

COMMISSION FOR AIR QUALITY MANAGEMENT
IN NATIONAL CAPITAL REGION AND ADJOINING AREAS
17th Floor, Jawahar Vyapar Bhagwan (STC Building)
Tolstoy Marg, New Delhi-11001

F. No. A-110018/01/2021/CAQM 1193DT

Dated: 02.01.2025

Subject: Non-compliance or contravention of any provisions of the Commission for Air Quality Management in National Capital Region and Adjoining Areas Act, 2021, rules made thereunder or any order or direction issued by the Commission - reg.

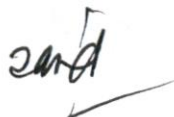
1. WHEREAS, the Ministry of Environment, Forest and Climate Change, Government of India, in exercise of the powers conferred under Section 3 of the Commission for Air Quality Management in National Capital Region and Adjoining Areas Act, 2021, has constituted the Commission for Air Quality Management in National Capital Region and Adjoining Areas (hereinafter referred to as the Commission);
2. WHEREAS, under section 12(1) of the Act, the Commission has powers to take all such measures, issue directions, etc., as it deems necessary or expedient for the purpose of protecting and improving the quality of the air in the National Capital Region (NCR) and Adjoining Areas;
3. WHEREAS, the Commission has been highlighting that pollution from vehicles and transport sector, dust from construction and demolition activities, agricultural stubble burning, dust pollution from road and open areas, industrial pollution, pollution from Diesel Generator (DG) sets, municipal solid / plastic waste burning, biomass burning, fires in sanitary landfills and other episodic events including miscellaneous dispersed sources and unfavorable meteorological conditions in NCR particularly during the winter season are the major contributing factors for deterioration of air quality in the region;



4. WHEREAS, dust from construction and demolition activities, amongst others, is a major and consistent source of air pollution in the region and large quantities of dust generated from these activities significantly enhance the PM_{2.5} / PM₁₀ levels in the ambient air;
5. WHEREAS, in exercise of the powers conferred by section 6 and 25 of the Environment (Protection) Act, 1986, the Ministry of Environment, Forest and Climate Change notified "Construction and Demolition Waste Management Rules, 2016" *inter alia* stipulating the duties of various agencies concerned. Further, the Central Pollution Control Board had also issued guidelines on dust prevention, control and mitigation measures for construction activities;
6. WHEREAS, directions and policy guidelines issued by the Commission in the context of abatement of dust pollution from construction and demolition activities encompass a range of dust control and mitigation measures as under:
 - i. Installing wind barriers / breakers along the project boundary;
 - ii. Provision of dust screens, particularly covering up the area under construction at the project sites;
 - iii. Regular use of water sprinklers, water mist and dust suppressants;
 - iv. Proper covering of construction materials as well as debris;
 - v. Transportation of construction materials and debris / C&D waste only through covered vehicles.;
7. WHEREAS, periodic reviews, inspections conducted by the SPCBs in NCR / DPCC as also the sample inspections conducted by the flying squads of the Commission generally indicate unsatisfactory levels of compliance and ineffective implementation of various statutory directions / rules / orders / guidelines by the project proponents at such of their project sites, including the concerns of heavy dust pollution owing to the transportation of construction materials / demolition debris in open / semi-open trucks;



8. WHEREAS, the high contribution of dust to the overall PM_{2.5} / PM₁₀ concentrations and the associated health concerns do not need any further elaboration;
9. WHEREAS, in the wake of generally adverse air quality scenario in NCR during the critical winter months, a Graded Response Action Plan (GRAP) provides for specific set of preventive / restrictive emergency measures to be initiated / implemented by identified agencies across NCR, depending on the severity of air pollution levels, for minimizing the effect and the Commission from time to time issued directions for implementation of the same;
10. WHEREAS, the directions issued by the Commission are binding in nature and such person, officer or authority are bound to comply with such directions issued by the Commission;
11. WHEREAS, the Act under Section 12(2)(xi) specifically empowers the Commission to issue directions to any person, officer or an authority who shall be bound to comply with such directions;
12. WHEREAS, Section 14 of the Act also stipulates that any non-compliance or contravention of any provisions of the Act, rules, made thereunder or any order or direction issued by the Commission, shall be a punishable offence;
13. WHEREAS, Section 14 (2) of the Act stipulates that such an offence 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 other officer authorised by the Commission in this behalf;



14. WHEREAS, gross violation to the Statutory Directions and Orders of the Commission are observed and reported by the implementing / supervising agencies as also through public complaints and representations etc. and the Commission, taking a serious note of such instances has considered it is necessary to initiate appropriate stringent action against the violators and also against the officials for non-compliance of the orders or directions issued by the Commission, from time to time;
15. WHEREAS, remote monitoring of C&D projects on plot size >500 sqm. is primarily to be carried out by the NCR SPCBs / DPCC, these agencies being the custodian of the respective web-portals, the Commission through Statutory Direction No. 85 dated 02.12.2024 has authorised the Member-Secretaries of the Pollution Control Boards in the NCR States / Member Secretary, DPCC, in their specific role and capacity as the Members of the statutory Sub-Committee of the Commission for "Safeguarding and Enforcement", to file a complaint for prosecution of the project proponents / executing agencies before the Jurisdictional Judicial Magistrate, in case of gross violations of directions / orders in respect of dust / air pollution control and mitigation measures at such sites, besides ordering closure of such sites and imposition / realisation of environment compensation charges in such cases of gross violations in C&D projects on plot area >500 sqm.;
16. WHEREAS, there are also a large number of ongoing construction projects on plots having area less than 500 sqm. at any point of time in particularly in the major cities adjoining Delhi viz. Gurugram, Faridabad, NOIDA, Greater NOIDA, Ghaziabad and Sonipat, which have a remarkably high contribution to the overall PM-10 & PM-2.5 load attributed to construction & demolition sector.



17. WHEREAS, the concerned Municipal Bodies / ULBs in such cities are better equipped to supervise and monitor the abatement of dust pollution from large number of such projects / activities;
18. NOW, THEREFORE, towards ensuring strict implementation of various directions, advisories, orders issued by the Commission in this regard, the Construction and Demolition Waste Management Rules 2016 issued by MoEFCC and various dust mitigation measures stipulated from time to time by other authorities concerned viz. the CPCB, SPCBs / DPCC and other agencies under the State Governments / GNCTD, the Commission, in exercise of the powers conferred upon it under Section 14 (2) authorises the Commissioner, Municipal Corporation of Delhi; Secretary, New Delhi Municipal Council; and Commissioners / Chief Executives of the various Urban Local Bodies in the major cities adjoining Delhi viz. Gurugram, Faridabad, NOIDA, Greater NOIDA, Ghaziabad and Sonipat to file a complaint/ prosecution before jurisdictional judicial magistrate, in case of gross violations of directions / orders in respect of dust / air pollution control and mitigation measures at such sites in their respective jurisdiction, besides ordering closure of such sites and imposition / realisation of environment compensation charges in such cases of gross violations, including that of the GRAP Schedule in respect of C&D activities.
19. The above directions of the Commission be complied with in right earnest and the status of complaints filed in this regard be appraised to the Commission on a monthly basis along with the monthly progress report being already submitted to the Commission.


(Arvind Nautiyal)
Member-Secretary
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To,

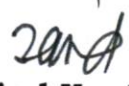
1. Commissioner, Municipal Corporation of Delhi
2. Secretary, New Delhi Municipal Council
3. Commissioner / Chief Executive of Urban Local Bodies in NCR area of the States of Haryana, Rajasthan, Uttar Pradesh

Copy with a request for further dissemination and necessary instructions to the concerned authorities / officials, to:

1. Chief Secretary, Government of NCT of Delhi
2. Chief Secretary, Government of Haryana
3. Chief Secretary, Government of Rajasthan
4. Chief Secretary, Government of Uttar Pradesh
5. Chairman, Haryana State Pollution Control Board
6. Chairman, Rajasthan State Pollution Control Board
7. Chairman, Uttar Pradesh Pollution Control Board
8. Chairman, Delhi Pollution Control Committee

Copy also to:

The Chairperson and all Members of the Commission.


(Arvind Nautiyal)