates sufficient funds, every year, for research on air pollution; (ii) the Commission maintains a record of health hazards faced by the people residing in the NCR and the adjoining region, the number of deaths and hospitalizations occurred every year due to air pollution; (iii) the District level institution called 'District Air Pollution Monitoring Foundation' is established to monitor the emission or discharge of environmental pollutants from various sources; (iv) the Commission acknowledges and incentivises the sources that emit a lesser quantity of pollutants to the environment; (v) the Commission consults representatives of the Ministry of Health and Family Welfare on the issues of air pollution and includes them in the 'Sub-Committee on Research and Development'.

The text of the Bill can be accessed [here](#).

G. The Plastic Manufacturing (Regulation) Bill, 2019

Bill No. 285 of 2019 by Jasbir Singh Gill, (INC, Punjab)

House: Lok Sabha

The Bill seeks to provide a framework for the ban on plastic especially single-use plastic in view of their serious environmental threat. It provides for a statutory ban on single-use plastic. The Bill also provides for the constitution of the Extended Producer Responsibility Fund to improve the plastic waste treatment system.

The text of the Bill can be accessed [here](#).

H. The Vehicular Pollution Reduction Bill, 2019

Bill No. 351 of 2019 by Ms. Locket Chatterjee, (BJP, West Bengal)

House: Lok Sabha

The Bill seeks to streamline the interests of municipal corporations, State Governments and the Central Government when it comes to taking steps towards reducing vehicular pollution. It provides a mechanism where the Municipal Corporation and State Government can become eligible for financial grants if they undertake efforts towards curbing vehicular pollution within their jurisdiction.

The text of the Bill can be accessed [here](#).

I. The Wild Life (Protection) Amendment Bill, 2023 (Amendment of Section 2, etc.)

Bill No. 42 of 2023 by Adv. Dean Kuriakose, (INC, Kerala)

House: Lok Sabha

The Bill seeks to amend section 2 and 11 of the Wild Life (Protection) Act, 1972 to allow farmers to kill or wound any wild animals that may have entered agricultural farm or residential property and caused damage to agricultural produce and livestock. The statement of objects and reasons of the Bill states that farmers, especially those residing close to a Protected Area, are greatly affected by wild animal movements, for instance, wild boars. It states that the resolution of this conflict lies in adopting locally appropriate steps that include killing of animals that cause extensive damage to the farms. Instead of taking a one size fits all approach that mandates that the Central Government declare vermin for any area in the country, more scientific and practical choice is to allow the farmers kill animals that enter their fields and create destruction to farms and human life.

The text of the Bill can be accessed [here](#).

REQUEST TO OUR READERS

Dear Reader,

Thank you for being a part of The Green Hour community. The current report marks the third issue of the inaugural volume of our series. The objective of this report is to conduct a comprehensive and systematic review of the performance of our elected representatives towards environmental protection.

As we prepare for the second volume of The Green Hour next year, we would appreciate hearing your detailed feedback. Your insights are crucial in helping us improve the usefulness and engagement of The Green Hour. We would love to hear your thoughts, whether through written correspondence or by paying a visit to our office for a casual discussion over a cup of tea/coffee. ☕

We can be reached at environment@vidhilegalpolicy.in, and our address is provided at the back of the cover.

Wish you a great year ahead!

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