

Bill No. 142 of 2021

THE MANAGEMENT AND CONTROL OF
STUBBLE BILL, 2021

By

SHRI BHOLA SINGH, M.P.

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BILL

to provide for the formulation of a national policy to set up advanced tools, techniques and technologies for control and management of the disposal of stubble directly outside the agricultural farm lands, for their scientific management and for preparing a model stubble management policy to prevent open burning or open depositing of stubble garbage or waste so as to protect the environment and ultimately mother Earth from being polluted by smoke and smog spread due to the burning of stubble in open fields which is also responsible for the climate change and for matters connected therewith or incidental thereto.

WHEREAS decisions were taken at the United Nations Conference on the Human Environment held in Stockholm in June, 1972, in which India participated, to take appropriate steps for the preservation of the natural resources of the earth which, among other things, include the preservation of the quality of air and control of air pollution;

AND WHEREAS it is considered necessary to implement the decisions aforesaid in so far as they relate to the preservation of the quality of air and control of air pollution;

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

Short title,
extent and
commencement.

1. (1) This Act may be called the Management and Control of Stubble Act, 2021.

(2) It extends to the whole of India. 5

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

Definitions.

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 other cases, the Central Government; 10

(b) “biomass pellets” include pellets created from agro-residual waste and stubble;

(c) “Custom Hiring Centers” means units comprising sets of farm machinery, implements and equipment meant for custom hiring by farmers;

(d) “garbage” means the garbage or waste material which is not of any use to farmers; 15

(e) “public place” means any place which is open to use and enjoyment of the general public whether it is actually used or enjoyed by the public or not and includes a road, street, market, house gully or way, whether a throughfare or not, and the landfill sites to which public are granted access or have a right to resort or over which they have a right to pass; and 20

(f) “stubble” means the short, stiff stalks of grain or hay remaining on an agricultural field after harvesting of crop.

National
Policy for
management
and control of
disposal of
stubble.

3. (1) The Central Government shall, within six months of the commencement of this Act, frame and publish in the Official Gazette a National Policy for management and control of disposal of stubble throughout the country. 25

(2) Without prejudice to the generality of the provisions contained in subsection (1), the National Policy shall include—

(a) establishment of Custom Hiring Centres (CHCs) for *in-situ* crop residue management machinery in all the districts across country; 30

(b) provision for Information, Education and Communication (IEC) activities for creating awareness among farmers regarding disposal of stubble;

5 (c) policy for distribution of *in-situ* crop residue management machinery to farmers on subsidy;

(d) policy for biomass utilization of stubble for power generation through co-firing in pulverized coal fired boilers;

(e) setting up power plants which are capable of generating power from stubble or combination of stubble with other bio degradable garbage;

10 (f) mandatory provision for all coal based Thermal Power Plants to use minimum five per cent. of biomass pellets and upto ten per cent. to be co-fired with coal;

(g) promote technology to use stubble in construction and development of tourist places and spots;

15 (h) setting up of stubble recycling plants; and

(i) promote participation of Panchayat at all levels in educating people in control and management of stubble in their areas.

20 **4. (1)** Notwithstanding anything contained in any other law for the time being in force, the disposal of stubble by any person, by himself or through another, knowingly or otherwise by burning it in open agricultural fields and public places is hereby prohibited.

Prohibition to throw stubble in public place

25 (2) No person shall, knowingly or otherwise, place or permit to be placed, except in accordance with such procedure and after complying with such safeguards as may be prescribed, any stubble or garbage with stubble in any public place or in a place open to public view unless,—

(a) the stubble is placed in a power plants capable of generating power from the stubble or combination of stubble with other bio-degradable garbage; or

30 (b) the stubble is deposited in a location designated by a local self-Government having jurisdiction on an area for the lawful use or disposal of stubble, as the case may be.

(3) Whoever contravenes the provisions of this section shall be guilty of committing an offence under this Act.

5. It shall be the duty of the local self-Government to,—

35 (a) establish sufficient number of Custom Hiring Centres (CHCs) for *in-situ* crop residue management machinery in central and convenient location;

Establishment of Custom Hiring Centres and distribution of crop residue machinery.

(b) provide crop residue management machinery to the farmers;

(c) setting up of appropriate number of stubble recycling plants;

(d) establish Information, Education and Communication (IEC) centres for creating awareness among farmers; and

(e) adequate arrangement for collection and deposit of stubble collected.

Penalty.	6. (1) Whoever commits any act in contravention of any of the provisions of this Act shall be liable to pay fine which shall not be less than twenty thousand rupees, but which may extend upto fifty thousand rupees.	5
	(2) Whoever having been convicted of an offence under this Act is again convicted of any offence under this Act shall be punished with simple imprisonment which may extend upto one year.	10
	(3) Notwithstanding anything contained in the Code of Criminal procedure, of 1973, an offence punishable under this Act shall be cognizable and bailable.	2 of 1974.
Welfare Measures for Workers.	7. It shall be the duty of the appropriate Government to extend welfare measures, appropriate medical facilities and special allowances to the workers who are engaged to execute works under the National policy framed under this Act.	15
Offence to be tried Summarily.	8. All offences under this Act shall be tried in a summary way by a Judicial Magistrate of the first class and the provisions of the Code of Criminal Procedure, 1973 shall, as far as may be, apply to such trials.	2 of 1974.
Central Government to Provide Funds.	9. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide requisite funds, from time to time to State Governments for carrying out the purposes of this Act.	20
Act to Supplement other Laws.	10. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force dealing with the subject matter of this Act.	25
Power to Make Rules.	11. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.	
	(2) Every rule made under this section 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 the 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.	30 35

STATEMENT OF OBJECTS AND REASONS

In recent years, during the winter season most of the cities in the National Capital region have been badly affected with the smoke and smog and air pollution due to the burning of stubble by the farmers in Punjab, Haryana, Rajasthan and other States. Farmers of Haryana and Punjab cultivate wheat and paddy in every six months. During this time, after harvesting a crop, it is used to clean the fields. Air pollution arises after burning pollen. The pollution level increases in Delhi, especially after the burning of stubble by the farmers of Haryana and Punjab. The matter has reached the Supreme Court. The Supreme Court and the NGT both have issued the instructions on the ban on burning of Stubble. Since then the farmers are demanding from the Government for alternatives of dispose of stubble. In addition to wheat and paddy, sugarcane leaves are most commonly burnt. According to an official report, more than 500 million tonnes of parali (crop residues) is produced annually in the country, cereal crops (rice, wheat, maize and millets) account for seventy per cent. of the total crop residue. Ozone layer is bursting with carbon monoxide and carbon dioxide gases in the smoke that comes out of the burn, due to which the ultraviolet rays, which can prove fatal to the skin, reach the ground directly. Its smoke causes irritation in the eyes. The problems relating to breathing and lung diseases are also increasing.

The Ministry of Power had brought out a policy for biomass utilization for power generation through co-firing in pulverized coal fired boilers in November, 2017. As per the policy, all fluidized bed and pulverized coal units (coal based thermal power plants) of power generating utilities, public or private, located in shall endeavor to use 5-10 per cent. blend of biomass pellets made, primarily of agro residue along with coal after assessing the technical feasibility *viz.* safety aspects etc. In line with the policy, Central Electricity Authority (CEA) had issued an advisory to all concerned State Governments, power plants utilities, power equipment manufacturers and other stakeholders to promote use of biomass pellets. The Ministry of Power has decided that the States of Haryana and Punjab shall issue bids for all coal based Thermal Power Plants to use minimum five per cent. of biomass pellets and upto ten per cent. to be co-fired with coal.

The Bill, therefore, seeks to provide for formulation of national policy to set up advanced tools, techniques and technologies for control and management of the disposal of stubble directly outside the agricultural farm lands, for their scientific management and for preparing a model stubble management policy to prevent open burning or open depositing of stubble garbage or waste so as to protect the environment and ultimately mother Earth from being polluted by smoke and smog spread due to the burning of stubble in open fields which is also responsible for the climate change.

Hence this Bill.

NEW DELHI;
July 6, 2021.

BHOLA SINGH

FINANCIAL MEMORANDUM

Clause 7 of the Bill provides for welfare measures, medical facilities and special allowances to the workers who are engaged to execute the work under this Act. Clause 9 makes it mandatory that the Central Government shall provide funds from time to time for carrying out the purposes of this Bill. At this stage it is not possible to quantify the funds which may be required for the implementation of the provisions. However, it is estimated that a sum of rupees one hundred crore may involve from the Consolidated Fund of India as recurring expenditure per annum.

A non-recurring expenditure of about rupees one hundred crore may also be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

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