



CLIMATE
(PROTECTION)
BILL, 2023

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CLIMATE (PROTECTION) BILL, 2023

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The Climate (Protection) Bill, 2023

A

BILL

to provide for a framework for the protection of areas vulnerable to the effects of climate change and for the provision of relief for vulnerable persons in the form of monetary compensation, climate change adaptation, rehabilitation, climate risk insurance, and to identify activities having material adverse effect on the climate and the measures to regulate their impact and for matters connected therewith or incidental thereto.

WHEREAS it is necessary to recognise and enforce the right to stable climate in furtherance of the right to clean, healthy and sustainable environment being recognised as a human right;

AND WHEREAS India, due to its topography and geography, is susceptible to the impacts of climate change such as melting glaciers, rise in sea-levels, extreme weather events including but not limited to excessive rainfall, floods and droughts;

AND WHEREAS India is a signatory to the United Nations Framework Convention on Climate Change and the Paris Agreement, and it is necessary to implement international obligations in connection with minimizing and combating the adverse effects of climate change;

AND WHEREAS India is committed to achieving net zero carbon emissions by 2070;

AND WHEREAS it is necessary to adopt a regulatory framework for enhanced response to climate change marking a shift towards developing a low carbon economy, improving climate risk management and for the protection of vulnerable persons from drastic climate events towards achieving climate justice and for purposes connected therewith and incidental thereto.

BE it enacted by Parliament in the * * * Year of the Republic of India as follows:-

Preliminary

1. Short Title, extent and commencement –

- (1) This Act may be called the Climate (Protection) Act, 2023.
- (2) It extends to the whole of India.
- (3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. Definitions–

(1) In this Act, unless the context otherwise requires, -

- (a) “Adaptation” means changes that are made in natural or human systems in response to actual or anticipated effects of climate change and its impacts either by moderating harm caused or by taking advantage of beneficial opportunities.
- (b) “Assets” includes property of every description, both movable or immovable, tangible or intangible and includes any rights or interests in such property;
- (c) “Carbon Neutrality” refers to the state of balance achieved between anthropogenic carbon dioxide emitted into the atmosphere by removal of anthropogenic carbon dioxide emissions over a specified period.
- (d) “Climate Change” is a change in the state of climate that can be attributed directly or indirectly to human activities which alters the composition of the global atmosphere and causes changes in the mean and/or variability of climate persisting for extended period, typically decades. It means and includes changes in temperature, precipitation, wind patterns and other measures of climate that may be observed over comparable time periods;
- (e) “Climate Risk” means adverse consequences for human or ecological systems arising out of drastic climate events;
- (f) “Commission” means the Climate Protection Commission of India as established under section 3 of the Act;
- (g) “Drastic Climate Event” means 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 -
 - i) Unprecedented rainfall due to cloud bursts
 - ii) Glacier bursts
 - iii) Heat waves
 - iv) Impacts of coastal storms and cyclones
 - v) Any other identified climate change related disasters as notified by the Central Government on the advice of the Commission.

- (h) "Fund" means the Climate Risk Insurance Fund constituted under the provisions of this Act;
- (i) "Insurance" in reference to Climate Risk Insurance, means and includes the business of insurance as provided for under the Insurance Act, 1938;
- (j) "mitigation" means efforts that seek to prevent or slow down the increase of atmospheric concentrations of targeted greenhouse gas by limiting current or future emissions and enhancing potential sinks for targeted greenhouse gases;

For the purposes of this Act, targeted greenhouse gases shall include (i) carbon dioxide (ii) nitrous oxide (iii) sulphur hexafluoride and (iv) hydrofluorocarbon.

Notwithstanding anything contained in this Act, targeted greenhouse gases shall not include any biogenic methane, produced from agriculture/farming, or any other activity as the center from time to time may notify on the advise of the Commission.

- (k) "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;
- (l) "Vulnerable Area" means any area notified under Section 9 of this Act, on account of susceptibility to or exposure to climate change related hazards and risks arising out of-
 - i) Drastic climate events arising primarily over the course of 10 years preceding the enactment of this Act.
 - ii) Extreme or unprecedented climate variability distinct from the existing factors that influence the climate of the region including but not limited to the geographical and topographical setting.

Explanation --A vulnerable area shall not cease to be a vulnerable area merely because of non-observance of any precautionary, mitigatory or adaptive measures in a localized setting.

- (a) "Vulnerable Person" means any person who,
 - (i) has ordinarily been a resident in the Vulnerable Area for at least three years of the preceding five years from the date of declaration of such Vulnerable Area.

Provided it shall not include anyone, who has been engaged in seasonal or intermittent employment in any vulnerable area, and such person has any alternate ordinary residence in any other area; or

(ii) owns any immovable property situated in the Vulnerable Area.

CHAPTER I

Climate Protection Commission of India

3. Constitution of the Commission -

(1) With effect from such date as the Central Government may, by notification, appoint, there shall be established, for the purposes of this Act, a Commission to be called as the "Climate Protection Commission of India" to perform the functions assigned to the Commission under this Act.

(2) The Commission shall have its office at such place as the Central Government may decide from time to time.

(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. Composition of the Commission-

(1) The Commission shall consist of the following members: -

- i. A full-time chairperson, being a person having specialised knowledge and scientific understanding of climate change and environment, to be appointed by the Central Government.
- ii. Such other persons, appointed as 'Expert Member' not exceeding three in number, having specialised knowledge and practical experience in the field of climate change and the environment including pollution control, hazardous substance management and energy resource management, to be appointed by the Central Government.
- iii. Ten members nominated by the Central Government from the following:
 - (a) Ministry of Environment, Forests and Climate Change
 - (b) Ministry of Home Affairs

- (c) Ministry of Finance
- (d) Ministry of Power
- (e) Ministry of Agriculture & Farmers Welfare
- (f) Ministry of Ports & Shipping
- (g) Ministry of New & Renewable Energy.
- (h) Ministry of Corporate Affairs
- (i) Ministry of Urban Development
- (j) Department of Space

(2) The Chairperson and other Members shall be full-time members.

5. Term of Office-

(1) Save as otherwise provided under this Act, the Chairperson and other members, appointed or nominated, shall hold office for a term of five years from the date on which they enter upon their office and shall be eligible for re-appointment.

Provided the Chairperson and other Members shall not hold office after attaining the age of sixty-five years.

6. Resignation, Removal and Suspension of Chairperson and Other Members-

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

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

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

(2) Notwithstanding anything contained in sub-section (1), the Central Government may, by order, remove the Chairperson or Other Member from the Commission who in its opinion, recorded in writing —

(a) is or at any time, has been adjudged as an insolvent; or

(b) has engaged at any time, during his term of office, in any paid employment;

or

(c) has been convicted of an offence which, in the opinion of the Central Government, involves moral turpitude; or

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

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

(f) has become physically or mentally incapable of acting as a member.

7. Meetings of the Commission-

(1) For the purposes of this Act, the Commission shall meet at least once in every six months at such time and place as specified 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 Chairperson, any business of an urgent nature is to be transacted, he may convene a meeting of the Commission at such time as he thinks fit for the aforesaid purpose.

(2) The Chairperson, if for any reason, is unable to attend a meeting of the Commission, the senior-most Member present at the meeting, shall preside at the meeting.

(3) 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.

(4) 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 the Chairperson or Member; or

(c) any irregularity in the procedure of the Commission not affecting the merits of the case.

8. Functions of the Commission-

(1) The Commission shall perform all or any of the following functions:

(a) To advise the Central Government, either on its own motion or on a request made by the Central Government, to consider appropriate plans and schemes for climate adaptation, mitigation and protection in a long-term perspective, grounded in the most recent scientific knowledge.

(b) To conduct research on its own or by taking the help of the other external entities.

Explanation -For the purpose of carrying out research, the Commission may establish a dedicated research and development centre for the assessment current and potential impacts of the Climate Change. The Commission may also empanel other think tanks and research centres to conduct research and development activities related to climate change under its purview.

- (c) To conduct training and capacity building programmes for citizenry awareness campaigns, and to undertake endeavors to build climate conscious society.
- (d) To carry out Integrated Environmental Assessment, Review and Reporting which includes conducting comprehensive assessment and review of the country's national legislations, environmental policies, action plans and environmental programs of the government. All such assessment and review reports shall be published in the official website of the commissions for stakeholder engagement.
- (e) To prepare National Action Plans which shall include adaptation and mitigation activities to strengthen climate resilience and tackle climate change.
- (f) To conduct periodic review of National Action Plans to meet carbon reduction targets at the national and international level.
- (g) To assess, review and monitor compliance with the Nationally Determined Contributions formulated by India.
- (h) To assist in formulating and integrating carbon budgets for India in proportion to its emissions in the global carbon budget.
- (i) To devise strategies and action plans for facilitating an ecosystem for climate finance necessary to combat climate change and build climate resilience.
- (j) To develop an integrated policy catering to sectoral emissions of greenhouse gases to facilitate co-ordination amongst sectors in achieving carbon neutrality.
- (k) To plan and render advise for different regulatory bodies in their commitments for achieving carbon neutrality.
- (l) To conduct small-scale pilot programmes to test the implementation and result of various adaptation measures with the objective of inferring their

effectiveness towards the goal of adaptation.

- (m) To engage with stakeholders and vulnerable persons, if any, through effective public consultation processes.
- (n) To encourage collaboration on climate change solutions through debate and discussion with industries and other relevant stakeholders.
- (o) To formulate and prepare implementational strategies by engaging with persons having customary and traditional knowledge.
- (p) To ensure coordination with other ministries of the Central Government and for purposes connected therewith, to appoint a Nodal Officer/s in other ministries for ensuring proper coordination between the Commission and the Central Government with the aim of implementation of this Act.
- (q) To perform such other functions as the Central Government notifies or asks the Commission to perform with the aim of achieving the objectives of the Act.

CHAPTER II

Vulnerable Persons

9. Declaration of Vulnerable Areas-

- (1) Any State Government or Union Territory, if it is of the opinion that a particular area within its jurisdiction is susceptible to or has been exposed to climate change related hazards and risks, shall make an application to the Commission in the prescribed form for the declaration of the said area as a Vulnerable Area under the provisions of this Act.
- (2) Upon the receipt of the application in the prescribed form under sub section (1), the Commission shall, either on its own or with the assistance of the Committee of Experts, within 60 days of the said application conduct a Preliminary Appraisal of the application.

Provided the preliminary appraisal shall be subject to such conditions, restrictions and manner as may be prescribed.
- (3) The Commission shall, within 30 days on completion of the Preliminary Appraisal Report, cause to publish the summary of the Preliminary Appraisal Report in any two vernacular newspapers, and call for written representations from various stakeholders.

(4) The Commission shall recommend to the Central Government within a period of 90 days from the date of publication under sub section (3), whether or not an area is to be declared as a Vulnerable Area.

Provided the Commission shall make the recommendation upon consideration of the following factors, namely:

- (a) Exposure to Climate Variability and change
- (b) Adaptive capacity of the vulnerable persons in that area to climate related disasters
- (c) Measurable economic loss
- (d) Community scale determinants

Explanation – For the purposes of this sub-clause, community scale determinants of vulnerable persons may be measured on the basis of Income and distribution, access to technology, available climate information and risks, risk perception and awareness, stock of social capital, environmental factors including historical climate data and variability and availability and utilization of natural resources, critical institutional frameworks at the persons or regional level, existence of maladaptive behaviours informed by custom or traditions that increases vulnerability, etc.

(5) On receipt of the recommendation under sub-section (4), the decision of the Central Government on the declaration of an area as a vulnerable area shall be final and binding.

10. Relief to the Vulnerable Persons -

(1) The Commission shall make recommendations to the Central Government to make available to such vulnerable persons who have suffered any injury to property or person, due to a drastic climate event, climate protection in the form of one or more reliefs as hereunder:

- a) Climate Compensation Relief;
- b) Climate Adaptation and Rehabilitation Relief;

Explanation: For the purposes of this Act, inequalities attributable to gender, caste, class, race, physical and/or mental disability shall be taken into consideration for assessing the vulnerabilities faced by persons due to drastic climate events.

(2) The Commission shall make recommendations, for the consideration of the Central Government regarding the –

- a) Assessment of injury to property or person caused due to drastic climate event;
- b) Extent of relief to be granted, as the case maybe.

11. Role of Committee of Experts-

(1) The Commission may, *suo-motu* or on recommendation from the Central Government or State Government, appoint an independent Committee of Experts comprising of up to five but not less than two members, on an ad-hoc basis, for the purpose of identifying vulnerable areas and determining the type of relief to be granted to vulnerable persons.

*Explanation-*The Committee of Experts shall, within 30 days from the date of its appointment, prepare a report of its findings for the consideration of the Commission.

(2) The Committee of Experts may comprise of scientists, researchers, social scientists, experts on rehabilitation, climate change experts, such other experts as determined by the Commission.

(3) The Committee of Experts may seek additional data from different departments of the Central government or State Governments, if necessary.

(4) The Committee of Experts may conduct field visits and seek assistance of relevant district personnel in discharging in functions.

12. Climate Compensation Relief-

(1) The Commission while determining the amount of monetary compensation to be awarded shall, under this section, have due regard to all or any of the following factors, namely: —

- a) Loss of life or limb
- b) Loss or damage to property
 - i. Movable;
 - ii. Immovable;
- c) Economic loss
 - i. Medical expenses and loss of livelihood;
- d) Non- Economic loss

- i. Mental and emotional trauma and suffering;
- e) Damage to Natural resources essential for survival
 - i. Marketable natural resources;
 - ii. Non-marketable natural resources;
- f) Other considerations
 - i. Age, family size and number of dependants;
 - ii. Average salary or wage earnings;
 - iii. Recent earnings (windfall gain, lotteries etc).

13. Climate Adaptation and Rehabilitation Relief-

(1) The Commission while determining whether the vulnerable persons qualify to be facilitated with the adaptation relief measures or rehabilitation relief measures, shall have due regard to all or any of the following factors, namely:

- a) Proximity to geographical terrain susceptible to drastic climatic events.
- b) The frequency of drastic climate events encountered by the vulnerable persons in the specific geographical location.
- c) Imminent risk, exposure and hazard of the drastic climate event faced by the vulnerable persons.
- d) Extent of economic, non-economic loss and infrastructure damage suffered.
- e) Nature of past relief and the nature of its distribution to the vulnerable persons post the drastic climate event faced by the persons.
- f) Strength of local, municipality governance structures.
- g) Strength of critical healthcare infrastructure, level of connectivity and developmental opportunities available for the vulnerable persons.
- h) Level of persons awareness and knowledge of climate change related impacts and disasters.
- i) Existence of customary maladaptive behaviours.
- j) The adaptive and collective coping capacity of the vulnerable persons.
- k) Critical ecosystem depletion in areas where the vulnerable persons reside.

Provided that any clarifications on the meaning and applicability of the aforementioned parameters shall be determined by the Commission in

consultation with the relevant stakeholders.

Provided further that the Commission may consider any other factor in assessing whether or not the vulnerable persons qualify to be facilitated with the adaptation or rehabilitation relief measures.

Explanation -For the purpose of this sub-section, the determination of whether the vulnerable persons qualify for adaptation or rehabilitation relief measures or both shall be based on the severity of the drastic climate event and the extent of loss and damage suffered.

(2) The Central Government, in particular the Ministry of Environment, Forests and Climate Change, the State Government and other relevant authorities shall be responsible for undertaking specific adaptation and rehabilitation relief measures for the identified vulnerable communities within the territory of India as recommended by the Commission.

(3) Unless otherwise specified in this Act, or unless the context otherwise requires adaptation relief measures for the purposes of this Act, shall include, but not be limited to:

- a) Measures and practices aimed at adjusting to the social, economic and environmental hazards arising directly or indirectly from a drastic climate event.
- b) Measures, strategies and efforts directed at lowering the risks of expected dangers from future drastic climate events.
- c) Measures and policy directives including, but not limited to, the provision of subsidies and grants, infrastructure development activities, research and technological development initiatives, etc. that seek to equip vulnerable communities, as defined under this Act, to adjust and adapt to potential and current hazards arising from a drastic climate event.
- d) Any other measures, practices, or activities, recommended by the Commission under this Act and by other relevant Governmental Authorities, including the Indian Parliament, from time to time.

(4) Unless otherwise specified in this Act, or unless the context otherwise requires, rehabilitation relief measures, for the purposes of this Act, shall include, but not be limited to:

- a) Measures aimed at ecosystem restoration to restore the land and the natural

resources depleted by the impact of the drastic climate event

- b) Rebuilding or reconstruction of infrastructure that is resilient to climate change with specific reference to the needs of the vulnerable persons, climatic conditions and the geographical terrain.

(5) Notwithstanding anything contained in sub-section (3) and sub-section (4) and the specific adaptation or rehabilitation relief measures recommended by the Commission and the relevant governmental authorities from time to time, the Commission while devising and recommending relief measures may take into account the following:

- a) Devise models to evaluate the likely impact of drastic climate events on life, property and health in various geographical locations.
- b) Monitor and evaluate data on population movements, especially those of vulnerable populations, around high-risk terrains in order to devise and suggest measures that prevent risk of exacerbation and facilitate better adaptation to the hazardous impacts of drastic climate events.
- c) Consult and involve the private sector, as deemed fit by the Commission, in its efforts of carrying out assessment and evaluation to devise and suggest adaptation and rehabilitation relief measures for the identified vulnerable persons.
- d) Adopt measures and techniques, wherever feasible of ecosystem-based adaptation and rehabilitation such as but not limited to planting mangroves in flood prone areas etc, to reduce the impact of the drastic climate event
- e) Devise mechanisms by taking cognizance of the specific rural and the urban settings and focus on long-term strategies instead of short term-measures.
- f) Propose such additional relief measures, including but not limited to facilitating adaptation or rehabilitation which enable the identified vulnerable persons to derive benefits out of drastic climate events.
- g) Work in collaboration with the urban and rural local bodies, infrastructural developmental authorities for the purposes of devising and suggesting measures that facilitate infrastructural development that is resilient to hazards arising out of drastic climate events.
- h) Devise and suggest adaptation measures in agriculture for the purpose of developing early warning systems for drastic climate events and variability,

and technological innovations for a more resilient agricultural sector that includes but is not limited to the usage of different crop varieties, shift in cropping patterns, delayed sowing, etc.

- i) Ensure that vulnerable persons who have lost their source of livelihood owing to drastic climate events are rehabilitated to opt for suitable occupations that are sustainable for the restoration of the ecosystem.
 - j) Ensure that the relief measures recommended take cognizance of the current and potential public health hazards directly and indirectly arising out of climate change and evaluate risks relating to, but not limited to, climate change conditions that may facilitate the spread of vector-borne, food-borne and water-borne diseases; deterioration in general quality of water and air and their impact on the vulnerable persons in collaboration with the Ministry of Health and Family Welfare to aid the vulnerable persons in adjusting to such drastic climate events without incurring damage to life and quality of health.
 - k) Devise and suggest adaptation and rehabilitation relief measures in consultation with the various stakeholders, as well as vulnerable persons identified under the Act, where feasible.
- (6) Notwithstanding the adaptation and rehabilitation relief measures devised and recommended from time to time, every vulnerable person identified under this Act would be obligated to comply with the following conditions, especially after a drastic climate event has occurred:
- a) Duly participate and cooperate with the Commission and other relevant Governmental authorities in the assessment of loss and damage suffered due to a drastic climate event;
 - b) Adopt practices that aim towards building climate resilience such as, but not limited to, using sustainable methods of infrastructure development accounting for potential impacts of drastic climate events, adopting climate resilient agricultural practices and sustainable ways of living, abandoning practices that exacerbate the harm or the likelihood of the harm caused to the environment caused by the drastic climate event; or undertake activities that are directly responsible for increasing the susceptibility of any area to disasters related to climate change.

CHAPTER III

Climate Sustainability and Governance

14. Persons carrying on an Activity having “material adverse effect” on Climate

(1) Every person carrying on any activity having a material adverse effect on the climate shall be required to prepare a Sustainability and Governance Report as provided under Section 15.

Explanation - For the purposes of this Chapter, “activity having material adverse effect” shall mean any manufacturing process or other economic activity carried for gains, and not being a domestic activity carried out for household or domestic purposes, that emit greenhouse gases; and includes activities that use non-renewable resources such as coal, natural gas, oil and nuclear resources for its input or raw materials and such other activity utilising more than prescribed limits of water and electricity.

(2) The Central Government or the State Government, as the case may be, is empowered to notify the special class or classes of activity that may have a material adverse effect on climate.

15. Sustainability and Governance Reporting Framework

(1) Every person covered under this Chapter shall submit with the Commission, an Annual Sustainability and Governance Report which would *inter alia* provide for the mitigation and implementation strategy for reduction of greenhouse gas emissions and the phasing out of such raw materials, in such prescribed form, as may be notified and determined by the Central Government, to be submitted by the month of July succeeding each applicable previous year.

Explanation - For the purposes of determining previous year, the term ending March 31 of that year shall be considered.

(2) The Commission shall, within three months of the receipt of reports submitted by persons covered under this Chapter, lay before each House of Parliament an annual monitoring statement that will promote effective monitoring, evaluation and assessment of national progress in relation to climate change mitigation matter giving the following details, *inter alia*:

(i) amounts of emissions and removals and net amounts of each of the greenhouse gases and the overall aggregate in each identified industry;

(ii) methods used to calculate these amounts; and a comparative statistic with

respect to previous years;

(iii) information relating to direct and indirect greenhouse gas emissions, including for the purposes of planning, analysis and monitoring; and to inform how the Government may comply with any international obligations;

(iv) information necessary to determine climate change vulnerability and to foster resilience; and

(v) any other matter that may be prescribed.

16. Climate Sustainability Impact Regulations and Other Standards

(1) The Central Government may in consultation with the Commission prescribe such fees, directions, standards, etc. for any person covered under this chapter, and to the Central Pollution Control Board or State Pollution Control Boards or such other Authority, as the case may be.

(2) The standards prescribed under this Section may relate to climate stress, carbon discharge, mitigation, climate adaptation, environmental, social and governance framework.

(3) Notwithstanding anything contained in any other law, rules and regulations, for time being in force, the Central Pollution Control Board or State Pollution Control Boards or such other authority shall perform their functions in a manner that gives full effect to the provisions of this chapter.

CHAPTER IV

Climate Risk Insurance

17. Climate Risk Insurance –

(1) The Central Government shall, in consultation with the Commission, set up climate risk insurance, for planning and development, implementation and for management and processing of claims and for such other purposes as may be required.

(2) The climate risk insurance shall provide for coverage to health, property including crops and agricultural produce, and life of individuals, including those persons and entities involved in providing goods and services to persons exposed to drastic climate event;

(3) The Central Government shall, in consultation with the Commission and Insurance Regulatory Development Authority of India and such other body as it may deem appropriate, -

- a) Prepare and facilitate in risk assessment, spread awareness, take preventive actions, for adaptation and mitigation;
- b) Design and formulate insurance policy framework for vulnerable persons and other persons exposed to drastic climate events;
- c) Grant authorization for issuing insurance policies for vulnerable persons and other persons exposed to drastic climate events;
- d) Collect sums as premiums for providing insurance coverage to such persons as may be determined by the Commission established under this Act;
- e) Take necessary steps to prepare, plan and implement for collection of premium sums and also establish a Claim settlement mechanism to facilitate and provide a speedy process for release of financial assistance towards recovery and rehabilitation to insured.
- f) Take such other measures as the Central Government or the Commission may determine from time to time.

18. Grants by the Government -

- (1) The Central Government and the State Governments may, after due appropriation made by Parliament and State legislatures in this behalf, grant such sums of money as the Central or the State Government may think fit for being utilized for the purposes of this Act.

19. Climate Risk Insurance Fund-

- (1) There shall be constituted a fund to be called the Climate Risk Insurance Fund and shall consist of -
- a) Grants, fees and charges received by the Central Government and the State Governments;
 - b) All sums received towards the fund from such other source as may be decided by the Central Government;
 - c) Such percentage of prescribed premium income received from the insured;
 - d) Any other receipts, interest or any other form of income to be credited to this fund.
- (2) The Fund shall be utilized for -
- a) Settling claims arising out of the Insurance policies for events related to Climate change;

- b) Providing such other measures as the Central Government and the Commission may determine from time to time;
- c) Providing relief as may be necessary under the provisions of this Act.

20. Other measures –

The Central Government may, in consultation with the Commission, develop and implement such measures to ensure financial stability, in addition to the provisions under this Chapter, and provide for necessary monetary relief to vulnerable persons and other persons exposed to drastic climate events.

CHAPTER V

Offences and Penalties

21. Punishment for Obstruction of Work–

(1) Whoever, without reasonable cause –

(a) Obstructs any officer of the Central Government or the State Government, or any person authorized by the Ministry of Environment, Forest and Climate change or the Commission in discharge of his functions under the Act; or

(b) Refuses to comply with any direction given by or on behalf of the Ministry of Environment, Forest and Climate Change or the Commission under this Act,

shall on conviction be punishable with imprisonment for a term that may extend to one year or with fine or with both, and if such obstruction or refusal to comply with the directions results in loss of life or imminent danger thereof, shall on conviction be punishable with imprisonment for a term that may extend to two years or with fine or with both.

22. Punishment for False Claims –

Whoever makes or attempts to make false claims under the provisions of the Act, shall be punishable with fine which may extend to three crore rupees.

23. Punishment for Failure to Comply with Chapter III–

(1) Whoever fails to comply with the provisions of Chapter III of the Act, which includes a failure to prepare, submit and implement the Sustainability and Governance Report, shall be punishable with fine of not less than 5 percent of the Average Turnover of the preceding three years for the year in consideration, as may be determined from the books of accounts or returns of income tax filed by such businesses.

Provided during any consecutive period of three years, where a breach or failure has occurred on account of any statutory act, or interference by any third party beyond the control of such person, such person found to be in violation may be allowed to compound the offence by payment of compounding fee of not less than Rupees Ten Thousand, which may extend up to Rupees One Lakh.

(2) Any breach of the provisions of Chapter III may be treated as a breach of the terms of consent under section 25 of The Water (Prevention and Control of Pollution) Act, 1974, consent under section 21 of The Air (Prevention and Control of Pollution) Act, 1981, breach of the terms of Environmental Clearance issued under applicable law, from time to time.

24. Cognizance of offences –

(1) Subject to the provisions of this Chapter, no Court shall take cognizance of any offence under this Act except on a complaint made by-:

- a) Ministry of Environment, Forest and Climate change or any authority or officer authorized in this behalf by that government; or
- b) Any person who has given notice of not less than sixty days in such manner as maybe prescribed, of the alleged offence and of his intention to make a complaint, to the Ministry of Environment, Forest and Climate change or the authority or officer authorized as aforesaid.

(2) No court inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the First Class shall try any offence punishable under this Act.

CHAPTER VI

Miscellaneous

25. Power to adjudicate disputes - Any dispute arising from any order or decision made by the Central Government or the Commission under the provisions of the Act, including but not limited to an Order passed under Sections 10, 11, 12, 13, 14 and 15 shall lie before the National Green Tribunal within 6 months from the date on which such a dispute arose.

26. Bar of Jurisdiction - 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.

27. Power of Central Government to make rules –

(1) The Central Government may, by notification, make rules for carrying out any of the provisions contained in this Act.

(2) Without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely —

- i. Provision of any relief contemplated under Section 10 of this Act;
- ii. Form and manner of Climate Risk Insurance Schemes under Chapter IV of this Act;
- iii. For other classes of businesses or persons who would be covered under Chapter III of this Act;
- iv. Particulars in form and manner of reporting to be followed by activities having material adverse effect under Section 15 of this Act;

28. Act not in derogation of any other law –

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.

29. Power for Removal of Difficulties–

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:

Provided no such order shall be made under this section after the expiry of a period of two years from the date of first notification of a Vulnerable Area under this Act.