

The Commission for Air Quality Management in National Capital Region and Adjoining Areas Ordinance, 2021

August 7, 2021

The Lok Sabha passed the Bill to formalise the Commission for Air Quality Management For National Capital Region and Adjoining Areas. The body has a full time chairperson and a range of members consisting of both representatives from several Ministries as well as independent experts and will have the final say on evolving policy and issuing directions to address air pollution in Delhi and the adjoining regions.

In news: Experts welcome permanent air quality commission in NCR region

Placing it in syllabus: Environment

Dimensions:

- Provisions
- Importance
- Criticisms

Content:

Provisions:

- The Commission for Air Quality Management in National Capital Region and Adjoining Areas Ordinance, 2021 provides for the **constitution of a Commission for better coordination, research, identification, and resolution of problems** related to air quality in the National Capital Region (NCR) and adjoining areas.

- **Adjoining areas have been defined** as areas in the states of Haryana, Punjab, Rajasthan, and Uttar Pradesh adjoining the NCR where any source of pollution may cause adverse impact on air quality in the NCR.
- The Ordinance also **dissolves the Environment Pollution Prevention and Control Authority** established in the NCR in 1998. An Ordinance establishing a similar Commission was promulgated in October, 2020.
- The Centre, facing flak earlier this year from farmers protesting the farm laws, had committed to removing a clause in the Air Commission Bill that would penalise farmers for burning stubble, an important contributor to noxious air quality. The text of the Bill removes this clause.

Key features of the 2021 Ordinance include:

Functions of the Commission:

- **coordinating actions taken** under the Ordinance **by concerned state governments** (Delhi, Haryana, Punjab, Rajasthan, and Uttar Pradesh),
- **planning and executing plans** to prevent and control air pollution in the NCR,
- providing a **framework for identification of air pollutants**,
- conducting **research and development through networking with technical institutions**,
- **training and creating a special workforce** to deal with issues related to air pollution, and
- **preparing various action plans** such as increasing plantation and addressing stubble burning.

Composition and Tenure:

- The Commission will consist of:
 - (i) a Chairperson,
 - (ii) an officer of the rank of a Joint Secretary

as the member-secretary and Chief Coordinating Officer,

- (iii) a currently serving or former Joint Secretary from the central government as a full-time member,
 - (iii) three independent technical members with expertise related to air pollution, and
 - (iv) three members from non-government organisations.
- The **Chairperson and members** of the Commission will have a **tenure of three years or till the age of seventy years**, whichever is earlier.
 - The Commission will also include **ex-officio members**:
 - (i) from the central government and concerned state governments, and
 - (ii) technical members from CPCB, Indian Space Research Organisation, and NITI Aayog.
 - It may also appoint representatives of certain ministries.

Selection Committee:

- A **selection committee will be constituted by the central government** for recommending appointments of members of the Commission.
- The Committee will be **headed by the Minister in charge of the Ministry of Environment, Forest and Climate Change**.
- **Members of the Selection Committee** will include the Ministers in charge: (i) Commerce and Industry, (ii) Road Transport and Highways, (iii) Science and Technology, and (iv) the Cabinet Secretary.

Powers of the Commission:

- **restricting activities influencing air quality,**
- **investigating and conducting research** related to environmental pollution impacting air quality,

- **preparing codes and guidelines** to prevent and control air pollution, and
- **issuing directions on matters including inspections**, or regulation which will be binding on the concerned person or authority.
- The Commission will be the sole authority with jurisdiction over matters defined in the Ordinance (such as air quality management).
- In case of any conflict, the orders or directions of the Commission will prevail over the orders of the respective state governments, the Central Pollution Control Board (CPCB), state PCBs, and state-level statutory bodies.

Penalties:

- Contravention of provisions of the Ordinance, or orders and directions of the Commission will be punishable with imprisonment of up to five years, or fine of up to one crore rupees, or both.
- All **appeals against the Commission's orders** will be heard by the **National Green Tribunal**.

Western Disturbances and Air Pollution in NCR

- Meteorologists describe 'Western Disturbance' as something that **originates outside the tropics, in the Mediterranean region, and travels from western to the eastern direction to the area with reduced air pressure**.
- In northwest India, Western Disturbances are **associated with rainfall in winters**, snowfall in the hills and fog in entire northern Indo-Gangetic plains.
- These affect the weather system in Pakistan and north-west India.
- Western disturbances that affect the atmospheric change over entire north-west India and have a major bearing on the region's weather.

- This also moves air polluting particles into NCR from areas west of it.

Importance:

For a permanent solution and to establish a self-regulated, democratically-monitored mechanism for tackling air pollution in NCR, it was deemed necessary to take up immediate legislative measures to set up a Commission for Air Quality Management to streamline public participation, inter-state cooperation, expert involvement and persistent research and innovation.

Addressing Air Quality Issues in NCR:

- Delhi being the landlocked state, the sources of air pollution comprise factors beyond the local municipal and local government limits.
- Agricultural activities, majorly straw burning, brick kilns, thermal plants, transport, and industry apart from construction in Delhi and NCR areas all contribute to the air pollution but several of these are non-local sources.
- Apart from Delhi-NCR's own sources of emissions, a major contributor especially in winters is the burning of agriculture waste by the farmers in Punjab and Haryana.

Enhancing Inter-Agency / Inter-State Synergy:

- There are umpteenth sources of pollution from across the Delhi-NCR and there are several agencies in the play. The coordination among these was cited as a major issue in tackling air quality issues.
- Since air pollution is not a localised phenomenon, the effect is felt in areas even far away from the source, creating the need for regional-level initiatives through inter-state and inter-city coordination in addition to multi-sectoral synchronisation

- Though individual states have taken some measures, the lack of coordination among the stakeholders meant that not much has changed over the years in the effort to control air pollution.
- The Commission is an attempt at an umbrella body which replaced the NCR's Environment Pollution (Prevention and Control) Authority – EPCA.
- The provisions of the Act will remain supreme in case there is some conflict between either the state governments or the pollution control bodies.
- The Commission will have administrative and environmental experts associated with this process along with the representatives of the states surrounding the Delhi-NCR region.

Use of Air-Shed Approach:

- The ordinance takes into cognizance the 'air shed' approach as the government realised that Delhi's air cannot be managed by activities confined to Delhi, it must be an air shed approach.
- And therefore, this unified body for the entire Delhi-NCR and surrounding areas, which are geographically contiguous landmass in the air shed (on the lines of watershed) beyond state/district boundaries.
- The airshed approach is always good compared to looking at political boundaries as air travels beyond political boundaries and the crisis also happens beyond political boundaries

Criticisms:

Burden on Farmers:

- Though **clause 14** seeks to decriminalise the entire process and that no penalty would be levied on farmers who burn stubble or agricultural waste, the farmers are not taking it.

- Opposition leaders and farmer organisations claimed that **clause 15** empowers the Commission to levy and collect environmental compensation from farmers who burn stubble or agro-waste.
- This compensation will be prescribed by the Central government.

Need for Broader Decisions:

- The decisions have to be taken at a much larger scale to change the ecosystem and not just by regulation
- The law is not a solution for the root of the problem i.e. limitations of rice-wheat system
- The rice-wheat system means the farmers from Punjab and Haryana that growing rice in kharif and wheat in rabi season hardly get time to remove the stubble from rice before sowing wheat and hence they prefer to burn it.
- The gap between these two actions – removing the stubble after cutting rice crop and sowing the wheat crop – is very less, labour availability is coming down and cost wise, removing the stubble is not economical for farmers.
- So, if these three are not going to change, the regulation won't work. The rice-wheat cropping system should change.

Mould your thought: Why has the air quality in the NCR region deteriorated year after year? Does constituting a new commission address these issues?

Approach to the answer:

- Introduction
- Discuss the reasons for persistence of air pollution in NCR Region and the problems in earlier approaches
- Discuss briefly, the provisions of the Ordinance
- Mention its importance
- Identify the shortcomings of the ordinance

- Conclusion