Commission for Air Quality Management in the NCR and Adjoining Areas Bill, 2021

Why in news?

The Commission for Air Quality Management in the National Capital Region and Adjoining Areas Bill, 2021, was passed by both Houses.

What is the current practice?

- The monitoring and management of air quality in the Delhi-NCR region has been done in pieces by multiple bodies including -
    i. Central Pollution Control Board (CPCB)
    ii. State Pollution Control Boards
    iii. Environment Pollution (Prevention & Control) Authority (EPCA) of the NCR
    iv. State governments in the region, including Delhi, Haryana, U.P. & Rajasthan
- The functions are monitored by the Union Ministry of Environment and Forests and Climate Change (MoEF).
- Also, the Supreme Court monitors air pollution as per the judgment in 'M C Mehta vs Union of India' case in 1988.

What are the main objectives?

- Creating an overarching body to consolidate all monitoring bodies on one platform i.e Commission for Air Quality Management.
- Relieving the Supreme Court from having to constantly monitor pollution levels.

What is the scope of the commission?

- Concentrate on improving air quality during winter in particular, but also suggest measures to mitigate pollution throughout the year.
- Replace the Supreme Court-appointed Environment Pollution (Prevention and Control) Authority (EPCA).

What are the powers of the commission?

- The Commission is the most powerful air pollution monitoring body set up by

the Centre to date.
- Its rulings / powers will supersede any other law / any other body in matters of pollution.
- The Commission has the powers to do the following:

    1. take measures, issue directions and entertain complaints
    2. lay down parameters for air quality and emission or discharge of environmental pollutants
    3. restrict industries in any area, carry out random inspections, close down an industry or cut its power and water supply in case of noncompliance
    4. coordinate action taken by states on air pollution, monitor the measures taken by the states to prevent stubble burning
    5. has penal provisions that the EPCA did now have

What will be the composition of the commission?

- Full-time chairperson - experience of not less than 15 years in the environmental protection and pollution control field, or administrative experience of not less than 25 years
- Members

    1. an official from the Environment Ministry
    2. five ex-officio members who are either chief secretaries or secretaries from Delhi, Punjab, Haryana, Rajasthan & UP
    3. one full-time member who is or has been a joint secretary; three full-time independent technical members who are experts in air pollution
    4. one technical member each from the CPCB and ISRO
    5. three members from NGOs who deal in air pollution;three members, being stakeholders from various related sectors such as agriculture, industry, transport or construction
    6. one representative of the NITI Aayog; representatives of several ministries; representatives of any association from the commerce or industry sector

- The commission will have at least 3 sub-committees - Monitoring and identification; Safeguarding and enforcement; Research & development.

What are the contentious provisions?

- **Environmental compensation from farmers -** The Bill, in its earlier version, proposed penalization of farmers (imprisonment of up to 5 years & a fine of Rs 1 crore) for stubble burning and other polluting practices.
- After opposition, imprisonment is no longer imposed on the farmers(still exists for other sectors and individuals).

- However, the Bill proposes to collect environmental compensation from farmers causing air pollution by stubble burning.
- Many parliamentarians have opposed this move and have demanded that the Ministry should reconsider this provision.
- **Concentration of power with Centre -** There is an overwhelming number of bureaucrats in the commission, and only a token representation of environmental bodies and NGOs.
- Also, no civil court has the jurisdiction to entertain any proceeding in relation to the actions or directions of the commission.
- The orders of the commission can now only be contested before the National Green Tribunal.

Source: The Indian Express

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