

COMMISSION FOR AIR QUALITY MANAGEMENT
IN NATIONAL CAPITAL REGION AND ADJOINING AREAS

17th Floor, Jawahar Vyapar Bhawan,
(STC Building), Tolstoy Marg,
New Delhi-110016

No. R-11011/1/2021-Estt./1069-1074

Dated: 07th October, 2021

ORDER

Subject: Delegations of Powers of the Commission-reg.

The Powers and Functions of the Commission are primarily enumerated under Chapter III, from Section 12 to Section 15, of the Commission for Air Quality Management in National Capital Region and Adjoining Areas Act 2021(No.29 of 2021), though other Sections also cast responsibilities on the Commission.

In exercise of powers conferred under Sub-section (4) of Section 10 of Act, 2021 and "The Commission for Air Quality Management in National Capital Region and Adjoining Areas (Conduct of Business and conditions and Limitations in Delegation of Powers of the Commission) Regulations, 2021" notified vide F. No. R-11011/1/2021-Estt. dated 17th September, 2021, pursuant to the decision taken by the Commission, the powers of the Commission shall be exercised by the Commission or as delegated to the Chairperson, Full-time Member, Member Secretary or Sub-Committees as provided under the Act 2021 as under:

1. Powers to be exercised only by the Commission:

- i. To issue directions 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;
- ii. To lay down parameters for the quality of air in its various aspects and to lay down parameters for emission or discharge of environmental pollutants from various sources whatsoever that have implications on air quality in the region;
- iii. To restrict areas in which any industries, operations or processes or class of industries, operations or processes that have implications on air quality in the region, subject to certain safeguards;
- iv. To make Regulations;

24/10

- v. To take note of and issue further directions, if any, on anything done or action taken or recommendation made by the Sub-Committees constituted under the Act;
Provided that the Chairperson may take appropriate decisions on issues of urgent nature warranting immediate action and the same shall be placed before the Commission for ratification.

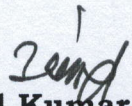
2. Delegation of powers and functions of the Commission:

- i. The Commission, for the purpose of smooth and effective functioning of the Commission and for the purpose of protecting and improving the quality of the air in the National Capital Region and Adjoining Areas, delegates all its powers and functions to the various authorities including the Chairperson and the Member Secretary, except those indicated in para 1 above, as specified in the **Annexure**;
- ii. Irrespective of the fact that, some of the powers and functions of the Commission are delegated to various authorities, the Commission shall, at all times, have authority, either on application made by a person or *suo-motu*, to review, revoke, revise, amend, alter or otherwise change any order made or action taken by any authority/ Officer of the Commission, if the Commission considers the same to be appropriate in public interest;
- iii. All powers of the Commission relating to Establishment, Administration, Finance, Budget, Accounts, Vigilance and other miscellaneous functions shall be exercised by the Chairperson or the Chairperson may delegate any of the powers entrusted to him to the Member Secretary of the Commission, as deemed fit and necessary, in discharge of the functions of the Commission;
- iv. The Chairperson may engage such numbers of experts and professionals, having special knowledge and experience in disciplines related to the functioning of Commission, as it deems necessary to assist the Commission in the discharge of its functions under the Act. The terms and conditions of engagement of experts and professionals would be decided by the Chairperson;
- v. The Member Secretary may further delegate the powers, vested with him, to the officers of the Commission, with the approval of the Chairperson, in discharge of functions under the Act;
- vi. The respective Sub-Committees, constituted under Section 11 of the Act, may take appropriate decisions, on the subjects for which the Sub-Committees have been constituted. However, any

22/11/14

decision taken or recommendation made by the Sub-Committees shall be brought before the Commission in its subsequent meeting;

- vii. The Chairperson and the Member Secretary shall have power to take decisions on the subjects which are not specifically mentioned herewith but are necessary for the Commission in the discharge of its functions.


(Arvind Kumar Nautiyal)
Member-Secretary

1. The Chairperson and Members of the Commission for Air Quality Management in NCR and Adjoining Areas
2. The Secretary, M/o Environment, Forest and Climate Change, Indira Paryavaran Bhavan, Jor Bagh Road, New Delhi
3. DS (AB) for uploading on Commission's website
4. Guard File

ANNEXURE

DELEGATION OF POWERS AND FUNCTIONS OF THE COMMISSION

S.No.	Description	Relevant Section(s) of the Act	Extent of Delegation of Powers and Functions of the Commission to
1.	Constitution of other Sub-Committees	Section 11(5)	Chairperson
2.	To determine nature and categories of officers and staff required for the Commission	Section 11(7)	Chairperson
3.	Inspection of any premises, plant, equipment, machinery, manufacturing or other process and take preventive steps for control of pollution.	Section 12(2)(vii)	Chairperson
4.	Appointment of officers with prior approval of Central Government	Section 12(2)(x)	Chairperson
5.	Directions for the temporary closure prohibition or regulation of any industry, operation or process or stoppage or regulation of the supply of electricity or water or any other service.	Section 12(2)(xi) Section 12(3)(a) Section 12(4)(a)	Special Investigation Team Constituted under Section 19
6.	Power to take samples of air from any factory, premises or other place by authorized officer	Section 12(3)(a) 12(4)(a)	Chairperson

1
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7.	Take up matters (i) <i>suo moto</i> (ii) on the basis of complaints	Section 12(6)(a)	(i) Chairperson (ii) Member Secretary.
8.	Authorization for filing of complaint before Judicial Magistrate of the First Class	Section 14(2)	Member Secretary
9.	To levy Environmental Compensation for stubble burning	Section 15	Member Secretary
10.	Constitution of Special Investigation Teams for the purpose of carrying out functions under the Act	Section 19	Chairperson

2nd