

“In accordance with the provisions of rule 96 of the Rules of Procedure and Conduct of Business in Lok Sabha, I am directed to enclose the Constitution (One Hundred and Eleventh Amendment) Bill, 2009, which has been passed by Lok Sabha at its sitting held on the 22nd December, 2011, in accordance with the provisions of article 368 of the Constitution of India.”

**REPORT OF COMMITTEE ON THE WELFARE OF SCHEDULED
CASTES AND SCHEDULED TRIBES**

SHRI JABIR HUSAIN (Bihar): Sir, I lay on the Table, a copy each (in English and Hindi) of the Eighteenth Report of the Committee on the Welfare of Scheduled Castes and Scheduled Tribes on the Ministry of Railways (Railway Board) on Action taken by the Government on the recommendations contained in the Twenty-eighth Report (Fourteenth Lok Sabha) on “Reservation for and employment of Scheduled Castes and Scheduled Tribes in Southern Railway”.

RULING BY THE CHAIR

**Notices of statutory Motions given on 22nd December, 2011 concerning Airports
Authority of India (Major Airports) Development Fees Rules, 2011**

MR. CHAIRMAN: Hon. Members, on last Thursday, the 22nd December, 2011, Shri K.N. Balagopal had raised the matter regarding the notices of motions given by him to amend the Airports Authority of India (Major Airports) Development Fee Rules, 2011. The Chair had assured him ‘that it shall be examined’.

The matter has been examined, the notices with reference to relevant rules and procedures, and the Chair would like to inform the House that those notices have not lapsed. They will be listed accordingly.

SHRI K.N. BALAGOPAL (Kerala): Thank you, Sir.

श्री तरुण विजय (उत्तराखण्ड): माननीय सभापति जी, ...

MR. CHAIRMAN: Please sit down. ...*(Interruptions)*... Clarifications on Statement by Minister. ...*(Interruptions)*...

CLARIFICATIONS ON THE STATEMENT BY MINISTER

Re: The United Nation’s climate change conference in Durban

THE MINISTER OF STATE OF THE MINISTRY OF ENVIRONMENT AND FORESTS (SHRIMATI JAYANTHI NATARAJAN): Sir, I have already made the Statement. ...*(Interruptions)*...

SHRI BIRENDRA PRASAD BAISHYA (Assam): Sir, I want to raise an issue....(Interruptions)... concerning police firing and *lathi* charge in Assam. ... (Interruptions)...

श्री सभापति : आप बैठ जाइए। ... (व्यवधान)... आप बैठ जाइए, प्लीज। We don't have a Zero Hour today. ... (Interruptions)....

SHRI M. VENKAIAH NAIDU (Karnataka): Sir, please allow..... (Interruptions)...

MR. CHAIRMAN: I would request the senior Members to... (Interruptions)... प्लीज, आप बैठ जाइए। Yes, hon. Minister.

SHRIMATI JAYANTHI NATARAJAN: Sir, should I read the Statement again? ... (Interruptions)... Sir, I have already laid the statement on the Table of the House. ... (Interruptions)...

MR. CHAIRMAN: Please. ... (Interruptions)... Let me call the speakers on this. Shri Arun Jaitley. ... (Interruptions)...

प्रो. राम गोपाल यादव (उत्तर प्रदेश) : किसी केन्द्रीय मंत्री का यह आचरण, उनके status के अनुकूल नहीं है ... (व्यवधान)... यह निहायत निंदनीय है। मैं आपसे चाहूंगा ... (व्यवधान)...

MR. CHAIRMAN: No. I am afraid not. ... (Interruptions)... I have called the Leader of the Opposition. ... (Interruptions)...

प्रो. राम गोपाल यादव : *

श्री सभापति : प्लीज, आप बैठ जाइए ... (व्यवधान)... This is not going on record. ... (Interruptions)... This is not going on record. ... (Interruptions)...

प्रो. राम गोपाल यादव : *

SHRI BIRENDRA PRASAD BAISHYA: *

MR. CHAIRMAN: Ram Gopalji, please. ... (Interruptions)... I am sorry. ... (Interruptions)... Mr. Baishya, please. ... (Interruptions)... मिस्टर वैश्य, प्लीज, आप बैठ जाइए ... (व्यवधान)...

श्री नरेश चन्द्र अग्रवाल : *

MR. CHAIRMAN: नहीं, यह रिकॉर्ड नहीं होगा, what is not permitted, will not be recorded. Please. ... (Interruptions)...

श्री नरेश चन्द्र अग्रवाल : *

श्री अली अनवर अंसारी : *

प्रो. राम गोपाल यादव : *

*Not recorded.

MR. CHAIRMAN: Ram Gopalji, please. ...*(Interruptions)*... No. Please. ...*(Interruptions)*...

SHRI BIRENDRA PRASAD BAISHYA: *

श्री सभापति : मिस्टर वैश्य, प्लीज़, आप बैठ जाइए ...*(व्यवधान)*... None of this is going on record. ...*(Interruptions)*... Please allow the Leader of the Opposition to speak. ...*(Interruptions)*...

SHRI BIRENDRA PRASAD BAISHYA: *

MR. CHAIRMAN: Please allow the Leader of the Opposition to speak. ...*(Interruptions)*... Please. ...*(Interruptions)*...

प्रो. राम गोपाल यादव : *

श्री सभापति : प्लीज़, आप लोग बैठ जाइए ...*(व्यवधान)*... राम गोपाल जी, प्लीज़, बैठ जाइए ...*(व्यवधान)*... नरेश जी, बैठ जाइए, प्लीज़ ...*(व्यवधान)*... बैठ जाइए, प्लीज़ ...*(व्यवधान)*...

श्री बीरेन्द्र प्रसाद वैश्य : *

श्री नरेश चन्द्र अग्रवाल : *

श्री सभापति : नरेश जी, प्लीज़, आप बैठ जाइए ...*(व्यवधान)*... No. I am afraid not. ...*(Interruptions)*... Please allow the Leader of the Opposition to speak. ...*(Interruptions)*... बैठ जाइए, प्लीज़ ...*(व्यवधान)*... आप लोग क्यों बिना जरूरत ...*(व्यवधान)*... None of this is going on record. ...*(Interruptions)*... नरेश जी, बैठ जाइए, प्लीज़ ...*(व्यवधान)*...

SHRI BIRENDRA PRASAD BAISHYA: *

MR. CHAIRMAN: Please. ...*(Interruptions)*... We have a serious discussion. Please resume your places. ...*(Interruptions)*... I can't permit that. ...*(Interruptions)*... Please resume your seat. ...*(Interruptions)*... Yes, hon. Leader of the Opposition.

THE LEADER OF THE OPPOSITION (SHRI ARUN JAITLEY): Sir, we have had the benefit of a statement made on 16th December by the hon. Minister for Environment and Forests. I rise to seek a few clarifications.

Sir, when the hon. Minister assumed charge of the Ministry and the kind of statements which came from her I felt very reassured and it appeared that she was restoring the direction back as regards the deviation in the Government of India's position which was visible in the last two years and India was coming back to its traditional position. Her opening statement and her subsequent intervention at the Durban Conference was also welcomed by the most developing countries, the BASIC countries, and I acknowledge that fact. However, at Copenhagen two years ago, there was a deviation in the draft that took place from the traditional positions which

*Not recorded.

were there. There were some indications coming that the Government of India was no longer interested in having a coordination of BASIC nations. The draft itself indicated that the Kyoto Declaration was being substantially abandoned and a new set of criterion was brought in. For various developing countries there would be international verification of even unsupported actions and when we use the phrase in the declaration that “non-Annexure-I parties”, which included India, “to the Convention will implement mitigation actions”, the words “will implement” indicated that we were moving in the direction of legally binding commitments. The hon. Minister categorically told the Durban Conference, and I am quoting from here statement, “They can’t be expected to be legally bound to reduce emissions when they have practically no emissions”. That is because our per capita emission level is 1.7 tonnes a year, which is a miniscule percentage of what the developed countries have been doing. Notwithstanding this basic approach, what appears is that the final declaration does not live up to that expectation. I am given to understand that the Conference at Durban got extended by two days; people were sitting across the night; most Ministers, who had their bookings, and delegations were flying out of Durban and a short declaration giving what the Durban Conference decided, has, thereafter, come about. Now in the drafting it appears that despite the best of intentions, the devil is always in the details, somewhere we seem to have been out weighted. That is the limited concern that I have.

There are two basic points which I would like to raise in regard to this. The first is in relation to the fact that our developing countries like India and other basic nations now are going to be legally bound after the Durban Declaration in terms of making our commitment to reduce our emissions. I say this because our consistent position has been that whatever carbon intensity we reduce will be of our own option. If it is by unsupported actions, it will be our domestic affair; if it is by supported actions, it will be open to some kind of international checks and verification on that issue. But when I read the language — here I am reading the language of paragraph 2 of the Declaration — this differs from the phrase that India suggested. The phrase that India suggested consistently has been that we are not legally bound. I am quoting from para 2, which says, “Also decides to launch a process to develop a protocol, another legal instrument or an agreed outcome with legal force under the convention applicable to all parties”. Now the phrase ‘agreed outcome with legal force under the convention applicable to all parties’, clearly indicates that we are now squarely moving towards a legally binding commitment. To reinterpret the phrase, ‘agreed outcome with legal force under the convention applicable to all parties’, that we are still not legally bound, I think we may have a lot of difficulty as far as the future is concerned. My query on this is — because it is a short Declaration, I don’t have many detailed queries — how does the hon. Minister read this? Does this phrase not dilute India’s conventional position?

The second is, consistently, in all our documents and all earlier documents, we have been speaking in terms of including equity as a criterion. The hon. Minister also suggested this very strongly. We have been suggesting repeatedly that there will be common but differential treatment as far as the approach to the developing countries is concerned. The developed countries want that larger developing countries like China, India, South Africa and Brazil must now have the same kind of norms which the developed world has. Now these two criteria which we have consistently insisted, I find from all the earlier declarations, these were consistently there. Even in the Copenhagen document, the phrase was 'common but differentiated responsibilities'. In Cancun, the phrase was 'on the basis of equity and in accordance with common but differentiated responsibilities'. In the Bali Action Plan, these phrases were very clearly used. I now find that these two important criteria are completely absent as far as the Durban Declaration is concerned. Now this may again dilute our position for the future because when these negotiations go on and criteria are fixed and obligations are fixed on parties, the moment we are confronted with a situation that there will be an agreed outcome with legal force, that is, legally binding, there is no reference in the document to 'equity' and 'common but differentiated responsibilities', Are we, therefore, walking into a very dangerous trap? That is a question that I wish to pose to the hon. Minister. Thank you.

SHRI H.K. DUA (Nominated): Sir, I just have a couple of small queries from the hon. Minister. The hon. Minister has done an admirable job in Durban, in our Delegation, by putting the question of equity also at the centre-stage. I would like to seek certain clarifications from the hon. Minister. In the Minister's statement, there is reference about the decision to establish the Green Climate Fund. I would like to know as to what the size of this Fund is going to be. I would like to know whether the Western countries, particularly, the U.S. and Europe, — they are concerned about the climate change more than anybody else, but they are undergoing serious economic problems — are going to commit some sizeable amount for this Green Climate Fund? My second clarification is this. India and China had been co-operating in the previous rounds. I would like to know whether they co-operated at Durban as well and how she is visualizing the future co-operation between India and China on this question. I am seeking this clarification because there were reports that, lately, the Chinese have diluted the idea of co-operating with India on climate change. Thank you.

SHRI D. RAJA (Tamil Nadu): Sir, the Minister has made a very detailed statement. According to the statement, the Government claims that the principle of equity has been preserved in the international climate change negotiations, and that India's right to develop has been safeguarded. It is being said that rich countries are being forced to bear their historic

responsibility. On an earlier occasion, I did say that according to the directives of nature, there should be a balance between land, water, air and people. But this balance has been jeopardized, historically, by developed nations, industrialized nations. What is the historic responsibility that these nations are going to take up now? Secondly, nothing final has, actually, been agreed upon at Durban, if I understand the statement properly. All that has been agreed is that a new instrument will be decided upon by 2015. This will, then, be implemented by 2020. As such, everything that was decided at Durban can easily be renegotiated next year and the years after, until 2015. The vague language of equity and sustainable development in this year's agreement, therefore, to me, is shallow and meaningless. The Government also claims that the Kyoto Protocol, which binds the rich countries to emission reduction, has been extended. But this is merely a talk, according to the statement. What value does such a re-commitment to this Protocol have, and who will take it seriously when a new agreement is to be negotiated by 2015? Here, I would like to know as to what the stand of the United States of America is as far as the Kyoto Protocol is concerned. Moreover, the U.S. is yet to ratify the Kyoto Protocol. Sir, I would like to know about one more issue which the hon. Member, Shri Dua, has also raised, and that is, regarding the Green Climate Fund to pay for mitigation and adaptation in the vulnerable countries of the world. Now what is the amount to be invested in this Fund? As he has pointed out, the Western countries, including the U.S., have said that due to recession they cannot pay for the Green Climate Fund. So, what will be India's approach to this? Finally, Sir, what about co-operation, not only between India and China, but also amongst the least developed countries? There is a feeling that the least developed countries are neglected and let down in the whole negotiations. India, being a developing country, should have sympathy for the least developed countries. How do we plan to evolve a better co-operation even amongst the least developed countries?

SHRI TIRUCHI SIVA (Tamil Nadu): Sir, we congratulate the Minister for having taken up the cause of the nation at the Durban Conference. It is a fact that all countries have to share the burden of environmental preservation. However, different countries have historically contributed unequal amounts of emissions. Therefore, all countries should not have to contribute the same amount to redress the current situation. For example, China has one of the highest emission levels; 23.7 per cent of the total emission is that of China. So also, as far as per capita emission is concerned, in the case of USA, it is 16.9; in the case of Russia, it is 10.8; in the case of Japan, it is 8.58; whereas, in the case of India, the total emission is only 5.5 per cent and India's per capita emission is 1.37 per cent. Now, it is true that India was unwilling to commit to legally binding targets for future arrangements by 2020. India's official stance on climate change was,

“It cannot agree to a legally binding agreement for reducing emissions at this stage of development. Its emissions are bound to grow in order to ensure its socio-economic development”.

Sir, I would like to know from the Minister the kinds of legal fonts that India is willing to accept. The melting of the Himalayan glaciers could lead to floods and erosions in the short term and water shortages, droughts and land degradation in the long term. Sir, according to the Indian Council of Agricultural Research and the IPCC, “Increase in average global temperature will reduce yields of foodgrains such as wheat and rice. A one degree Celsius increase in temperature may reduce yields of wheat, soyabean, mustard, groundnut and potato by 3.7 per cent”. So, India has taken some measures. Mainly, India has announced a domestic emissions intensity reduction target of 20 to 25 per cent below 2005 levels by 2020. Has it started working? If so, what are the results?

SHRI N.K. SINGH (Bihar): Sir, first of all, I would also like to join others in complimenting the Minister on, certainly, three important positive outcomes. The first, of course, is the concept of agreed outcome with legal force which, I believe, was the concept which was put forward strongly by India and which later gained international acceptance. The second is that the entire clean development mechanism is on a surer footing post Durban Declaration than it was earlier. The third, of course, is what is evident from her own statement that post 2020 whatever arrangement comes into play will have the advantage of bringing the United States, Canada and others who are outside the ambit of the Kyoto arrangement in its fold. We should, certainly, therefore, regard these three apart from the reiteration of the principles of equity, but common differentiated responsibility, to be important positive gains from Durban in putting us back on track from where we seem to have somewhat deviated.

Having said this, Sir, I have four questions to ask. First, in your own statement, you have mentioned about the principle of equity. What does this principle of equity imply? How is this principle of equity to be articulated, not in the style of a college debate, perhaps, but in a style which will have international credence? Most of the environmental space available has already been taken over by the developed countries. So, little space is now available for countries which are coming into play with a new development matrix. Therefore, is the principle of equity implying that this space occupied by them will be vacated, which in some ways looks to be an enormous task both in technological and other terms? Are we saying that in the limited space which is now available in the atmosphere, we would really have a much higher proportion considering that we are beginning from a very low threshold of development and in terms of the carbon footprint? And that as part of the penalty that they pay for not vacating the space already occupied by

them, the cost of adaptation which the developing countries will have to bear, will have to be substantially borne by them. I would like the Minister to clarify how she believes that the principle of equity will be articulated in the dynamics of the subsequent negotiations which are ahead of us.

The second clarification that I seek is that on the articulation of the Green Climate Fund on which other speakers have already spoken. My concern, hon. Minister, is simply this—that the loose figure of 100 billion dollars has now been talked about for quite some years. But, what is unfortunate, is that in the reckoning of what constitutes 100 billion dollars, the private investments are really being counted as part of the 100 billion dollars. If that is so, clearly, then the private investments would take place irrespective of whether you have an arrangement or not; therefore, the contours of the 100 billion dollars Green Climate Fund needs to be articulated.

The third clarification that I seek is, very quickly, that we should not be forgetting certainty and predictability for investments to be made in low carbon intensive technology; what market and private operators seek is a greater predictability in the policies that are likely to be evolved. So, what kind of signal the Minister believes she will be sending to markets which will enable greater investment in R&D, to go into low carbon intensive technology, with a greater degree of predictability?

Finally, Sir, it would be nice to hear from the Minister her thoughts on how she sees the future course of action evolving in the course of the next few years.

Thank you, Sir.

SHRI D. BANDYOPADHYAY (West Bengal): Sir, I rise to applaud the Minister for the principled stand that she has taken on India's position in the Conference. Sir, the North has lost its empire; but, it has not lost its mindset. The hegemonistic mindset of the North still governs them and they are trying to impose it on us. The fact is, they are polluting the whole of the atmosphere and we are supposed to pay the penalty for the sins they have committed! My very short point is, and it has already been mentioned by the earlier speakers, we are going to have a Green Climate Fund. Good. Now, what would be the basis of funding? Will that be on the basis of proportion of emissions that other countries are doing? Or, is it on the principle in which we make our contribution in the U.N. system? According to me, we are not emitting much into the atmosphere; we should be paying nothing but get something out of the Fund. Those who are fouling the whole atmosphere should pay in proportion to the emission that they do.

Thank you, Sir.

SHRI SITARAM YECHURY (West Bengal): Sir, thank you for the opportunity. I have six points on which I seek clarifications from the hon. Minister. Before that, I would begin with two points that are raised by my esteemed colleagues—one by Shri Thiruchi Siva. Needless to add, Sir, the gravity of the situation of discussions and negotiations on the Climate Change have a very direct bearing on the life and livelihood conditions for millions of our people in India. He has given certain instances—the meltdown of the glaciers of the Himalayas. But, I remember, Sir, just a couple of years ago the shifting of the course of river Kosi. Millions have been uprooted; tens of thousands lost their lives and tens of millions actually had to find new alternative ways of their livelihood. Okay, there are disputes whether this happened because of climate change or not, but this is the sort of impact it will have on India. Therefore, we will have to be, I think, more serious about these negotiations than we are, Sir.

The second point is what Shri H.K. Dua and my friend, Shri N.K. Singh has raised on the question of transfer of funds, and the likelihood of this not happening because of the global crisis and the likelihood of this not happening because of reliance on private investments. All that apart, there was another commitment on which the Statement is silent, and that is the commitment for transfer of greenhouse technologies. The transfer of greenhouse technologies without the condition of intellectual property rights, without the condition of IPR royalties was the commitment that the developed countries had made during the time of Kyoto, and Bali, if I recollect correctly, but that is somehow off the radar at the moment. Now, we would also like to know what is the status on that.

Now, apart from these two points, Sir, I have six points, and my first point concerns the framework of the Durban platform. The Durban platform talks in terms of a single framework for all countries. Now, this, in my opinion, goes contrary to the entire concept of what we have been talking of — which others have also referred — what is called the CBDR, i.e., Common But Differentiated Responsibility. In Copenhagen, very surreptitiously, I think, not so cleverly, President Obama had termed CBDR, not as Common But Differentiated Responsibility, but had termed it as Common But Differentiated Responses. The moment you talk in terms of responses and not in terms of responsibilities, you move from the concept of a dual framework into a single framework. I think, this is what has materialised in Durban. In which case, I hope, I am wrong, I want to be wrong because what you have stated in your own framework is this. Therefore, my second clarification is that we have always stuck to a two-track negotiations. Now, with this single framework, does it mean that we are abandoning this two-track negotiations, and gone back to the single track? If that is the case, then, I think, this has very serious implications for us, and, I think, there should be a serious rethink about this.

Sir, my third clarification is with regard to the Kyoto Protocol. Now, virtually, what I can understand from the Minister's Statement also is that the Kyoto Protocol, though not formally abandoned, now has remained a mere shadow. The USA has never been part of it; it has never identified it. Canada has virtually walked out of it. Russia and Japan have declared that they are undecided. Sir, now the Kyoto represents only 15 per cent of global emissions. The Kyoto Protocol has been reduced to just 15 per cent of your global emissions. So, it really does not make any sense talking in terms of Kyoto Protocol unless we are thinking in terms of a newer framework, in terms of talking of equity, which the Minister's Statement itself says, and I quote from the hon. Minister's Statement. It says, "Our stand in these matters has always been based on equity and principle of common but differentiated responsibility". This is on page 2, paragraph 1. Now, if equity is the centre stage, how do we define equity? According to my understanding, equity means that there should be equality of percapita carbon space for entire humanity. Now, every human being on this world will have to be entitled to an equal per-capita carbon space. Now, my friend, Shri Tiruchi Siva has quoted some differential figures between USA and others. I think, the figures are much worse than what he has quoted. I mean, the per-capita carbon emission in the USA is 20 times more than the per-capita carbon emission in India. Maybe, it is 19.8 times, Sir, I do not mind that. But the point is, that is a differential. ...*(Interruptions)*... That is the differential. Now, if that is the case, how are we going to achieve this equity? If this equity is to be achieved, you have to stick to the dual track negotiations; you have to stick to CBDR as 'Differentiated Responsibilities' and not as 'Differentiated Responses' in a single framework. Is that commitment there with the Government, and that is what we would like to know from the hon. Minister because we are a little worried about what the Minister herself said in page 4 of her Statement. Sir, this is my fifth clarification. What the Minister herself in her statement on page 4 has said is that we have decided to decrease our carbon emission output by 20 to 25 per cent by 2020 in comparison with 2005 level. Then it further goes to say and I quote, Sir, "We will meet our domestic goal as a part of implementation of Twelfth Five Year Plan." Now, if this is the commitment we have already made, I have very serious doubts about these voluntary pledges. That means we have accepted, in fact, the single track negotiations, we have accepted that CBDR means 'differentiated responses' not 'differentiated responsibilities' and we have accepted the fact that we will voluntarily reduce our emission which, I think, is an extremely dangerous step for India to take at this moment because, Sir, as we all know, the hon. Prime Minister is on record a number of times saying that for us energy is important to eradicate poverty. Now about 50 per cent of our households do not have a direct

electricity connection. Sir, 78 per cent of Indians do not have access to scientific sanitary conditions. Now to provide them with all this and eliminate poverty in India, I require energy. Now if we are going to voluntarily reduce our energy subventions/submissions in terms of some pledges for which there is nothing forthcoming from the other side, then, I think, Sir, there is no reciprocation in this and we are just surrendering ourselves which, I think, is very, very dangerous for India. Therefore, I think it is a matter of very serious gravity for which it is not only a question of international negotiations but it is a question of India's future. Therefore, this matter has to be taken seriously and that commitment has to be given by this Government or any Government in the future that we will respond only in reciprocation. We will not respond voluntarily and we will respond only in reciprocation. If you are today violating with impunity what you have agreed to in Kyoto and you have gone beyond the carbon emission levels of what you yourselves accepted in Kyoto, then, we have no obligation to accept those limits or voluntarily declare our reduction levels. Therefore, Sir, in this the next point is, what is the diplomacy that we have worked out at Durban? Before Durban and Copenhagen, you had the BASIC. Before that you had our unity with the G-77 countries. We found between Copenhagen, Cancun and Durban that the least developed countries and island countries are drifting away. Now you have many of the developing countries drifting away. The BASIC itself looks like disintegrated. Now, what is the diplomatic approach of this Government of India? Who are the allies on the basis of which we are going to move on this issue? There, Sir, I urge the Government to seriously rethink and restart the process of our unity with G-77 because that is the basic unity that India has inherited as a legacy. India's pride in the world has been as a leader of the world of developing countries. We have taken the initiative in the world for Afro-Asian Conference, we have taken initiative for the Non-Aligned Movement and in climate change this initiative must be wrested back by India to say that we will lead the developing countries in this fight for equitable global climate. So, finally, Sir, one assurance that I think will have to be given by the Minister though I agree with her, with the Government, when she says that there is no commitment in Durban for us to reduce our emission immediately. Correct, good! But this non-reduction of emission immediately is suffixed by a phrase which says that we will make our submissions in February. Now, we do not have to reduce it immediately and neither are we bound to reduce it. Why do we have to make our submissions in February? About those submission in February, I beseech this Government in the interest of India and its people and, through you, Sir, I think, on behalf of this entire House, we should not make our commitments or any submissions till we find the reciprocity on the basis of the developed countries that you first come. If they are not willing to

put in their commitments, there is no need for India to make these commitments in February. That is the assurance that the hon. Minister needs to be given to this House. Otherwise, I think, we shall be bartering away the future of our country and our people and this is something which we cannot afford and this is something that is not acceptable.

So, I request the hon. Minister to give these assurances to this House. Thank you.

SHRI PRAKASH JAVADEKAR (Maharashtra): Sir, I must compliment Smt. Jayanthi Natarajan, because she is representing India in Durban, as a Minister, for entirely a different cause. I was there for two days and witnessed the anxious moments of all international lobbies and international pressures. But, beyond the international pressures, there were also internal pressures on her. Messages coming from her own colleagues saying, 'Don't get isolated, don't get isolated.' But, still, she withstood those pressures. So, I compliment her for that.

The issue has correctly put in by Shri Sitaram Yechury and my clarifications are in a different format. Sir, this time we have been saved, because China stood with us, partially. Brazil and South Africa have really turned against and have accepted the 'legally binding emission cuts' and they want that every country to accept the 'legally binding emission cuts.' So, my first clarification is: Are we going to revamp our whole diplomatic lobbying and negotiation capabilities? When the IPCC Report will be out and also the Bali Action Plan Compliance Report in 2015, there will be the tough period for negotiations in the coming three years. But, the problem is that we have really no capabilities to negotiations at the international level. Some of our officers are good and some negotiators are good. But we must revamp and augment our capabilities in this regard. So, I would like to know the roadmap prepared by the hon. Minister for this purpose.

The second one is, I share the views of my other colleagues in the House that unless US and Canada does something concrete, others doing something or anything means nothing. That is the issue. So, Sir, we have to build pressure on the US, Canada and others who are not part of the Kyoto.

Now, I come to the Green Fund. It has been talked about for creation of a Fund to the tune of US \$ 100 billion for many years. But, nothing has come. Even the IPR issues have not been solved. So, my second clarification is: Whether there is a shipment tax or some trade tax on Indian and Chinese exports being agreed in Durban or does it flow from the Durban statement that we will be taxed on these which will hamper our exports and adversely affect our interest and beneficial to the developed world. It is because they have the technologies and they will be getting profits but we will be at the receiving end.

The last but not the least is relating to the Carbon Credits in trade. We must take position on this. If we are really serious about reducing the Green House gas emissions, then we cannot allow some countries to just purchase Green Credits and do business as usual without changing their life style. So, on that, I would like to know what we are going to do. Thank you.

SHRI V.P. SINGH BADNORE (Rajasthan): Sir, I would like to ask the hon. Minister that if you look at the reality in India, you all know that there are hundreds of thousands of villages which are unelectrified. If you look at the 2005 level of emissions, what we have is the emissions from the coal-based power plants.

In 2005, we were at the level of 1 lakh megawatt only. We have got at the level of 1,80,000 megawatt today. We need another 2-3 lakh megawatt power. And, you are saying that you are going to reduce it to the levels of 2005. How is it possible even with the supercritical technology that we can develop or get, which we are talking about because the BHEL does not have that so far? How are we going to do it? Number two, from the Kyoto Protocol to Bali and run up to Durban, I have also been internationally a part of the negotiations at different levels. Everybody has been talking about that unless the US comes on board, nothing will really come out because they have not only been a participant but a spectator and they have really been lobbying for a different reason. What was the US' thinking and what was your thinking and what did Durban think of this? Have they really come on board or is it just because they are a part of the UN Convention that they are on board? Talking about the funds, the commitments and the reduction in the emission levels, what did you think of the US, now that the Canada has also joined them?

THE MINISTER OF STATE OF THE MINISTRY OF ENVIRONMENT AND FORESTS (SHRIMATI JAYANTHI NATARAJAN): Mr. Chairman, Sir, I would like to thank all the hon. Members of the House for the very important issues that they have raised. I am aware that this issue of climate change is something that has resonance for every single Indian from the poorest, the most vulnerable and the most disadvantaged to the captains of Industry at every level, with the most vulnerable and the most disadvantaged citizens of our country being the most vulnerable to the effects of climate change in terms of change in weather, in terms of change in weather patterns, in terms of floods, in terms of droughts. So, it is something that is not merely a Conference, it is something that is at the very foundation of not only our economy, but also of human rights issues. Of course, there are issues where there have been sharp differences of opinion, sharp critics in the House on the policies adopted. I am only talking, by and large, of a general consensus in the country that the economy of our country must be protected that the poorest and the most disadvantaged people of our country must be

protected. India is not historically responsible for emissions and the emissions that have happened for over 150 years, and are still swelling around, have been created by other countries. India, with a vast population and with a very small footprint, should make sure that our development does not suffer. On this, there has been political and other consensus across the country. Therefore, I understand the anxiety of the hon. Members. I would endeavour to address all the concerns that they have raised. It is in this way that I said that there has been a widespread consensus in the country to the extent that I mentioned.

Sir, I went to Durban with a specific mandate from the Prime Minister and the Cabinet. That mandate covered the issues, which I spoke about just now, that is, we should not accept legally binding emission cuts so that our economy and our population are completely protected. I do agree with Mr. Yechury that the Kyoto Protocol emissions are only 15 per cent. However, the Kyoto Protocol remains the single Protocol that the country has signed up.

Therefore, the important mandate at Durban was the extension of the second commitment period of the Kyoto Protocol. Of course, the USA is out of it. Of course, we insisted and argued very passionately that the United States and other countries which have not signed on should take comparable mitigation targets with Kyoto Protocol. Sir, I would venture to say that as a result of the discussions at Durban, for the first time, the United States was part of these discussions. The USA participated in these discussions. So, to that extent, we have taken a baby step forward. Sir, the first part of the mandate given to me, I venture to speak, by the people of this country was that there should be an extension of the second commitment period of the Kyoto Protocol.

[MR. DEPUTY CHAIRMAN in the Chair]

I venture to say that we succeeded in obtaining that despite tremendous discussions, despite tremendous pressure, without agreeing to a legally-binding agreement and with the inclusion of equity. The hon. Leader of the Opposition very rightly — with respect, I mention — mentioned the important issues of equity and CBDR. Before going on to explain to the House how we, actually, achieved those, Sir, I would like to place on record the pressure, especially, when all the Kyoto Protocol countries were fighting for a legally-binding agreement to come into place if they were to extend this. They were using it as *quid pro quo*. They said, “We will extend as a *quid pro quo* for the extension of the second commitment period only if you take legally-binding emission cuts, only if what they call major emitters — developing countries like India and China — also agree to come on board in a single framework” something that we stoutly resisted. Tremendous pressure was there upon developing countries. In the absolutely intense discussions, the devil was in the details. Before I say anything further, I would like to place on

record, Sir, that not only was my mandate from the Cabinet extremely clear but with the tremendous work — this was a political mandate that I was expressing — that had been done by all our officers from various Departments, from my own Ministry of Environment and Forests, from the Ministry of External Affairs, from the Ministry of Power, from all the Ministries of the Government which went to every single meeting and put forward India's position — I would like to state with utmost pride, Sir, that our efforts through all our negotiators who represented India at every single forum — we came out successfully. We came out with the best results possible, perhaps, not the perfect result and, certainly, no adverse results at all.

Sir, I would like to straightaway go to what the Leader of the Opposition said. Are we going to be legally bound? Are we going towards a legally-binding agreement? No, Sir; we are not. Sir, the first two words that the Leader of the Opposition read out were: Article 2 of the Durban Platform for Enhanced Action also decides to launch a process to develop a protocol, another illegal instrument. We had brought in the words 'legal outcome' in the text which were vehemently resisted by the European Union, because they knew that the word 'legal outcome' is something that means it is not a Treaty. It is not something that is legally binding. It is not binding in any way. The tremendous resistance was what led to two days of discussions and arguments. It found a place in the text and it was very clear that the European Union and the USA knew that it meant that it was not a legally-binding agreement. Therefore, they refused virtually. The Conference was meant to end on Friday evening at six o'clock. It continued the whole of Friday night and on Saturday night, when it looked like that the Conference would collapse, at which point, Sir, we broke up and they asked India to discuss it with the European Union. Then, our delegation came up with the Bali language. I refer to Bali language because the Bali language is the most important language that defines climate change negotiations in favour of developing countries. Therefore, we came up with a phrase 'Agreed outcome with legal force'. So, it has to be an agreed outcome. If we don't agree, it is not an outcome.

It is an option that we can press forward for. It has to be an 'agreed outcome.' It's an outcome; it's not a treaty; it's not something that we have to ratify; it's an outcome. The words, 'with legal force' can mean anything, Sir. It can mean, 'passed by the Indian Parliament'; it can mean 'delegated legislation.' If the Parliament of India does not agree, it will not be binding upon us, and, first of all, it has to be an 'agreed outcome.' So, to address the first apprehension of the hon. Leader of the Opposition, I would like to say that this is an option which was inserted at the insistence of India which was met with tremendous pressure and opposition from every other

country, and here I would like to address straightway another question, Sir. The fact of the matter is and — I will come back to the other important issues raised by the Leader of Opposition in a minute — the point that I want to make at this juncture is that the basic unity did not suffer. We were totally supported all through by G-77 and China as well as by South Africa and Brazil on every single issue. We had a joint Press Conference. So, the media reports that appeared to the contrary were not correct. It is true. I think, Mr. Raja referred to 'least developed countries and to AOSIS. It is true. India's stand was supported by several countries, on the floor, at the plenary, including China, Egypt, Indonesia, Malaysia, Saudi Arabia, etc. However, AOSIS countries, small island nations and some least developed countries did speak in favour of legally-binding action. Now, why did they speak? The fact is, virtually, they don't have to take emission cuts, whereas they get money from the Green Climate Fund for transfer of technology and that was the reason why they felt that it was in their own interest. Some of the island countries said that their islands would be under water. I told them that 'Ooty', in my State, would be under water. If their States were going to be under water, I told them that India has 600 islands which would be under water. So, we are also concerned. But the difference between the AOSIS countries and the stand that India took is that they don't have to take any emission cuts and their *per capita* emissions are much, much higher than India. They are much, much higher than India, and, therefore, it is that they did not agree with us and they wanted India and China to come on board, as what they call 'being major emitters'; and it was to that extent that they differed from us. This was a stand on which we could not compromise. Our diplomatic efforts in future will have to be to convince them that developing countries also need space. But every developing country that wanted to keep its carbon footprint, that wanted growth, that wanted to ensure development has indeed supported India and supported our principle stand.

Sir, as the Leader of the Opposition talked about paragraph 2 when he said, 'agrees to launch a process under the Convention applicable to all parties.' Those are the words that he mentioned and he also said that 'equity' was absent. Now, Sir, I would like to say that the sentence 'under the Convention' before it comes to 'applicable to all parties', says, 'agreed outcome with legal force under the Convention.' Now, if you take the Convention, if you take Article 4 of the Convention, Sir, you will find that very, very specifically, there is a huge reference to the issue of CBDR. I am going to read out, not just from the Convention; but before it, I want to tell the House that when we went to Durban, we were not sure whether the Ad-hoc Working Group, the text to the Ad-hoc Working Group on Long Term Cooperative Action under the

12.00 Noon

Convention, which existed earlier, would be continued or whether it would come to an end. As it turned out, the Ad-hoc Working Group on LCA, AWGLCA, has indeed been extended up to Qatar and we have to now discuss further at Qatar how to carry things forward. If you look at the Ad-hoc Working Group, you will find the reference to equity. I am reading the document that was adopted in Durban. The decision was taken in Durban to extend it up to Qatar. It says, 'This document contains text reflecting work undertaken at the fourth part of the Fourteenth Session to carry forward ideas and proposals in areas in which continued discussions will be held next year.' Here, equity has been referred at no. 9 where it says, "In the context of the ultimate objective of the Convention under article 2 and the Bali Action Plan, parties share the vision for the achievement of a global goal to reduce anthropogenic emissions based on equity, common but differentiated responsibilities and respective capabilities and historical responsibility preceded by a paradigm on equitable access to sustainable development which would ensure adequate time for social and economic development of all developing countries." This is still on the table, Sir. This has continued up to Qatar where we have our work cut out for us to continue the discussion, no doubt. It is a very difficult negotiation. Sir, it affirms that the emissions reductions would be consistent with science, particularly that of the IPCC Fourth Assessment Report and more recent scientific information agreed on the basis of the principles of the Convention, in particular the principles of equity and common but differentiated responsibility and respective capabilities and fully take into account the historical responsibility of Annex-I parties. Again, it repeatedly, Sir, at 24 (c) says, 'equity but common differentiated responsibility'. Sustainable development would ensure adequate time for social and economic development for all developing countries, low Carbon development strategy which is indispensable to sustainable development, Carbon budget which Mr. Javadekar referred to, in the context of equitable access to global atmospheric space. Page after page after page of the text says this. Item No. 34 of the AWGLCA text refers only to equity; Item No. 35 talks about historical responsibility and about IPR; Item No.49 in the AWGLCA text talks about Intellectual Property Rights that Mr. Yechury referred to, 'to ensure that the provision of technological support to developing country parties to enable action on mitigation and adaptation including identification and removal of all barriers that prevent effective technology development and transfer to developing country parties very clearly referred to'. Then, Item No.53 of the AWGLCA text refers to unilateral trade measures, which again, India had raised, that 'no disguised unilateral trade measures of climate change should be imposed including tariff, non-tariff, fiscal,

non-fiscal border trade measures against goods and services from developing countries. Parties on any grounds related to climate change including protection and stabilisation of the climate, emissions leakage and/or the cost of environment compliance. IPR in relation to technology is also referred to in Item No. 66. So, this is the AWGLCA text, Sir, and every single concern that hon. LoP referred to is in this text which has been extended, you will find, up to Qatar, where we will have to continue our discussions. No doubt, we have our work cut out for us. But it would be extended; and what we have done basically is, as I said, I led the delegation but this is the sustained effort, the support from all of you, the entire country, with regard to the position our country must take, the dedicated efforts of our delegation, our experts, our negotiators. What we really achieved is, space to develop up to 2020. At 2020, I have absolutely no hesitation in admitting to the House, we have to begin our negotiations by 2015. I am going to discuss in a minute what Mr. Yechury mentioned about submissions. The submissions that Mr. Yechury had referred to are not the kind of submissions that, perhaps, my statement led to an understanding of; it is a procedural issue that happens every year. It is the beginning of our arguments. It is not a submission on what we have undertaken or what we are going to undertake. It is not a verification or a transparency measure. ...*(Interruptions)*... No. It is not a verification or a transparency issue at all. It is something like the terms of reference for the AWG platform. It is not about mitigation or reduction. It is about what we are going to argue and say as a country, to say that India will not be submitted to legally binding cuts, to say that CBDR should be once again implemented, to say that you cannot break the firewall between developed and developing countries.

Sir, I think, I have covered all the points that the hon. Leader of the Opposition had raised. An important issue was raised about the size of the Green Climate Fund. The Green Climate Fund is the third achievement of Durban. We argued for the extension of the Kyoto Protocol's Second Commitment Period and we argued that the Green Climate Fund must be set in place. The Green Climate Fund should have 100 billion dollars by 2020. We believe that economic difficulties will not last for ever. But the important issue that happened in Durban is that money is not there. I freely concede it to the House. However, the appointment of the Board, the head of the Secretariat, the functioning of the interim Secretariat, selection of the host country, starting of financial support and starting of the functioning of GCF, all those structures have now been put in place. And, at least, a beginning has been made and they have reiterated their commitment. I also need to inform the House that — I think, Mr. N.K. Singh mentioned in the House — it is private money. We argued vehemently that whether it is 'innovation' or whether it

is 'money' that is given by the Governments, this is a pledge which is undertaken by the Party, that is, the Government of the country, the State, in a Conference of Parties and, therefore, that Government has to be responsible for that money. No private companies or no innovators are going to come forward and pay money. So, whichever way that money is mobilized, whether it is from Government funds it is that Party or that Government which will have to be responsible for that money coming into the Green Climate Fund. This is something that we vehemently argued. By no means have we agreed that it will be done privately because we know that no private innovator is going to innovate until he is paid. So, the issue is really that in a Conference of Parties this is a solemn commitment made by the Parties, namely, the Governments of the respective States and, therefore, they will have to make sure that they honour it. Mr. N.K. Singh also mentioned what does the road-map ahead say and what do you want in the post-2020 arrangements under the Durban platform. What I envisage at this point of time, of course, subject to your guidance, to the guidance of all the stakeholders and our country, is that we would like the post-2020 Agreements to resemble the Kyoto-type Agreements and under the Kyoto Protocol developed countries have binding emission cuts in absolute terms which have to be fulfilled at the economy-wide level. There should be a compliance regime for verifying and enforcing the achievement of targets of developed countries. The EU is already bound under the Kyoto Protocol. As far as the United States is concerned, we may want to have a pledge and review system in which the targets will be determined and implemented nationally with international compliance obligations. These are matters which have to be negotiated multilaterally and a suitable system will need to be agreed upon. What about us? What about developing countries? For developing countries, the responsibilities and obligations in a post-2020 scenario will have to be clearly built upon the principle of equity and of common, but differentiated, responsibility. Irrespective of the legal form of the final arrangements, the developing countries' targets under such arrangements cannot be binding, and we will not accept for it to be binding until the principle of differentiation based on equity is defined. These are our submissions. How will you define the principle? Will you define it on per capita? Will you define it upon your carbon footprint? These are matters for negotiations? Until it is defined to our satisfaction and these conditions are made implicit in any such definition of equity, until these conditions are met and until the principle of equity is elaborated and incorporated, we will not be in a position to negotiate a final treaty. Until 2020 and beyond, developing countries' targets under the arrangements should, therefore, be relative in nature. Emission intensity and deviation are not expressed in absolute terms. I think somebody talked about electricity. In fact, all of you

talked about it. I totally agree. This is one of the first things I said in Durban. A huge percentage of our villages do not even have electricity. How do you expect a starving man to go under diet? However, as a responsible country, as a compassionate country and as a responsible member of the global community, we have undertaken, not in Durban but earlier, that we will take not emission cuts, but intensity of emission will be reduced. And, I am proud to say that under the hon. Prime Minister's National Action Plan for Climate Change, intensity of emission will be reduced, which really means more efficient use of electricity, preventing leakage, promoting renewable sources of energy like solar energy, or, promoting sustainable development. All these initiatives undertaken by the hon. Prime Minister have met with great success without compromising an iota upon our ultimate goal of growth, and that is what we have managed to achieve, which, I think, as a responsible country, we are bound to do. There is no question of taking absolute emission cuts in an internationally-verifiable scenario until then. Sir, our pledge is, therefore, also dependent upon finance and technology under Article 4.3, and it will be our endeavour to see that until needs of our economy are properly met, this country will not be subject to any legally-binding agreements that will hamper our economy and hamper the growth of the people. At the same time, we will make sure that we behave as a responsible member of global comity of nations where we are committed to mitigate the deleterious effects of climate change. I have already addressed the IPR.

Regarding the issue that Mr. Yechury raised about being a single framework, I would like to clarify that just by the use of words, 'applicable to all parties', the new legal instrument or the agreed outcome with legal force does not become a single framework. I am stating this explicitly. The existing framework is the convention which I have already read out, which specifically keeps the firewall of 'common but differentiated responsibilities' alive. The new arrangements will apply to all, just as the Kyoto Protocol applies to all those who have ratified it. Regarding the issues of defining the principle, as I have mentioned earlier, this is the principle of 'common but differentiated responsibilities', or, on the basis of which, the agreed outcome will operate.

Then, about diplomacy, I have already mentioned. I cannot tell you, and this again is a tribute, I believe, to the respect that this country is held in by the world at large. We are not like other countries — I don't want to mention the names — that have accepted, for example, the Kyoto Protocol and then jumped ship like Canada. I won't mention other countries. We are not a country that accepts a legally-binding emission and then refuses to honour it. We take our commitments extremely seriously. The amount of support and respect that was received for the Indian stand, for the people of India and to see India as a leader of the developing world, you

should have seen over there. So many people supported our principal stand and the work that was done by the entire delegation, the mandate and the way India stood for what it believed in and implemented whatever commitments that India had undertaken. We were not isolated by any means. In fact, we made sure that whatever this country expected from us, and I do not speak for myself, as I said, I speak for the entire delegation, I speak for the support that we have received from the hon. Prime Minister, the Cabinet and from all of you. We ensured that the second commitment period of the Kyoto Protocol was continued. We ensured that India does not take legally-binding agreements. We ensured that we have 10 years, at least, for growth, development and business as usual. We ensured that we are taken seriously as a country that believes in contributing to the climate change effort, and above all, we ensured that India's place on the world map, particularly in climate change negotiations, is placed firmly at the centre and at the heart of decision making. In that effort, I do agree that the task ahead and the road ahead are very difficult and very rocky because there are national expectations world over. Our work as negotiators and as a country is cut out for us. We have to take it forward and I remain willing to be guided and advised by all of you to take forward the voice of our country as a whole. Our negotiators will continue to do their good work and we will make sure that while contributing to stopping the deleterious effects of climate change, we will continue to be taken seriously, our economy will continue to grow, our poor will not suffer and we will be respected in the comity of nations. Thank you, Sir.

MR. DEPUTY CHAIRMAN: We will now take up the Export-Import Bank of India (Amendment) Bill, 2011. Shri Namo Narain Meena.

GOVERNMENT BILLS

The Export-Import Bank of India (Amendment) Bill, 2011

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI NAMO NARAIN MEENA):
Sir, I beg to move:

“that the Bill further to amend the Export-Import Bank of India Act, 1981, as passed by Lok Sabha, be taken into consideration”.

Sir, the Export-Import Bank of India (Amendment) Bill, 2011 was introduced in the Fifteenth Lok Sabha on 8th December 2011 and was passed on 21st December 2011.

The Exim Bank was set up as a statutory corporation under the Export-Import Bank of India Act, 1981 for providing financial assistance to exporters and importers and for functioning as the