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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\+ W.P.(C) 6319/2022

ROHIT MADAN ..... Petitioner

Through: Mr. Akshay Ravi, Mr.Anshumaan Sahni, Advocates with Petitioner-in-person

versus

UNION OF INDIA THROUGH SECRETARY, MINISTRY OF ENVIRONMENT, FOREST, AND CLIMATE CHANGE & ORS. ..... Respondents

Through: Mr. Chetan Sharma, ASG with Mr.Harish Vaidyanathan Shankar, CGSC along with Mr.Amit Gupta, Mr.Rishav Dubey, Mr.Saurabh Tripathi, Mr.Sahaj Garg, Mr.Aakash Srivastava, Ms.Anushree Tripathi, Mr.Srish Kumar Mishra, Mr.Sagar Mehlawat, Mr.Alaxander Mathai Paikaday, Advocates for R-1

CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

O R D E R

% 04.08.2022

1. The petitioner before this Court has filed the present petition as a Public Interest Litigation for issuance of appropriate writ, order or direction, directing the Union of India to form an appropriate committee of experts for reviewing of the current policies and laws with reference to environment and prepare a road map to ensure compliance with the pledges India made in accordance with the Paris Agreement at the 2021 United Nations Framework Convention on Climate Change in Glasgow, UK (COP-26).

2. The petitioner has stated that India has made certain commitments before the UNFCCC in 2021 to reduce carbon footprint and the targets include long-term, mid-term and short-term targets and the pledges made by our country form part of and are in pursuance of the Paris Agreement to which India is also a signatory.

3. The petitioner has further stated that the goal of Paris Agreement is to reduce rise in global average temperature to below 1.5 degree Celsius above pre-industrial levels.

4. The petitioner has prayed for the following reliefs:

> *"i. Form a committee of eminent jurists, technical experts, management experts who can propose suggestions for taking all measures including any legislative amendments for following up on the promises made by Respondent no. 1 before the 2021 United Nations Framework Convention on Climate Change held in Glasgow, UK; and*
> *ii. The committee be tasked with laying out a roadmap for achieving the commitments made by the Indian Government before the UNFCCC; and*
> *iii. The committee be tasked with overseeing the multiple agencies responsible for implementing this and coordinating the same; and/or*
> *Pass any other and further order (s) and direction (s) as this Hon'ble Court may deem fit and proper in the interest of justice and equity"*

5. The matter was earlier listed on 20.04.2022 and the learned ASG, Mr. Chetan Sharma was directed to place on record the steps taken by Ministry of Environment, Forest and Climate Change, Government of India pursuant to the Paris Agreement.

6. The Union of India has filed a detailed exhaustive report and also brought to the notice of this Court that the Cabinet has approved India's

updated Nationally Determined Contribution which is a step towards achieving India's long-term goal of reaching net-zero by 2070.

7. It has also been brought to the notice of this Court that the approval of the Cabinet translates Prime Minister "Panchamrit" announced at COP-26 into enhanced climate targets and India is now committed to reduce emissions intensity of its GDP by 45 percent by 2030.

8. The status report filed by the Union of India highlights key initiatives and achievements in climate control action and paragraphs 1 to 78 of the status report read as follows:

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I. ***COMMITMENTS MADE TO THE UNITED NATIONS FRAMEWORK CONVENTION ON CLIMATE CHANGE (UNFCCC) AND ITS PARIS AGREEMENT***

1. *The Respondent No. 1 has submitted its Intended Nationally Determined Contributions (INDCs) to the UNFCCC, and is implementing the Nationally Determined Contributions (NDCs) during the period of 2021-2030. India's NDC are ambitious and they make a significant contribution towards achieving the temperature goals of the Paris Agreement[1]. The 8 goals put forth by India in its NDC (including three quantifiable goals) are as under[2]:*

i. To put forward and further propagate a healthy and sustainable way of living based on traditions and values of conservation and moderation.

ii. To adopt a climate friendly and a cleaner path than the one followed hitherto by others at corresponding level of economic development.

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[1] Press Information Bureau 02.10.2015. https://pib.gov.in/newsite/printrelease.aspx?relid=128403

[2] UNFCCC NDC Registry https://unfccc.int/NDCREG (In accordance with Article 4, paragraph 12 of the Paris Agreement); India's NDC as submitted to the UNFCCC on 02.10.2015 https://unfccc.int/sites/default/files/NDC/2022-06/INDIA%20INDC%20TO%20UNFCCC.pdf

iii. *To reduce the emissions intensity of its GDP by 33 to 35% by 2030 from 2005 level.*

iv. *To achieve about 40% cumulative electric power installed capacity from non-fossil fuel based energy resources by 2030 with the help of transfer of technology and low cost international finance including from Green Climate Fund (GCF).*

v. *To create an additional carbon sink of 2.5 to 3 billion tonnes of CO2 equivalent through additional forest and tree cover by 2030.*

vi. *To better adapt to climate change by enhancing investments in development programmes in sectors vulnerable to climate change, particularly agriculture, water resources, Himalayan region, coastal regions, health and disaster management.*

vii. *To mobilize domestic and new & additional funds from developed countries to implement the above mitigation and adaptation actions in view of the resource required and the resource gap.*

viii. *To build capacities, create domestic framework and international architecture for quick diffusion of cutting edge climate technology in India and for joint collaborative R&D for such future technologies.*

*II. **ANNOUNCEMENTS AT COP 26***

2. *At UNFCCC COP 26, Hon'ble PM of India announced that –*

i. *India will reach its non-fossil energy capacity to 500 GW by 2030;*

ii. *India will meet 50 percent of its energy requirements from renewable energy by 2030;*

iii. *India will reduce the total projected carbon emissions by one billion tonnes from now onwards till 2030;*

iv. *By 2030, India will reduce the carbon intensity of its economy by less than 45 percent;*

and

v. By the year 2070, India will achieve the target of Net Zero.[3]

3. *India also launched a campaign – LIFE – "Lifestyle for Environment" for environment conscious lifestyle focusing on mindful and deliberate utilization of resources.*

4. *On the sidelines of COP 26, Hon'ble PM of India launched 'Infrastructure for Resilient Island States' (IRIS) under Coalition for Disaster Resilient Infrastructure (CDRI) for easy and faster mobilization of technology, finance and necessary information for Small Island Developing States (SIDS). The initiative will promote quality infrastructure in SIDS and will benefit both lives and livelihoods.*[4]

5. *Hon'ble PM of India also launched "Green Grids Initiative - One Sun, One World, One Grid" during COP 26 for availability of clean energy from a world-wide grid everywhere at all times and reducing the need for storage and increase in viability of solar projects. The imitative will not only reduce carbon footprint and cost of energy, but will also open a new avenue of cooperation between different regions and countries.*[5]

III. ***INITIATIVES BEING IMPLEMENTED BY RESPONDENT NO. 1 TO ACHIEVE INDIA'S CLIMATE CHANGE COMMITMENTS***

III.A.EMISSIONS REDUCTION

6. *India has achieved reduction of 24% in emission intensity of its GDP between 2005 and 2016, thereby achieving its pre-2020 voluntary target.* [6]

7. *53.7 million tonnes of CO_2 emissions have reduced due to adoption of supercritical units in India.*[7]

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[3] Press Information Bureau. 01.11.2021. https://pib.gov.in/PressReleasePage.aspx?PRID=1768712

[4] Press Information Bureau. 02.11.2021. https://pib.gov.in/PressReleaseIframePage.aspx?PRID=1769002

[5] Press Information Bureau. 02.11.2021. https://pib.gov.in/PressReleasePage.aspx?PRID=1769062

[6] MoEFCC. (2021). India: Third Biennial Update Report to the United Nations Framework Convention on Climate Change. Ministry of Environment, Forest and Climate Change, Government of India. https://unfccc.int/sites/default/files/resource/INDIA_%20BUR-3_20.02.2021_High.pdf

[7] Supra Note 3

8. *Government is promoting co-firing 5-7% biomass pellets in thermal power plants, resulting in CO_2 savings of 38 MMT annually.*[8]

9. *In the Union Budge 2022-23, Government of India has announced four pilot projects for coal gasification and conversion of coal into chemicals required for industry to evolve technical and financial viability.*[9]

10. *As part of government's overall market borrowings in 2022-23, issuing sovereign Green Bonds for mobilizing resources for green infrastructure has been announced. The proceeds will be deployed in public sector projects which help in reducing carbon intensity of the economy.*[10]

III.B. <u>PHASING DOWN HYDROFLUOROCARBONS (HFCS)</u>

11. *As per the Kigali Amendment, India will complete its phase down of HFCs in 4 steps from 2032 onwards with cumulative reduction of 85% of production and consumption of HFCs in 2047.*[11]

12. *The Union Cabinet has approved the Ratification of Kigali Amendment by India. MoEF&CC is working towards developing a national strategy for phasing down HFCs by 2023 (after consultation with all industry stakeholders).*

13. *The Hydrofluorocarbons phasedown is expected to prevent emissions of up to 105 million tonne CO_2 eq, helping to avoid up to 0.5℃ of global temperature rise by 2100, while*

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[8] Press Information Bureau. 01.02.2022. https://pib.gov.in/PressReleaseIframePage.aspx?PRID=1794470#:~:text=Co%2Dfiring%20of%20five%20to,stubble%20burning%20in%20agriculture%20fields . AND Press Information Bureau. 24.03.2022. https://pib.gov.in/PressReleaseIframePage.aspx?PRID=1809286

[9] Press Information Bureau. 01.02.2022. https://pib.gov.in/PressReleaseIframePage.aspx?PRID=1794470#:~:text=Co%2Dfiring%20of%20five%20to,stubble%20burning%20in%20agriculture%20fields .

[10] Press Information Bureau. 01.02.2022. https://pib.gov.in/PressReleaseIframePage.aspx?PRID=1794470#:~:text=Co%2Dfiring%20of%20five%20to,stubble%20burning%20in%20agriculture%20fields .

[11] Press Information Bureau. 18.08.2021. https://pib.gov.in/PressReleasePage.aspx?PRID=1746948

continuing to protect ozone layer.[12]

III.C. NON-FOSSIL FUEL-BASED ENERGY CAPACITY

14. *Globally, India stands 4th in terms of installed renewable energy capacity, 4th in terms of wind installed capacity and 5th in terms of solar installed capacity.*[13]

15. *India's current renewable energy capacity (including large hydro) is 159.9 Giga Watts, which is 39.7% of the country's total capacity.*[14]

16. *India has achieved 41% of its non-fossil fuel based installed capacity and stands at 166.7 GW as of May 2022.*[15]

17. *India's annual renewable energy addition has been exceeding that of coal based thermal power since 2017. In the last 7.5 years, India's installed renewable energy capacity has increased by 286%.*[16]

18. *India's installed solar energy capacity stands at about 56.951 GW as of 1 June 2022.*[17]

19. *To facilitate domestic manufacturing for the ambitious goal of 280 GW of installed solar capacity by 2030, Government of India, in Union budget 2022-23, has announced an additional allocation of Rs. 19,500 crores for Production Linked Incentive for manufacture of high efficiency modules, with priority to fully integrated manufacturing units.*[18]

20. *Government of India has installed about 19 times*

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[12] Press Information Bureau. 18.08.2021. https://pib.gov.in/PressReleasePage.aspx?PRID=1746946

[13] Press Information Bureau. 12.08.2021. https://pib.gov.in/PressReleasePage.aspx?PRID=1745254

[14] Press Information Bureau. 28.12.2021. https://cea.nic.in/wp-content/uploads/installed/2022/05/installed_capacity.pdf

[15] All India Installed Capacity of Power Stations. Central Electricity Authority. https://cea.nic.in/wp-content/uploads/installed/2022/05/installed_capacity.pdf

[16] International Solar Alliance. Accelerating Renewable Developments International Conference REvision2022. 02.03.2022. https://www.renewable-ei.org/pdfdownload/activities/01_S1_AjayMathur_ISA.pdf

[17] Ministry of New & Renewable Energy. Programme/Scheme wise Cumulative Physical Progress as on May, 2022. https://mnre.gov.in/the-ministry/physical-progress

[18] Press Information Bureau. 01.02.2022. https://pib.gov.in/PressReleasePage.aspx?PRID=1794473

higher solar pumps between 2014 and 2019.[19]

21. *As on 30th November 2021, 52 solar parks have been sanctioned with a cumulative capacity of 37.92 Giga Watt in 14 States.*[20]

22. *As on 30th November 2021, a cumulative of 5.7 GW solar roof top projects have been set up in the country.*[21]

23. *The Government has notified wind solar hybrid policy, providing a framework for promotion of large grid connected wind-solar PV hybrid projects for optimal and efficient utilization of transmission infrastructure and land, reducing the variability in renewable power generation and achieving better grid stability.*

24. *The Cabinet has approved Intra-State Transmission System – Green Energy Corridor Phase II with a total estimated cost of Rs. 12,031 crore. The scheme will help in achieving the target of 450 GW installed renewable energy capacity by 2030.*[22]

25. *International Solar Alliance (ISA), launched in 2015, is Prime Minister's vision to bring clean and affordable energy within reach of all, and enhance international collaboration with countries having solar potential. So far, 107 countries have signed the Framework Agreement of ISA with 86 of them ratifying it.* [23]

26. *Hon'ble Prime Minister of India announced the National Hydrogen Mission for generating hydrogen from green energy sources.*[24] *The Mission aims to aid the*

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19 Ministry of New & Renewable Energy. Initiatives & Achievements. Main Website Page. https://mnre.gov.in/

20 Supra Note 14 Press Information Bureau. 28.12.2021. https://pib.gov.in/PressReleaseIframePage.aspx?PRID=1785808

21 Id Note

22 Press Information Bureau. 06.01.2022. https://pib.gov.in/PressReleaseIframePage.aspx?PRID=1788011

23 International Solar Alliance. https://isolaralliance.org/

24 https://www.pmindia.gov.in/en/news_updates/pms-address-from-the-red-fort-on-75th-independence-day/?comment=disable

Government in meeting its climate targets and making India a green hydrogen hub.

27. *Government of India has notified Green Hydrogen/ Green Ammonia Policy which will help in meeting the target of production of 5 million tonnes of Green Hydrogen by 2030 and the related development of renewable energy capacity. It is a major policy enabler for production of Green Hydrogen/ Green Ammonia using renewable sources of energy.*[25]

28. *Various hydrogen powered vehicles have been developed and demonstrated under projects supported by Government of India. These include 6 Fuel Cell buses (by Tata Motors Ltd.), 50 hydrogen enriched CNG (H-CNG) buses in Delhi (by Indian Oil Corporation Ltd. in collaboration with Govt. of NCT of Delhi), 2 hydrogen fuelled Internal Combustion Engine buses (by IIT Delhi in collaboration with Mahindra & Mahindra), fifteen hydrogen fuelled 3-wheelers (by IIT Delhi in collaboration with Mahindra & Mahindra), 2 Hydrogen-Diesel dual fuel cars (by Mahindra & Mahindra) and one fuel cell car (by CSIR-National Chemical Laboratory, CSIR-Central Electrochemical Laboratory and CSIR-National Physical Laboratory).* [26]

29. *Government, in Budget 2022-23, has announced inclusion of Data Centres and Energy Storage Systems including dense charging infrastructure and grid-scale battery systems in harmonized list of infrastructure. This will facilitate credit availability for digital infrastructure and clean energy storage.*[27]

III.D. <u>ENERGY EFFICIENCY</u>

30. *Perform Achieve and Trade (PAT) scheme, targeting carbon emission reduction in 13 energy intensive sector, has led to energy savings of ~ 17 MTOE and resulted into mitigation of about 87 million tonnes of CO_2 per year.*[28]

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[25] Press Information Bureau. 17.02.2022. https://pib.gov.in/PressReleasePage.aspx?PRID=1799067

[26] Press information Bureau. 15.12.2021. https://pib.gov.in/PressReleasePage.aspx?PRID=1781651

[27] Press Information Bureau. 01.02.2022. https://pib.gov.in/PressReleseDetailm.aspx?PRID=1794140

[28] Press Information Bureau, 08.06.2021. https://pib.gov.in/PressReleseDetailm.aspx?PRID=1725448

31. *More than 367 million LED bulbs have been distributed under UJALA scheme, which has led to energy saving of more than 47 billion units of electricity per year and reduction of 3.88 million tonnes of CO_2 per year. This has resulted in saving a cost of INR 19,150 crore per year.*[29]

32. *In Budget 2022-23, India has announced energy efficiency and saving measurements in large commercial buildings through Energy Service Company (ESCO) business model. This is expected to facilitate capacity building and awareness for energy audits, performance contracts and common measurement & verification protocol.*[30]

33. *India is one of the first countries to develop a comprehensive Cooling Action Plan which provides an integrated vision towards cooling across sectors encompassing, inter alia, reduction of cooling demand, refrigerant transition, enhancing energy efficiency and better technology options by 2037-38 through forging synergies with on-going programmes/ schemes of the Government.*[31]

34. *This will help in reducing cooling energy requirements by 25-40% by 2037-38, thereby, emissions of low GHG related to cooling.*[32]

III.E. FORESTRY

35. *Under National Mission for a 'Green India' an area of 1.96 lakh ha has been restored in 16 States in the country with an investment of Rs. 595 crore. Under the Mission, 1 million families have been benefitted and 5 million man-days have been generated.*[33]

36. *The Green India Mission also implemented Ecosystem Services Improvement Project with an investment of USD 24.64 million. Carbon Flux towers have been installed in*

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[29] National UJALA Dashboard. 03.11.2020. http://ujala.gov.in/

[30] Press Information Bureau. 01.02.2022. https://pib.gov.in/PressReleaseIframePage.aspx?PRID=1794470

[31] Press Information Bureau. 14.03.2022. https://pib.gov.in/PressReleaseIframePage.aspx?PRID=1805795

[32] Press Information Bureau. 08.03.2019. https://pib.gov.in/PressReleaseIframePage.aspx?PRID=1568328

[33] Evergreen Performance – 7 Years of Achievements 2014 – 2021. MoEFCC. Government of India.

Chhattisgarh and Madhya Pradesh.[34]

37. *India's total forest and tree cover, as reported in India's State of the Forest Report 2021, is 8,09,537 sq. km. which is 24.62% of the total geographical area of the country. This is an increase of 2261 sq. km. (0.28%) compared to the previous assessment of 2019.*[35]

38. *Total carbon stock in country's forest is estimated to be 7204 million tonnes, showing an increase of 79.4 million tonnes compared to previous assessment of 2019. The annual increase is 39.7 million tonne, which is 145.6 million tonne CO_2 eq.*[36]

III.F. <u>SUSTAINABLE TRANSPORT</u>

39. *Government of India is promoting shift to use of public transport in urban areas, which will be completed by clean tech and governance solutions, special mobility zones with zero fossil-fuel policy and electric vehicles.*

40. *India is one of the member countries of the Electric Vehicles Initiative (EVI), a multi-government policy forum dedicated to accelerating the introduction and adoption of electric vehicles worldwide.*[37]

41. *India is implementing the Faster Adoption and Manufacturing of (Hybrid &) Electric Vehicles in India Scheme to support the electric vehicle market development and its manufacturing eco-system to achieve self-sustenance.*

42. *In Phase I of FAME, 0.28 million hybrid and electric vehicles are supported by way of demand incentive amounting to about INR 359 crore.*

43. *Phase-II of FAME India Scheme, for a period of 3 years, began in April 2019 with total budgetary support of INR*

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[34] Id Note.

[35] India State of Forest 2021 Report (ISFR). 20.01.2022. https://static.pib.gov.in/WriteReadData/specificdocs/documents/2022/jan/doc20221207001.pdf

[36] India State of the Forest Report 2021. Ministry of Environment, Forest and Climate Change, Government of India. https://fsi.nic.in/isfr-2021/acknowledgement-executive-summary.pdf

[37] https://www.iea.org/areas-of-work/programmes-and-partnerships/electric-vehicles-initiative

10000 crore.[38]

44. *The Phase-II of FAME India Scheme was redesigned in June 2021 based on experience of COVID-19 pandemic and feedback from industry and users. An additional allocation of Rs. 1000 crore has been made for provision of EV charging stations. Total 1.85 lakh electric vehicles have been incentivized under FAME II till now.*[39]

45. *Considering the constraint of space in urban areas for setting up charging stations, India is bringing out battery swapping policy.*

46. *India has leapfrogged from Bharat Stage-IV (BS-IV) to Bharat Stage-VI (BS-VI) emission norms by April 1, 2020 which was earlier to be adopted by 2024.*[40]

47. *India has announced a voluntary vehicle scrapping policy to phase out old and unfit vehicles, which will help in encouraging fuel-efficient and environment friendly vehicles.*[41]

48. *A total of 702 km of conventional metro is operational in the country, and another 1,016 km of metro and RRTS is under construction in 27 cities. India has announced deployment of two new technologies to provide metro rail systems at much lesser cost with same experience, convenience and safety.*[42]

49. *Indian Railways has taken a number of initiatives including setting up Dedicated Freight Corridors, Railway electrification, improving energy efficiency in traction, increasing share of renewable energy, improving water use efficiency, afforestation, bio-toilets, green certification and*

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[38] Ministry of Heavy Industries. 28.03.2022. https://fame2.heavyindustries.gov.in/content/english/13_1_brief.aspx#:~:text=Government%20has%20approved%20Phase%2DII,(xEVs)%20in%20the%20country .

[39] Press Information Bureau. 22.12.2021. https://pib.gov.in/PressReleasePage.aspx?PRID=1784161

[40] Press Information Bureau. 07.10.2019. https://pib.gov.in/newsite/PrintRelease.aspx?relid=193664

[41] Press Information Bureau. 18.03.2021. https://pib.gov.in/PressReleaseIframePage.aspx?PRID=1705811

[42] Press Information Bureau. 01.02.2021. https://pib.gov.in/PressReleasePage.aspx?PRID=1693893

solid waste management.[43]

50. *Indian Railways has set a target of becoming Net Zero Carbon Emitter by 2030, which will lead to a reduction of emissions by 60 million tonnes annually.*[44]

51. *The Government is taking up National Ropeways Development Programme as an ecologically sustainable alternative to conventional roads in hilly areas. The programme will cover congested urban areas where conventional mass transit system is not feasible.*[45]

III.G. <u>POLLUTION</u>

52. *Government of India has released E-20 Notification directing Oil Companies to sell ethanol blended petrol with percentage of ethanol up to 20% from 1st April 2023; and BIS Specifications for higher ethanol blends E12 & E15.*[46]

53. *The Government of India has resolved to meet the target of 20% ethanol blending in petrol by 2025, which was earlier to be achieved by 2030.*[47]

54. *Ethanol blending in India has increased from 1.5% in 2014 to 8.5% at present. In 2013-14, about 38 crore liters of ethanol were purchased in the country which has now grown to more than 320 crore liters.*[48]

55. *To encourage efforts for blending of fuel, in Union Budget 2022-23, Government has announced levying of*

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[43] Press Information Bureau. 26.12.2020. https://www.pib.gov.in/PressReleasePage.aspx?PRID=1683803

[44] National Statement by Prime Minister Shri Narendra Modi at COP 26 Summit in Glasgow. Ministry of External Affairs. Government of India. https://www.mea.gov.in/Speeches-Statements.htm?dtl/34466/National+Statement+by+Prime+Minister+Shri+Narendra+Modi+at+COP26+Summit+in+Glasgow

[45] Press Information Bureau. 15.02.2022. https://static.pib.gov.in/WriteReadData/specificdocs/documents/2022/feb/doc202221516101.pdf

[46] Press Information Bureau. 05.06.2021. https://pib.gov.in/PressReleseDetail.aspx?PRID=1724642

[47] Press Information Bureau. 05.06.2022. https://pib.gov.in/PressReleaseIframePage.aspx?PRID=1831289

[48] Supra Note 44

additional differential excise duty of Rs 2/ litre on unblended fuel from the 1st October 2022.[49]

56. *Pradhan Mantri Ujjwala Yojana, to provide rural households with clean cooking fuel, has benefitted 80 million households with LPG connections. The scheme has been extended to 10 million more beneficiaries.*[50]

III.H. SUSTAINABLE HABITAT

57. *Under Smart Cities Mission, first-of-its-kind initiative – Climate Smart Cities Assessment Framework 2019 has been launched which intends to provide clear roadmap for cities and urban India towards combating climate change through adoption of both mitigation and adaptation measures.*[51]

58. *India has announced Urban Swachh Bharat Mission 2.0 which will be implemented with a total financial allocation of Rs. 1416 billion (1,41,678 crores) over a period of 5 years from 2021-2026.*[52]

59. *The Government has announced financial support for mass transit projects and AMRUT scheme for formulation of action plans and their implementation for facilitating Transit Oriented Development and Town Planning Schemes by States.*[53]

IV. OTHER SECTORAL INITIATIVES

60. *Besides these efforts, India is also emphasizing on Mission Circular Economy.*

61. *India has prepared action plans for circular economy in ten sectors including electronic waste, end-of-life vehicles, used oil waste and toxic & hazardous industrial waste.*

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[49] Press Information Bureau. 27.02.2022. https://static.pib.gov.in/WriteReadData/specificdocs/documents/2022/feb/doc202222720201.pdf

[50] Press Information Bureau. 23.02.2022. https://www.pmuy.gov.in/index.aspx

[51] Press Information Bureau. 11 September 2020. https://pib.gov.in/PressReleasePage.aspx?PRID=1653293

[52] Press Information Bureau. 01.02.2021. https://www.pib.gov.in/PressReleasePage.aspx?PRID=1693905 and 01.10.2021. https://pib.gov.in/PressReleasePage.aspx?PRID=1760039

[53] Press Information Bureau. 01.02.2021. https://pib.gov.in/PressReleasePage.aspx?PRID=1794159

Focus is now being laid on addressing important cross cutting issues of infrastructure, reverse logistics, technology upgradation and integration with informal sector.

62. *Two National Centres of Excellence in Carbon Capture and Utilisation are being established in India at Indian Institute of Technology (IIT) Bombay, Mumbai and Jawaharlal Nehru Centre for Advanced Scientific Research (JNCASR), Bengaluru with support from Department of Science and Technology.*[54]

63. *India, in partnership with Sweden, launched the Leadership group in Industry transition track at UN Climate Action Summit in September, 2019. The LeadIT initiative supports NDC implementation with focus on hard to abate industrial sectors. So far, 16 countries and 19 companies are members of LeadIT.*[55]

64. *During the event, India also announced the launch of Coalition for Disaster Resilient Infrastructure and its plan to spend USD 50 billion for conservation and development of water resources through Jal Jeevan Mission.*

65. *India, along with the United States of America, launched the "Climate Action and Finance Mobilisation Dialogue" on 13th September 2021.*[56]

66. *Government of India launched a major futuristic PPP (Public Private Participation) mode initiative for clean energy - "Mission Integrated Bio-refineries" centered on technology advancement and cooperation, zero waste bio-refinery for cost effective production of sustainable bio-fuels with co-production of bio-based chemicals and materials, using bio-technological interventions.*[57]

V. ***INITIATIVES BY COAL COMPANIES***

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[54] Press Information Bureau. 10 February 2022. https://pib.gov.in/PressReleaseIframePage.aspx?PRID=1797178#:~:text=The%20two%20Centres%2C%20namely%20the,Bengaluru%20are%20being%20set%20up

[55] https://www.industrytransition.org/members/

[56] Press Information Bureau. https://pib.gov.in/MediaInvitationShare.aspx?InvitationID=155724

[57] Press Information Bureau. 4th April 2022. https://pib.gov.in/PressReleasePage.aspx?PRID=1813329

67. *NTPC is the first company in energy domain in India to declare its Energy Compact goals as part of UN High-level Dialogue on Energy (HLDE). It has set a target to install 60 GW of renewable energy capacity by 2032 and is also aiming at 10% reduction in net energy intensity by 2032.* [58]

68. *Coal India Limited has set a target to establish 3 GW of Solar PV projects by FY 2024 to become self-reliant in electricity. In addition, 1 mega SPV Project with 1000 MW capacity will be set up in joint collaboration of CIL and NLCIL with an investment of Rs. 4000 crore.*[59]

VI. ***INTERNATIONAL AND DOMESTIC IMPLEMENTATION MECHANISMS & DOMESTIC POLICY INITIATIVES***

69. *The implementation of the Paris Agreement has commenced on 1st January 2021. The Apex Committee for Implementation of Paris Agreement (AIPA) has been set up on 27th November 2020 to specifically work for ensuring a coordinated response on climate change matters that protects the country's interests and ensures that India is on track towards meeting its climate change obligations under the PA, including its NDCs (India's commitments under its NDCs are for the period of 2021 – 2030). The AIPA will also oversee the progress in implementation of India's NDCs, and monitor and review India's climate goals, and regulates carbon markets in India.*[60] *The composition of the AIPA is inter-ministerial, chaired by the Secretary, MoEFCC and with representation from all line ministries of Government of India, pertaining to climate change. The AIPA also coordinates activities and carries out detailed examination of climate change related issues through experts or by consulting organizations.The AIPA has convened 3 Meetings in 2021-2022 under the Chairpersonship of Secretary, EF&CC.*

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[58] Press Information Bureau. 27 June 2021. https://pib.gov.in/PressReleasePage.aspx?PRID=1730716

[59] Press Information Bureau. 26 February 2021. https://pib.gov.in/Pressreleaseshare.aspx?PRID=1701117

[60] Press Information Bureau. https://pib.gov.in/PressReleaseIframePage.aspx?PRID=1677630

70. *Respondent No. 1 constituted the Executive Committee on Climate Change ("**ECCC**"), for assisting the Prime Minister's Council on Climate Change ("**PMCCC**") in evolving a coordinated response to issues relating to climate change. Chaired by the Principal Secretary to the Prime Minister, the ECCC monitors all climate change missions and other initiatives on climate change of Respondent No. 1. Chaired by the Hon'ble Prime Minister of India, the PMCCC is composed of Minister-level representation from line ministries of Government of India related to Climate Change, and experts. The ECCC is composed of inter-ministerial Secretary-level representation from all line ministries of Government of India, pertaining to climate change.*

71. *The ECCC convened bi-annually in 2021 (for its Seventh and Eighth Meetings in February and September 2021 respectively) to discuss the progress of all climate actions such as – revisions of national missions (which pave the roadmap of achieving India's NDCs commitments); monitoring progress of quantifiable deliverables of missions; approval of new national missions in identified areas of concern; revision of state action plans on climate change; revision of NDCs; drafting of long term strategies; etc.*

72. *The UNFCCC and its Paris Agreement have their own monitoring mechanisms. Measurement, Reporting, and Verification ("**MRV**") is a binding obligation under the PA, comprising of Parties submitting their National Communications ("**NCs**"); Biennial Update Reports ("**BURs**"); and Biennial Transparency Report ("**BTRs**").*

73. *India has been regularly undertaking mandatory submissions to the UNFCCC Climate Change Secretariat under the MRV mechanism. Two National Communications were submitted to the UNFCCC in 2004 and 2012; Three Biennial Update Reports have been submitted in 2015; 2018; and 2021. India's Third BUR was presented at COP-26 in November, 2021, complementing the multilateral process under the UNFCCC.*

74. *Responding to the call of COP-26 to Parties, Respondent No. 1 is in the process of updating its NDCs and*

*has initiated the preparation of India's Adaptation Communication ("**ADCOM**") and Long-Term Strategy ("**LTS**") towards achieving Net Zero by 2070; through a mechanism involving inter-ministerial and experts' consultation.*

75. *Respondent No. 1 is implementing the National Action Plan on Climate Change (NAPCC) since 2008*[61]*, which is guided by the following principles*[62]*:*

(i) protecting the poor and vulnerable sections of society through an inclusive and sustainable development strategy, sensitive to climate change;

(ii) achieving national growth through ecological sustainability;

(iii) devising efficient and cost-effective strategies for end use Demand Side Management;

(iv) deploying appropriate technologies for both adaptation and mitigation of greenhouse gases emissions;

(v) engineering new and innovative forms of market, regulatory and voluntary mechanisms to promote sustainable development;

(vi) effecting implementation of programmes by including civil society and local government institutions and through public-private partnership; and

(vii) welcoming international cooperation for research, development, sharing and transfer of technologies.

The NAPCC encompasses eight core missions in the specific areas of Solar Energy, Enhanced Energy Efficiency, Sustainable Habitat, Water, Sustaining the Himalayan Eco-system, Strategic Knowledge for Climate Change, Green India, and Sustainable Agriculture. These specific areas tackle core issues pertaining to climate change, outlining steps to simultaneously advance India's development and climate change related-objectives of adaptation and mitigation.

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[61] Press Information Bureau.
https://static.pib.gov.in/WriteReadData/specificdocs/documents/2021/dec/doc202112101.pdf

[62] Press Information Bureau. 28.03.2022.
https://archivepmo.nic.in/drmanmohansingh/climate_change_english.pdf

76. *In terms of the domestic climate policies, after extensive consultation with the ECCC and AIPA, to fulfill India's domestic climate change commitments, the national missions have been revised.*

77. *Consistent with the objectives of NAPCC, State Action Plans on Climate Change (SAPCCs) are already in place for 33 States and Union Territories of the country, including the State of Gujarat. Within this policy document States and Union Territories have indicated their sector specific and cross sectoral priority actions for combating climate change. The state-level action plans for climate change are in the process of being revised, in line with the goals of the Paris Agreement and India's NDCs commitments.*

78. *The Government is also implementing the National Adaptation Fund for Climate Change (NAFCC) to support adaptation measures of States / UTs in areas that are particularly vulnerable to the adverse impacts of climate change. Under NAFCC, 30 projects have been sanctioned in 27 States to tackle the issues related to adaptation in agriculture, water, forestry, etc. Government of India has also embarked upon ambitious actions in the areas of renewable energy, afforestation, energy efficiency and urban development."*

9. The aforesaid status report makes it very clear that the Union of India is proceeding ahead at a war footing in implementing the Nationally Determined Contributions and the Union Cabinet chaired by Hon'ble Prime Minister has approved India's updated Nationally Determined Contribution to be communicated to the United Nations Framework Convention on Climate Change.

10. The aforesaid steps stated in the Status report makes it very clear that India has taken a leading role in the matter as Hon'ble Prime Minister of India at COP-26 proposed a one-word movement to the global community, LIFE i.e. Lifestyle for Environment and all efforts are being made in the

country for cleaner energy for the period 2021-30. Various incentive schemes have been approved for providing concession and incentives for production of manufacturing and adoption of renewable energy and all possible steps have been initiated to implement the climate change commitments made by the Hon'ble Prime Minister in the country.

11. This Court really appreciates the sincere efforts made on the part of the Ministry of Environment, Forest, and Climate Change, Government of India as well as other Ministries for ensuring implementation of the steps in respect of climate change and for providing a better environment for the generations to come.

12. Learned counsel for the petitioner, after taking into account the status report and also after taking into account the Cabinet approval in respect of India's updated Nationally Determined Contribution, was fair enough in stating before this Court that no further orders are required to be passed keeping in view the steps taken by the Ministry of Environment, Forest, and Climate Change, Government of India and prays for withdrawal of the Writ Petition.

13. The writ petition stands disposed of as withdrawn.

SATISH CHANDRA SHARMA, CJ

SUBRAMONIUM PRASAD, J

AUGUST 04, 2022
N.Khanna