

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 1194DT

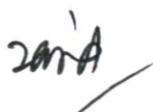
Dated: 02.01.2025

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, the Commission has repeatedly taken up the matter relating to air pollution in NCR with the State Governments of Haryana, Rajasthan, Punjab, Uttar Pradesh and Government of NCT of Delhi and various organizations concerned of the Central and State Government / GNCTD and issues Directions, Advisories, executive orders etc., for effective implementation of measures for abating air pollution in NCR from time to time;
5. WHEREAS, to comprehensively address the issue of air pollution in NCR and adjoining areas in a collective, collaborative and participative mode involving all the major stakeholders, a series of measures have been initiated / progressed upon by the Commission towards abatement of air pollution in the region across various contributory sectors;
6. WHEREAS, the Commission through its Direction No. 65 dated 23.06.2022, as amended from time to time, directed for adoption of a standard list of approved fuels for various applications in the entire NCR;
7. WHEREAS, the Commission through Statutory Directions has also stipulated stringent standards of emissions for NCR, as compared to the National Standards issued by the CPCB, in respect of biomass based fuels, metallurgical coke and LSHS family of fuels, wherever permitted by the Commission under the standard list of approved fuels as above;
8. WHEREAS, the Commission vide its Direction No. 76 dated 29.09.2023, as amended from time to time, has directed for adoption of the Schedule for regulated operations of DG sets (only as a backup against regular power supply failures) across all sectors in NCR including Industrial, Commercial, Residential and Office establishments etc., duly stipulating the emission control mechanism from the DG Sets;



9. WHEREAS, the Commission has been regularly holding progress review meetings towards effective implementation of the above noted directions;
10. 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;
11. 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;
12. 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;
13. 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;
14. 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;

2014

15. 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;
16. NOW, THEREFORE, towards ensuring strict compliance of various direction, orders issued by the Commission in this regard, the Commission, in exercise of the powers conferred upon the Commission under Section 14(2), authorises the Member Secretaries of State Pollution Control Boards in the States of Uttar Pradesh, Haryana, Rajasthan for National Capital Region districts and Member Secretary, Delhi Pollution Control Committee to file a complaint/ prosecution before jurisdictional judicial magistrate, in case of gross violations of directions / orders in respect of operation of industries and regulations on DG Sets in their respective jurisdiction, besides ordering closure of such industrial units / sealing of such DG Sets and imposition / realisation of environment compensation charges in such cases of gross violations, including that of the GRAP Schedule.
17. 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. Member Secretaries of State Pollution Control Boards in Haryana, Rajasthan and Uttar Pradesh
2. Member Secretary, Delhi Pollution Control Committee

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)