

AS INTRODUCED IN LOK SABHA

Bill No. 351 of 2019

THE VEHICULAR POLLUTION REDUCTION BILL, 2019

By

SHRIMATI LOCKET CHATTERJEE, M.P.

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BILL

to provide for incentives to State Governments and Municipal Corporations to take effective steps towards reduction of vehicular pollution in urban areas.

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Vehicular Pollution Reduction Act, 2019.

Short title and commencement.

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

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "Authority" means the Vehicular Pollution Regulation and Assessment Authority constituted under section 6;

10 (b) "Carpool-only lane" means a lane of a road that is exclusively reserved for the use of powered vehicles carrying a minimum of four passengers including the driver, or, in the case of motorcycles, a minimum of two passengers including the driver;

(c) "eligible vehicle" refers to a powered vehicle intended to be used on roads and which meets any of the following descriptions,—

- (i) an electric vehicle, that is, a vehicle that is powered entirely by electric power stored in a battery which is recharged through an electrical outlet;
- (ii) a hybrid vehicle, that is, a vehicle that is partly powered through battery power and partly through an internal combustion engine;
- (iii) a plug-in hybrid vehicle, that is, a vehicle that can be powered in the same way as a hybrid vehicle, and through electric power stored in a battery which is recharged through an electrical outlet;
- (iv) a fuel cell vehicle, that is, a vehicle powered by an engine where the only byproduct that is produced is water;
- (v) a natural gas vehicle, that is, a vehicle that is powered by compressed natural gas or liquefied natural gas;
- (vi) a biofuel vehicle, that is, a vehicle that is powered by biofuels:

Provided that the Central Government may, by notification in the Official Gazette, lay down requirements, including technical specifications, minimum or maximum engine capacity, engine efficiency or composition of fuel emissions, for any of the above description, fulfillment of which shall be necessary for a vehicle to fall within the meaning of eligible vehicle; and

(d) "traffic signal synchronization" means the traffic engineering technique where traffic signals are designed, monitored and operated in order to coordinate the times taken for signals to change for a series of roads and junctions, so as to minimise stops and delays for vehicles.

Conditions
for a
Municipal
Corporation
to receive
grant.

3. Every Municipal Corporation shall be entitled to receive from the Central Government a grant of one hundred crore rupees or of such higher amount, as the Central Government may, by notification in the Official Gazette specify, if it satisfies any five of the following eight conditions,—

- (a) implement a system for collecting a fixed daily fee as congestion fee from vehicles that enter congested areas within the municipality;
- (b) introduce carpool-only lanes on major roads in the municipal area;
- (c) provide rebates to residents of the municipal area for purchase of eligible vehicles;
- (d) provide free electric recharging facilities for cars to residents of the municipal area;
- (e) implement a system which bars entry into the municipality area of vehicles older than ten years;
- (f) implement a system of traffic signal synchronization within the municipal area;
- (g) provides the following benefits to eligible vehicles—
- (i) permit eligible vehicles to use carpool-only lanes irrespective of the number of occupants of the vehicle; and
- (ii) exempt eligible vehicles from parking fee at public parking facilities in the municipal area; and
- (h) provides the following benefits to owners of eligible vehicles,—
- (i) full or partial waiver of Taxes/fees, charges or other types of dues taken by the municipal corporation from the user of vehicles;

- (ii) full or partial waiver of toll fee at toll fee collection points under the administrative control of the municipal corporation; and
- (iii) credits for expenses on the fuel for eligible vehicles that can be set-off against fees, charges or other types of dues taken by municipal corporation.
- 5. The State Government shall be entitled to receive from the Central Government a grant of three hundred crore rupees or of such higher amount, as the Central Government may, by notification in the Official Gazette specify, if that State Government satisfies any two of the following conditions,—**
- Conditions for a State Government to receive grant.
- 10 (a) impose an additional Tax on all vehicles which do not fall within the category of eligible vehicles.
- (b) exempt eligible vehicles from the requirement of registration in the State after relocation in that State if such eligible vehicles have previously been registered in any other State;
- 15 (c) adopt policies which require persons working in private or Government offices, organizations, agencies or businesses in the State to work from home for atleast one working day every week.
- 5. The State Government shall be entitled to receive from the Central Government a grant of five hundred crore rupees or of such higher amount, as the Central Government may, by notification in the Official Gazette specifies, if—**
- 20 (a) the State has five or less Municipal Corporations and all Municipal Corporations within the State are eligible to receive grant under section 3; or
- (b) the State has more than five but not more than twenty Municipal Corporations and not less than three-fourths of all the Municipal Corporation within the State are eligible to receive grant under section 3; or
- 25 (c) the State has more than twenty Municipal Corporations and not less than one-half of all Municipal Corporations within the State are eligible to receive grant under section 3.
- Grant for State Government achieving state-wide compliance with conditions.
- 6. (1) The Central Government shall, within one month of the coming into force of this Act, by notification in the Official Gazette, constitute an Authority to be known as the Vehicular Pollution Regulation and Assessment Authority.**
- The Vehicular Pollution Regulation and Assessment Authority.
- 30 (2) The Authority shall consist of a Chairperson and representatives from the Union Ministries of Finance, Road Transport and Highways and the Environment, Forest and Climate Change, to be appointed by Central Government in such manner as may be prescribed.
- 35 (3) The allowances payable to and other terms and conditions of services of Chairperson and other members of the Authority shall be such as may be prescribed.
7. (1) The Authority shall determine whether a Municipal Corporation or a State Government satisfies the conditions laid down under sections 3, 4 and 5.
- Authority to determine satisfaction of conditions.
- (2) The decision of the Authority under sub-section (1) shall be final.
- 40 (3) While making a determination under sub-section (1), the Authority shall take into consideration the steps taken by a Municipal Corporation or a State Government towards achieving the intended objectives behind each of the conditions mentioned in sections 3, 4 and 5.
8. (1) The Authority may, from time to time, issue specifications, for each of the conditions mentioned in sections 3, 4, and 5.
- Power of the Authority to issue specifications.
- (2) Without prejudice to the generality of the foregoing provision, the Authority shall have the power to—
- (a) prescribe parameters for identifying congested areas in a municipal corporation;

	(b) prescribe parameters for fixing congestion fee to be levied by a municipal corporation;	
	(c) demarcate roads for carpool-only lanes;	
	(d) prescribed the minimum rate of rebate to be given to the owners for purchasing eligible vehicles;	5
	(e) prescribe performance parameters for traffic signal synchronization;	
	(f) prescribe the minimum rate of waiver in fees, charges or other types of dues to the municipal corporation to be given to the owners of eligible vehicles; and	
	(g) prescribe the minimum additional cost to be realised by way of the imposition of any additional penalty on all vehicles other than eligible vehicles.	10
	(3) A specification issued under sub-section (2) shall not be modified or revoked till the completion of a period of one year from the date of issue of specification:	
	Provided that the Authority shall have no restrictions on issuing specifications on other aspects during such time.	
Advance determination of proposal.	9. (I) Every State Government and Municipal Corporation shall have the right to submit their proposal of steps to be taken to the Authority for an advance determination of whether such steps, if implemented, would satisfy the conditions laid down in sections 3, 4 or 5.	15
	(2) The Authority shall provide such an advance determination within three months of receiving the proposal from the State Government or the Municipal Corporation.	20
	(3) For the purpose of becoming eligible for the grants specified in sections 3, 4 or 5, obtaining of an advance determination shall not affect the requirement of obtaining a determination under section 7.	
Protection of action taken in good faith.	10. No suit or other legal proceedings shall lie against any person in respect of anything which is in good faith done, or intended to be done, under or in pursuance of the provisions of this Act.	25
Power to make rules.	11. (I) The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.	
	(2) Every rule made under this Act 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
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STATEMENT OF OBJECTS AND REASONS

Vehicular pollution is one of the biggest crisis that is unfolding in our country today. Rapid urbanisation and the lack of adequate city planning for a long time have together contributed to a situation where large numbers of pollution-spewing cars clog our roads, putting the health of our citizens under siege. Further complicating the situation is the fact that many laws and regulations that apply to the use of vehicles are made at the State and local Government levels, thus providing for a diverse array of disparate interests. The situation calls for drastic but co-ordinated action.

This Bill seeks to streamline the interests of municipal corporations, State Governments and the Central Government when it comes to taking steps towards reducing vehicular pollution. It provides a mechanism where the Municipal Corporation and State Government can become eligible for financial grants if they undertake efforts towards curbing vehicular pollution within their jurisdiction. While incidental benefits such as a reduction in road congestion may also result on enactment of this Bill. The need is to take concerted effort to act against the menace of pollution caused by vehicles.

Hence this Bill.

NEW DELHI;
November 6, 2019.

LOCKET CHATTERJEE

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for providing grants to municipal corporations by the Central Government on fulfillment of certain conditions regarding reduction of vehicular pollution. Clause 4 provides for grants to the State Governments by the Central Government on fulfillment of certain conditions regarding reduction of vehicular pollution. Clause 5 provides for grants to the State Governments by the Central Government for achieving State-wide compliance with conditions. Clause 6 provides for constitution of the Vehicular Pollution Reduction Authority. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of about rupees one thousand crore would be involved from the Consolidated Fund of India.

A non-recurring expenditure of about rupees twenty crores is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 of the Bill empowers the Central Government to make rules for carrying out the purpose 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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