

Ordinance Summary

The Commission for Air Quality Management in National Capital Region and Adjoining Areas Ordinance, 2021

- The Commission for Air Quality Management in National Capital Region and Adjoining Areas Ordinance, 2021 was promulgated on April 13, 2021. The Ordinance provides for the constitution of a Commission for better co-ordination, research, identification, and resolution of problems related to air quality in the National Capital Region (NCR) and adjoining areas. Adjoining areas have been defined as areas in the states of Haryana, Punjab, Rajasthan, and Uttar Pradesh adjoining the NCR where any source of pollution may cause adverse impact on air quality in the NCR. The Ordinance also dissolves the Environment Pollution Prevention and Control Authority established in the NCR in 1998. An Ordinance establishing a similar Commission was promulgated in October, 2020. Key features of the 2021 Ordinance include:
- **Functions of the Commission:** Functions of the Commission include: (i) co-ordinating actions taken under the Ordinance by concerned state governments (Delhi, Haryana, Punjab, Rajasthan, and Uttar Pradesh), (ii) planning and executing plans to prevent and control air pollution in the NCR, (iii) providing a framework for identification of air pollutants, (iv) conducting research and development through networking with technical institutions, (v) training and creating a special workforce to deal with issues related to air pollution, and (vi) preparing various action plans such as increasing plantation and addressing stubble burning.
- **Powers of the Commission:** Powers of the Commission include: (i) restricting activities influencing air quality, (ii) investigating and conducting research related to environmental pollution impacting air quality, (iii) preparing codes and guidelines to prevent and control air pollution, and (iv) issuing directions on matters including inspections, or regulation which will be binding on the concerned person or authority. Further, the Commission may impose and collect environment compensation from farmers causing pollution by stubble burning. This compensation will be prescribed by the central government.
- The Commission will be the sole authority with jurisdiction over matters defined in the Ordinance (such as air quality management). In case of any conflict, the orders or directions of the Commission will prevail over the orders of the respective state governments, the Central Pollution Control Board (CPCB), state PCBs, and state-level statutory bodies.
- **Composition:** The Commission will consist of: (i) a Chairperson, (ii) an officer of the rank of a Joint Secretary as the member-secretary and Chief Coordinating Officer, (iii) a currently serving or former Joint Secretary from the central government as a full-time member, (iv) three independent technical members with expertise related to air pollution, and (v) three members from non-government organisations. The Chairperson and members of the Commission will have a tenure of three years or till the age of seventy years, whichever is earlier.
- The Commission will also include ex-officio members: (i) from the central government and concerned state governments, and (ii) technical members from CPCB, Indian Space Research Organisation, and NITI Aayog. It may also appoint representatives of certain ministries.
- **Sub-Committees:** The Commission is required to form sub-committees on: (i) monitoring and identification, (ii) safeguarding and enforcement, and (iii) research and development. These will be headed by a member, the Chairperson, and a technical member, respectively.
- **Selection Committee:** A selection committee will be constituted by the central government for recommending appointments of members of the Commission. The Committee will be headed by the Minister in charge of the Ministry of Environment, Forest and Climate Change. Members of the Committee will include the Ministers in charge: (i) Commerce and Industry, (ii) Road Transport and Highways, (iii) Science and Technology, and (iv) the Cabinet Secretary.
- **Penalties:** Contravention of provisions of the Ordinance, or orders and directions of the Commission will be punishable with imprisonment of up to five years, or fine of up to one crore rupees, or both. All appeals against the Commission's orders will be heard by the National Green Tribunal.

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