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Commission for Air Quality Management in the NCR

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Why in News

Recently, the President of India has signed 'The Commission for Air Quality Management in National Capital Region and Adjoining Areas Ordinance, 2020'.

- The Ordinance sets up a **statutory authority** - the **Commission for Air Quality Management in National Capital Region (NCR) and Adjoining Areas**.
- Through the Ordinance, the Centre has also **dissolved the Environment Pollution (Prevention and Control) Authority (EPCA)** for the NCR.

Key Points

- **Background:**
 - The **monitoring and management of air quality** in the Delhi NCR region has been **done by multiple bodies** including the **Central Pollution Control Board (CPCB)**, the **state pollution control boards**, the state governments in the region, including **Delhi, Haryana, Uttar Pradesh, and Rajasthan, and the EPCA**.
 - They, in turn are **monitored by the Union Ministry of Environment and Forests and Climate Change (MoEFCC)**, and the **Supreme Court** itself, which monitors air pollution as per the judgment in '***M C Mehta vs Union of India***', 1988.

EPCA is a Central Government constituted committee in the year 1998 for the National Capital Region in compliance with the Supreme Court order dated 7th January, 1998.
 - The **Ordinance** seeks to create an **overarching body to consolidate all monitoring bodies**, and to bring them on one platform so that air quality management can be carried out in a more comprehensive, efficient, and time-bound manner.

- **Composition of the New Commission:**

- The Commission will be headed by a **full-time chairperson** who has been a **Secretary to the Government of India, or a Chief Secretary to a State government.**

The chairperson will **hold the post for three years or until s/he attains the age of 70 years.**

- It will have **members from several Ministries** as well as representatives **from the stakeholder States.**
- It will have **experts** from the CPCB, **Indian Space Research Organisation (ISRO)** and **Civil Society.**

- **Powers:**

- In matters of air pollution and air quality management, the Commission will **supersede all existing bodies** such as the CPCB, and even the state governments of Haryana, Punjab, Rajasthan, and Uttar Pradesh. It will have the **powers to issue directions to the states.**

CPCB and its State branches have the **powers** to implement provisions of the **Environment Protection Act, 1986** for air, water and land pollution. Their powers **continue.** However, **in case of dispute or a clash of jurisdictions, the Commission's writ will prevail** specific to matters concerning air pollution.

- The Commission will also **coordinate efforts of state governments** to curb air pollution, and will **lay down the parameters of air quality** for the region.
- It will have **powers to restrict the setting up of industries** in vulnerable areas, and will be able to conduct **site inspections** of industrial units.
- If its **directions are contravened,** the Commission will have the **power to impose a fine of up to Rs. 1 crore and imprisonment of up to 5 years.**

- **NGT's Role:**

Only the **National Green Tribunal (NGT),** and **not civil courts,** is **authorised to hear cases** where the Commission is involved.

EPCA vs New Commission

- **Jurisdiction:** The **EPCA,** which was set up in 1998, **looked at the NCR;** the purview of the new **Commission extends to "adjoining areas as well".**
- **Statutory Status:** **EPCA** was **not a statutory body** but drew **legitimacy from the Supreme Court.** It did have the **authority to issue fines or directions** and guidelines to the governments in other states.
 - However, it had **no state representatives,** just two permanent members.
 - The **Commission,** on the other hand, will have **representation from the state.** It is a **permanent and statutory body.**

- **Performance:**

- Experts say that **EPCA has failed miserably** in cleaning the air even after being in force for more than 20 years.

However, the key contributions of the EPCA include - the **notification of the Graded Response Action Plan** that lists out measures to be taken in case of worsening pollution, the **construction of the Regional Rapid Transport System** and **early adoption of BS-VI fuel standards**, among other measures.

- The **new Commission's performance will be gauged by changes in the status quo** when it comes to ground implementation and strict action on polluters.

Appreciation

- **Jurisdiction:** This Commission will **specifically look at the Delhi NCR and adjoining areas** only.

Whereas, the mandate of the CPCB is to serve the whole country.

- **Stubble Burning:** A **regulatory mechanism** for **stubble burning** is being put into place for the first time.
- **Coordination:** Earlier, there was no single body, authority, Ministry or state which was empowered or dedicated to ensure **coordination** among stakeholder states.

Criticism

- **Overrepresentation of the Central Government:**

- The Commission **has a large number of members from the central government**, which has not gone down well with the states.
- States, on the other hand, will have **just one member each**.

- **Concerns of States:** States are **not happy with the overarching powers** being vested in the Commission.
- **Political differences** will also play a part in the functioning of the Commission.
- **Dissolution of EPCA:** By forming a new commission, the government has **taken the issue of air pollution out of the purview of the judiciary**. It has been said that new law is needed when the old one fails. The centre has not even tried implementing old laws fully.
- **Not a air-shed based approach:** According to some experts, the Commission is a lost opportunity to explicitly set the ground rules for an air-shed based approach — one that could have been deployed in polluted areas across the country.

An air-shed is an area covered by a volume of air that has similar characteristics and is separated from other volumes of air by weather patterns or topography.

Way Forward

- Legal and regulatory changes to tackle public issues like air pollution, need a **democratic conceptualisation**.
- There is a need for the **massive augmentation of intra-city public transport**, and to move industries, power plants and other users away from polluting fuels like coal to natural gas, electricity and renewable energy to ensure clean combustion.
- The government should undertake **a thorough review** of the various laws and institutions in order to look at their efficacy and utility; it must have **detailed consultation** with all relevant stakeholders, especially those outside Delhi, which includes farmers' groups and small scale industries and the public at large.

Source: IE