

**COMMISSION FOR AIR QUALITY MANAGEMENT
IN NATIONAL CAPITAL REGION AND ADJOINING AREAS
17th Floor, Jawahar Vyapar Bhawan (STC Building)
Tolstoy Marg, New Delhi-110001**

F. No. A-110018/01/2021-CAQM | 5163-91

Dated: 17.12.2021

Subject: Directions under Section 12 of the Commission for Air Quality Management in National Capital Region and Adjoining Areas Act, 2021 regarding Construction and Demolition Activities in NCR.

Whereas, the Commission, in exercise of its powers conferred upon it under Section 12 (2) (xi) of the Commission for Air Quality Management in National Capital Region and Adjoining Areas Act 2021, vide Direction No. 44 dated 16.11.2021, as one of the dust control measures, *inter-alia* directed that

“... NCR States and GNCTD shall ensure:

(i) *To stop construction and demolition activities in NCR till 21st November, 2021 except for the following categories of projects:*

(a) *Railway services / Railway stations*

(b) *Metro Rail corporation services, including stations*

(c) *Airports and Inter State Bus Terminals (ISBTs)*

(d) *National security/ defense related activities/ projects of National importance;*

subject to strict compliance of the C&D Waste Management Rules and dust control norms including compliance with the directions of the Commission.”

2. Whereas, the Hon'ble Supreme Court vide its Order dated 24.11.2021 *inter-alia* directed that:

“... as an interim measure and until further orders, we re-impose the ban on the construction activities in the NCR subject to the following two conditions:

“(i) Non-polluting activities relating to construction such as the plumbing work, interior decoration, electrical work and carpentry are allowed to be continued;

(ii) The States shall use the funds which have been collected as labour cess for the welfare of constructions workers to provide them subsistence for the period during which construction activities are prohibited and pay wages notified under the minimum Wages Act for the respective categories of workers.”

3. Whereas, in compliance of Hon'ble Supreme Court's above noted directions, an explanatory order was issued by the Commission in this regard on 27.11.2021.

4. Whereas, at the time of passing of the above said Directions and subsequent order thereon, the Air Quality Index of Delhi was generally ranging in “Very Poor” to “Severe” AQI Category;

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5. Whereas, IA No. 159241 / 2021 and 159244/2021 on behalf of Developers and Builders Forum and IA No. 159206/2021 and 159208/2021 on behalf of M/s Abhishek Contractors were filed in Hon'ble Supreme Court for vacating the ban on construction activities;

6. Whereas, the Hon'ble Supreme Court in Writ Petition (C) No. 1135/2020 'Aditya Dubey (Minor) & Anr. V/s Union of India &Ors.' vide Order dated 10/12/2021 *inter-alia* passed the following direction:

"We direct the Commission to examine requests of various industries and organizations about relaxation of condition imposed by virtue of our previous orders or otherwise as per the Commission's circulars"

.....

"We expect that the Commission will look into this and take appropriate action in a week's time".

7. Whereas, in pursuance and respectful compliance of Hon'ble Supreme Court's order dated 10.12.2021, the Commission had detailed discussions and deliberations with the intervenors in a series of meetings held on 13.12.2021 and 14.12.2021;

8. Whereas, associations / organizations / individuals who wished to express their views and concerns on various directions issued were also heard by the Commission;

9. Whereas, the above noted associations and project proponents put forth their request to consider easing of restrictions and lifting the general ban on construction and demolition activities, inwake of hardships being faced by a large section of constructions workers and on the plea that construction and demolition activities do not significantly contribute to air pollution;

10. Whereas, another submission made by the association was that some units are engaged in activities providing essential and emergency services and their continued closure would result in infrastructure deficiency and disruption of services in Delhi - NCR;

11. Whereas, in order to provide relief to construction workers involved in constructionactivities, the Hon'ble Supreme Court vide Order dated 24.11.2021 *inter-alia* directed that:

"(ii) The States shall use the funds which have been collected as labour cess for the welfare of constructions workers to provide them subsistence for the period during which construction activities are prohibited and pay wages notified under the minimum Wages Act for the respective categories of workers."

12. Whereas, the Hon'ble Supreme Court vide its Order dated 03/12/2021 has permitted constructions of 7 new Covid hospitals in NCT of Delhi subject to compliance of CAQM Directions;

13. Whereas, as per the report of IIT Kanpur (2016) namely "Comprehensive Study on Air Pollution and Green House Gases in Delhi", construction and

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demolition activities in Delhi are frequent and *“this source is the third most contributor to area source emission in PM₁₀ and importantly it is a consistent source all through the year”* ;

14. Whereas, the IIT, Kanpur study estimated that the emission load from construction and demolition activities in Delhi is 5167 kg per day and 1292 kg per day with respect to PM₁₀ and PM_{2.5} respectively;

15. Whereas, as per “Source Apportionment of PM₁₀ and PM_{2.5} of Delhi NCR for Identification of Major Sources”, study of August, 2018 prepared by Automotive Research Association of India (ARAI) and The Energy and Resources Institute (TERI), PM₁₀ contribution from dusty sources (example – road, construction and soil dust) was significant in winter season ranging from 23 to 31 %. Similarly, contribution of dusty sources PM_{2.5} in winter was 15% in Delhi-city as well as NCR Towns;

16. Whereas, construction and demolition activities in urban agglomeration of Delhi city and NCR are frequent, numerous and dispersed and dust from the construction and demolition activities is a major source of Air Pollution in the National Capital Region and contributes significantly to adverse PM_{2.5} and PM₁₀ levels.;

17. Whereas, the air quality in Delhi-NCR in the last few days has been in the upper end of “Very Poor” AQI Category and there is a need to exercise control on various sectors that contribute to air pollution;

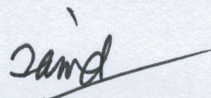
18. Whereas, restrictions are still in force to control air pollution from two other major sectors contributing to air pollution namely industries and transport and it is both advisable and desirable to follow a phased approach in respect of construction sector also considering the air quality in NCR;

19. Whereas, essential/ emergent/ important services like railways, metro rails, airports, ISBTs, National Security and Defence related activities, projects of national importance and covid -19 hospitals are exempted from the ban on construction and demolition activities;

20. Now, therefore, the Commission considering the need to strengthen essential/ emergent/ important services and also to control air pollution including from dusty sources, in furtherance of Direction No. 44 dated 16/11/2021 and Commission’s Order dated 27.11.2021 in this context, directs, with immediate effect, that: -

(I) Construction and demolition activities shall not be allowed in NCR, except for the following categories of projects: -

- (a) Railway services / Railway stations
- (b) Metro Rail Services including stations
- (b) Airports and Inter State Bus Terminals (ISBTs)
- (c) National security/ defence related activities/ projects of national importance;
- (d) Hospitals/ nursing homes / health care facilities
- (e) Linear public projects such as highways, roads, flyovers, over bridges, power transmission, pipelines etc.



(f) Sanitation and public utility projects like sewage treatment plants, water pumping stations etc.;

(g) Ancillary activities specific to and supplementing the above categories of projects.

- (II) The above said exemptions are subject to strict compliance of the C&D Waste Management Rules, dust prevention/ control norms including compliance with the directions of the Commission issued from time to time in this regard.
- (III) As directed by Hon'ble Supreme Court vide Order dated 24/11/2021 in Writ Petition (C) No. 1135/2020 'Aditya Dubey (Minor) & Anr. V/s Union of India & Ors.', non-polluting activities relating to construction such as plumbing work, interior decoration, electrical work and carpentry shall be allowed to be continued;
- (IV) The above Directions will remain in operation till further review by the Commission, based on air quality forecast and significant improvement in air quality;
- (V) Strict compliance of the above noted directions of the Commission be ensured by all concerned.

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(Arvind Nautiyal)

Member Secretary

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Email: arvind.nautiyal@gov.in

To

1. The Chief Secretary, Government of Haryana.
2. The Chief Secretary, Government of Rajasthan.
3. The Chief Secretary, Government of Uttar Pradesh.
4. The Chief Secretary, Government of NCT of Delhi.

Copy to:

5. Secretary, MoHUA, New Delhi
6. The Chairman, Central Pollution Control Board
7. The Chairman, Haryana State Pollution Control Board
8. The Chairman, Uttar Pradesh Pollution Control Board
9. The Chairman, Rajasthan Pollution Control Board
10. The Chairman, Delhi Pollution Control Committee
11. Developers and Builders Forum, 3/7, Sarvpriya Vihar, New Delhi.
12. M/s Abhishek Contracts, 208, Second Floor, Aashirwad Complex, Green Park, New Delhi.

Copy also to:

13. The Chairperson and all Members, CAQM.

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(Arvind Nautiyal)

Member Secretary