

Ordinance Summary

The Commission for Air Quality Management in National Capital Region and Adjoining Areas Ordinance, 2020

- The Commission for Air Quality Management in National Capital Region and Adjoining Areas Ordinance, 2020 was promulgated on October 28, 2020. The Ordinance provides for 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 refers to areas in the states of Haryana, Punjab, Rajasthan, and Uttar Pradesh where any source of pollution may cause adverse impact on air quality in the NCR.
- **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 region, (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 work force 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 which will be binding on the concerned person or authority.
- 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 state governments (of Delhi, Haryana, Punjab, Rajasthan, and Uttar Pradesh), the Central Pollution Control Board (CPCB), state PCBs, and state-level statutory bodies.
- **Composition:** The Commission will consist of: (i) a Chairperson, (ii) two Joint Secretaries from the central government, (iii) three persons with knowledge and expertise related to air pollution as independent technical members, and (iv) three members from non-government organisations. The Commission will also include ex-officio members: (i) from the central government and concerned state governments, and (ii) as technical members from CPCB, Indian Space Research Organisation (ISRO), and NITI Aayog. Additionally, the Commission may appoint representatives of certain ministries as associate members.
- The Chairperson and members of the Commission will have a tenure of three years or till the age of seventy years, whichever is earlier.
- **Selection Committee:** The appointment of the Chairperson and members of the Commission will be done by the central government on the recommendations of a Selection Committee. The Committee will be headed by the Minister in-charge of the Ministry of Environment, Forest and Climate Change as the Chairperson. Further, the Committee will include the Cabinet Secretary and the Minister in-charge of: (i) Ministry of Commerce and Industry, (ii) Ministry of Road Transport and Highways, and (iii) Ministry of Science and Technology.
- **Sub-Committees:** The Commission is required to form at least three sub-committees: (i) sub-committee on monitoring and identification, (ii) sub-committee on safeguarding and enforcement, and (iii) sub-committee on research and development. These sub-committees will be headed by: (i) a member of the Commission, (ii) the Chairperson of the Commission, and (iii) a technical member of the Commission, respectively.
- **Penalties:** Any non-compliance or violation of the provisions of the Ordinance or orders and directions of the Commission is 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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