

Bill Summary

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

- The Commission for Air Quality Management in National Capital Region and Adjoining Areas Bill, 2021 was introduced in Lok Sabha on July 30, 2021. The Bill 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 Haryana, Punjab, Rajasthan, and Uttar Pradesh, adjoining the National Capital Territory of Delhi and NCR, where any source of pollution may cause adverse impact on air quality in the NCR. The Bill 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. It lapsed in March 2021 and was repromulgated in April 2021. The Bill repeals the 2021 Ordinance. Key features of the Bill include:
 - **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 serving or former Joint Secretary from the central government, (iii) three independent technical members with expertise in air pollution, and (iv) 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 Central Pollution Control Board, Indian Space Research Organisation, and NITI Aayog. It may also appoint representatives of certain ministries.
 - **Selection of Commission:** The central government will constitute a selection committee to recommend appointments of members of the Commission. The Committee will be headed by the Minister of Environment, Forest and Climate Change. Members of the Committee will include the Cabinet Secretary and the Minister of: (i) Commerce and Industry, (ii) Road Transport and Highways, and (iii) Science and Technology.
 - **Functions of the Commission:** Functions of the Commission include: (i) co-ordinating actions by concerned state governments (Delhi, Haryana, Punjab, Rajasthan, and Uttar Pradesh), (ii) planning and executing plans to prevent and control air pollution in NCR, (iii) providing a framework for identifying 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 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.
 - The Commission will be the sole authority with jurisdiction over matters defined in the Bill (such as air quality management). In case of conflicts, 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.
 - **Sub-Committees:** The Commission is required to form sub-committees on: (i) monitoring and identification, (ii) safeguarding and enforcement, and (iii) research and development.
 - **Penalties:** Contravention of provisions of the Bill, 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. The Bill excludes farmers from the scope of these penalties. However, the Commission may collect an environmental compensation from farmers causing pollution by stubble burning. This compensation will be prescribed by the central government. Appeals against the Commission's orders will lie with the National Green Tribunal.

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