XXXVIII

Bill No. XLVII of 2025

A Bill to provide for the recognition, prevention, and punishment of ecocide, ensure restoration of environmental harm, and promote environmental justice in accordance with constitutional and international environmental principles and for matters connected therewith or incidental thereto.

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

CHAPTER I

PRELIMINARY

Short title and commencement.

1. *(1)* This Act may be called the Ecocide (Prevention and Accountability) Act, 2025.

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

Interpretation.

2. In this Act, unless the context otherwise requires—

(a) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government;

(b) "Board" means the National Ecocide Remediation Board constituted under section 26;

(c) "Bond" means the Ecocide Restoration Bond under section 25;

(d) "Commission" means the District Ecocide Prevention Commissions established in every district under section 13;

(e) "ecocide" means any unlawful or wanton act or omission, committed with knowledge of substantial likelihood of severe, widespread or long-term damage to the environment, including harm to ecosystems, biodiversity, and natural resources;

(f) "environment" shall have the same meaning as assigned to it under clause *(a)* of section *2* of the Environment (Protection) Act, 1986; 29 of 1986.

(g) "Fund" means the National Ecocide Remediation Fund established under section 26;

(h) "Local Fund" means the Local Ecocide Remediation Funds established under section 28;

(i) "long-term" means irreversible or non-recoverable damage for a period not less than ten years;

(j) "Magistrate" means a Magistrate, as per the Bharatiya Nagarik Suraksha Sanhita, 2023; 46 of 2023.

(k) "person" includes any company or association or body of persons, whether incorporated or not;

(l) "prescribed" means prescribed under the rules made under this Act;

(m) "restoration" means the process of ecological remediation of environmental damage as ordered by a competent authority;

(n) "Tribunal" means the National Green Tribunal;

(o) "widespread" means extending beyond a limited geographical area, crossing ecological boundaries and impacting multiple regions or ecosystems or ecological units; and

(p) "Wing" means Special Environmental Investigation Wing established by the Central Government under section 8.

Meaning of wanton.

3. For the purposes of this Act, an act or omission shall be deemed to be "wanton" where it is performed with reckless disregard for substantial and foreseeable environmental harm, wherein the actor is aware of the high likelihood of causing serious ecological damage, but proceeds without justifiable reason or adequate safeguards to prevent or mitigate such harm.

Explanation.— The term shall include, but not limited to, –

(i) a conduct that demonstrates callous indifference to environmental consequences of the act or omission;

(ii) a failure to conduct due diligence or necessary environmental impact assessment, as per the criteria given in the Second Schedule to the Act; or

(iii) implementing risk mitigation measures in the face of credible ecological warnings or objections.

Meaning of unlawful.

4. For the purposes of this Act, an act or omission shall be deemed to be "unlawful" where it,–

(a) violates any provision of this Act, or the rules or regulations or notifications made thereunder;

(b) contravenes any law for the time being in force intended to protect the environment, biodiversity, forests, wildlife, water bodies, climate, or human health; or

(c) is conducted without obtaining necessary consent, clearance, license, or authorization mandated under applicable environmental laws or judicial orders in India.

Explanation.— The term shall also include, but not be limited to activities that,–

(i) continue after suspension, revocation, or expiry of lawful permission; or

(ii) are carried out in defiance of stop-work, remediation, or cease-and-desist orders.

Environmental destruction amounting to ecocide.

5. Whoever commits any unlawful or wanton act or omission with knowledge that such act or omission is likely to cause severe and either widespread or long-term damage to the environment, which includes, but is not limited to-

(i) large-scale destruction of protected ecosystems, as given in the First Schedule to the Act or other ecosystems, habitats, or biodiversity in the country, as may be notified by the Central Government, in consultation with the State Governments;

(ii) release, dumping, emission, or discharge of toxic or hazardous substances or pollutants that causes irreparable harm to air, soil, water, marine or terrestrial life;

(iii) alteration, degradation, or contamination of protected areas, critical wildlife corridors, wetlands, coastal zones, glaciers, or protected ecological sites;

(iv) wilful denial of ecological access or environmental rights to communities resulting in mass displacement, disease, or livelihood loss; whether caused by industrial activity, developmental operations, extractive projects, military activity, or any other anthropogenic intervention, and irrespective of the presence or absence of a declared environmental emergency;

shall be guilty of the offence of ecocide.

Explanation .— The offence of ecocide shall be deemed to constitute a grave environmental offence crime amounting to a serious threat to ecological integrity, public health, intergenerational equity and the constitutional values.

CHAPTER II

INVESTIGATION AND COGNIZANCE

Nature of Ecocide.

6. *(1)* Every offence of ecocide shall be deemed to be —

(i) cognizable, within the meaning of sub-clause *(g)* of clause *(1)* of section *2* of the Bharatiya Nagarik Suraksha Sanhita, 2023;

46 of 2023.

(ii) non-bailable:

Provided that no person accused of ecocide shall be entitled to bail as a matter of right;

(iii) non-compoundable and not subject to compromise, settlement, or withdrawal, except with the express leave of Tribunal, Sessions Court or the High Court, as the case may be, upon satisfaction that such leave will not in any way compromise environmental interest.

(2) Every offence of ecocide shall be tried by a court not below Sessions Court.

(3) The investigation into an offence of ecocide shall be completed within a period of ninety days from the date of filing of the First Information Report:

Provided that the Sessions Court may, for reasons to be recorded in writing, extend the period for completion of such investigation by such further period, as it may deem necessary.

Cognizance by Magistrates.

7. *(1)* Notwithstanding anything contained in section 210 of the Bharatiya Nagarik Suraksha Sanhita, 2023, any Magistrate may take cognizance of an offence under this Act upon— 46 of 2023.

(*i*) a police report thereof;

(*ii*) receipt of a complaint made by any aggrieved person, local authority, or registered environmental group, in such form and manner as may be prescribed; or

(*iii*) *suo motu*

(2) No prior sanction of the Central or State Government shall be required for taking cognizance of any offence under this Act.

Establishment of the Special Environmental Investigation Wing.

8. The Central Government shall, by notification in the Official Gazette, establish a specialized body to be called the Special Environmental Investigation Wing, for the purposes of enforcement, oversight, intelligence gathering, and prosecution of offences under this Act.

Composition of the Wing.

9. ***(1)* The Wing shall consist of the following officers, to be appointed by the Central Government in consultation with the Union Ministry of Environment, Forest and Climate Change, in such manner as may be prescribed —**

***(i)* a Director-General, who shall be an officer of the rank not below Additional Secretary to the Government of India or equivalent, having special knowledge of environmental science, ecology, or environmental law;**

***(ii)* such number of Additional Directors, Deputy Directors, Investigating Officers, Environmental Analysts, Legal Officers, and other staff, as may be prescribed.**

***(2)* The qualifications and experience, term of office, salary and/or allowances and other terms and conditions of service of the officers of the Wing shall be such as may be prescribed**.

Powers and functions of the Wing.

10. **(***1)* The Wing shall exercise the following powers and perform all or any of the following functions, namely–

(i) to investigate into any violations of the provisions of this Act including acts amounting to ecocide, extending across the territories of two or more States within the territorial boundaries of the country;

(ii) to supervise and coordinate with the District Ecocide Prevention Commissions constituted under section 13;

(iii) to maintain a National Register of Ecocide and Environmental Offenders, in such form and manner as may be prescribed;

(iv) to advise the Central Government on matters relating to prevention, control, and prosecution of offences of ecocide;

(v) to coordinate with other statutory and environmental enforcement agencies including the Tribunal, the State Pollution Control Boards, and forest and wildlife authorities;

(vi) to receive and examine quarterly and special reports submitted by the District Commissions and issue appropriate advisories or directives based thereon;

(vii) to issue directions for forensic environmental audits, satellite surveillance, and scientific damage assessments;

(viii) to institute or assist in the institution of prosecutions before the competent court or Tribunal under this Act; and

(ix) to maintain a secure central repository of evidence, investigations, and judgments under this Act.

(2) The Wing shall, while investigating any matter referred to it under clauses *(i)* and *(viii)* of sub-section *(1),* have all the powers of a Civil Court while trying a suit and, in particular, in respect of the following matters, namely,–

(a) summoning and enforcing the attendance of any person from any part of India and examining him on oath;

(b) requiring the discovery and production of any document;

(c) receiving evidence on affidavits;

(d) requisitioning any public record or copy thereof from any court or office;

(e) issuing commission for the examination of witnesses and documents; and

(f) any other matter as may be prescribed.

Power to call for information and records.

11. The Wing may, by notice in writing, require any person, authority, company, or agency to furnish such information or produce such records or documents as may be necessary for the performance of its functions under this Act.

Power of arrest, seizure and inspection.

29 of 1986.

12. The Investigating Officers of the Wing shall have power equivalent to officers under the Environment Protection Act, 1986, for arrest, search and seizure, inspection of premises, and collection of evidence.

CHAPTER III

DISTRICT ECOCIDE PREVENTION COMMISSION

District Ecocide Prevention Commission.

13. The appropriate Government shall, by notification in the official Gazette, constitute, in every district within the States and Union territories, a body to be known as the District Ecocide Prevention Commission, for the purposes of—

***(a)* monitoring, preventing, investigating and reporting acts of ecocide within the territorial jurisdiction of the district; and**

***(b)* facilitating community-based ecological restoration and coordination with environmental authorities.**

Composition of the Commission.

14. ***(1)* The Commission shall consist of the following members, to be appointed or nominated in such manner as may be prescribed by the appropriate Government, namely –**

***(i)* the Executive Magistrate of the district, not below the rank of Sub-Divisional Magistrate, who shall be the *ex-officio* Chairperson of the Commission;**

***(ii)* one representative of the State Pollution Control Board – Member *ex-officio*;**

***(iii)* one officer of the Forest Department, not below the rank of Range Forest Officer – Member *ex-officio*;**

***(iv)* at least one scientist or ecologist of repute from any recognised academic or research institution - Member;**

***(v)* one member representing the local self-government institution, either from the Zila Parishad or the Municipal Council, as the case may be;**

***(vi)* one representative of a registered civil society organisation involved in environmental protection having demonstrable activity within the district for such period preceding the date of nomination, as may be prescribed by the appropriate Government; and**

***(vii)* at least one legal practitioner or academician having not less than ten years of experience in the field of environmental or criminal law;**

***(2)* The appropriate Government may, having regard to the ecological sensitivity, geographical spread, and administrative requirements of the district, prescribe by rules the number of members to be appointed under clauses *(iv)* and *(vii)* of sub-section *(1)*.**

***(3)* The appropriate Government may appoint such number of officers and staff to the Commission, as may be deemed necessary, to assist it in the efficient discharge of its functions under the Act.**

***(4)*The terms and conditions of appointment, remuneration, tenure, qualifications and experience of non-governmental members of the Commission as well as the method of recruitment, salaries and allowances payable to and other terms and conditions of service of the officers and staff of the Commission, shall be such as may be prescribed by the appropriate Government.**

(5) The Commission shall regulate its own procedure with the regard to transaction of its business.

Powers and functions of the Commission.

15. *(1)* The Commission shall exercise the following powers and discharge all or any of the following functions, namely:—

(i) receive and record complaints of acts amounting to, or likely to result in, ecocide within the district in such manner as may be prescribed by the appropriate Government;

(ii) conduct or cause to be conducted environmental site inspections, preliminary inquiries on the complaints received under clause *(i)* or otherwise, and ecological audits in response to complaints received or *suo motu*;

(iii) direct temporary cessation of activities posing an imminent threat to the ecological integrity of the district, subject to confirmation within seventy-two hours of receipt of information regarding such threat by the District Magistrate;

(iv) recommend preventive or remedial action to the concerned authorities including the State Pollution Control Board, Forest Department, or the Central Government, as the case may be;

(v) assist law enforcement agencies in the initiation of prosecution under this Act or any other applicable law;

(vi) refer matters involving trans-district or inter-State consequences to the Tribunal or to the Wing, as the case may be; Act;

(vii) facilitate, supervise and monitor community-led ecological restoration in accordance with the approved restoration orders issued by it under this Act;

(viii) maintain a District Register of Ecological Offences and Restoration Measures, in such form and manner as may be prescribed;

(ix) administer and maintain the Local Ecocide Remediation Funds established under section 28 of this Act; and

(x) such other functions as the appropriate Government may assign from time to time for the fulfilment of the provisions of this Act.

(2) The Commission shall while investigating any matter referred to it under clauses *(ii)*, *(iii)* and *(v)* of sub-section *(1),* have all the powers of a civil court, while trying a suit under the Code of Civil Procedure, 1908, in respect of the following matters, namely:— 5 of 1908.

(a) summoning and enforcing the attendance of any person from any part of India and examining him on oath;

(b) requiring the discovery and production of any document;

(c) receiving evidence on affidavits;

(d) requisitioning any public record or copy thereof from any court or office;

(e) issuing commissions for the examination of witnesses or documents; and

(f) any other matter which may be prescribed by the State Government.

16. *(1)* The Commission shall, in such form and manner as may be prescribed, submit quarterly and special reports to the Wing containing therein— Reporting mechanism.

(i) the details of complaints received and action taken thereon;

(ii) records of inspections conducted and restoration orders or directives issued;

(iii) updates on investigations or prosecutions pending or concluded; and

(iv) urgent matters warranting national attention or intervention.

(2) The Wing may issue such directions as may be necessary, on the basis of the reports under sub-section *(1)* and may require the Commission to furnish further information or documents in such form and manner as may be prescribed.

CHAPTER IV

PENALTIES AND PUNISHMENTS

17. Whoever commits the offence of ecocide shall be punished with imprisonment for a term which shall not be less than ten years, but which may extend to imprisonment for life, or with fine which may extend to five lakh rupees, or with both. Punishment for the offence of ecocide.

18. *(1)* Any person who,— Penalty for certain acts.

(i) fails to comply with any direction, order, or notice issued under this Act; or

(ii) obstructs any officer or authority in the discharge of their functions under this Act; or

(iii) provides false or misleading information in any environmental statement, report, audit, or restoration plan required under this Act; or

(iv) destroys, tampers with, or conceals evidence relating to an environmental offence under this Act; or

(v) fails to furnish data, documents, or returns as required by any authority empowered under this Act;

shall be punished with imprisonment for a term which may extend to three years, or with fine which may extend to fifty thousand rupees, or with both.

(2) Where the contravention continues after conviction, the offender shall be liable to an additional fine which may extend to twenty-five thousand rupees for every day during which such contravention continues.

(3) The offences under this section shall be deemed cognizable and non-bailable and may be tried summarily by a Magistrate or a Special Ecocide Court.

(4) Nothing in this section shall affect the applicability of other penalties under this Act for graver offences, including ecocide, and this section shall operate in addition to and not in derogation of any other provisions of this Act.

Offences by companies.

19. *(1)* Where an offence under this Act is committed by a company, every person who, at the time of the commission of the offence, was in charge of and responsible to the company for the conduct of its business or operations, as well as the company itself, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that no such person shall be liable for punishment under this Act, if they prove—

(a) that the offence was committed without their knowledge, or

(b) that they had exercised due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section *(1)*, where an offence under this Act is proved to have been committed with the consent, connivance, or attributable neglect of any director, managing partner, managing director, company secretary, compliance officer, or any other officer of the company, such individual shall also be deemed guilty of the offence and shall be liable to be proceeded against and punished in accordance with this Bill.

(3) In the case of a Government company, Public Sector Undertaking, or statutory authority, the person appointed or acting in the capacity of Chief Executive Officer, Project Head, or Controlling Officer of the activity giving rise to the offence shall be deemed responsible unless proven otherwise.

Explanation. — For the purposes of this section—

(a) "company" means any body corporate, and includes a firm, limited liability partnership, trust, public-private partnership, consortium, or any other association of persons (whether incorporated or not);

(b) "director" in relation to a firm or LLP means a partner or a designated partner, as the case may be;

(c) "officer" includes key managerial personnel, persons exercising control over environmental functions, or any other person declared by notification to be covered under this provision.

(4) When an offence is committed by a company, every person who was in charge at the time shall be deemed guilty unless proved otherwise.

(5) Where the company is convicted of the offence of ecocide or any other offence under this Act, the court may, in addition to any other penalty, direct the suspension, cancellation, or blacklisting of the company's environmental approvals, permits, or licences for such period as it deems fit.

20. Any company or corporate entity convicted under this Act shall be blacklisted from government contracts and foreign trade incentives for a minimum of five years.

Environmental disqualification of companies.

21. *(1)* Every restoration order issued under the provisions of this Act shall be founded upon the principles of ecological justice and sustainability, and shall be guided by the following doctrines,–

Principles and components of restoration orders.

(i) "Polluter Pays" Principle, wherein the individual, entity, or authority responsible for causing ecocide or significant ecological harm shall bear the entire cost of restoration, rehabilitation, and remediation, including ancillary community support;

(ii) Principle of Intergenerational Equity wherein the restoration measures shall prioritise the preservation of ecological health and natural capital for the benefit of present and future generations;

(iii) Restoration to Original Ecological State wherein the restoration efforts shall, to the extent feasible and scientifically possible, aim to reinstate the affected ecosystem to its pre-damage baseline, or to an equivalent level of biodiversity, productivity, and resilience;

(iv) Community-led Rehabilitation wherein the formulation, design, and execution of restoration activities shall actively involve local, tribal, and indigenous communities, ensuring their free, prior, and informed participation in all relevant stages; and

(v) Principle of Ecological Integrity wherein the restoration shall consider ecological interconnectedness, prioritising biodiversity conservation, functional ecosystem recovery, and avoidance of monoculture or artificial substitutes unless ecologically justified.

(2) Every restoration plan mandated under this Act shall include, but not be limited to, the following components,—

(i) a site-specific ecological damage assessment report, conducted in accordance with the criteria laid down in the Second Schedule of this Act, by an accredited environmental scientist, institution, or agency, outlining the type, scale, and extent of damage to air, water, soil, flora, fauna, and ecological services;

(ii) a valuation of biodiversity and ecosystem loss, including but not limited to loss of endangered species, critical habitats, traditional livelihoods, and ecosystem functions;

(iii) a scientifically designed restoration roadmap, comprising a realistic and time-bound schedule of remedial actions, ecological monitoring checkpoints, community engagement mechanisms, and adaptive strategies to ensure sustained recovery;

(iv) third-party certification and independent verification by a recognised environmental institute or scientist, attesting to the adequacy and credibility of the proposed restoration measures, before initiation and upon completion; and

(v) a financial estimate and plan indicating source of funds, liability obligations, and contribution to the Fund established under section 26, wherever applicable.

(3) The Central Government may, in consultation with the Wing established under section 8, prescribe model guidelines, standards, and monitoring frameworks for restoration activities under this Act, having regard to ecological fragility, cultural relevance, and climate resilience.

(4) The competent court, Tribunal, or authority may impose additional restoration-related obligations on the offender, including but not limited to—

(a) payment of interim ecological damages;

(b) community livelihood rehabilitation;

(c) periodic progress reporting; and

(d) independent environmental audit on completion.

(5) No restoration plan shall be considered complete unless it results in tangible ecological recovery, verified through longitudinal ecological monitoring, and reviewed periodically for a minimum period of five years from the date of initial restoration.

Mandatory measures in case of unintentional or imminent ecocide.

22. *(1)* Where any act, omission, or accident results in, or is likely to result in, grave and widespread environmental destruction amounting to ecocide, the following persons shall be legally bound to act without delay –

(i) the person or entity directly responsible for the act or process; and

(ii) the person in charge of the premises, operation, machinery, or site from which such act or event originates or is apprehended to occur, shall immediately –

(a) take all effective measures to prevent, control, or minimize the ecological damage;

(b) report the occurrence or apprehension of ecocide to the prescribed authority and local magistrate within twenty-four hours, in such form and manner as may be prescribed by the Central Government; and

(c) cooperate fully with any agency, officer, or environmental authority in the conduct of investigation or mitigation, and render technical, logistical, or material assistance as may be required.

(2) Upon receipt of such information, or otherwise, if any authority under this Act has reasonable grounds to believe that ecocide has occurred or is imminent, it shall—

(a) immediately initiate a field-based ecological risk assessment;

(b) issue interim orders to suspend, restrict, or seal operations in the affected area; and

(c) cause emergency remedial, containment, or evacuation measures to be undertaken, in coordination with disaster management and restoration agencies.

(3) Any expenses incurred by the appropriate Government or any authority, as the case may be, in connection with the measures under sub-section *(2)*, including ecological restoration, health and habitat rehabilitation, and monitoring, shall be recovered from the responsible party as –

(a) damages under the "Polluter Pays" principle; and

(b) arrears of land revenue or public demand, together with interest at such rate as may be notified by the Central Government.

(4) The invocation of this sub-section *(3)* shall not prevent the initiation of criminal prosecution under this l Act for the offence of ecocide, nor shall compliance under this section constitute a defence to liability.

Power of the Central Government for prevention, control, and remediation of ecocide.

23. *(1)* Subject to the provisions of this Act, the Central Government shall have the power to take such measures as it may deem necessary or expedient for the purposes of —

(i) preventing and deterring acts of ecocide;

(ii) protecting, conserving, and improving ecological health, and

(iii) ensuring effective restoration, reparation, and compensation for environmental harm.

(2) Without prejudice to the generality of the foregoing, the measures referred to in sub-section *(1)* may include but shall not be limited to the following–

(i) coordinating actions of the State Governments, statutory authorities, public agencies and local bodies—

(a) under this Act and the rules made thereunder, or

(b) under any other law in force relating to environmental protection, biodiversity, or conservation of natural resources;

(ii) planning, financing, and implementing a National Programme for Ecocide Prevention and Restoration, including public awareness campaigns, capacity-building, and ecological literacy;

(iii) prescribing national standards for ecosystem integrity, biological thresholds, and permissible levels of anthropogenic stress on ecosystems;

(iv) notifying thresholds and limits for emissions, discharges, noise, light, or hazardous substances from all sectors, with power to differentiate based on zone, ecosystem type, or risk level;

(v) declaring certain areas as Ecologically Vulnerable Zones or No-Degradation Zones, and imposing restrictions or conditionalities on industrial, mining, construction, or infrastructure activities therein;

(vi) issuing precautionary and emergency protocols for the prevention of ecological disasters, industrial accidents, or natural resource collapse, and directing immediate remedial action;

(vii) regulating, prohibiting or monitoring the use, storage, handling, transport or disposal of substances or technologies considered environmentally hazardous or ecocidally potent;

(viii) reviewing, evaluating, and modifying manufacturing or developmental practices likely to cause irreparable ecological degradation;

(ix) undertaking, funding, or mandating scientific research and environmental surveillance to detect, quantify, and mitigate emerging ecocidal threats;

(x) authorising the inspection, seizure, or shutdown of premises, plants, processes, or technologies in contravention of the provisions of this Act or in active violation of ecological rights;

(xi) establishing and recognizing centres of ecological excellence, restoration institutes, and laboratories for ecological audit, bio-restoration, and forensic assessment;

(xii) promoting open-access environmental information systems, community right-to-know initiatives, and ecological damage registers;

(xiii) preparing and issuing national ecological codes, restoration manuals, or guidelines relevant to prevention, mitigation, and reversal of ecocidal harm; and

(xiv) taking such other actions as may be necessary for giving effect to the provisions of this Act and securing long-term ecological sustainability.

(3) The Central Government may, by notification in the Official Gazette, constitute one or more Ecocide Authorities at the national, regional, or local level by such name as may be specified, for the purpose of exercising any or all of the powers referred to in sub-section *(2)*, subject to such conditions and supervision as may be prescribed.

Explanation.— Any authority constituted under this section shall be deemed to have the power to issue binding directions, impose compliance obligations, and initiate prosecution or restoration proceedings under this Act, as if it were empowered directly by the Central Government.

Protection of action taken in good faith.

24. No suit, prosecution or other legal proceeding shall lie against the Government or any officer of the Government or any member or any officer or other employee of the Wing or Commission or Board, in respect of anything which is done or intended to be done in good faith in pursuance of this Act or the rules made thereunder.

CHAPTER V

COMPENSATION AND FUND MECHANISM

Ecocide Restoration Bonds.

25. *(1)* Where any person, company, or body corporate is found guilty of the offence of ecocide, the competent court may, in addition to any other penalty imposed, direct such person or entity to deposit a monetary Bond, to be called the Ecocide Restoration Bond, to cover future restoration expenses.

(2) **The amount of such Bond shall be equivalent to the value of environmental harm or degradation as assessed by such authorised expert in such manner as may be prescribed by the Central Government, together with an additional sum not less than twenty-five per-cent of such assessed value.**

***Explanation.*– For the purpose of this sub-section, the Central Government may, by rules, designate one or more authorised expert(s) for the purpose of assessing the value of environmental damage and cost of ecological restoration.**

(3) Bonds shall be held in an escrow account administered under the Fund established under section 26, and shall be released only upon satisfactory implementation of the restoration plan, as be certified by such authority, as may be prescribed by the Central Government.

Establishment of the National Ecocide Remediation Fund.

26. *(1)* **The Central Government shall, by notification in the Official Gazette, establish a Fund to be called the National Ecocide Remediation Fund, for providing relief and compensation to tribal, forest and coastal communities adversely affected by damage or harm to the environment of their natural residence and for other purposes as may be prescribed.**

(2) The Fund shall be a non-lapsable public account under the Consolidated Fund of India.

(3) **The Fund shall be administered by a National Ecocide Remediation Board, to be constituted by the Central Government, by notification in the Official Gazette and shall be chaired by the Secretary to the Government of India in the Ministry of Environment, Forest and Climate Change and shall consist of such other members as may be prescribed by the Central Government.**

(4) There shall be credited to the Fund :

(i) all amounts recovered by way of fines, penalties, and amounts of Bonds under section 25 of this Act;

(ii) budgetary allocations from the Central Government;

(iii) grants, donations made by any individual, institution, or organisation or international contributions permitted under the Foreign Contribution (Regulation) Act, 2010; and 42 of 2010.

(iv) voluntary contributions made by companies as part of their Corporate Social Responsibility obligations under section 135 of the Companies Act, 2013 or otherwise. 18 of 2013.

27. *(1)* The Fund shall be utilised for following purposes, namely,– Utilization of the Fund.

(*i*) ecosystem restoration and biodiversity conservation projects;

(*ii*) compensation to displaced or affected individuals and communities including relief and compensation to tribal, forest, and coastal communities;

(*iii*) scientific research and baseline data generation on damaged environments;

(*iv*) capacity-building and training of environmental officials; and

(*v*) emergency response to environmental disasters caused by ecocide.

(2) There shall be maintained under the Fund, a dedicated escrow account, wherein shall be deposited the bond amounts collected under section 25 of this Act.

Provided that if restoration plan is not satisfactorily implemented as provided under sub-section *(3)* of section 25, the bond amount held in the escrow account shall stand forfeited and credited to the general corpus of the Fund.

(3) The Board shall prepare and publish within such period of time and in such form and manner as may be prescribed by the Central Government, an annual statement of accounts and impact assessment reports and forward the same to the Central Government, which shall cause it to be laid before both Houses of Parliament.

28. ***(1)*** **The appropriate Government shall, by notification in the official Gazette, establish Local Ecocide Remediation Funds at the district level, which shall be administered and maintained by the Commission constituted under section 13 of this Act.** Local Ecocide Remediation Funds.

(2) **There shall be credited to the Local Fund, such amounts either by way of grants, donations or contributions, as may be prescribed by the appropriate Government and such budgetary allocations as may be made by the appropriate Government, from time to time.**

(3) The Local Fund shall be utilised for such purposes as may be prescribed by the appropriate Government in consultation with the Commission.

29. *(1)* All restoration projects funded under the provisions of this Act shall undergo independent third-party environmental audits by such auditors and in such manner as may be prescribed by the Central Government. Environmental audit and third-party oversight.

(2) Reports of audit done under sub-section *(1)* shall be placed in public domain in such form and manner as may be prescribed by the Central Government and submitted to the State Pollution Control Board and Ministry of Environment, Forest and Climate Change.

CHAPTER VI

MISCELLANEOUS

30. *(1)* Any person aggrieved by an order, direction, action, or decision of the Central Government, the State Government, the Ecocide Prevention Commission, or any other authority empowered under this Act, may file an application for adjudication of the dispute before the Tribunal. Adjudication of disputes by the Tribunal.

(2) Such application shall be made in such form and manner as may be prescribed by the Central Government, within a period of six months from the date on which the cause of action arose:

Provided that the Tribunal may entertain the application after the expiry of the said period if it is satisfied that there was sufficient cause for not making the application within that period.

(3) The Tribunal shall have the jurisdiction to provide relief, compensation, and restitution of damaged ecosystems, and may issue any direction, including for restoration, remediation, or imposition of environmental costs as may be deemed fit in accordance with this Act.

Bar of jurisdiction.

31. No civil court shall have jurisdiction to entertain any suit or proceeding in respect of anything done, action taken or order or direction issued by the Central Government or State Government or any other authority or officer in pursuance of any power conferred by or in relation to its or his functions under this Act.

Central Government to provide funds.

32. **The Central Government shall, after due appropriation made by Parliament by law on this behalf, provide, from time to time, adequate funds for the implementation of the provisions and purposes of this Act.**

Act not in derogation of any other law.

33. 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.

Power to amend Schedules.

34. *(1)* If the Central Government is satisfied that it is necessary or expedient so to do, it may, by notification in the Official Gazette, amend the First or the Second Schedule and thereupon the First or the Second Schedule, as the case may be, shall be deemed to have been amended accordingly.

(2) A copy of every notification made under sub-section *(1)* shall be laid before each House of Parliament as soon as may be after it is made.

Power of Central or State Government to make rules.

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

(2) Every rule made by the Central Government under this Act 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 in the rule or both Houses agree that the 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.

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

Savings.

36. *(1)* Nothing in this Act shall be deemed to—

(a) affect the operation of any other law for the time being in force in India that governs the protection, conservation, and management of the environment, biodiversity, or natural resources, unless such law is inconsistent with the provisions of this Act;

(b) limit or interfere with any action, proceeding, or remedy that may have been initiated or taken by any person or authority under any other law for the protection of the environment or against acts of environmental destruction or harm prior to the commencement of this Act;

(c) affect any right, privilege, or liability accrued under any other law before the commencement of this Act, or any act that may have been performed under such law, which is consistent with the protection and improvement of the environment.

(2) In the event of any conflict between the provisions of this Act and any other law, the provisions of this Act shall prevail, unless otherwise explicitly provided in that other law.

(3) The provisions of this Act shall not invalidate any actions or orders taken by the Government or any authority under the provisions of any existing environmental laws that are consistent with the objectives of this Act.

Power to remove difficulties.

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

Provided that no such orders shall be made after the expiry of the period of three years from the date of commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

THE FIRST SCHEDULE

[*See* section 5*(i)*]

The following ecosystems are designated as protected under this Bill. Any substantial harm, degradation, or irreversible alteration to these shall constitute prima facie ecocide, unless otherwise permitted under law:

1. Forested Ecosystems
   - (a) Reserved Forests and Protected Forests under Indian Forest Act, 1927
   - (b) Biodiversity-rich areas notified under the Biological Diversity Act, 2002
   - (c) Sacred Groves and Indigenous Forest Zones
2. Wetland Ecosystems
   - (a) Ramsar Sites in India
   - (b) Freshwater lakes, marshes, swamps, mangroves, and coastal wetlands
   - (c) Estuarine systems and river deltas
3. Marine and Coastal Ecosystems
   - (a) Coral reefs
   - (b) Seagrass meadows
   - (c) Marine Protected Areas notified under the Wildlife Protection Act, 1972
4. Riverine and Freshwater Ecosystems
   - (a) Nationally important rivers, their tributaries, and associated catchment zones
   - (b) Glacial lakes and high-altitude freshwater bodies
5. Mountain and Highland Ecosystems
   - (a) Himalayan alpine zones
   - (b) Western Ghats, Eastern Ghats, Aravalli Range, and other sensitive mountain systems
6. Grassland and Savannah Ecosystems
   - (a) Shola grasslands
   - (b) Terai-Duar grasslands
   - (c) Semi-arid savannahs of Central India and Deccan
7. Desert and Semi-arid Ecosystems
   - (a) The Thar Desert and associated salt marshes (e.g. Rann of Kutch)
   - (b) Desert National Park, scrubland reserves
8. Agro-ecological and Pastoral Landscapes
   - (a) Traditional agro-forestry zones
   - (b) Community-conserved areas and pasturelands under Forest Rights Act, 2006
9. Urban Natural Habitats
   - (a) Urban lakes, wetlands, and green belts
   - (b) Biodiversity parks and peri-urban ecological corridors
10. Cultural and Indigenous Ecosystems
    - (a) Sacred rivers, mountains, forests associated with traditional and tribal practices
    - (b) Customary fishing and agricultural zones

THE SECOND SCHEDULE

[*See* Explanation *(i)* to section 3 and section 21*(2)(i)*]

Criteria for environmental impact or ecological damage assessment under the Act

The following multi-criteria matrix shall be used by regulatory authorities, scientific panels, and ecocide courts to determine the impact severity of any act or project:

Criterion	**Measurement Indicators**	**Severity Thresholds**
1. Biodiversity Loss	Species richness, endemic/endangered species, IUCN status	≥ 30% species loss in affected area
2. Ecosystem Services Disruption	Water filtration, soil fertility, carbon storage	≥ 25% loss in ecological functions
3. Area of Impact	Size and continuity of affected zone	≥ 10 sq. km. or regionally interconnected
4. Reversibility	Regeneration potential within 10 years	Irreversible damage or >10-year recovery
5. Health & Community Impact	Displacement, disease incidence, food insecurity	>100 affected individuals or villages
6. Cultural and Indigenous Harm	Loss of traditional livelihood or sacred sites	Documented community cultural erosion
7. Cumulative Impact	Combined effect with past/present activities	≥50% cumulative threshold met
8. Climate Vulnerability	Measurable degradation or conflict risk	>10,000 tCO_2-eq/year or deforest >100 ha
9. Regulatory Non-compliance	Violation of Forest/Wildlife/Environment laws	Unauthorised or fraudulent clearances
10. Transboundary or Downstream Effect	Impact on neighbouring state/country ecosystems or rivers	Measurable degradation or conflict risk

STATEMENT OF OBJECTS AND REASONS

The Constitution of India, under Article 48A, mandates the State to protect and improve the environment and safeguard forests and wildlife. Article 51A(g) casts a fundamental duty upon every citizen to protect and improve the natural environment, including forests, lakes, rivers, and wildlife, and to have compassion for living creatures.

Despite these constitutional obligations, India continues to witness systematic, large-scale destruction of ecologically critical areas due to industrial, commercial, and extractive activities. This environmental degradation, often irreversible in nature, has led to biodiversity collapse, displacement of indigenous communities, and severe public health crises. However, the existing legal framework spread across various statutes such as the Environment (Protection) Act, 1986, the Wildlife (Protection) Act, 1972, and the Forest Conservation Act, 1980; does not criminalize acts of ecocide, nor does it impose personal criminal liability for severe, reckless or willful harm to ecosystems.

The need for a comprehensive and deterrent legal mechanism to prevent, punish, and restore damage caused by such acts has become increasingly urgent in light of India's growing industrial activity, unsustainable development practices, and the disproportionate impact of environmental harm on marginalised communities. The international community has already taken cognizance of this gap through legislative measures criminalising ecocide in countries such as France, Russia, Belgium, and Georgia, where willful or reckless destruction of the environment is treated on par with crimes against peace and humanity.

In line with these international precedents and India's constitutional commitment under Articles 48A and 51A(g) to protect and improve the natural environment, the present Bill seeks to define the offence of ecocide, establish clear accountability for both the State and non-State actors, and provide for institutional mechanisms for prevention, investigation, prosecution, and ecological restoration. It aims to enforce principles such as the Polluter Pays Principle, Intergenerational Equity, and the Right to a Healthy Environment, and to ensure that affected communities are actively engaged in restorative efforts.

In its spirit, the Bill represents a vital step in fortifying India's environmental governance, preventing future ecological catastrophes, and reaffirming the country's leadership in the global movement for environmental justice.

Hence, this Bill.

SUJEET KUMAR.

FINANCIAL MEMORANDUM

Clause 8 of the Bill provides for the establishment of the Special Environment Investigation Wing, whereas Clause 9 provides for its composition and the salaries and allowances and other terms and conditions of service of the Officers of the Wing. Clause 13 provides for the constitution of the District Ecocide Prevention Commission in every district within the States and Union territories. Clause 14 provides for the composition of the Commission and that the appropriate Government shall appoint or nominate such number of Members thereto. The said clause also provides that the appropriate Government shall appoint such number of officers and staff to the Commission as well as for the remuneration of non-governmental employees of the Commission and salaries and allowances payable to and other terms and conditions of service of the officers and staff. Explanation to sub-clause *(2)* of clause 25 provides that the Central Government may designate one or more authorized expert(s) for the purpose of assessing the value of environmental damage and cost of ecological restoration to determine the amount the Ecocide Restoration Bond. Clause 26 provides that the Central Government shall establish the National Ecocide Remediation Fund under the Consolidated Fund of India, which shall be administered by the National Ecocide Remediation Board with such number of members as may be prescribed and that the Fund shall be credited *inter alia* with budgetary allocations made by the Central Government. Clause 28 provides that the appropriate Government shall establish Local Ecocide Remediation Funds at the district level which shall be credited *inter alia* with budgetary allocations made by the appropriate Government, from time to time. Clause 32 provides that the Central Government shall provide adequate funds for the implementation of the provisions and carrying out the purposes of the Bill.

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 20 crore rupees would be incurred per annum from the Consolidated Fund of India. A non-recurring expenditure of about 50 crore rupees is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 35 of the Bill empowers the appropriate Government to make rules for carrying out the purposes of the Bill. Clause 37 empowers the Central Government to make such provisions through an order for removing any difficulty that might arise in giving effect to the provisions of the Bill.

As the rules or orders will relate to matters of administrative and procedural detail only, the delegation of legislative power is of a normal character.