

THE NET ZERO EMISSIONS BILL, 2022

ARRANGEMENT OF CLAUSES

CLAUSES

CHAPTER I

PRELIMINARY

1. Short title and commencement.
2. Definitions.

CHAPTER II

NET ZERO EMISSION COMMISSION OF INDIA

3. Constitution of the Net Zero Emission Commission of India.
4. Composition of the Commission.
5. Removal of Chairperson and members of the Commission.
6. Meetings of the Commission.
7. Punishment for default in holding meetings.
8. Committees of the Commission.
9. Functions of the Commission.

CHAPTER III

STATE NET ZERO EMISSION COUNCILS AND DISTRICT NET ZERO EMISSION COUNCILS

10. State Net Zero Emission Council.
11. Functions of the State Council.
12. District Net Zero Emission Council.
13. Functions of the District Council.

CHAPTER IV

EMISSION REDUCTION

14. National Net Zero Emissions Target.
15. Interim Emissions Target.
16. Review of targets.
17. Revision of targets.
18. Emission Reduction Plan.
19. Public consultation for the Emission Reduction Plan.
20. Effect of failure to meet the targets.

(ii)

CLAUSES

CHAPTER V

PROTECTION OF VULNERABLE COMMUNITY

21. Climate vulnerable communities population registry.
22. Relief to the vulnerable persons and communities.

CHAPTER VI

ADAPTATION AND MITIGATION

23. National Climate Risk Assessment.
24. Sectoral Adaptation and Mitigation plans.

CHAPTER VII

FINANCE, ACCOUNTS AND AUDIT OF THE NET ZERO EMISSION COMMISSION

25. National Emission Reduction Fund.
26. Annual report of the Commission.
27. Budget, accounts and audit.
28. Annual report of the Commission to be laid before Houses of Parliament.

CHAPTER VIII

FINANCE, ACCOUNTS AND AUDIT OF STATE COUNCIL

29. Grants of money by State Government to State Council.
30. State Emissions Reduction Fund.
31. Annual report of State Council.
32. Audit of accounts of State Council.
33. Annual report of State Council to be laid before the Houses of State Legislature.

CHAPTER IX

FINANCE, ACCOUNTS AND AUDIT OF THE DISTRICT COUNCIL

34. Grants of money by State Government to District Council.
35. District Emissions Reduction Fund.
36. Annual report of District Council.
37. Audit of the accounts of District Council.
38. Annual report of District Council to be laid before the Houses of State Legislature.

CHAPTER X

MISCELLANEOUS

39. Power to adjudicate disputes.
40. Bar of Jurisdiction.
41. Act not in derogation of any other law.
42. Power for removal of difficulties.
43. Power of Central Government to make rules.

Bill No. LXXXIII of 2022

THE NET ZERO EMISSIONS BILL, 2022

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BILL

to provide a framework for achieving net zero emissions by the year 2070 as per India's nationally determined contributions under the United Nations Framework Convention on Climate Change and to provide relief for vulnerable persons and communities from drastic climate events in the form of maintaining a vulnerable population registry at the State and the district levels and for matters connected therewith or incidental thereto.

WHEREAS India is a signatory to the United Nations Framework Convention on Climate Change (UNFCCC) and the Paris Agreement;

AND WHEREAS it is necessary to implement international obligations in connection with minimizing and combating the adverse effects of climate change.

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

CHAPTER I

PRELIMINARY

5 **1.** (1) This Act may be called the Net Zero Emissions Act, 2022.

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

Short title and
commencement.

Definitions.

2. (1) In this Act, unless the context otherwise requires:—

(a) "adaptation" means and includes the process of adjustment to actual or expected climate and its effects in human systems;

(b) "carbon capture and storage" means the process of capturing and storing carbon dioxide (CO₂) before it is released into the atmosphere; 5

(c) "climate change" means a change in the state of the climate that can be identified by changes in either the mean or the variability in temperature, precipitation, wind patterns and other measures, or all of the aforementioned measures, of climate that persists for an extended period, typically decades or longer;

(d) "climate risk" means adverse consequences for human or ecological systems arising out of drastic climate events; 10

(e) "climate vulnerable communities" includes but is not limited to indigenous communities who experience lightened risk and increased sensitivity to climate change and have less capacity and fewer resources to cope with, adept to or recover from climate change. 15

(f) "Commission" means the Net Zero Emission Commission of India as established under section 3 of this Act;

(g) "Community-Ecosystem-Based-Adaptation approach" means the efforts made to achieve ecosystem restoration by encouraging reforestation or afforestation at community level through treepreneurs, aiming at community engagement, synergy between adaptation and mitigation, and behavioral modelling towards sustainable livelihood; 20

(h) "Deviation Settlement Mechanism penalty" means a regulatory mechanism set up by the State Electricity Regulatory Commissions to achieve stability in the electricity grid by penalizing or rewarding for overdrawl or injection or underdrawal or injection of electricity from the schedule as the case may be; 25

(i) "District Council" means the District Net Zero Emission Council established under section 12 of this Act;

(j) "drastic climate event" means and includes a catastrophe, mishap, calamity or grave occurrence of a sudden unprecedented nature in any area, arising out of climate change related impacts which results in substantial loss of life, way of life or human suffering or damage to, and destruction of property, or damage to the ecosystem or degradation of, environment, and is of such a nature or magnitude as to be beyond the coping capacity of the vulnerable persons of the vulnerable areas in the form of, but not limited to natural disasters; 30
35

(k) "Emission Reduction Plan" means a plan established under section 18;

(l) "Interim Emissions Target" means the target as set under section 15 of this Act;

(m) "milestone years" means any of the years 2030 or 2070, as the case may be;

(n) "mitigation measures" means the efforts that seek to prevent or slow down the increase of atmospheric greenhouse gas concentrations by limiting current or future emissions and enhancing potential sinks for greenhouse gases; 40

(o) "National Net Zero Emissions Target" means the target for achieving Net Zero Emissions, as set under section 14 of this Act;

(p) "Net Zero Emissions" means cutting greenhouse gas emissions to as close to zero as possible, with any remaining emissions re-absorbed from the atmosphere, by oceans and forests; 45

(q) "person" means an individual and does not include any company or limited liability partnership or firm or association or body of individuals, whether incorporated or not;

5 (r) "physical risk" means physical damage to social and economic infrastructure as a result of climate change.

(s) "Renewable Energy Forecasting" means information on the predicted alterations in the renewable energy that is to be produced in the coming years;

(t) "Renewable Purchase Obligation" means a mandate to purchase a minimum specified quantity of renewable energy by the obligated entities;

10 (u) "State Council" means the State Net Zero Emission Councils established under section 10 of this Act;

(v) "systems thinking" means a way of thinking in a critical manner whereby the connections between the system's components are examined to comprehend a problem and make better decisions;

15 (w) "transition risks" means financial risks resulting from societal and economic changes towards a low-carbon and more environmentally sound future;

(x) "trepreneurs" means a community volunteer group, made responsible for the reforestation or afforestation drive, as the case may be, wherein indigenous seed varieties are planted to replace the invasive varieties.

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CHAPTER II

NET ZERO EMISSION COMMISSION OF INDIA

25 **3. (1) With effect from such date as the Central Government may, by notification in the Official Gazette, appoint, there shall be constituted, for the purposes of this Act, a Commission to be called as the Net Zero Emission Commission of India to perform the functions assigned to the Commission under this Act.**

Constitution of the Net Zero Emission Commission of India.

(2) The head office of the Commission shall be at Delhi and the Commission may, with previous approval of the Central Government, establish offices at other places in India.

30 (3) The Commission shall be a body corporate by the name aforesaid having perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire, hold and dispose of property, both movable and immovable, and to contract and shall, by the said name, sue or be sued.

4. (1) The Commission shall consist of the following members:—

Composition of the Commission.

35 **(i) a full-time Chairperson, being a person having specialized knowledge and scientific understanding of climate change and environment related impacts, to be appointed by the Central Government and shall exercise such powers and perform such duties, as may be prescribed.**

40 **(ii) not exceeding three expert members, having specialized knowledge and practical experience in the field of climate change and the environment including pollution and emission control, disaster and energy resource management, to be appointed by the Central Government.**

(iii) eight *ex-officio* members to be nominated by the Central Government one each from the following:

45 (a) Ministry of Home Affairs;

(b) Ministry of Environment, Forest and Climate Change;

(c) Ministry of Women and Child Development;

(d) Ministry of Agriculture and Farmers Welfare;

(e) Ministry of New and Renewable Energy;

(f) Ministry of Corporate Affairs;

(g) Ministry of Tribal Affairs; and

(h) Ministry of Jal Shakti.

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(iv) five non-official members to be appointed from amongst specialists, scientists and non-governmental organizations having special knowledge of, or experience in, matters relating to climate change and related impacts, emission control and climate sciences forming a Scientific Advisory Committee.

(2) The Central Government shall ensure equal representation of men and women while appointing members to the Commission in the form of expert; *ex-officio* and non-official members. 10

(3) The Central Government may appoint such number of officers and staff to the Commission as may be required for its efficient functioning.

(4) The salary and allowances payable to and other terms and conditions of service of the Chairperson and the other members, other than *ex-officio* members, officers and staff of the Commission shall be such as may be prescribed by the Central Government. 15

Removal of
Chairperson
and members
of the
Commission.

5. (1) The Chairperson and other members of the Commission may at any time resign from their office by writing under their hand addressed,—

(a) in the case of the Chairman, to the Central Government; and 20

(b) in any other case, to the Chairperson of the Commission.

(2) Notwithstanding anything contained in sub-section (1), the Central Government may remove from the Commission any member who, in its opinion, has—

(a) been adjudged as an insolvent; or

(b) been convicted of an offence which involves moral turpitude; or 25

(c) become physically or mentally incapable of acting as a member; or

(d) so abused his position as to render his continuance in office detrimental to the public interest; or

(e) acquired such financial or other interest as is likely to prejudicially affect his functions as a member. 30

Meetings of
the
Commission.

6. (1) The Commission shall meet at least once in every six months at such time and place and shall observe such rules of procedure in regard to the transaction of business at its meetings, including the quorum at its meetings, as may be prescribed:

Provided if, in the opinion of the Central Government or the Chairperson, any business of an urgent nature is to be transacted, a meeting of the Commission at such time as deemed fit for the aforesaid purpose, may be convened: 35

(2) The Chairperson shall preside at the meetings of the Commission.

(3) If for any reason the Chairperson is unable to attend any meeting of the Commission, any senior member of the Commission chosen by the members present at the meeting shall preside at the meeting. 40

(4) All questions which come before any meeting of the Commission shall be decided by a majority of votes of the members present and voting and in the event of equality of votes, the Chairperson or, in his absence, the person presiding, shall have and exercise a second or casting vote.

- (5) Every member who is in any way, whether directly, indirectly or personally, concerned or interested in a matter to be decided at the meeting shall disclose the nature of his concern or interest and after such disclosure, the member concerned or interested shall not attend that meeting.
- 5 (6) No act or proceeding of the Commission shall be invalidated merely by reason of—
- (a) any vacancy in, or any defect in the constitution of, the Commission; or
 - (b) any defect in the appointment of a person acting as a member; or
 - (c) any irregularity in the procedure of the Commission not affecting the merits of the case.
- 10 **7.** If any default is made in holding a meeting of the Commission in accordance with sub-section (1) of section 6, every officer of the Commission who is in default shall be punishable with fine which may extend to one lakh rupees and in the case of a continuing default, with a further fine which may extend to five thousand rupees for every day during which such default continues. Punishment for default in holding meetings.
- 15 **8. (1) The Commission shall constitute a committee to be known as the Scientific Advisory Committee in such manner as may be prescribed to inform and advise the Central Government and the Commission on the emission trends and on any other matter as deemed fit by the Central Government and the Commission in the form of a report every three months.** Committees of the Commission.
- 20 **(2) The Commission shall constitute a committee to be known as the Net Zero Emission Advisory Committee in such manner as may be prescribed to inform and advise the Central Government and the Commission on the net-zero emission trajectory planning in achieving net zero emissions by the year 2070 or any other matter referred to it by the Central Government and the Commission.**
- 25 **(3) Without prejudice to the provisions of sub-section (1) and (2) the Commission may constitute such a number of committees as it deems fit for the efficient discharge of its duties and performance of its functions under this Act, in such manner as may be prescribed.**
- 30 **(4) A committee constituted under this section shall co-opt such number of persons, who are not the members of the Commission, as it may think fit and the persons so co-opted shall have the right to attend the meetings of the Committee and take part in its proceedings but shall not have the right to vote.**
- 35 **(5) The persons appointed as members of the committee under sub-section (2) shall be entitled to receive such allowances or fees for attending the meetings of the Committee as may be fixed by the Central Government.**
- 9. (1) The Commission shall—** Functions of the Commission.
- (a) advise the Central Government upon review of the National Net Zero Emissions Target and, if necessary, recommend changes to the target;
 - (b) advise the Central Government on matters relating to countering the adverse impacts of climate change on vulnerable communities and eco-sensitive zones;
 - (c) conduct periodic reviews of Emission Reduction Plan to meet carbon reduction targets at the national and international level;
 - (d) prepare annual national climate change risk assessments as specified in section 23 of this Act;
 - (e) ensure coordination with other ministries of the Central Government and for purposes connected therewith, to appoint nodal officers in other ministries for ensuring proper coordination between the Commission and the Central Government with the aim of implementation of this Act.
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- (f) conduct awareness and training programmes for officers and personnel; and
- (g) perform such other functions as may be prescribed, by the Central Government, for carrying out of the objectives of this Act.

CHAPTER III

STATE NET ZERO EMISSION COUNCILS AND DISTRICT NET ZERO EMISSION COUNCILS 5

State Net
Zero
Emission
Council.

10. (1) Every State Government shall, by notification in the Official Gazette, establish with effect from such date as it may specify in such notification, a State Net Zero Emission Council for the State.

(2) The State Council shall be an advisory body and consist of the following members, namely:— 10

(a) the Minister-in-charge of Ministry of the Environment, Forest and Climate Change in the State Government who shall be the Chairperson;

(b) such number of other official or non-official members to be nominated by the State Government representing such interests as may be prescribed;

(c) such number of other official or non-official members, not exceeding ten, as may be nominated by the Central Government from amongst persons of ability, integrity and standing who have had experience in climate sciences or legal environmental policy, environmental non-governmental organizations, including climate activists, tribal welfare activists or social workers. 15

(3) Equal representation of men and women shall be ensured by the Central and State Governments while appointing members to the State Council in the form of other official or non-official members. 20

(4) The State Council shall meet as and when necessary but not less than two meetings shall be held every year.

(5) The State Council shall meet at such time and place as the Chairperson may think fit and shall observe such procedure in regard to the transaction of its business, as may be prescribed. 25

Functions of
State Council.

11. (1) Every State Council shall render advice to the State Government concerned on setting specific emission targets in line with the National Net Zero Emission Target and on countering the adverse localized impacts of climate change on vulnerable communities and areas within the State. 30

(2) Without prejudice to sub-section (1), the State Council shall—

(a) prepare an Annual State Emission Reduction Plan on the lines of the National Emission Reduction Plan, as may be prescribed;

(b) deliberate and discuss on important interventions and measures undertaken to counteract the adverse impacts of climate change; 35

(c) conduct annual state climate risk assessments;

(d) conduct emission trend analysis at the State level to inform and advice the State Government on emission control measures.

District Net
Zero
Emission
Council.

12. (1) Every State Government shall, by notification in the Official Gazette, establish for every District with effect from such date as it may specify in such notification, a District Net Zero Emission Council for such district. 40

(2) The District Council shall be an advisory body and consist of the following members, namely:—

(a) the District Magistrate of the district, by whatever name called, who shall be the Chairperson; and 45

(b) such number of other official and non-official members, to be nominated by State Government, representing climate scientists, non-governmental organizations working for the welfare of women and children, tribal groups and the environment, as may be prescribed.

5 **(3) The District Council shall meet as and when necessary but not less than two meetings shall be held every year.**

(4) The District Council shall meet at such time and place within the district as the Chairperson may think fit and shall observe such procedure in regard to the transaction of its business as may be prescribed.

10 **13. (1)** Every District Council shall render advice for setting district specific emission targets in line with the National Net Zero Emission Target and on countering the adverse localized impacts of climate change on vulnerable communities and areas within the district.

Functions of the District Council.

(2) Without prejudice to sub-section (1), the District Council shall—

15 (a) prepare an Annual district emission reduction plan on the lines of the National Emission Reduction Plan, as may be prescribed;

(b) deliberate and discuss on important interventions and measures undertaken to counteract the adverse impacts of climate change within the district;

(c) conduct annual district climate risk assessments;

20 (d) conduct emission trend analysis at the district level to inform and advise the State Government on emission control measures.

CHAPTER IV

EMISSION REDUCTION

25 **14. (1)** The National Net Zero Emission Target shall be fixed by the Central Government, in such manner that the net accounting emissions of greenhouse gases in a calendar year, other than biogenic methane, are zero by the calendar year beginning on first day of January in 2070 and for each subsequent calendar year; and

National Net Zero Emissions Target.

(2) The National Net Zero Emission Target shall be considered to have been achieved if emission reductions meet or exceed those required thereunder.

30 **15. (1)** The Central Government shall fix the target for emissions reduction for the year 2030 to be known as the Interim Emission Target, requiring to—

Interim Emissions Target.

(a) reduce by the year 2030 emissions intensity by forty-five per cent. from 2005 levels;

35 (b) achieve about fifty per cent. cumulative electric power installed capacity from non-fossil fuel-based energy resources by the year 2030, with the help of transfer of technology and low-cost international finance including from Green Climate Fund;

(c) create an additional carbon sink of two and a half to three billion tonnes of carbon dioxide equivalent through additional forest and tree cover by the year 2030.

(2) The Interim Emission Target shall be considered to have been achieved if emissions reductions meet or exceed those required by the target as per the 2005 levels.

40 **16. (1)** Notwithstanding the provisions of section 9, the Central Government may direct the Commission to conduct a review of the National Net Zero Emissions Target and the Interim Emission Target and report thereon and the Commission shall submit its report within six months of receipt of such direction.

Review of targets.

Revision of targets.

17. (1) The Commission shall on the basis of the review under section 16, or otherwise, recommend changes in,—

(a) the time frame for achievement of the National Net Zero Emissions Target or the Interim Emission Target or parts thereof;

(b) the levels of emission reductions required by the National Net Zero Emissions Target or the Interim Emission Target or parts thereof; 5

(c) levels of the greenhouse gas emissions, and removals to which the National Net Zero Emissions Target or the Interim Emission Target or parts thereof applies or both.

(2) The Commission may recommend a change in the Net Zero Emission Target only if— 10

(a) significant change has occurred, or is likely to occur, since the submission of the report to one or more of the following,—

(i) India's obligations under relevant international agreements;

(ii) scientific understanding of climate change; 15

(iii) India's economic or fiscal circumstances;

(iv) technological developments;

(vii) equity implications, including generational equity;

(viii) the principal risks and uncertainties associated with emissions reductions and removals; and 20

(ix) social, cultural, environmental, and ecological circumstances.

(b) the Commission is satisfied that the significant change justifies the change to the target.

Emission Reduction Plan.

18. (1) The Central Government shall prepare a draft Emission Reduction Plan within six months of coming into force of this Act. 25

(2) The draft Emission Reduction Plan shall include, but not be limited to, the following—

(a) a detailed plan to phase-out the greenhouse gas emissions in India as per the targets set by the milestone years;

(b) measures to address off-shore emissions from international shipping and airplane emissions; 30

(c) sector-specific policies and measures to reduce greenhouse gas emissions;

(d) a multi-sector strategy to meet emissions budgets and improve the ability of those sectors to adapt to the effects of climate change;

(e) provision of utility infrastructure for green energy distribution, in the form of a stringent Renewable Purchase Obligation framework, establishment of a specialized agency for advanced Renewable Energy Forecasting that aims at reduced power procurement cost, abolition of Deviation Settlement Mechanism penalty, and reduced grid disturbances and outages; 35

(f) integration of Community-Ecosystem-Based Adaptation Approach in India's Climate adaptation and mitigation measures; 40

(g) integration of climate change risks into financial stability framework, so as to cover both physical risks and transition risks, formulate strategy to address climate change risks and the constitution of appropriate governance structure to that effect,

adoption of climate risk related financial disclosures and reporting mechanism, and capacity building of relevant stakeholders;

5 (h) provision for early-warning systems using sensors across water bodies and drains, and a network of communication for hotspots of emerging flood risk in the monsoon season;

(i) provision for early-warning systems to inform shift in wind patterns or other climatic variability that affects agriculture, and devise technical solutions for building in resilience and to suggest measures for diversifying crop varieties, support terrain specific crops, shifting crop patterns, and any other measures as required on case-to-case basis;

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(j) provision for climate change resilient infrastructure that responds to and is aligned with the needs of vulnerable communities, the prevailing climatic conditions and topography;

(k) provisions for essential training resources and capacity building in climate risk management, disaster management, local area development, green entrepreneur drives, preparation of a team of dedicated professionals at national, state and district level to oversee the implementation of climate adaptation and mitigation measures;

15

(l) incorporation, wherever deemed necessary, of the climate smart public-private-partnerships for leveraging the low carbon pathways in infrastructure development, technical expertise, and financial resources;

20

(m) provision for developing climate change education curriculum involving 'systems thinking' to be adopted across the country; and

(n) any other policies or strategies that the Ministry considers necessary.

(3) The Commission may advise the Central Government on the direction of implementation of the policy required in the draft Emissions Reduction Plan within three months or release of the plan.

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19. (1) The Central Government shall make the draft Emission Reduction Plan publicly available and conduct a public consultation, in cooperation with the Commission, in such manner as may be prescribed.

Public consultation for the Emission Reduction Plan.

30 (2) The public consultation shall include—

(a) inviting responses from the general public on the draft Emission Reduction Plan from and not limited to civil society organizations and relevant stakeholders; and

35 (b) any other appropriate mode as may be recommended by the Central Government in consultation with the Commission.

20. The National Green Tribunal shall have power to fix responsibility and make a declaration to that effect, together with award of cost in case of failure to meet the targets specified under section 14 and section 15 of this Act.

Effect of failure to meet the targets.

CHAPTER V

PROTECTION OF VULNERABLE COMMUNITIES

40 **21.** (1) The State Councils and District Councils shall respectively maintain a localized climate vulnerable community population registry.

Climate vulnerable communities population registry.

(2) The registry shall be maintained in such manner as may be prescribed by the State Government from time to time.

45 (3) The State Government may, subject to such conditions, restrictions and manner as may be prescribed, on an application made in this behalf, grant a certificate of registration or

certificate of climate vulnerability to communities or persons who may apply to be enrolled in the registry.

(4) The State Government while determining the vulnerability of a person or a community shall under this section have due regard to all or any of the following factors, namely:—

- (a) exposure to regional drastic climate variability;
- (b) historical susceptibility to drastic climatic events according to available sources of climate information;
- (c) frequency of economic and non-economic loss suffered due to drastic climate events;
- (d) access to technology and risk perceptions systems and their awareness;
- (e) loss of livelihood and customary and cultural practices of communities;
- (f) specialized impact of climate change unique to a person or community.

Relief to vulnerable persons and communities.

22. The Commission shall make recommendations to the Central Government to make available to such climate vulnerable communities or persons who are enrolled in the climate vulnerable community population registry, due to a drastic climate event, climate protection in the form of one or more reliefs in the form of specialized schemes to provide climate adaptation relief or climate rehabilitation relief or both.

CHAPTER VI

ADAPTATION AND MITIGATION

National Climate Risk Assessment.

23. (1) The Scientific Advisory Committee established under the Commission shall no later than one year after the commencement of the Act prepare the annual National Climate Risk Assessment.

(2) The National Climate Risk Assessment shall,—

- (a) assess the risks to India's economy, society, environment and ecology from the current and future effects of climate change; and
- (b) identify the most significant risks to India based on the nature of the risks, their severity and the need for coordinated steps to respond to those risks in the next six year period.

Sectoral Adaptation and Mitigation plans.

24. (1) The Commission shall prepare sectoral plans which shall be sector specific and aimed at emission reduction in the form of continuous assessment and monitoring that shall be undertaken by the Commission and the Committees, as may be prescribed.

(2) The sectoral plans at the State and District level shall be prepared by the State Councils and District Councils, respectively in consultation with the respective State Governments, District administration, and other relevant stakeholders, in such manner as may be prescribed.

(3) For the purpose of clause (1), the sectoral plans shall include but shall not be limited to the following sectors—

- (a) energy sector;
- (b) agricultural sector, livestock management;
- (c) transportation sector;
- (d) industrial sector; and
- (e) urban and infrastructural planning.

CHAPTER VII

FINANCE, ACCOUNTS AND AUDIT OF THE NET ZERO EMISSION COMMISSION

5 **25. (1) The Central Government may, by notification in the Official Gazette, constitute a fund to be called the National Emission Reduction Fund that shall be utilized for green house gas emission reduction activities as may be prescribed and there shall be credited thereto—**

National
Emission
Reduction
Fund.

(a) an amount which the Central Government may, after due appropriation made by Parliament by Law in this behalf provide;

10 (b) any grants that may be made by a person or institution for the purpose of emission reduction activities;

(c) all sums received by the Commission from such other sources as may be decided upon by the Central Government.

(2) Notwithstanding anything contained in any other law in force, the National Emission Reduction Fund shall be exclusively utilized for-

15 (a) financing procurement of zero emission technology;

(b) financing emission reduction projects;

(c) financing carbon capture solutions and creation of natural and artificial carbon sinks; and

20 (d) greenhouse gas emission reduction activities as may be prescribed by the Central Government.

26. The Commission shall prepare, in such form and at such time in each financial year as may be prescribed, its annual report, giving a full account of its activities during the previous financial year and furnish, to the Central Government, before such date as may be prescribed, its audited copy of accounts together with auditors report thereon.

Annual
report of the
Commission.

25 **27. (1)** The Commission shall prepare a budget, maintain proper accounts and other relevant records, including the accounts and other relevant records of the National Emission Reduction Fund, and prepare an annual statement of account in such form as may be prescribed by the Central Government in consultation with the Comptroller and Auditor-General of India.

Budget,
accounts and
audit.

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

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

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

45 **28.** The Central Government shall cause the annual report of the Commission and audit report to be laid, as soon as may be after they are received, before each House of Parliament.

Annual
report of the
Commission
to be laid
before Houses
of
Parliament.

CHAPTER VIII

FINANCE, ACCOUNT AND AUDIT OF STATE COUNCIL

Grants of money by State Government to State Council. **29. The State Government may, after due appropriation made by the State Legislature by law in this behalf, pay to the State Council by way of grants or loans such sums of money as the State Government may think fit for being utilized for the purposes of this Act.** 5

State Emissions Reduction Fund. **30. (1) There shall be constituted a fund to be called the State Emissions Reduction Fund and there shall be credited thereto—**
 (a) any grants and loans made to the State Council;
 (b) any grants or loans made by the Commission;
 (c) all sums received by the State Council from such other sources as may be decided upon by the State Government. 10

(2) The State Emission Reduction Fund shall be utilized for—
 (a) financing procurement of zero emission technology;
 (b) financing emission reduction projects;
 (c) financing carbon capture solutions and creation of natural and artificial carbon sinks; 15
 (d) conducting training and awareness programmes on achieving net zero carbon emissions; and
 (e) any other expenses incurred in activities related to greenhouse gas emission reduction. 20

Annual report of State Council. **31. Every State Council shall prepare, in such form and at such time in each financial year as may be prescribed, its annual report, giving a full account of its activities during the previous financial year, and submit a copy thereof to the State Government.**

Audit of accounts of State Council. **32. The accounts of the State Council shall be maintained and audited in such manner as may, in consultation with the Accountant-General of the State, be prescribed and the State Council shall furnish, to the State Government, before such date as may be prescribed, its audited copy of accounts together with audit report thereon.** 25

Annual report and audit report of State Council to be laid before the Houses of State Legislature. **33. The State Government shall cause the annual report and audit report of the State Council to be laid, as soon as may be after they are received, before each House of State Legislature where it consists of two Houses, or where such Legislature consists of one House, before that House.** 30

CHAPTER IX

FINANCE, ACCOUNT AND AUDIT OF DISTRICT COUNCILS

Grants of money by State Government to District Council. **34. The State Government may, after due appropriation made by the State Legislature by law in this behalf, pay to the District Council by way of grants or loans such sums of money as the State Government may think fit for being utilized for the purposes of this Act.** 35

District Emissions Reduction Fund. **35. (1) There shall be constituted a fund to be called the District Emissions Reduction Fund and there shall be credited thereto—**
 (a) any grants and loans made to the District Council;

(b) any grants or loans made by the Commission or the State Council;

(c) all sums received by the District Council from such other sources as may be decided upon by the State Government.

(2) The District Emission Reduction Fund shall be utilized for—

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(a) financing procurement of zero emission technology;

(b) financing emission reduction projects;

(c) financing carbon capture solutions and creation of natural and artificial carbon sinks;

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(d) conducting training and awareness programmes on achieving net zero carbon emissions; and

(e) any other expenses incurred in activities related to greenhouse gas emission reduction.

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36. Every District Council shall prepare, in such form and at such time in each financial year as may be prescribed, its annual report, giving a full account of its activities during the previous financial year, and submit a copy thereof to the State Government.

Annual report of the District Council.

37. The accounts of the District Council shall be maintained and audited in such manner as may, in consultation with the Accountant-General of the State, be prescribed and the District Climate Council shall furnish, to the State Government, before such date as may be prescribed, its audited copy of accounts together with audit report thereon.

Audit of the accounts of District Council.

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38. The State Government shall cause the annual report and audit report of the each District Council to be laid, as soon as may be after they are received, before each House of State Legislature where it consists of two Houses, or where such Legislature consists of one House, before that House.

Annual report of the District Council to be laid before the Houses of State Legislature.

CHAPTER X

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MISCELLANEOUS

39. Any dispute arising from any order or decision made by the Central Government or the Commission under the provisions of the Act shall lie before the National Green Tribunal within six months from the date on which such a dispute arose.

Power to adjudicate disputes.

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40. No civil court shall have jurisdiction to entertain any suit or proceeding in respect of any matter which the National Green Tribunal is empowered by or under this Act to determine, and no injunction shall be granted by any Court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under this Act.

Bar of Jurisdiction.

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

Act not in derogation of any other law.

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42. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as may appear to it to be necessary or expedient for removing the difficulty.

Power for removal of difficulties.

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

Power of Central Government to make rules.

(2) The State Government may by notification in the State Gazette, consistent with this Act and the rules may be the Central Government, make rules for carrying out the purposes of this Act.

(3) Every rule made by the Central Government under this section shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification 5 in the rule or both Houses agree that rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

(4) Every rule made by the State Government under this section shall be laid, as soon 10 as may be after it is made, before each House of the State Legislature where it consists of two Houses, or where such Legislature consists of one House, before that House.

STATEMENT OF OBJECTS AND REASONS

India is amongst the top three polluting nations in the world and the ten of the fifteen most polluted cities in the world are in India. Air pollution is considered the world's biggest environmental threat today, with the deaths accounting for over seven million across the world. In India, the share of premature deaths due to air pollution is 17.8% of all deaths. According to a recent scientific study, all 1.3 billion people of India reside in places where the average annual particle pollution level surpasses limits prescribed by the World Health Organization, and at the given rate of pollution level, the life expectancy of roughly 40 per cent. of India's population would decrease by an average of 7.6 years particularly in the Indo-Gangetic plains (IGP) in Northern India.

As per the national report of the Ministry of Earth Sciences, the rising greenhouse gases emissions is the primary reason behind the rising average temperature levels. By the end of 21st century, the temperature in India is projected to increase by 2.7 degree Celsius if all mitigation measures are undertaken, and by 4.4 degree Celsius if no such measures are undertaken. The rising temperatures are the key contributor towards extreme climatic events characterized by extreme droughts, intense heat waves, severe cyclones, heavy floods, the shift in monsoon patterns, and rising sea levels.

It is pertinent for a country like India to take measures towards lowering the emissions so as to not expose its people to adverse consequences of climate change. The most impacted and vulnerable groups are to be especially identified, provided for, and protected. However, as is known from the Global Climate Index, 400 million poor people are directly impacted by loss of livelihood loss in India, since they depend on climate sensitive sectors. Further, as per 5th Assessment Report of Inter-Governmental Panel of Climate Change, the marginalized and poor sections are directly and more gravely affected by climate change impacts.

It is in this spirit, that the Bill proposes to address the rising emissions and the resultant climate change impacts, provide special consideration for vulnerable groups facing the socio-economic challenges exacerbated by climate change, design a three-tier comprehensive adaptation and mitigation plan for the country that aims at capacity building of all stakeholders involved, building resilient infrastructure, and consultative and deliberative decision making process enshrining inclusivity and participatory democracy in line with the Nationally Determined Contributions declared by India under the Paris Agreement.

Hence, this Bill.

SUJEET KUMAR.

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for constitution of the Net Zero Emission Commission at the national level and Clause 9 Bill provides for constitution of various Committees by the Commissions. Clause 11 provides for constitution of the State Net Zero Emission Councils and clause 14 provides for constitution of the District Net Zero Emission Councils.

Further, clause 28 provides for constitution of the National Emission Reduction Fund, clause 33 provides for constitution of the State Emission Reduction Fund and, clause 38 provides for constitution of the District Emission Reduction Fund. Clauses 32 and 37 provide for grants of money by the State Government to the State Emission Reduction Fund and the District Emission Reduction Fund, respectively.

The Bill, therefore, if enacted would involve expenditure from the Consolidated Fund of India and of the States. It is estimated that a recurring expenditure of about rupees 200 crore would be incurred per annum from Consolidated Fund of India.

A non-recurring expenditure of about rupees 100 crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 44 of the Bill empowers the Central Government and the State Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

RAJYA SABHA

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BILL

to provide a framework for achieving net zero emissions by the year 2070 as per India's nationally determined contributions under the United Nations Framework Convention on Climate Change and to provide relief for vulnerable persons and communities from drastic climate events in the form of maintaining a vulnerable population registry at the State and the district levels and for matters connected therewith or incidental thereto.

(Shri Sujeet Kumar, M.P.)