

**Bill No. 271 of 2022**

THE COMMISSION FOR AIR QUALITY MANAGEMENT IN  
NATIONAL CAPITAL REGION AND ADJOINING  
AREAS (AMENDMENT) BILL, 2022

By

SHRI GAURAV GOGOI, M.P.

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BILL

*to amend the Commission for Air Quality Management in National Capital Region  
and Adjoining Areas Act, 2021.*

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

1. (1) This Act may be called the Commission for Air Quality Management in National Capital Region and Adjoining Areas (Amendment) Act, 2022.

Short title and commencement.

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



**Capital Region and Adjoining Areas, a trust, as a non-profit body, to be called the District Air Pollution Monitoring Foundation.**

5 (2) The District Air Pollution Monitoring Foundation shall monitor the emission or discharge of environmental pollutants from various sources whatsoever that have implications on air quality in the district in such manner as may be prescribed.

(3) **The composition and functions of the District Air Pollution Monitoring Foundation shall be such as may be prescribed.”.**

7. In section 13 of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely,—

Amendment of section 13.

10 “(1) The Commission shall furnish to the Central Government an annual report containing such details of the steps taken, proposals made, researches awaited and number of deaths occurred, number of people hospitalised during the year in the National Capital Region and Adjoining Areas (district-wise) due to air pollution and other measures undertaken by it in pursuance of its functions under section 12, 15 in such form and manner as may be specified by regulations.”.

8. In section 16 of the principal Act, after sub-section (2), the following proviso shall be inserted, namely,—

Amendment of section 16.

20 “Provided that the fund allocation for research relating to problems of environmental pollution mentioned in clause (vi) of sub-section (2) of section 12 is done every year and shall be at least ten per cent. of the total expenditure of the commission in a year.”.

## STATEMENT OF OBJECTS AND REASONS

As Indira Gandhi, India's former 'green' Prime Minister and an eminent environmentalist once said, "The problems created by the pollution of air and water, and by fear of the depletion of the mineral resources of the earth, have created a belated realization that we should be conservers, not destroyers, of this planet". Laws dealing with air and water pollution, i.e. The Air (Prevention and Control of Pollution) Act, 1981 and Water (Prevention and Control of Pollution) Act, 1974 were enacted during her tenure as Prime Minister of India. On 17 May 1972, Indira Gandhi wrote to her Industry Minister: "The Water Pollution Bill has been passed. I do not know what is delaying the Bill regarding air pollution. This should be expedited". Nothing could be more pressing, today, than upgrading the laws that govern the working of the agencies that fight against environmental pollution. The world has moved so much forward since the enactment of the Commission for Air Quality Management in the National Capital Region and Adjoining Areas (Amendment) Act, 2021.

This Bill seeks to make amendments to the principal Act to enable the Commission to perform its functions better, aligning with the changing global scenario. The Bill, *inter alia*, ensures that:

(i) the Commission allocates sufficient funds, every year, for research on air pollution;

(ii) the Commission maintains a record of health hazards faced by the people residing in the NCR and the adjoining region, the number of deaths and hospitalizations occurred every year due to air pollution;

(iii) the District level institution called 'District Air Pollution Monitoring Foundation' is established to monitor the emission or discharge of environmental pollutants from various sources;

(iv) the commission acknowledges and incentivises the sources that emit a lesser quantity of pollutants to the environment;

(v) the Commission consults representatives of the Ministry of Health and Family Welfare on the issues of air pollution and includes them in the 'Sub-Committee on Research and Development'.

Hence this Bill.

NEW DELHI;

GAURAV GOGOI

November 21, 2022

## FINANCIAL MEMORANDUM

Clause 6 of the Bill provides for establishment of a trust to be known as the District Air Pollution Monitor Foundation in every district in the National Capital Region and adjoining areas by the Commission. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of rupees Ten Crore is likely to be incurred from the Consolidated Fund of India.

A non-recurring expenditure of about rupees Five Crore is also likely to be involved.

ANNEXURE

[EXTRACTS FROM THE COMMISSION FOR AIR QUALITY MANAGEMENT IN  
NATIONAL CAPITAL REGION AND ADJOINING AREAS ACT, 2021]

29 OF 2021

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Definitions.	<p><b>2.</b> (1) In this Act, unless the context otherwise requires,—</p> <p>(a) * * * * *</p> <p>(b) * * * * *</p> <p>(c) * * * * *</p> <p>(d) “Commission” means the Commission for Air Quality Management in National Capital Region and Adjoining Areas constituted under section 3;</p> <p>* * * * *</p>				
Constitution of Commission.	<p><b>3.</b> (1)* * * * *</p> <p>(2)* * * * *</p> <p>(3) The Commission may co-opt the following persons as Associate Members, namely:—</p> <p>(a) a representative of the Ministry of Road Transport and Highways, not below the rank of Joint Secretary to the Government of India;</p> <p>(b) a representative of the Ministry of Power, not below the rank of Joint Secretary to the Government of India;</p> <p>(c) a representative of the Ministry of Housing and Urban Affairs, not below the rank of Joint Secretary to the Government of India;</p> <p>(d) a representative of the Ministry of Petroleum and Natural Gas, not below the rank of Joint Secretary to the Government of India;</p> <p>(e) a representative of the Ministry of Agriculture and Farmers’ Welfare, not below the rank of Joint Secretary to the Government of India;</p> <p>* * * * *</p>				
Sub-Committees and other staff of Commission.	<p><b>11.</b> (1) * * * * *</p> <p>(2) * * * * *</p> <p>(3) * * * * *</p> <p>(a) * * * * *;</p> <p>(b) * * * * *;</p> <p>(c) one officer not below the rank of Inspector-General of Police or equivalent from the National Capital Territory of Delhi and the States of Punjab, Haryana, Rajasthan and Uttar Pradesh;</p> <p>(4) * * * * *</p> <p>(a) * * * * *;</p> <p>(b) * * * * *;</p> <p>(c) two technical representatives from the field of medicine and research working or studying on the impact of air pollution on living beings;</p> <p>* * * * *</p>				

**13. (1)** Notwithstanding anything contained in any other law for the time being in force, the Commission shall have the power to take all such measures, issue directions and entertain complaints, as it deems necessary or expedient, for the purpose of protecting and improving the quality of the air in the National Capital Region and adjoining areas and shall also have the duty to take all such measures as may become necessary for protecting and improving the quality of air in the National Capital Region and adjoining areas.

Powers and functions of Commission.

- (2) \* \* \* \* \*
- (3) \* \* \* \* \*
- (4) \* \* \* \* \*
- (5) \* \* \* \* \*
- (6) \* \* \* \* \*
- (a) \* \* \* \* \*
- (b) \* \* \* \* \*
- (c) \* \* \* \* \*
- (d) \* \* \* \* \*
- (e) \* \* \* \* \*
- (f) \* \* \* \* \*
- (g) \* \* \* \* \*
- (h) \* \* \* \* \*
- (i) \* \* \* \* \*
- (j) \* \* \* \* \*

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**14. (1)** The Commission shall furnish to the Central Government an annual report containing such details of the steps taken, proposals made, researches awaited and other measures undertaken by it in pursuance of its functions under section 12, in such form and manner as may be specified by regulations.

Annual report.

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**16. (1)** \* \* \* \* \*

Grants by Central Government.

(2) The Commission may spend such sums as it thinks fit for performing the functions under this Act, and such sums shall be treated as expenditure payable out of the grants referred to in sub-section (1).

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further to amend the Commission for Air Quality Management in National Capital Region  
and Adjoining Areas Act, 2022.

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*(Shri Gaurav Gogoi, M.P.)*