

DOH: 19-12-2023

**BEFORE THE NATIONAL GREEN TRIBUNAL**  
**PRINCIPAL BENCH, NEW DELHI**  
**ORIGINAL APPLICATION NO. 638 OF 2023**

**IN THE MATTER OF:****COURT ON ITS OWN MOTION****...PETITIONER****Versus****UNION OF INDIA & ORS****...RESPONDENT****INDEX**

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**BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI  
ORIGINAL APPLICATION NO. 638 OF 2023**

**IN THE MATTER OF:**

**COURT ON ITS OWN MOTION**

**...PETITIONER**

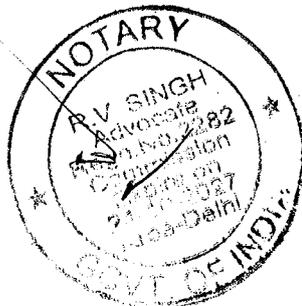
**Versus**

**UNION OF INDIA & ORS**

**...RESPONDENT**

**AFFIDAVIT ON BEHALF OF RESPONDENT - MINISTRY OF  
ENVIRONMENT, FOREST AND CLIMATE CHANGE.**

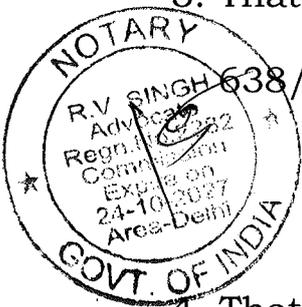
I, Mr. Ravindra Kumar Tiwari S/o Mr. Har Prashad Tiwari, aged about 40 Years, presently working as Deputy Secretary in the Ministry of Environment, Forest and Climate Change (hereinafter referred to as MoEF&CC) having office at Indira Paryavaran Bhawan, Jor Bagh Road, New Delhi- 110003, do hereby solemnly affirm and state as hereunder:



*RK*  
(रवीन्द्र कुमार तिवारी, आई.आर.एस.)  
(RAVINDRA KUMAR TIWARI, IRS)  
उप सचिव/Deputy Secretary  
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय  
Min. Environment, Forest and Climate Change  
सर्वकार, नई दिल्ली  
India, New Delhi

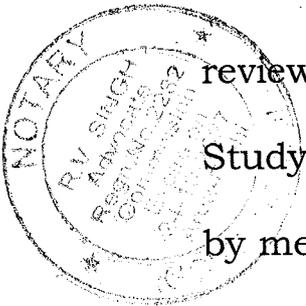
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1. That, I am well acquainted with the facts and circumstances of the case and competent to swear this affidavit on behalf of MoEF&CC being the Respondent in the present Application.
2. That the Answering Respondent is engaged in, *inter alia*, policy formulation for abatement, control and prevention of pollution and prescribing environmental standards to be implemented through the Central Pollution Control Board (CPCB) and State Pollution Control Boards (SPCBs)/ Pollution Control Committees (PCCs).
3. That, I have gone through the Original Application No. 638/2023 and have understood the contents thereof.
4. That it is respectfully submitted that realizing the importance of environmental health, the Ministry of Environment, Forest & Climate Change (MoEF&CC) formed an Environmental Health Cell to deal with the matters related to the



  
 (रावीन्द्र कुमार तिवारी, आई.आर.एस.)  
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 पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय  
 Ministry of Environment, Forest and Climate Change  
 भारत सरकार, नई दिल्ली  
 Government of India, New Delhi

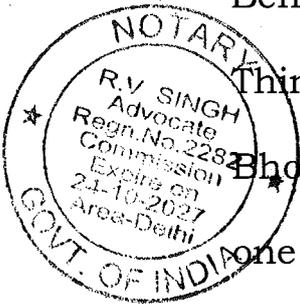
environmental health in the country. An Apex Committee under the Co-Chairmanship of Secretary, DG, ICMR having the representatives of Ministry of Health, Ministry of Labour, Public health Foundation of India, ICMR, Advanced Centre for treatment, Research and Education in Cancer (ACTREC) and MoEF&CC to provide guidance for developing/ formulating environmental health strategies, review the activities on Environmental Health and provide guidance to working group. Secondly, Working Group under the joint Chairmanship of Indian Council of Medical Research (ICMR) and MoEF&CC having the representatives of Indian Institute of Toxicology Research (IITR), National Institute of Occupational Health (NIOH), All India Institute of Hygiene & Public Health, AIIMS and CPCB, to identify thrust area in Environment Health and to evaluate & apprise environmental health projects are constituted in Environmental Health Cell. Apex Committee on Environmental Health in its meeting held on 21.03.2023, reviewed the progress of projects undertaken under the NEHP Study. The Committee recommended that all the data collected by medical institutions and SPCBs/PCCs for the study should



be shared with PMU established at AIIMS. Further, data and study findings be presented before the Working Group for its review and all the PIs were requested to submit data to enable PMU to collate, analyze and prepare the report.

A copy of the Committees constituted in Environmental Health Cell has been annexed as **Annexure R-1**.

5. That it is submitted that National Environmental Health Profile Study (NEHP Study), is one of the key project of the Environmental Health Cell, was initiated by the Ministry with an aim to make an assessment of impact on human health due to consequence of exposure to air pollution in 20 selected cities across the country. The study covers 20 cities in four zones of the country i.e. North, South, East and West. In the North; Delhi, Ludhiana, Kanpur, Raipur & Guwahati; East: Patna, Dhanbad, Bhubaneshwar; Kolkata, Shillong; South: Bengaluru, Hyderabad, Vishakhapatnam, Chennai, Thiruvananthapuram); West: Ahmedabad, Mumbai, Jaipur, Bhopal, Panaji. In each zones, 5 cities have been selected, with one city on each zone as a control/ referral city (comparatively

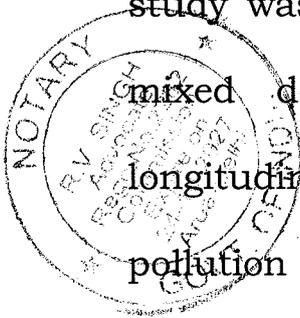


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cleaner one). MoEF&CC has sanctioned 12.79 crore to these projects which are at various stages of implementation, reports regarding which are awaited. Government of India has sanctioned Rs. 62.67 lakhs per city (20 cities) for 3 years. In the project, there are 4 components of data collection namely

- i. Collection of Morbidity and Mortality data related to Cardio-Respiratory admissions from major Hospitals during the study period;
- ii. Household Survey (Questionnaire and PFT).
- iii. Collection of meteorological data from meteorology department.
- iv. Collection air pollution data from SPCB.

6. That it is submitted the study is a collaborative effort of Central Pollution Control Board (CPCB)/State Pollution Control Boards (SPCBs)/ Pollution Control Committees (PCCs) and medical institutions like ICMR and AIIMS. The NEHP study was initiated in the year 2018-19 and it consists of a mixed design, comprising the hospital-based ecological longitudinal approach to assess acute health effects of air pollution on people and community/ survey-based cross-

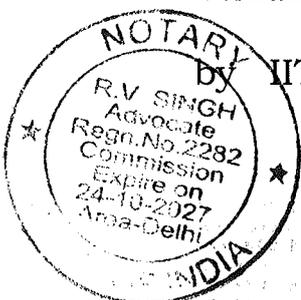


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 Ministry of Environment, Forest and Climate Change

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sectional approach to assess chronic health effects of pollution. That a team of the experts has finalized the methodology and common protocol for the NEHP study. Experts from Ministry of Environment, Forest & Climate Change, AIIMS, Delhi, PGIMER, Chandigarh, SRU, Chennai, NIREH, Bhopal, National Centre for Disease Control (NCDC), Ministry of Health and Family Welfare and Central Pollution Control Board were the part of the team.

7. That, in addition to NEHP study, several steps to assess the air pollution on human health was conducted. That three projects are ongoing with the Cell namely, (i) Assessment of Air Pollution Status with co-beneficial factors and its impact on human health for Tiruchirapalli city corporation, by Bharthidasan University (ii) Estimating Mercury levels and exposure for pregnant women and new born babies in selected coastal and interior South Indian cities: first step towards building a database on risk from mercury pollution in India, by IIT Hyderabad and (iii) Bioavailability of Dioxin like



*RV*

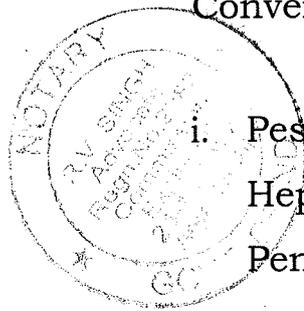
(Ravi Kumar Tiwari, Advocate, Regn. No. 2282, Commission Expires on 24-10-2027, Area-Delhi)  
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 M/o Environment, Forest and Climate Change  
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Polychlorinated biphenyls, Dioxin and Furan released due to combustion of electronic waste in Chennai, implications for Risk Assessment, by SRM University.

8. That it is submitted that the Government of India prohibited the manufacture, trade, import and export of Household and Decorative Paints containing lead or lead compounds (calculated as lead metal) in excess of 90 parts per million (0.009 per cent.) of the weight of the total non-volatile content of the weight of the dried paints film from November 01, 2016.

9. That the Government of India has ratified following 19 chemicals/pesticides for elimination of production and use to protect environment and human health under Stockholm Convention:

- i. Pesticides: Aldrin, Chlordane, DDT, Dieldrin, Endrin, Heptachlor, Mirex, Toxaphene, Chlordecone, and Pentachlorobenzene



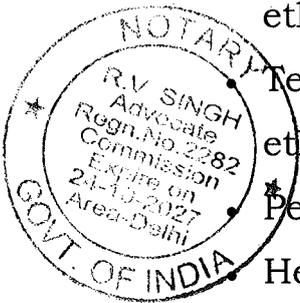
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- ii. Industrial chemicals: Hexachlorobenzene and Polychlorinated biphenyls (PCBs); Hexabromobiphenyl, Hexabromodiphenyl ether and heptabromodiphenyl ether (commercial octa-BDE), Tetrabromodiphenyl ether and Pentabromodiphenyl ether (commercial penta-BDE), Hexabromocyclododecane (HBCD) and Hexachlorobutadine (HCBD)
- iii. Unintentionally produced POPs: Dioxins and Furans.

10. That it is submitted for better management of chemicals, the Central Government issued following notifications/regulations:

- a. Regulation on Persistent Organic Pollutants Rules, 2018 vide G.S.R. 207 (E) dated 5th March, 2018 which prohibits the manufacture, trade, use, import and export of the seven POPs:

- Chlordecone
- Hexabromobiphenyl
- Hexabromodiphenyl ether and heptabromodiphenyl ether (commercial octa-BDE)
- Tetrabromodiphenyl ether and pentabromodiphenyl ether (commercial penta-BDE)
- Pentachlorobenzene
- Hexabromocyclododecane
- Hexachlorobutadine



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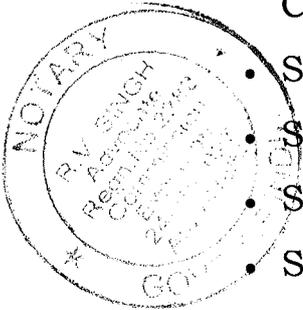
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b. Regulation of Polychlorinated Biphenyls (PCBs) Order, 2016 vide S.O.1327(E) dated 6th April, 2016

- Bans manufacture and import of PCBs and containing equipment in India with immediate effect
- Bans use of PCBs by Dec, 2025
- Mandates destruction of stockpiles of PCBs in environmentally sound manner by Dec, 2028
- Mandates disposal of PCB contaminated equipment inline with Hazardous Waste Management Rules by Dec, 2028

c. Ministry of Agriculture & Family Welfare issued following notifications for prohibiting manufacture, import and use of pesticides:

- SO 648 (E) dated September 20, 1996: Aldrin, Chlordane, Heptachlor
- SO 682 (E) dated July 17, 2001: Dieldrin
- SO 382 (E) dated May 15, 1990: Endrin
- SO 910(E) dated March 27, 2014: Mirex
- SO 569 (E) dated July 25, 1989: Toxaphane
- SO 911(E) dated March 27, 2014: Hexachlorobenzene (HCB)



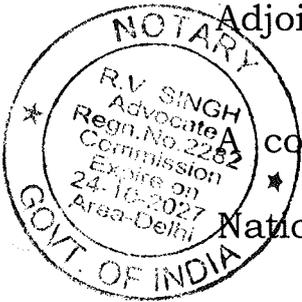
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R/K

- SO 295 (E) dated March 8, 2006: DDT for agricultural purpose

d) MoEFCC has prohibited the handling of 70 Azo dyes which came under the banned category as per the notification published in the Gazette on 26th March, 1997.

11. That it is submitted that the Commission for Air Quality Management in National Capital Region and Adjoining Areas (hereinafter referred to as 'Commission') has been taking up the issue of air pollution in NCR and adjoining areas in a collaborative and participative mode involving all the concerned stakeholders. That it is submitted that the Commission has been constituted through an Act passed by the Parliament of India on 13.08.2021, for the purpose of improving the Air Quality in National Capital Region and Adjoining Areas.

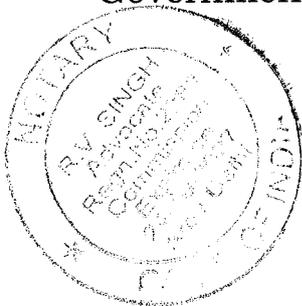


A copy of the Commission for Air Quality Management in National Capital Region and Adjoining Areas Act, 2021 is annexed herewith as **ANNEXURE R-2**.

*RK*  
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12. That it is submitted that since inception of the CAQM, the Commission has so far issued 78 directions and 11 advisories, besides executive orders to various agencies concerned in the NCR including State Governments of Punjab, GNCTD, and various bodies of the Central and State Governments in the region. That, it is submitted that to address the deterioration of Air quality actions, Graded Response Action Plan (GRAP) are also imposed based on Air Quality Index. The GRAP calls for a set of emergent preventive/restrictive actions depending on air pollution levels, to be implemented by the identified agencies for combating the adverse air quality scenario generally prevailing in Delhi-NCR owing to unfavorable climatic and meteorological conditions during the winter months.

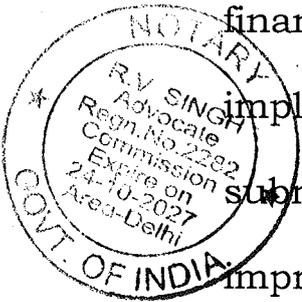
13. That it is submitted that key actions taken by the Central Government for combating air quality are as follows:



(रवीन्द्र कुमार तिवारी, आई.आर.एस.)  
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 Govt. of India, New Delhi

## I. National Clean Air Programme

National Clean Air Programme (NCAP) has been launched by Ministry of Environment, Forest and Climate Change (MoEFCC) in January 2019 with an aim to improve air quality in 131 cities (non-attainment cities and Million Plus Cities) in 24 States by engaging all stakeholders. NCAP envisages reduction by 20-30% in PM concentration over baseline in year 2017 by 2024. Target has been revised to achieve reduction in PM10 level up to 40% or achievement of national standards ( $60 \mu\text{g}/\text{m}^3$ ) by 2025-26. City Action Plans (CAPs) have been prepared by all 131 cities and being implemented by Urban Local Bodies. The city specific clean air action plans target city specific air polluting sources like Soil & Road Dust, Vehicles, Domestic Fuel, MSW Burning, Construction Material and Industries. Performance based financial support is being provided to 131 cities for implementation of activities of City Action Plan. It is submitted that 88 cities out of 131 cities have shown improvement in air quality in terms of annual PM10

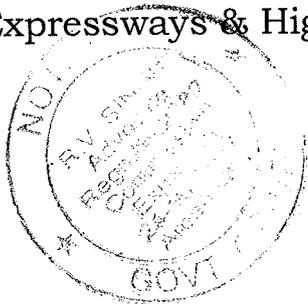


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concentrations in FY 2022-23 with respect to the baseline of FY 2017-18.

## II. Measures for control of vehicular emissions

Leapfrogging from BS-IV to BS-VI fuel standards since 1st April, 2018 in NCT of Delhi and from 1st April, 2020 for the rest of the country. RFID (radio-frequency identity) system implemented by South Delhi Municipal Corporation (SDMC) for collection of toll and Environment Compensation Charges from commercial vehicles entering Delhi. Introduction of BS VI compliant vehicles across the country since April, 2020. Department of Heavy Industry provides subsidy on e-vehicles under Faster Adoption and Manufacture of (Hybrid &) Electric Vehicles in India (FAME -II India) scheme. Sustainable Alternative Towards Affordable Transportation (SATAT) has been launched as an initiative to set up Compressed Bio-Gas (CBG) production plants and make CBG available in the market for use in automotive fuels. Operationalization of Expressways & Highways to divert non-destined traffic.



  
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Govt. of India, New Delhi

### III. Measures for control of industrial emission:

Notification regarding country wide emission standards have been issued for Thermal Power Plants and ban on use of pet coke and furnace oils fuel in NCR States since October 24, 2017 and ban on use of imported pet coke in the country since July 26, 2018, with exception for use in permitted processes.

### IV. Measures for control of emission from Stubble Burning:

Under Central Sector Scheme on 'Promotion of Agricultural Mechanization for in-situ management of Crop Residue in the States of Punjab, Haryana, Uttar Pradesh and NCT of Delhi', agricultural machines and equipment for in-situ crop residue management are promoted with 50% subsidy to the individual farmers and 80% subsidy for establishment of Custom Hiring Centers. In 2022, the Scheme has been merged with Sub-Mission on Agricultural Mechanization (SMAM) and SMAM has been merged with RashtriyaKrishiVikasYojana (RKVY).



*RV*  
(रवीन्द्र कुमार तिवारी, आई.आर.एस.)  
(RAVINDRA KUMAR TIWARI, IRS)  
उप सचिव/Deputy Secretary  
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The Commission for Air Quality Management in NCR and Adjoining Areas (CAQM) on 17.09.2021 directed the coal-based Thermal Power plants situated up to a radius of 300 Km of Delhi to co-fire biomass based Pellets, Torrefied Pellets/Briquettes (with focus on paddy straw) with Coal (up to 5-10%). The Coal based captive Thermal Power Plants in NCR and adjoining areas directed to co-fire at least 5% biomass pellets by 30.09.2023 and at least 10% biomass pellets by 31.12.2023.

14. That the present affidavit is being filed by the Respondent, however, the role of the Answering Respondent Ministry is limited to the extent with regard to adequate measures for combating air pollution and their adverse effects on human health.



RK

(रवीन्द्र कुमार तिवारी, आई.आर.एस.)  
(RAVINDRA KUMAR TIWARI, IRS)  
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Govt. of India, New Delhi

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15. The Answering Respondent craves leave of this Hon'ble Court to add to amend or alter the said Counter, if so required.

**VERIFICATION:**

Verified at New Delhi on the ~~18~~ **18 DEC 2023** of December, 2023 that the contents of the above affidavit are true and correct to the best of my knowledge and belief and nothing material has been suppressed or concealed therein.

*RK*  
18/12/2023  
**DEPONENT**  
(रवीन्द्र कुमार तिवारी, आई.आर.एस.)  
(RAVINDRA KUMAR TIWARI, IRS)  
उप सचिव/Deputy Secretary  
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Govt. of India, New Delhi

*RK*  
18/12/2023  
**DEPONENT**  
(रवीन्द्र कुमार तिवारी, आई.आर.एस.)  
(RAVINDRA KUMAR TIWARI, IRS)  
उप सचिव/Deputy Secretary  
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भारत सरकार, नई दिल्ली  
Govt. of India, New Delhi



solemnly affirmed before me, read over & explained to the deponent.

Notary Public, DELHI

18 DEC 2023

Identify the deponent/executor  
who has signed the affidavit.

Q-11011/1/2003-EHC

Government of India

**Ministry of Environment Forest and Climate Change  
(Environmental Health Cell)**

Indira Paryavaran Bhawan,  
2<sup>nd</sup> Floor Prithvi Wing,  
Jor Bagh Road,  
New Delhi – 110 003.

Dated: 13<sup>th</sup> October, 2016

**OFFICE ORDER**

**Subject: Re-Constitution of Apex Committee on Environmental Health -  
regarding.**

The Ministry of Environment, Forest and Climate Change hereby re-constitute the Apex Committee on 'Environmental Health' with the following Members:

- |   |                |
|---|----------------|
| (1) Secretary, Ministry of Environment, Forest and Climate Change<br>New Delhi.   | -Chairman      |
| (2) Secretary and Director General, Indian Council of Medical Research,<br>New Delhi.                                     | -Co -chairman. |
| (3) Representatives of Ministry of Health, New Delhi.   | -Member        |
| (4) Representatives of Ministry of Labour, New Delhi.   | -Member        |
| (5) Prof. K.Srinath Reddy, Public Health Foundation of India (PHFI),<br>New Delhi.  | -Member        |
| (6) Dr. V. M. Katoch, Ex. Director General, ICMR, New Delhi.  | -Member        |
| (7) Director, Tata Memorial Centre, Advanced Centre for Treatment,<br>Research and Education in Cancer (ACTREC) – Mumbai. | -Member        |
| (8) Advisor, Environmental Health Cell, Ministry of Environment,<br>Forest and Climate Change, New Delhi                  | -Convenor      |

2. The tenure of the Committee is for three years. The Committee will meet at least once in a year.

*Ru*

(राज्य सचिव, पर्यावरण, वन और जलवायु परिवर्तन)  
(RAVINDRA KUMAR TIWARI, IAS)  
सचिव/Deputy Secretary  
Min. Environment, Forest and Climate Change  
भारत सरकार, नई दिल्ली  
Govt. of India, New Delhi (P.T.O.)

3. The Term of Reference (TOR) of the Committee will be as follows:

- (a) To provide guidance for developing/ formulating Environment Health strategies in the country.
  - (b) To review the activities on Environment Health.
  - (c) To provide guidance to Working Group.
  - (d) Any other related matters.
4. This issues with the approval of Competent Authority.

(Dr.(Ms.) Rubab Jaffer)  
Deputy Director

**Copy to:**

- 1. All the Members of the Committee.
- 2. PS of MEF&CC, PPS to Secretary (E, F & CC), PPS to AS (MMK), PS to Advisor (MH)

*Snob*

*P. Zahid*

*9/1/16*

(Dr.(Ms.) Rubab Jaffer)  
Deputy Director

*Letter also issued as per List*

*AS  
17/1/16*

*o/c*

**Apex Committee Environmental Health**

1.	Secretary, Ministry of Environment, Forest and Climate Change, Indira Paryavaran Bhawan, Jor Bagh Road, New Delhi.	
2.	Dr. Soumya Swaminathan, Secretary and Director General, Indian Council of Medical Research, Ansari Nagar, New Delhi-110029	Tel: 91-011-26588204 Fax: 91-011-26588662  E-mail: soumya.s@nic.in, doctorsoumya@yahoo.com
3.	Shri C.K. Mishra, Secretary, Ministry of Health & Family Welfare Nirman Bhawan, C-Wing, New Delhi, 110001	
4.	Smt. M. Sathiyavathy Ministry of Labour & Employment, Government of India, Shram Shakti Bhawan, Rafi Marg, New Delhi-110001	secy-labour@nic.in
5.	Prof. K.Srinath Reddy, Public Health Foundation of India (PHFI), ISID Campus 4 Institutional Area Vasanti Kunj, New Delhi -- 110070 India New Delhi.	Phone: +91 11 49566000 Email: <a href="mailto:contact@phfi.org">contact@phfi.org</a>
6.	Dr. Vishwa Mohan Katoch Former Secretary, Department of Health Research, Ministry of Health & Family Welfare, Govt. of India & Former Director General Indian Council of Medical Research Post Box 4911, Ansari Nagar, New Delhi-110 029,	Phone: 99 055701 Email: <a href="mailto:vishwamohan_katoch@yahoo.co.in">vishwamohan_katoch@yahoo.co.in</a>
7.	Dr. Shubhada V. Chiplunkar Director, Tata Memorial Centre Advanced Centre for Treatment, Research & Education in Cancer (ACTREC) Sector 22, Kharghar, Navi Mumbai - 410208, India	Tel: +91-22-2740 5000 Fax: +91-22-2740 5085 E-mail: <a href="mailto:mail@actrec.gov.in">mail@actrec.gov.in</a>

8.	Dr. Manoranjan Hota, Advisor, Ministry of Environment ,Forest & Climate Change, CP Division, Indira Paryavaran Bhawan, 5 <sup>th</sup> Floor, Vaiyu Wing, Jor Bagh Road, New Delhi -- 110 003.	
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**Q-11011/1/2003-EHC**  
**Government of India**  
**Ministry of Environment Forest and Climate Change**  
**(Environmental Health Cell)**

Indira Paryavaran Bhawan,  
2<sup>nd</sup> Floor Prithvi Wing,  
Jor Bagh Road,  
New Delhi – 110 003.

Dated: 13<sup>th</sup> October, 2016

**OFFICE ORDER**

**Subject: Re-Constitution of Working Group Environmental Health -  
regarding.**

The Ministry of Environment, Forest and Climate Change hereby re-constitute the Working Group on 'Environmental Health' with the following composition:

- |  |                  |
|--|------------------|
| (1) Head, Division of Non-communicable Diseases, Indian Council of Medical<br>ICMR), New Delhi   | -Chairperson     |
| (2) Advisor, Environmental Health Cell, MoEF&CC,<br>New Delhi.                                   | -Co-chairperson, |
| (3) Director, Indian Institute of Toxicology Research, (IITR)<br>Lucknow (UP).                   | -Member          |
| (4) Director, National Institute of Occupational Health(NIOH),<br>Ahmedabad.                     | -Member          |
| (5) Director, All India Institute of Hygiene & Public Health, Kolkata                            | -Member          |
| (6) Head, Department of Medicine, All India Institute of<br>Medical Sciences (AIIMS), New Delhi. | -Member          |
| (7) Member Secretary, Central Pollution Control Board (CPCB),<br>Delhi.                          | -Member          |
| (8) Director, Environmental Health, MoEF&CC, New Delhi   | -Convenor        |

2. The tenure of the Working Group is for three years. The Committee will meet at least twice in a year.

3. The Term of Reference (TOR) of the Committee will be as follows:

- (a) To assist the Apex Committee.
- (b) To identify thrust areas in Environment Health.
- (c) To evaluate and appraise Environment Health projects.
- (d) The working group may co-opt any expert member /Institute /NGO Working in area of Environment Health for guidance.

(P.T.O.)

4. This issues with the approval of Competent Authority.

*Ballu*

**(Dr.(Ms.) Rubab Jaffer)**  
**Deputy Director**

**Copy to:**

*SNDT*

1. All the Members of the Committee.
2. PS of MEF&CC, PPS to Secretary (E, F & CC), PPS to AS (MMK), PS to Advisor (MH)

*[Signature]*  
17/10/16

*[Signature]*

*[Signature]*

**(Dr.(Ms.) Rubab Jaffer)**  
**(Deputy Director)**

*Letter also issued  
as per list*

*[Signature]*  
17/10/16

*d/c*

*[Signature]*

(रवीन्द्र कुमार तिवारी, आई.आर.एस.)  
(RAVINDRA KUMAR TIWARI, IRS)  
उप सचिव/Deputy Secretary  
पर्यावरण, वन एवं जलवायु परिवर्तन विभाग  
Mo Environment, Forest and Climate Change  
भारत सरकार, नई दिल्ली  
Govt. of India, New Delhi

**Working Group Environmental Health**

1.	DR. R.S. Dhaliwal Scientist 'G' & Head, Division of Non-communicable Diseases, Indian Council of Medical Research (ICMR), New Delhi	Indian Council of Medical Research Post Box No. 4911 Ansari Nagar, New Delhi
2.	Dr. Manoranjan Hota, Advisor, Ministry of Environment ,Forest & Climate Change, CP Division, Indira Paryavaran Bhawan, 5 <sup>th</sup> FloorVaiyu Wing, Jor Bagh Road ,New Delhi – 110 003. ✓	
3. ✓	Prof.Alok Dhawan Director, CSIR-Indian Institute of Toxicology Research(ITRC) Vishvigyan Bhavan 31, Mahatma Gandhi Marg P.O. Box No. 80 Lucknow - 226 001 Uttar Pradesh, India. ✓	<b>Phone (EPBX):</b> +91-522- 2620107, 2620207, 2614118 <b>Fax :</b> +91-522-2628227 <b>Email:</b> director@iitrindia.org
4. ✓	Dr. Sunil Kumar Director-in-Charge & Scientist-G National Institute of Occupational Health (Indian Council of Medical Research) Meghani Nagar, Ahmedabad-380016, Gujarat. ✓	Phone : +91- 79-22688700 (EPABX No), 22686351, 22686430, 22686330, 22686340 (PS to Director) Fax : +91-79-22686110 Email: director-nioh@gov.in, sunilkumar@icmr.org.in
5. ✓	Dr. R. N. Chaudhuri, Director, All India Institute of Hygiene & Public Health, 27 & 27 B, JC Block, Kolkata, West Bengal 700098	(+91)98314 17720 033 2241 2888
6. ✓	Dr..S.K.Sharma Department of Medicine, All India Institute of Medical Sciences (AIIMS), 3 <sup>rd</sup> Floor,Medicine Office 3 <sup>rd</sup> Floor teaching block South Delhi New Delhi-110002 Tel : 011-26594415	Tel : 011-26594415 E- mail:sksharma@aiims.ac.in
7.	Member Secretary, Central Pollution Control Board, Parivesh Bhavan, CBD-cum-Office Complex East Arjun Nagar, Delhi - 110 032.	

(रविन्द्र कुमार शिवारी, आई.आर.एस.)  
(RAVINDRA KUMAR TIWARI, IRS)  
उप सचिव/Deputy Secretary  
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय  
Min. Environment, Forest and Climate Change  
भारत सरकार, नई दिल्ली  
Govt. of India, New Delhi



# भारत का राजपत्र The Gazette of India

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असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

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नई दिल्ली, शुक्रवार, अगस्त 13, 2021/ श्रावण 22, 1943 (शक)

No. 40]

NEW DELHI, FRIDAY, AUGUST 13, 2021/SRAVANA 22, 1943 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।  
Separate paging is given to this Part in order that it may be filed as a separate compilation.

## MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 13th August, 2021/ Sravana 22, 1943 (Saka)

The following Act of Parliament received the assent of the President on the 12th August, 2021, and is hereby published for general information:—

### THE COMMISSION FOR AIR QUALITY MANAGEMENT IN NATIONAL CAPITAL REGION AND ADJOINING AREAS ACT, 2021

No. 29 OF 2021

[12th August, 2021.]

An Act to provide for the constitution of the Commission for Air Quality Management in National Capital Region and Adjoining Areas for better co-ordination, research, identification and resolution of problems surrounding the air quality index and for matters connected therewith or incidental thereto.

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

#### CHAPTER I

#### PRELIMINARY

1. (1) This Act may be called the Commission for Air Quality Management in National Capital Region and Adjoining Areas Act, 2021.

Short title,  
application and  
commencement.

(2) It shall apply to the National Capital Region and also to adjoining areas in so far as it relates to matters concerning air pollution in the National Capital Region.

*RK*

(रविन्द्र कुमार तिवारी, आई.आर.एस.)  
(RAVINDRA KUMAR TIWARI, IRS)  
उप सचिव/Deputy Secretary  
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय  
Mo Environment, Forest and Climate Change  
भारत सरकार, नई दिल्ली  
Govt. of India, New Delhi

(3) It shall be deemed to have come into force on the 13th April, 2021.

## Definitions.

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

(a) “adjoining areas” means the areas in the States of Haryana, Punjab, Rajasthan and Uttar Pradesh, adjoining the National Capital Territory of Delhi and the National Capital Region, where any source of pollution is located, causing adverse impact on air quality in the National Capital Region;

(b) “Associate Member” means a member who is co-opted under sub-section (3) of section 3;

(c) “Chairperson” means the Chairperson of the Commission for Air Quality Management in National Capital Region and Adjoining Areas referred to in section 3;

(d) “Commission” means the Commission for Air Quality Management in National Capital Region and Adjoining Areas constituted under section 3;

(e) “Member” means a Member of the Commission and includes the Chairperson thereof;

(f) “National Capital Region” shall have the same meaning as assigned to it in clause (f) of section 2 of the National Capital Region Planning Board Act, 1985; 2 of 1985.

(g) “prescribed” means prescribed by rules made under this Act.

(2) The words used herein and not defined, but defined in the Environment (Protection) Act, 1986, shall have the meaning as assigned to them in that Act. 26 of 1986.

## CHAPTER II

COMMISSION FOR AIR QUALITY MANAGEMENT IN NATIONAL CAPITAL REGION AND  
ADJOINING AREASConstitution of  
Commission.

3. (1) The Central Government shall, by notification in the Official Gazette, constitute a body to be known as the Commission for Air Quality Management in National Capital Region and Adjoining Areas to exercise the powers conferred upon, and to perform the functions assigned to, that Commission under this Act.

(2) The Commission shall consist of the following Members, namely:—

(a) a full-time Chairperson having experience of not less than fifteen years in the field of environment protection and pollution control or having administrative experience of not less than twenty-five years;

(b) a representative of the Secretary to the Government of India in the Ministry of Environment, Forest and Climate Change, who shall be an officer not below the rank of Joint Secretary, *ex officio*;

(c) five *ex officio* Members who are either Chief Secretaries, or Secretaries in-charge of the department dealing with environment protection in the National Capital Territory of Delhi and the States of Punjab, Haryana, Rajasthan and Uttar Pradesh;

(d) one full-time Member who is or has been a Joint Secretary to the Government of India;

(e) three full-time independent technical Members to be appointed from amongst persons having specific knowledge and experience in matters relating to air pollution;

(f) one technical Member from the Central Pollution Control Board, *ex officio*;

(g) one technical Member to be nominated by the Indian Space Research Organisation, *ex officio*;

(h) three Members from non-Governmental organisations having experience in matters concerning combating of air pollution;

(i) one representative of the National Institution for Transforming India, not below the rank of Joint Secretary or Adviser, *ex officio*;

(j) one officer in the rank of Joint Secretary to the Government of India to be appointed by the Central Government as a full-time Member-Secretary of the Commission;

(k) three members, being stakeholders from such sectors as agriculture, industry, transport or construction.

(3) The Commission may co-opt the following persons as Associate Members, namely:—

(a) a representative of the Ministry of Road Transport and Highways, not below the rank of Joint Secretary to the Government of India;

(b) a representative of the Ministry of Power, not below the rank of Joint Secretary to the Government of India;

(c) a representative of the Ministry of Housing and Urban Affairs, not below the rank of Joint Secretary to the Government of India;

(d) a representative of the Ministry of Petroleum and Natural Gas, not below the rank of Joint Secretary to the Government of India;

(e) a representative of the Ministry of Agriculture and Farmers' Welfare, not below the rank of Joint Secretary to the Government of India;

(f) a representative of the Ministry of Commerce and Industry, not below the rank of Joint Secretary to the Government of India;

(g) a representative of any association of commerce or industry;

(h) such other Associate Members, as may be prescribed.

(4) The Member-Secretary shall be the Chief Co-ordinating Officer of the Commission and shall assist the Commission in the discharge of its functions under this Act.

(5) The headquarters of the Commission shall be at Delhi and the Commission may, with the previous approval of the Central Government, establish offices at other places in the National Capital Region or adjoining areas.

(6) Notwithstanding anything contained in any other law for the time being in force, and notwithstanding any judgment or order of any court, the Commission shall have exclusive jurisdiction in the National Capital Region and adjoining areas in respect of matters covered by this Act and no other body, authority, individual or committee shall have any power or jurisdiction in such matters:

Provided that in case of any conflict in the orders or directions of the Commission and the Governments of the National Capital Territory of Delhi and of the States of Punjab, Haryana, Rajasthan and Uttar Pradesh or the Central Pollution Control Board or the State Pollution Control Boards of the States of Punjab, Haryana, Rajasthan and Uttar Pradesh or the Pollution Control Committee of the National Capital Territory of Delhi or any other statutory authority set up or established under a State Act, the order as well as the direction of the Commission shall prevail.

4. (1) The full-time Chairperson and full-time Members, other than *ex officio* Members, of the Commission shall be appointed by the Central Government:

Provided that every appointment under this sub-section shall, subject to the provisions of second proviso, be made on the recommendations of a Selection Committee consisting of—

Appointment  
of  
Chairperson,  
Members and  
Member-  
Secretary.

(a) Minister in-charge of the Ministry of Environment, Forest and Climate Change in the Government of India—Chairperson;

(b) Minister in-charge of the Ministry of Commerce and Industry in the Government of India—member;

(c) Minister in-charge of the Ministry of Road Transport and Highways in the Government of India—member;

(d) Minister in-charge of the Ministry of Science and Technology in the Government of India—member;

(e) Cabinet Secretary— member:

Provided further that in case where the Central Government appoints a serving officer as the Chairperson under clause (a) of sub-section (2) of section 3, or the full-time Member under clause (d) thereof, then, no recommendation of the Selection Committee shall be required.

(2) No appointment of the Chairperson or a Member shall be invalid merely by reason of any vacancy of any member in the Selection Committee referred to in sub-section (1).

(3) The appointment of the Member-Secretary of the Commission shall be made by the Central Government in such manner, subject to such terms and conditions, as may be prescribed.

Resignation  
and removal  
of  
Chairperson  
and Members.

5. (1) The Chairperson or a Member, other than an *ex officio* Member, may, by notice in writing under his hand addressed to the Central Government, resign his office.

(2) The Central Government may remove the Chairperson or any Member, other than an *ex officio* Member, from his office, in such manner as may be prescribed, if such person—

(a) is adjudged an insolvent;

(b) engages during his term of office in any paid employment outside the duties of his office;

(c) is of unsound mind and stands so declared by a competent court;

(d) has so abused his position as to render his continuance in office prejudicial to the public interest;

(e) has acquired such financial or other interest as is likely to affect prejudicially his functions; or

(f) is convicted and sentenced to imprisonment for an offence which in the opinion of the Central Government involves moral turpitude:

Provided that no such Member shall be so removed, unless he has been given an opportunity of being heard.

Term of office  
of Chairperson  
and Members.

6. The Chairperson or a Member, other than an *ex officio* Member, shall hold office for a term of three years from the date on which he enters upon his office or until he attains the age of seventy years, whichever is earlier, and shall be eligible for re-appointment.

Member to act  
as Chairperson  
or to discharge  
his functions  
in certain  
circumstances.

7. (1) In the event of the occurrence of any vacancy in the office of the Chairperson by reason of death, resignation or otherwise, the Central Government may, by notification, authorise one of the Members to act as the Chairperson until the appointment of a new Chairperson to fill such vacancy.

(2) When the Chairperson is unable to discharge his functions owing to absence on leave or otherwise, such one of the Members as the Central Government may, by notification, authorise in this behalf, shall discharge the functions of the Chairperson until the date on which the Chairperson resumes his duties.

8. The salaries and allowances payable to, and the other terms and conditions of service of, the Chairperson and Members, other than *ex officio* Members, shall be such as may be prescribed:

Terms and conditions of service of Chairperson and Members.

Provided that neither the salary and allowances nor the other terms and conditions of service of the Chairperson or a Member shall be varied to his disadvantage after his appointment.

9. No act or proceedings of the Commission shall be invalidated merely on the ground of existence of any vacancy or defect in the constitution of the Commission.

Vacancies, etc., not to invalidate proceedings of Commission.

10. (1) The Commission shall meet at such time and place as the Chairperson may think fit.

Procedure to be regulated by Commission.

(2) Subject to the provisions of this Act and the rules made thereunder, the Commission shall have the power to lay down by regulations its own procedure.

(3) All orders and decisions of the Commission shall be authenticated by the Member-Secretary or any other officer of the Commission duly authorised by the Chairperson in this behalf.

(4) The Commission may, by general or special order, subject to such conditions and limitations, if any, as may be specified therein, delegate to the Chairperson, full-time Member, Member-Secretary or any Sub-Committee constituted under section 11, such of its powers under this Act (except the power to make regulations under section 25), as it may deem necessary or expedient for the purpose of protecting and improving the quality of the air in the National Capital Region and adjoining areas.

11. (1) The Commission shall have at least the following three Sub-Committees—

Sub-Committees and other staff of Commission.

(a) Sub-Committee on Monitoring and Identification;

(b) Sub-Committee on Safeguarding and Enforcement;

(c) Sub-Committee on Research and Development.

(2) The Sub-Committee on Monitoring and Identification shall be headed by a Member of the Commission chosen by it and shall have the following additional members, namely:—

(a) one representative from the Central Pollution Control Board;

(b) one representative each from the State Pollution Control Board or Committee, as the case may be, of the National Capital Territory of Delhi and the States of Punjab, Haryana, Rajasthan and Uttar Pradesh;

(c) one representative from the National Environmental Engineering Research Institute;

(d) such other members as may be specified by regulations.

(3) The Sub-Committee on Safeguarding and Enforcement shall be headed by the full-time Chairperson of the Commission and shall have the following additional members, namely:—

(a) one representative each, not below the rank of Secretary from the department tackling air pollution from the National Capital Territory of Delhi and the States of Punjab, Haryana, Rajasthan and Uttar Pradesh;

(b) one representative each from the State Pollution Control Board or Committee, as the case may be, from the National Capital Territory of Delhi and the States of Punjab, Haryana, Rajasthan and Uttar Pradesh;

(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;

(d) such other members as may be specified by regulations.

(4) The Sub-Committee on Research and Development shall be headed by a full-time technical Member of the Commission and shall have the following additional Members, namely:—

(a) two technical representatives from the National Environmental Engineering Research Institute;

(b) one technical representative each from research institutions or Universities or colleges or organisations in the National Capital Territory of Delhi and the States of Punjab, Haryana, Rajasthan and Uttar Pradesh;

(c) two technical representatives from the field of medicine and research working or studying on the impact of air pollution on living beings;

(d) such other members as may be specified by regulations.

(5) The Commission may also constitute such other Sub-Committees as it thinks fit.

(6) The members of the Sub-Committees, other than *ex officio* members, shall be paid such allowances as may be prescribed.

(7) The Central Government, in consultation with the Commission, shall determine the nature and the categories of officers and other staff required to assist the Commission in the discharge of its function and provide the Commission with such officers and employees as it may deem fit.

(8) The officers and other staff of the Commission shall discharge their duties and functions under the general superintendence of the Chairperson.

(9) The salaries, allowances and conditions of service of the officers and other staff appointed under sub-section (7) shall be such as may be prescribed.

### CHAPTER III

#### POWERS AND FUNCTIONS OF THE COMMISSION

Powers and  
functions of  
Commission.

12. (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.

(2) In particular and without prejudice to the generality of sub-section (1), the Commission shall, for the purposes of sub-section (1), have the following powers to perform its duties, including taking measures to abate air pollution and to regulate or prohibit activities that are likely to cause or increase air pollution in the National Capital Region and adjoining areas, namely:—

(i) co-ordination of actions by the Governments of the National Capital Territory of Delhi and the States of Punjab, Haryana, Rajasthan and Uttar Pradesh, officers and other authorities under this Act or the rules made thereunder or under any other law for the time being in force, which is relatable to the objects of this Act;

(ii) planning and execution of a programme for the region for prevention, control and abatement of air pollution;

(iii) laying down parameters for the quality of air in its various aspects;

(iv) laying down parameters for emission or discharge of environmental pollutants from various sources whatsoever that have implications on air quality in the region:

Provided that different parameters for emission or discharge may be laid down under this clause from different sources having regard to the quality or composition

of the emission or discharge of environmental pollutants from such sources that have implications on air quality in the region;

(v) restriction of areas in which any industries, operations or processes or class of industries, operations or processes, that have implications on air quality in the region, shall not be carried out or shall be carried out subject to certain safeguards;

(vi) carrying out and requiring investigations and research relating to problems of environmental pollution that have implications on air quality in the region;

(vii) inspection of any premises, plant, equipment, machinery, manufacturing or other processes, materials or substances and giving, by order, of such directions to such authorities, officers or persons as it may consider necessary to take steps for the prevention, control and abatement of air pollution in the region;

(viii) collection and dissemination of information in respect of matters relating to air pollution in the region;

(ix) preparation of manuals or codes or guidelines relating to the prevention, control and abatement of air pollution in the region;

(x) appoint officers, with prior approval of the Central Government, with such designations, as it thinks fit, for the purposes of this Act and may entrust to them such of the powers and functions under this Act or for the purposes of achieving the objects of this Act, as it may deem fit;

(xi) issue directions in writing to any person, officer or any authority and such person, officer or authority shall be bound to comply with such directions.

*Explanation.*—For avoidance of doubts, it is hereby declared that the power to issue directions under this section includes the power to direct—

(a) the closure, prohibition or regulation of any industry, operation or process; or

(b) stoppage or regulation of the supply of electricity or water or any other service.

(3) (a) Subject to the provisions of this section, any person authorised by the Commission in this behalf shall have a right to enter, at all reasonable times, and with such assistance as he considers necessary, any place, for the purpose of—

(i) performing any of the functions of the Commission entrusted to him;

(ii) determining whether and if so, in what manner any such functions are to be performed or whether any provisions of this Act or the rules made thereunder or any notice, order, direction or authorisation served, made, given or granted under this Act is being or has been complied with;

(iii) examining and testing any equipment, industrial plant, record, register, document or any other material object or for conducting a search of any building in which he has reasons to believe that an offence under this Act or the rules made thereunder has been or is being or is about to be committed and for seizing any such equipment, industrial plant, record, register, document or other material object if he has reasons to believe that it may furnish evidence to the Commission of an offence punishable under this Act or the rules made thereunder or that such seizure is necessary to prevent or mitigate environmental pollution;

(b) every person carrying on any industry, operation or process or handling any hazardous substance shall be bound to render all assistance to the person empowered by the Commission under clause (a) for carrying out the functions under that clause and if he fails to do so without any reasonable cause or excuse, he shall be guilty of an offence under this Act;

(c) if any person wilfully delays or obstructs any person authorised by the Commission under clause (a) in the performance of his functions, he shall be guilty of an offence under this Act;

(d) the provisions of the Code of Criminal Procedure, 1973 shall apply to any search or seizure under this section as they apply to any search or seizure made under the authority of a warrant issued under section 94 of the said Code or, as the case may be, under the corresponding provisions of the said law. 2 of 1974.

(4) (a) The Commission or any officer authorised by it in this behalf, shall, for the purpose of analysis, have power to take samples of air from any factory, premises or other place in such manner as may be prescribed;

(b) the result of any analysis of a sample taken under clause (a) shall not be admissible in evidence in any legal proceeding unless the provisions of clauses (c) and (d) are complied with;

(c) subject to the provisions of clause (d), the person taking the sample under clause (a) shall,—

(i) serve on the occupier or his agent or person in-charge of the place, a notice, then and there, in such form as may be prescribed, of his intention to have it so analysed;

(ii) in the presence of the occupier or his agent or person, collect a sample for analysis;

(iii) cause the sample to be placed in a container or containers which shall be marked and sealed and shall also be signed both by the person taking the sample and the occupier or his agent or person;

(iv) send without delay, the container or the containers to the laboratory established or recognised by the Central Government;

(d) when a sample is taken for analysis under clause (a) and the person taking the sample serves on the occupier or his agent or person, a notice under sub-clause (i) of clause (c), then,—

(i) in a case where the occupier, his agent or person wilfully absents himself, the person taking the sample shall collect the sample for analysis to be placed in a container or containers which shall be marked and sealed and shall also be signed by the person taking the sample; and

(ii) in a case where the occupier or his agent or person present at the time of taking the sample refuses to sign the marked and sealed container or containers of the sample as required under sub-clause (iii) of clause (c), the marked and sealed container or containers shall be signed by the person taking the samples,

and the container or containers shall be sent without delay by the person taking the sample for analysis to the laboratory established or recognised by the Central Government and such person shall inform the Government Analyst appointed or recognised, about the wilful absence of the occupier or his agent or person, or, as the case may be, his refusal to sign the container or containers.

(5) In discharge of its functions and exercising of its authority, the Commission and the Sub-Committees mentioned in section 11 shall be bound by such general or specific directions of the Central Government, as may be issued from time to time.

(6) In particular and without prejudice to the generality of the foregoing provisions, the Commission shall perform all or any of the following functions, namely:—

(a) take up matters *suo motu*, or on the basis of complaints made by any individual, representative body or organisation functioning in the field of environment, against any individual, association, company, public undertaking or local body carrying on any industry, operation or process;

(b) provide the mechanism and the means to implement in the National Capital Region and adjoining areas—

(i) the National Clean Air Programme;

(ii) the National Air Quality Monitoring Programme;

(iii) the National Ambient Air Quality Standards;

(c) provide an effective framework and platform in the National Capital Region and adjoining areas for—

(i) source identification of air pollutants on a periodic basis;

(ii) taking on-ground steps for curbing air pollution;

(iii) specific research and development in the field of air pollution;

(iv) synergising the energies and efforts of all stakeholders in developing innovative ways to monitor, enforce and research on the issues concerning air pollution;

(v) building a network between technical institutions working or researching in the field of air pollution;

(vi) international co-operation including sharing of international best practices in the field of air pollution;

(vii) training and creating a special work-force for tackling the problem of air pollution;

(d) provide an effective frame work, action plan and take appropriate steps for—

(i) tackling the problem of stubble burning;

(ii) monitoring, assessing and inspecting air polluting agents;

(iii) increasing plantation;

(e) monitoring the measures taken by the States to prevent stubble burning;

(f) undertake and promote research in the field of air pollution;

(g) spread awareness regarding air pollution among various sections of society and promote awareness of the collective steps that the public may take through publications, the media, seminars and other available means;

(h) encourage the efforts of non-governmental organisations and institutions working in the field of air pollution;

(i) any other functions as have been entrusted to any *ad hoc* committee or commission or task force or body formed for the purpose of dealing with issues concerning air pollution, stubble burning or the monitoring of related factors, in pursuance of any judicial order passed from time to time;

(j) such other functions as it may consider necessary for the prevention of air pollution in the National Capital Region and adjoining areas.

Annual report.

13. (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.

(2) The Central Government shall cause the annual report furnished under sub-section (1) to be laid before each House of Parliament.

Penalty for contravention of provisions of Act, rules, order or direction.

14. (1) Any non-compliance or contravention of any provisions of this Act, rules made thereunder or any order or direction issued by the Commission, shall be an offence punishable with imprisonment for a term which may extend up to five years or with fine which may extend up to one crore rupees or with both:

Provided that the provisions of this section shall not apply to any farmer for causing air pollution by stubble burning or mismanagement of agricultural residue.

(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, the offence under this Act shall be non-cognizable and triable by the Jurisdictional Judicial Magistrate of the First Class, who shall not take cognizance of the offence except upon a complaint made by the Commission or any officer authorised by the Commission in this behalf. 2 of 1974.

(3) Where any offence under this Act has been committed by a company, every person who, at the time when the offence was committed, was directly in-charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(4) Notwithstanding anything contained in sub-section (3), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

*Explanation.*—For the purposes of sub-sections (3) and (4),—

(a) "company" means any body corporate, and includes a firm or other association of individuals; and

(b) "director", in relation to a firm, means a partner in the firm.

(5) Where an offence under this Act has been committed by any Department of the Government, the Head of the Department shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this section shall render such Head of the Department liable to any punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(6) Notwithstanding anything contained in sub-section (5), where an offence under this Act has been committed by a Department of Government and it is proved that the

offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any officer, other than the Head of the Department, such officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

2 of 1974.

(7) For the purpose of this section and the procedure to be followed thereunder, the provisions of the Code of Criminal Procedure, 1973, shall apply.

15. The Commission may impose and collect environmental compensation from farmers causing air pollution by stubble burning, at such rate and in such manner, as may be prescribed.

Environmental compensation.

## CHAPTER IV

## FINANCE, ACCOUNTS AND AUDIT

16. (1) The Central Government shall, after due appropriation made by Parliament by law in this behalf, pay to the Commission by way of grants such sums of money as the Central Government may think fit for being utilised for the purposes of this Act.

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).

17. (1) The Commission shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed by the Central Government in consultation with the Comptroller and Auditor-General of India.

Accounts and audit.

(2) The accounts of the Commission shall be audited by the Comptroller and Auditor-General of India at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the Commission to the Comptroller and Auditor-General of India.

(3) The Comptroller and Auditor-General of India and any person appointed by him in connection with the audit of the accounts of the Commission under this Act shall have the same rights and privileges and authority in connection with such audit as the Comptroller and Auditor-General of India generally has in connection with the audit of Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the Commission.

(4) The accounts of the Commission, as certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf, together with the audit report thereon shall be forwarded annually to the Central Government by the Commission and the Central Government shall cause the audit report to be laid, as soon as may be after it is received, before each House of Parliament.

## CHAPTER V

## MISCELLANEOUS

19 of 2010.

18. An appeal shall lie to the National Green Tribunal constituted under the National Green Tribunal Act, 2010 against any order, direction or action taken by or on behalf of the Commission constituted under section 3.

Appeal.

Constitution of special investigation teams.

19. Notwithstanding anything contained in any other law for the time being in force, or any judicial order by any Court, where the Commission considers it necessary so to do, it may constitute one or more special investigation teams, consisting of such officers or such persons, as it thinks necessary, for the purposes of carrying out its functions under this Act.

Power of Central Government to issue direction.

20. Notwithstanding anything contained in any other law for the time being in force, but subject to the provision of this Act, the Central Government may issue in writing such direction, as it deems fit, to the Commission or any person, officer or authority authorised by the Commission, and the Commission, person, or authority, as the case may be, shall be bound to comply with such direction.

Power of Central Government to call for information.

21. The Central Government may, from time to time, call for such information and reports from the Commission, as it deems fit and the Commission shall be bound to provide such information and report.

Bar of jurisdiction.

22. No civil court shall have jurisdiction to entertain any suit, proceeding or dispute pertaining to or arising out of the actions taken or directions issued by the Commission in respect of any matter which the Commission is empowered by or under this Act.

Protection of action taken in good faith.

23. No suit or other legal proceeding shall lie against the Central Government, the Commission, or any Member thereof, or any person acting under the direction of either the Central Government or the Commission in respect of anything which is in good faith done or intended to be done in pursuance of this Act or of any rules or any order made thereunder.

Members and officers to be public servants.

24. Every Member of the Commission and every officer appointed or authorised by the Commission to exercise functions under this Act shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

45 of 1860.

Power of Central Government to make rules.

25. (1) The Central Government may, by notification, make rules to carry out the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the other Associate Members under clause (h) of sub-section (3) of section 3;

(b) the manner of removal of Chairperson or a Member under sub-section (2) of section 5;

(c) the salaries and allowances payable to, and the other terms and conditions of service of, the Chairperson and Members under sub-section (1) of section 8;

(d) the allowance payable to the members, other than *ex officio* members of the Sub-Committees, under sub-section (6) of section 11;

(e) the appointment of officers and other staff under sub-section (7) of section 11;

(f) the salaries, allowances and conditions of service of the officers and other staff under sub-section (9) of section 11;

(g) the manner of taking samples under clause (a) and the form of notice under sub-clause (i) of clause (c), of sub-section (4) of section 12;

(h) the rate at which, and the manner in which, the environmental compensation shall be imposed and collected under section 15;

(i) the form in which annual statement of accounts shall be prepared under sub-section (1) of section 17;

(j) any other matter which has to be, or may be, prescribed.

(3) 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 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.

26. (1) Subject to the provisions of this Act and the rules made thereunder, the Commission may, with the previous approval of the Central Government, by notification, make regulations to carry out the provisions of this Act.

Power of Commission to make regulations.

(2) In particular and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely:—

(a) the procedure to be followed by the Commission under sub-section (2) of section 10;

(b) the conditions and limitations subject to which power may be delegated by the Commission under sub-section (4) of section 10;

(c) the members of each Sub-Committee under sub-sections (2), (3) and (4) of section 11;

(d) the form and the manner of furnishing annual report under section 13;

(e) any other matter which has to be, or may be, specified by regulations.

(3) Every regulation made by the Commission 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 or the successive sessions aforesaid, both Houses agree in making any modification in the regulation or both Houses agree that the regulation should not be made, the regulation 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 regulation.

27. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act as appear to it to be necessary or expedient for removing the difficulty:

Power to remove difficulties.

Provided that no order shall be made under this section after the expiry of a period of two years from the commencement of this Act.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.

Act to have overriding effect.

**28. (1)** The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force, any document, judgment, order, bye-law, rule, regulation, notification having the force of law in the territory of India.

(2) Notwithstanding anything contained in any other law for the time being in force or any judgment or any order of any Court and subject to the provisions of this Act, upon the notification of the constitution of the Commission under section 3, no other individual or body or authority constituted either under a law enacted by Parliament, or by a State, or appointed or nominated in terms of any judicial order, shall act upon or have jurisdiction in relation to the matters covered by this Act.

Repeal and savings of order constituting Environment Pollution (Prevention and Control) Authority for National Capital Region.

**29. (1)** The Order made under section 3 of the Environment (Protection) Act, 1986 constituting the Environment Pollution (Prevention and Control) Authority for the National Capital Region *vide* notification number S.O.93(E), dated the 29th January, 1998 is hereby repealed and the Environment Pollution (Prevention and Control) Authority for the National Capital Region is hereby dissolved.

29 of 1986.

(2) Notwithstanding such repeal, anything done or any action taken by the Environment Pollution (Prevention and Control) Authority for the National Capital Region under the said Order, shall be deemed to have been done or taken under the corresponding provisions of this Act.

Savings.

**30.** Notwithstanding the cessation of the Commission for Air Quality Management in National Capital Region and Adjoining Areas Ordinance, 2020, anything done or any action taken under the Ordinance so ceased, shall be deemed to have been done or taken under the corresponding provisions of this Act.

Ord. 13 of 2020.

Repeal and savings.

**31. (1)** The Commission for Air Quality Management in National Capital Region and Adjoining Areas Ordinance, 2021 is hereby repealed.

Ord. 4 of 2021.

(2) Notwithstanding such repeal, anything done or any action taken under the Commission for Air Quality Management in National Capital Region and Adjoining Areas Ordinance, 2021 shall be deemed to have been done or taken under the corresponding provisions of this Act.

Ord. 4 of 2021.

ANOOP KUMAR MENDIRATTA,  
Secretary to the Govt. of India.

*AK*  
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