

**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/7267-7298 Dated: 17th March, 2022

Subject: Directions under Section 12 of the Commission for Air Quality Management in National Capital Region and Adjoining Areas Act, 2021 – Standards for emissions in industrial processes in NCR using bio-mass fuels.

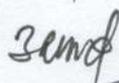
WHEREAS, the emissions from industries using polluting fuels like coal etc. have serious adverse impact on air quality in the National Capital Region and Adjoining Areas and shifting of Industries to PNG/cleaner fuels has been a priority for the Commission for Air Quality Management in NCR and Adjoining Areas;

2. WHEREAS, the Hon'ble Supreme Court in its Order dated 03.12.2021 in the matter "Aditya Dubey & Anr. Vs Union of India & Ors." also directed for proposal to be submitted to switch over all the industries to PNG/ cleaner fuels in a time-bound manner;

3. WHEREAS, pursuant to Hon'ble Supreme Court's directions in the above referred matter dated 10.12.2021 directing the Commission to examine requests of various industries and organisations about relaxation of conditions imposed by virtue of Hon'ble Supreme Court's Orders or by the Directions/ Orders of the Commission, Direction No. 49 was issued in respect of industries in NCR which have still not shifted to PNG / cleaner fuels, restricting the operations of such industries only for 5 days in a week;

4. WHEREAS, representations were received from various organizations/ associations/ federations/ entities and individuals for permitting use of biomass fuels in addition to PNG, citing that biomass fuels are much more environment friendly than fossil fuels like HSD and Coal etc;

5. WHEREAS, an analysis of PM emissions from industries presently using biomass fuels for boiler operations indicates that biomass fuels are much superior than conventional fossil fuels like coal, diesel oil etc. in terms of carbon emissions, the PM emissions are much controlled and that the advantages of using such fuels far outweigh the environmental and technical concerns towards proper scientific disposal of large volumes of rice husk and other biomass as also the rampant open burning of paddy straw;



6. WHEREAS, biomass fuels, internationally are categorised and used as relatively cleaner fuels and technical reports and scientific studies indicate that biomass fuels like rice husk and paddy straw etc. are carbon neutral fuels as the CO₂ released during combustion such fuels is less than the amount of CO₂ sequestered during the entire growth cycle of the biomass, thus facilitating net carbon neutrality;

7. WHEREAS, in the above light and in terms of Directions No. 53 dated 04.02.2022, it was decided by the Commission that such industries located in the NCR beyond the jurisdiction of GNCTD, where gas infrastructure and supply is available, shall under all circumstances completely switch over to PNG or biomass fuels, latest by 30.09.2022, failing which such industries shall be closed down and not permitted to schedule their operations thereafter;

8. WHEREAS, for industrial areas in NCR where PNG infrastructure and supply is not available, such industries were also directed to plan and switchover to operate on biomass fuels at the earliest;

9. WHEREAS, while the extant CPCB standards for PM emission in respect of coal range from 150-1200 mg/Nm³ for various levels of steam generation through coal-based boilers, there are presently no specific emission standards prescribed for Biomass fuels in industrial Boilers;

10. WHEREAS, Section 12(2)(iv) of the Commission for Air Quality Management in National Capital Region and Adjoining Areas Act 2021 empowers the Commission to lay down parameters for emission or discharge of environmental pollutants from various sources whatsoever that have implications on air quality in the region;

11. NOW, THEREFORE, the Commission, in exercise of its powers under Section 12 of the Act referred to above, considering the levels of PM emissions generally observed/achieved in respect of existing industries using biomass fuels and applicable international standards, hereby directs that:

- (i) The max permissible Emission standards for Particulate Matter (PM) emissions for the biomass fuelled boilers shall be 80 mg/Nm³; however, such industries shall aim for an emission level of 50 mg/ Nm³, through suitable technology upgrades and installation of requisite air pollution control devices such as bag filters, cyclonic filters, wet scrubbers, ESPs etc., to be decided by the individual units based on their onsite technical requirements;
- (ii) Simultaneously while switching to use of agro-residue/ biomass fuels on a regular basis, all such industries in NCR must apply for and obtain a revised CTO from the PCBs

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concerned with added conditions to the effect viz. permission to use bio-fuels and prescribed level of emission standards, particularly for controlling the particulate matter emissions.

- (iii) In furtherance of Direction No. 53 dated 04.02.2022, in respect of industrial areas in NCR where PNG infrastructure and supply is not available, such industries shall also work to completely switch over to bio-mass fuels at the earliest but not later than 31.12.2022;
- (iv) The respective State Governments and Pollution Control Boards in the States of Haryana, Uttar Pradesh and Rajasthan shall disseminate and widely publicise these directions across all industrial sectors / units in the NCR territory and ensure compliance of these directions, particularly the targeted timelines for complete switch over to only use PNG or biomass as fuel for all industrial applications in the NCR.

Arvind
(Arvind Nautiyal)

Member-Secretary

Tel No.: 011-23701197

Email: arvind.nautiyal@gov.in

To,

1. The ACS/ Pr. Secretary, Industries Department, Government of Haryana.
2. The ACS/ Pr. Secretary, Industries Department, Government of Rajasthan.
3. The ACS/ Pr. Secretary, Industries Department, Government of Uttar Pradesh.
4. The ACS/ Pr. Secretary, Industries Department, Government of NCT of Delhi.
5. Member Secretary, Haryana State Pollution Control Board.
6. Member Secretary, Rajasthan State Pollution Control Board.
7. Member Secretary, Uttar Pradesh State Pollution Control Board.
8. Member Secretary, Delhi Pollution Control Committee.

Copy to:

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

Copy also to:

The Chairperson and all Members, CAQM.

Arvind
(Arvind Nautiyal)
Member-Secretary

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

F. No. A-110018/01/2021-CAQM/6581-6585 Dated: 08 February, 2022

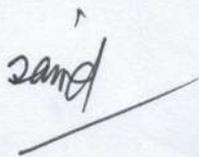
Subject: Directions under Section 12 of the Commission for Air Quality Management in National Capital Region and Adjoining Areas Act, 2021 for effective control of air pollution in Delhi-NCR – Regulations for use of Power Generating Sets.

WHEREAS, 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);

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 and Adjoining Areas;

Whereas, under Section 12 (2) (v) of the Act, the Commission has powers to impose restrictions of areas carrying out any industry, operation or process that have implications on air quality in the region;

WHEREAS, Section 12 (2) (xi) of the Act, empowers the Commission to issue directions in writing to any person, officer, or any authority and such person, officer or authority shall be bound to comply with such directions;



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 Governments/ GNCTD and has issued various Directions, Orders and has also taken specific decisions for effective implementation of measures for abating air pollution in NCR region from time to time;

WHEREAS, the Commission has been highlighting that amongst others, Industrial Pollution and uncontrolled use of Diesel Generator (DG) sets including in industrial operations are the major contributing factors for deterioration of air quality in the region;

WHEREAS, in wake of adverse air quality in NCR, in consonance with the GRAP notified by the Ministry of Environment, Forest and Climate Change in November, 2017, the Commission vide its Direction No. 44 dated 16th November, 2021, directed for ban on use of DG sets, except for emergency purposes in the NCR;

WHEREAS, for imparting clarity in the matter, emergency purposes / services for which DG sets are to be permitted as an exception were listed out in the Commission's Order dated 13/12/2021;

WHEREAS, a large number of industries, associations, federations and individual entities have represented before the Commission that only owing to interruptions in the regular power supply, such units are compelled to resort to DG sets operations and that DG sets are neither economically viable for regular operations;

WHEREAS, the said units have further submitted that certain continuous industrial processes and production set ups demand un-interrupted power in the interest of salvaging the in-process inventories & semi-finished products and in many cases also for operating various safety and security related systems / equipment;

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WHEREAS, some entities have also represented that they are engaged in the telecommunication and data services for which un-interrupted power supply becomes extremely vital and thereby a heavy dependence on DG sets;

WHEREAS, such representations / submissions made, have been studied and deliberated upon in the Commission;

WHEREAS, it is also very important to prevent, control and abate air pollution caused by the DG sets in the region;

NOW, THEREFORE, in wake of the representations / submissions made by the various entities and the concerns raised therein in exercise of the powers vested with the Commission under Section 12 of the Commission for Air Quality Management in NCR and Adjoining Areas Act 2021, it has been directed by the Commission that:

- I. The emergency services for which DG set operations shall be permitted as exceptions in the entire NCR, whenever orders for banning the use of DG sets are enforced under the GRAP, shall be as under:
 - (i) Elevators / Escalators / Travelators etc. in various installations. Commercial entities / residential societies shall, however, ensure that DG set operation and supply therefrom is purely limited to operation of elevators / escalators / travelators etc. and not for any other activities of commercial entities / residential societies.
 - (ii) Medical Services (Hospital/Nursing Home/Health care facilities) including units involved in manufacturing of life saving medical equipment/devices, drugs and medicines.
 - (iii) Railway Services / Railway Stations.
 - (iv) Metro Rail Corporation & MRTS Services, including trains and stations.
 - (v) Airports and Inter-State Bus Terminals (ISBTs).
 - (vi) Sewage Treatment Plants.
 - (vii) Water pumping Stations.

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(viii) Projects related to national security, defence & of national importance.

(ix) Entities involved in telecommunications and IT/ data services.

II. The Commission further directs that for other sectors and services, selective use of alternate power (other than electricity supply through DISCOMS) through generating sets would be permitted / regulated, even for the period of ban under the GRAP, as detailed below:-

(a) Generator sets running purely on LPG / Natural Gas / Biogas/Propane/Butane: - There shall be no restrictions on running such generator sets.

(b) In industrial areas where gas infrastructure and supply is available, Generator sets shall be permitted to operate for a maximum of 2 hours on a per day basis, to take care of exigencies of power supply failures etc. provided that:

(i) The Diesel Generator Sets have been suitably converted to run in a hybrid/ dual fuel mode (with 70% gas-based fuels and 30% Diesel)

and

(ii) Such Diesel Generator Sets are also equipped with Retrofitted Emission Controlled Devices (RECD) in accordance with the CPCB guidelines towards a minimum PM capturing efficiency of 70% for in-use DG sets up to 800 KW gross power category, issued pursuant to Directions of Hon'ble NGT, further subject to such a retrofitment carried out through an agency which has a valid certification from any of the 5 authorized test agencies by CPCB in this context (viz. Automotive Research Association of India, Pune; International Centre for Automotive Testing, Manesar; Indian Institute of Petroleum, Dehradun; Indian Oil Corporation Research and Development Centre, Faridabad and Vehicle Research Development Establishment, Ahmednagar).

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- (iii) A detailed log of the intervals / time durations for which the DG Sets have been used is maintained methodically, preferably such data being captured in an electronic mode in the DG Sets itself.
- (c) Even in industrial areas where gas pipeline infrastructure is not available, efforts shall be made to retrofit DG sets to run in a hybrid mode along with Retrofitted Emission Controlled Devices (RECD), for running up to a maximum of two (2) hours a day.

However, in industrial areas where gas pipeline infrastructure is not available, DG Sets not retrofitted to run in a hybrid mode, shall be permitted to run only for a maximum of one(1) hour a day, subject to such Diesel Gen Sets equipped with Retrofitted Emission Controlled Devices (RECD) in accordance with the CPCB guidelines, further subject to such a retrofitment carried out through an agency which has a valid certification from any of the 5 authorized test agencies by CPCB as above and further subject to a detailed log of the intervals / time durations for which the DG Sets have been used is maintained methodically, preferably such data being captured in an electronic mode in the DG Sets itself.

- (d) All other categories of Diesel Generator sets, other than listed above, under no circumstances, shall be permitted to operate during the periods of ban imposed under the GRAP, except for emergency services as detailed out in (I) above or with the specific approval of the Commission in special cases.

III. To facilitate effective implementation of the above noted directions of the Commission, the respective power distribution companies and agencies responsible in the NCR shall provide un-interrupted power supply, particularly during the winter months, so as to facilitate mitigating adverse air quality owing to a large-scale use of alternative power generating systems.

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IV. The above directions shall take effect in strict force w.e.f. 01.10.2022. Till such time, extant guidelines and orders related to restricted use of DG sets under the GRAP shall prevail.

V. The State Government and the State Pollution Control Board shall give wide publicity including through print and social media and by organizing meetings / interactions with industrial associations, stake holders and others concerned for effective and timely compliance of the Direction.

VI. Noncompliance of this Directions may lead to sealing of DG sets and /or sealing of establishments using DG sets, imposing and levying of environmental compensation charges etc. as well as penal action under the relevant laws.

Arvind

(Arvind Nautiyal)

Member-Secretary

Tel No.: 011-23701197

Email: arvind.nautiyal@gov.in

To

1. The Chief Secretary, Government of Haryana.
2. All DISCOMS in NCR Haryana
3. The Chairperson and all Members, CAQM.

Copy to (NOO):

1. Chairman, Central Pollution Control Board.
2. Chairman, Haryana State Pollution Control Board.

Arvind

(Arvind Nautiyal)

Member-Secretary

**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

Dated:4thFebruary,2022

Subject: Directions under Section 12 of the Commission for Air Quality Management in National Capital Region and Adjoining Areas Act, 2021 – Review of Direction No. 49 dated 15/12/2021.

WHEREAS, the emissions from industries using polluting fuels like coal etc. have adverse impact on air quality in the National Capital Region and Adjoining Areas and shifting of Industries to PNG/cleaner fuels has been a priority for the Commission for Air Quality Management in NCR and adjoining areas;

2. WHEREAS, to this effect, the Commission, through statutory Direction No. 31 dated 12.08.2021 had directed the State Governments of Haryana, Uttar Pradesh and Rajasthan:

- (i) To audit and inspect the industries, which are already connected to PNG supply and ensure that those industries are not using any other polluting fuels like coal etc.
- (ii) To maintain strict vigil to prevent the use of unapproved fuels in the NCR, through the enforcement agencies concerned and take stringent action, in case of the defaulting units.
- (iii) To prepare an implementable Action Plan by clearly specifying definite time lines for switching over of all identified industries units to PNG, where infrastructure and supply of gas are already available.
- (iv) To develop a time bound comprehensive action plan, in consultation with the authorized entities to supply gas in the Industrial areas falling within the specified Geographical areas of NCR districts, for ensuring PNG and infrastructure supply in the remaining industrial areas.

3. WHEREAS, it was further *inter-alia* reiterated in terms of Direction No. 44 dated 16.11.2021 that "All industries in NCR having gas connectivity shall be run only on Gas as a fuel and that all industries in NCR where gas connectivity is available shall immediately be shifted to gas and the State Governments to furnish industry wise date of shifting;

4. WHEREAS, in terms of subsequent Direction No. 46 dated 02.12.2021, in wake of adverse air quality, it was directed that "All industrial operations and processes in Delhi-NCR not running on PNG or cleaner fuels shall be allowed to operate upto only 8 hours per day from Monday to Friday and shall not be allowed to operate on Saturdays and Sundays";
5. WHEREAS, the Hon'ble Supreme Court in its Order dated 03.12.2021 in the matter "Aditya Dubey & Anr. Vs Union of India & Ors." also directed for the proposal to be submitted to switch over all the industries to PNG/ cleaner fuels in a time-bound manner;
6. WHEREAS, despite repeated follow-up, plan of action indicating definite timelines for such switch over of industrial units to PNG/ cleaner fuels, in respect of areas in NCR where gas infrastructure/ supply is already available, has still not been furnished to the Commission by the State Governments of Uttar Pradesh and Haryana;
7. WHEREAS, pursuant to Hon'ble Supreme Court's directions in the above referred matter dated 10.12.2021 directing the Commission to examine requests of various industries and organisations about relaxation of conditions imposed by virtue of Hon'ble Supreme Court's Orders or by the Directions/ Orders of the Commission, Direction No. 49 was issued in respect of industries in NCR which have still not shifted to PNG / cleaner fuels, restricting the operations of such industries only for 5 days in a week (with no restriction on number of hours on operations on a daily basis);
8. WHEREAS, it was also clarified that the stipulations under Direction No. 49 would also be applicable to such industries which, despite having PNG / gas supply in their industrial units, have only so far partially converted their operations to PNG and continue to run on other fuels as well, however, subject to a definite and an expedient timeline to be undertaken by such individual industrial units concerned, in the NCR;
9. WHEREAS, at the time of passing of the above said Direction No. 49, the Air Quality Index (AQI) of Delhi was under the "Severe" Category;
10. WHEREAS, various organizations/ associations/ federations/ entities and individuals such as All Indian Distillers Association, Indian Paper Manufacturers Association, Indian Industries Association, Builders Association of India, Panipat Export Association, Garments Exporters and Manufacturers Association, Gurugram,

Chamber of Indian Trade & Industries, Ghaziabad, Industrial Area Manufacturers Association, Ghaziabad, Industrial Federation, Ghaziabad, Sahibabad Industries Association, Gurgaon Industrial Association, Gurgaon Chamber of Commerce and Industry, Faridabad Industries Association, Industrial Association Behror, Alwar, Neemrana Industries Association, Confederation of Industries and Commerce, Alwar, Bhiwadi Rolling Mill Association, Alwar and Matsya Udyog Sangh, Alwar also made their submissions/ represented their respective cases to the Commission, mainly seeking exemption from restricted operations, across all industrial sectors in the NCR in respect of industries which are presently not running on PNG as fuel, and some of the associations, federations and individuals were also heard in person in this regard;

11. WHEREAS, during deliberations as above, the main contention and concern put forth by majority of the industries was in respect of mandatory technical requirements of uninterrupted / long running hours for total cycle time of operation in various industrial processes and in order to avoid huge losses and damage to in-process inventories;

12. WHEREAS, the Commission was informed that some units have taken-up with agencies concerned for supplying gas to its unit but unable to shift to PNG for want of gas infrastructure and supply and those not connected with PNG have informed that on availability of PNG infrastructure they will convert to PNG;

13. WHEREAS, Secretary, Department of Food and Public Distribution, Ministry of Consumer Affairs, Government of India, have also requested for continued operations of distilleries in the NCR region in order to achieve the targets for blending of ethanol with petrol;

14. WHEREAS, a large number of associations, federations and individuals have submitted before the Commission their requests for permitting use of biomass fuels in addition to PNG, citing that biomass-based fuels are much more environment friendly than fossil fuels like HSD and Coal etc. in terms of carbon emissions and also their PM emissions are much controlled;

15. WHEREAS, the technical and process requirements in individual sectors were assessed and deliberated in detail in the Commission;

16. WHEREAS, other than in GNCTD, majority of industries in industrial areas across NCR, where gas infrastructure and supply is available, are however still not fully operating with PNG/ cleaner fuels and continue to use polluting fuels such as coal, HSD etc;

17. WHEREAS, the Air Quality Index of Delhi has since significantly improved from 'severe' category and is currently in the "Poor" category and the forecast indicates that the air quality is not likely to deteriorate further;

18. NOW, THEREFORE, in respect of industries in NCR which, despite availability of natural gas infrastructure and supply have still not shifted to PNG/ cleaner fuels, in view of the technical requirements of different industrial processes and the prevailing trend of Air Quality Index, the Commission, in furtherance of Direction No. 49 dated 15.12.2021, with immediate effect and till further orders, hereby relaxes the restrictions imposed on running of such industries only for 5 days in a week and permitting operations for all the days during the week, strictly subject to the following:

(i) Such industries as above located in the NCR, beyond the jurisdiction of GNCTD, shall under all circumstances completely switch over to PNG or biomass fuels, latest by 30.09.2022, failing which such industries shall be closed down and not permitted to schedule their operations thereafter.

(ii) Till such time the transition to fuels as above is effected, such industries shall use only such fuels as approved by the respective State Governments for industrial operations.

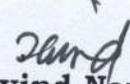
(iii) Industries in the jurisdiction of GNCTD shall necessarily be run only on PNG and electricity.

19. For industrial areas where PNG infrastructure and supply is not available, such industries shall also be permitted to schedule their operations for all the 7 days in a week. However, such industries shall also plan and switchover to operate on biomass fuels at the earliest. Till such time this transition is effected, such industries shall use only such fuels as approved by the respective State Governments for industrial operations.

20. All preventive measures related to effectiveness of emission control devices and adherence to the prescribed standards of emissions in the respective fuel/ industry category, as applicable from time to time, shall be ensured by all industrial units in the NCR.

21. This Direction, however, is not applicable in respect of proponents / units where specific orders have been issued for suspension / closure of industrial activities and such units shall not

resume their industrial activities based on this Direction. It is reiterated that such units / proponents shall have to approach the Commission separately and individually for an appropriate decision for resumption of industrial activities, as contained in Commission's Order No. A-110018/01/2021-CAQM dated 16.12.2021.


(Arvind Nautiyal)

Member-Secretary

Tel No.: 011-23701197

Email: arvind.nautiyal@gov.in

To

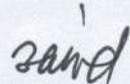
1. The Chief Secretary, Government of Haryana.
2. The Chief Secretary, Government of Rajasthan.
3. The Chief Secretary, Government of Uttar Pradesh.
4. The Chief Secretary, Government of NCT of Delhi.

Copy to:

1. The Chairman, Central Pollution Control Board.
2. The Chairman, Haryana State Pollution Control Board.
3. The Chairman, Uttar Pradesh Pollution Control Board.
4. The Chairman, Rajasthan Pollution Control Board.
5. The Chairman, Delhi Pollution Control Committee.

Copy also to:

The Chairperson and all Members, CAQM.


(Arvind Nautiyal)
Member-Secretary

No. 16014/13/2021/MERD/C&D/Closure -6/26
Commission for Air Quality Management
in National Capital Region
and Adjoining Areas

17th floor, Jawahar Vyapar Bhawan,
(STC Building), Tolstoy Marg,
New Delhi - 110001

Dated 7th January, 2022

Subject: - Regarding resumption of operations of the sites / premises / units directed to be closed for non-compliance of the Directions / Orders of the Commission. - reg.

Sir,

As you are aware, the Enforcement Task Force constituted by the Commission for closely monitoring the field level implementation and compliances of the various Directions and orders issued by the Commission from time to time, particularly those issued in an emergent mode, in the wake of the deteriorating air quality scenario in the NCR, directed to close a number of Construction sites / entities based on the recommendations of the flying squads/ investigation teams constituted by the Commission for field level incognito inspection, for non-compliance / violation of the aforesaid directions / orders of the Commission.

2. Pursuant to the Commission's Direction No. 52, dated 20.12.2021 restrictions on C&D activities in NCR have been relaxed except in respect of proponents/units against which specific Orders/Directions for stopping/ suspension of C&D activities have been issued by the Commission in violation of extant laws/ Directions of the Commission. Such units/proponents are required to approach the Commission separately and individually for examination / consideration of their requests.

3. Now, representations have been received in the Commission from some project proponents / entities against which specific Directions for Closure were issued by the Commission, to also consider their request for resumption of C&D activities.

4. In view of above, it is requested that action(s) viz realization of suitable Environmental Compensation (EC) charges and/or initiation of prosecution under section 14(2) of the Commission For Air Quality Management in National Capital Region and adjoining areas Act, 2021, as specifically ordered in the Closure Direction be carried out against such sites/premises/ entities, so that the representation of aforesaid unit may be considered.

5. This issues with the approval of the Competent Authority.

Yours faithfully,



(N.S. Bisht)

Under Secretary, CAQM
narayan.singhb@nic.in
011-23446814

To,

1. The Member Secretary,
Delhi Pollution Control Committee,
4th Floor, ISBT Building, Kashmere Gate,
Delhi-110006
2. The Member Secretary,
Uttar Pradesh Pollution Control Board,
Building.No. TC-12V Vibhuti Khand, Gomti
Nagar Lucknow-226 010
3. The Member Secretary,
Haryana State Pollution Control Board,
C-11, Sector-6. Panchkula-134109, Haryana.
4. The Member Secretary,
Rajasthan Pollution Control Board,
4, Jhalana Institutional Area, Jhalana Doongri,
Jaipur, Rajasthan - 302 004

Copy to:

DCs / DMs of all NCR Districts : For information and n/a please.

File No. 16014/18/2021-MERD/6088-6111

**Commission for Air Quality Management in NCR and
Adjoining Areas**

17th Floor, Jawahar Vyapar Bhawan,
Tolstoy Marg, New Delhi-110 001

Dated : 07th January, 2022

ORDER

Subject: Constitution of an Expert Group to examine the suggestions before finalization of the policy to curb air pollution in Delhi - NCR.

The Hon'ble Supreme Court of India in its order dated 16.12.2021 in W.P. (Civil) No. 1135 in the matter of "Aditya Dubey (Minor) & Anr V/s UOI &ORS" directed the Commission that with a view to find a permanent solution to the air pollution menace occurring every year in Delhi and NCR, suggestions may be invited from the general public as well as the experts in the field. The Commission, in furtherance of this, invited suggestions through advertisement published on 24.12.2021 in three leading national dailies each in Hindi and English, inviting suggestions within 14 days of the publication of this advertisement and also by uploading the same on the website of the Commission.

2. As per the Orders of the Hon'ble Supreme Court suggestions received are to be examined by an Expert Group to be constituted by the Commission for the said purpose, before finalisation of the policy to curb air pollution. Accordingly, the Expert Group is hereby constituted as under:

Sl. No.	Name and designation	
1.	Shri P. Raghavendra Rao, Chairman, HSPCB	Chairman
2.	Shri Arvind Nautiyal, Member Secretary, CAQM	Member Secretary
3.	Dr. N.P. Shukla, Member Technical, CAQM	Member
4.	Dr. Prashant Gargava, Member Secretary, CPCB	Member
5.	Dr. T.K. Joshi, Health Advisor, Centre for Occupational and Environmental Health, Maulana Azad Medical College (MAMC)	Member
6.	Dr. Sachin D. Ghude, Scientist E, IITM	Member
7.	Dr. Mukesh Sharma, IIT, Kanpur	Member
8.	Ms Anumita Roy Chowdhury, ED, CSE	Member
9.	Ms. L.S.Kurinji, Programme Associate, CEEW	Member

Cont.....p/2

3. The **Terms of Reference of the Expert Group** are as under:-

- (I) To consider suggestions received from the general public and experts in the field with a view to finding out a permanent solution for the air pollution menace occurring every year in Delhi and NCR ;
- (II) To recommend suggestions for formulating permanent solution for the air pollution menace ;
- (III) To suggest a policy to curb air pollution before finalization.

4. The Expert Group may interact with interveners, experts and others the Expert Group feels necessary in this regard.

5. The Expert Group will submit its report within two months of its constitution.

Rajesh Kumar

(Rajesh Kumar)

Director, CAQM

Email: rajesh.k64@gov.in

1. Shri P. Raghavendra Rao, Chairman, HSPCB
2. Shri Arvind Nautiyal, Member Secretary, CAQM
3. Dr. N.P.Shukla, Member Technical, CAQM
4. Dr. Prashant Gargava, Member Secretary, CPCB
5. Dr. T.K.Joshi, Health Advisor, Centre for Occupational and Environmental Health, Maulana Azad Medical College (MAMC),
6. Dr. Sachin D. Ghude, Scientist E, IITM
7. Dr. Mukesh Sharma, IIT, Kanpur
8. Ms Anumita Roy Chowdhury, ED, CSE
9. Ms. L.S.Kurinji, Programme Associate, CEEW

Copy for information to

1. Chairperson and Members, Commission for Air Quality Management in NCR and Adjoining Areas
2. Secretary, Ministry of Environment, Forest and Climate Change, Government of India.

**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;

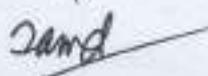
18. Whereas, restrictions are still in force to control air pollution from two other major sectors contributing to air pollution namely industries and transport and it is both advisable and desirable to follow a phased approach in respect of construction sector also considering the air quality in NCR;

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: -

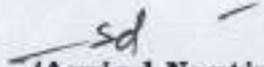
- (a) Railway services / Railway stations
- (b) Metro Rail Services including stations
- (b) Airports and Inter State Bus Terminals (ISBTs)
- (c) National security/ defence related activities/ projects of national importance;
- (d) Hospitals/ nursing homes / health care facilities
- (e) Linear public 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.


(Arvind Nautiyal)

Member Secretary

Tel No.: 011-23701197

Email: arvind.nautiyal@gov.in

To

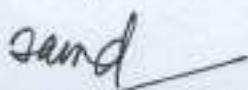
1. The Chief Secretary, Government of Haryana.
2. The Chief Secretary, Government of Rajasthan.
3. The Chief Secretary, Government of Uttar Pradesh.
4. The Chief Secretary, Government of NCT of Delhi.

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.


(Arvind Nautiyal)

Member Secretary

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/5133-52

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 – Review of restrictions imposed on schools, colleges and educational institutions vide Direction No. 46 dated 02/12/2021.

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, had issued Directions No. 44 dated 16/11/2021 which *inter-alia* directed that "***all public and private schools colleges and educational institutions shall remain closed until further orders allowing only online mode of education***";

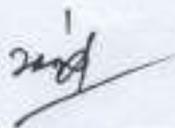
2. Whereas, the Commission vide Direction No. 45 dated 25/11/2021 had decided that "**the NCR States and GNCT of Delhi may take appropriate decisions for resumption of physical classes in schools, colleges and educational institutions in the NCR. However, wherever the State Governments / GNCTD opt to continue with online mode of education, such schools / colleges / educational institutions shall be permitted to open for the purpose of conduct of examination and practical etc**";
3. Whereas, subsequently vide Direction No. 46 dated 02/12/2021, the Commission had *inter-alia* directed that "**All Schools, Colleges and Educational Institutions in the NCR shall remain closed, allowing only online mode of education, except for the purpose of conduct of examinations and laboratory practical etc.**".

and

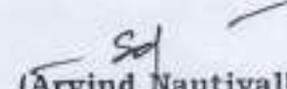
4. Whereas, the Direction of the Commission mentioned in Para 3 above is currently in operation;
5. Whereas, at the time of passing of the Direction No. 46 Dated 02/12/2021, the Air Quality Index (AQI) of Delhi was under the "Severe" Category;
6. Whereas, the Hon'ble Supreme Court in Writ Petition (C) No. 1135/2020 'Aditya Dubey (Minor) & Anr. V/s Union of India & Ors.' vide Order dated 10/12/2021 has *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, large number of representations have been received arguing the compelling necessity to open the schools and educational institutions with immediate effect;
8. Whereas, representatives of Haryana Progressive Schools' Conference were heard in a virtual meeting on 14/12/2021 regarding opening of schools to conduct classes in physical mode;
9. Whereas, the main arguments made for opening schools include: -
 - (i) Children are out of school for about two years leading to frustration among children with serious adverse effect on their studies;
 - (ii) Large number of students are not able to get the facility of online education because of connectivity issues;

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- (iii) As per the academic programme schools are required to impart education to children for about 220 days annually;
 - (iv) Not opening schools are hampering physical and mental health as well as emotional growth of children;
 - (v) Learning is far beyond books and child's holistic development can happen only by physical schooling;
 - (vi) Most students and parents have been approaching school authorities to reopen schools;
10. Whereas, the Government of Delhi vide its letter dated 15/12/2021 has also taken up with the Commission to review Direction No. 46 regarding closure of schools, colleges and educational intuitions and requested for phased reopening of all public and private schools and colleges and educational intuitions in Delhi;
11. Whereas, the Delhi Commission for Protection of Child Rights (DCPCR) vide letter dated 13/12/2021 have informed that hundreds of parents have written to DCPCR advocating for immediate opening of schools because the DCPCR believes that *"policy of continued school closure is harming the students and therefore is a bad policy not supported by any evidence or fact"*;
12. Whereas, the Commission vide its Affidavit dated 15/12/2021 before the Hon'ble Supreme Court in Writ Petition No. 1135/2020, "ADITYA DUBEY & ANR. V/S UNION OF INDIA & ORS" has submitted that a decision on opening of schools would be taken on or before 17/12/2021;
13. Whereas, the Air Quality Index of Delhi has since improved from 'severe' category and is currently under "Very Poor" Category;
14. NOW, THEREFORE, in view of the position given above and considering the facts and circumstances, the Commission, in furtherance of Direction No. 46 dated 02.12.2021 directs the following, till further orders:



- (i) A phased re-opening approach shall be followed in respect of schools, colleges and educational institutions in NCR;
- (ii) State Governments of NCR and GNCTD may consider and take immediate decision for resumption of physical classes in schools (standard VI onwards), colleges, educational institutions, skill development & training institutes, other training institutes and libraries;
- (iii) State Governments of NCR and GNCTD may take decision for resumption of physical classes, for students up to V standard, only w.e.f. 27th December, 2021, duly considering the Air Quality Index (AQI) and the winter vacation schedule.

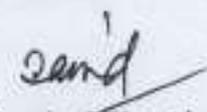

(Arvind Nautiyal)
Member-Secretary
Tel No.: 011-23701197
Email: arvind.nautiyal@gov.in

To

1. The Secretary, M/o Education, New Delhi.
2. The Chief Secretary, Government of Haryana.
3. The Chief Secretary, Government of Rajasthan.
4. The Chief Secretary, Government of Uttar Pradesh.
5. The Chief Secretary, Government of NCT of Delhi.
6. Haryana Progressive Schools' Conference, Gurugram.

Copy to:

The Chairperson and all Members, CAQM.


(Arvind Nautiyal)
Member Secretary

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17th Floor, Jawahar Vyapar Bhawan (STC Building)
Tolstoy Marg, New Delhi-110001**

F.No. A-110018/01/2021-CAQM | 4067-78

Dated: 15.12.2021

Subject: Directions under Section 12 of the Commission for Air Quality Management in National Capital Region and Adjoining Areas Act, 2021 Granting relaxation in conditions imposed on various Industries in Direction No. 46 dated 02/12/2021.

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. 46 dated 02/12/2021 has *inter-alia* directed that ***“Industrial operations and processes in NCR not running on PNG or cleaner fuel shall be allowed to operate only up to eight hours a day from Monday to Friday and shall not be allowed to operate on Saturdays and Sundays”***;

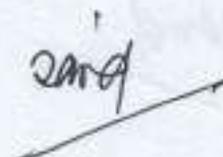
2. Whereas, at the time of passing of the above said Direction, the Air Quality Index (AQI) of Delhi was under the “Severe” Category;

3. 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 has *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”;

4. Whereas, IAs in the above referred matter have been filed before the Hon’ble Supreme Court on behalf of Developers and Builders Forum (I.A. No. 159241 & 159244 of 2021), M/s Abhishek Contracts (IA No. 159206 & 159208 of 2021), All India Rice Exporters Association (IA No. 161435 & 161436 of 2021), NCR Paper Mills Association (I.A. No. 160519 of 2021) and M/s Magnum Ventures Ltd. (IAs No. 161445, 161450 & 161557) respectively, seeking exemption from partial closure as in the Direction No. 47 of the Commission;



5. Whereas, various organisations/ associations/ federations/ entities and individuals such as All Indian Distillers Association, Indian Paper Manufacturers Association, Indian Industries Association, Builders Association of India, Panipat Export Association, Garments Exporters and Manufacturers Association, Gurugram, Chamber of Indian Trade & Industries, Ghaziabad, Industrial Area Manufactures Association, Ghaziabad, Industrial Federation, Ghaziabad, Sahibabad Industries Association, Gurgaon Industrial Association, Gurgaon Chamber of Commerce and Industry, Faridabad Industries Association, Industrial Association Behror, Alwar, Neemrana Industries Association, Confederation of Industries and Commerce, Alwar, Bhiwadi Rolling Mill Association, Alwar and Matsya Udyog Sangh, Alwar also made their submissions/ represented their respective cases to the Commission, mainly seeking exemption from restricted operations of 8 hours a day, across all industrial sectors in the NCR in respect of industries which are presently not running on PNG as fuel;

6. Whereas, in pursuance and respectful compliance of Hon'ble Supreme Court's order dated 10.12.2021 in the matter, the Commission had detailed discussions and deliberations with various intervenors in series of meetings held on 13.12.2021 and 14.12.2021. Other associations / organisations / individuals who wished to express their views and concerns on various directions issued from time to time, including the units / entities for which closure directions were issued, upon gross violations of various directions / orders and other related statutory rules / regulations reported during the inspections by the Flying Squads, were also heard by the Commission;

7. Whereas, during deliberations as above, the main contention and concern put forth by majority of the industries was in respect of mandatory technical requirements of uninterrupted / long running hours for total cycle time of operation in various industrial processes and in order to avoid huge losses and damage to in-process inventories;

8. Whereas, other concerns and submissions made by the associations across sectors were as under:

- (i) Some units are engaged in activities providing essential services and partial closure will result in serious disruption of supply and allied products to Delhi - NCR leading to shortage;
- (ii) Closures will also lead to shutting of units or restricting their operations leading to non-procurement of raw materials and other resources from large number of small-scale industries and individuals;
- (iii) Operation for only 8 hours a day is not technically practical and shall render the boilers ineffective, hampering production efficiency;

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(iv) Some units have taken-up with agencies concerned for supplying gas to its unit but unable to shift to PNG for want of gas infrastructure and supply and those not connected with PNG have informed that on availability of PNG infrastructure they will convert to PNG;

9. Whereas, the technical and process requirements in individual sectors was assessed and deliberated in details in the Commission, and the contentions related to total cycle time for processing being much more than 8 hours in most industrial processes merits consideration;

10. Whereas, such industries are however still not operating with PNG / cleaner fuels and continue to use polluting fuels such as coal, HSD and to a relatively lesser extent with fuels like paddy husk, biomass pellets / briquettes, wood chips and bagasse etc;

11. Whereas, the Air Quality Index of Delhi has since improved from 'severe' category and is currently under "Very Poor" Category;

12. NOW THEREFORE, in respect of industries in NCR which have still not shifted to PNG/ cleaner fuels, in view of the technical requirements of different industrial processes and the prevailing trend of Air Quality Index, the Commission, in furtherance of Direction No. 46 and 47 dated 02.12.2021 and 07.12.2021 respectively, read with Order of the Commission dated 11.12.2021 regarding Review of Direction No. 47, directs as under with immediate effect and till further orders;

(i) Industries related to paper and pulp processing, distilleries and captive thermal power plants shall be permitted to schedule their operations (without any restrictions on number of hours per day) only for 5 days per week i.e. from Monday to Friday and shall remain closed / inoperative on Saturdays and Sundays.

(ii) Industries related to paddy /rice processing shall also be permitted to schedule their operations (without any restrictions on number of hours per day) only for 5 days per week i.e. from Wednesday to Sunday and shall remain closed/ inoperative on Mondays and Tuesdays.

(iii) Industries related to textiles, garments and apparels including dyeing processes and other set of industries not falling in any of the categories from (i) to (ii) above, shall also be permitted to schedule their operations (without any restrictions on number of hours per day) only for 5 days per week i.e. from Saturday to Wednesday and shall remain inoperative on Thursdays and Fridays.

(iv) Restrictions on entry of trucks in Delhi shall continue, except for CNG/ electric trucks and trucks carrying essential commodities.

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(v) The restrictions on operation of Thermal Power Plants located within 300 kms. radius of Delhi shall cease to operate. It may however be endeavoured to run the thermal power plants to bare minimum requirements, based on demand and respective merit order despatches.

- Sol -
(Arvind Nautiyal)

Member Secretary

Tel No.: 011-23701197

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. The Chairman, Central Pollution Control Board
6. The Chairman, Haryana State Pollution Control Board
7. The Chairman, Uttar Pradesh Pollution Control Board
8. The Chairman, Rajasthan Pollution Control Board
9. The Chairman, Delhi Pollution Control Committee
10. Secretary, Ministry of Power, Shram Shakti Bhawan, New Delhi.

Copy also to:

The Chairperson and all Members, CAQM.

Arvind
(Arvind Nautiyal)
Member Secretary

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17th Floor, Jawahar Vyapar Bhawan (STC Building)
Tolstoy Marg, New Delhi-110001**

F.No. A-110018/01/2021-CAQM | 4079-89

Dated: 15.12.2021

Subject: Directions under Section 12 of the Commission for Air Quality Management in National Capital Region and Adjoining Areas Act, 2021 Granting relaxation in conditions imposed on various Industries in Direction No. 46 dated 02/12/2021.

1. 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. 46 dated 02/12/2021 had *inter-alia* directed that ***“Industrial operations and processes in NCR not running on PNG or cleaner fuel shall be allowed to operate only up to eight hours a day from Monday to Friday and shall not be allowed to operate on Saturdays and Sundays”***;
2. Whereas, at the time of passing of the above said Direction, the Air Quality Index of Delhi was under the “Severe” AQI Category;
3. Whereas, a copy of the Intervention Application filed by M/s Mother Dairy Fruit and Vegetables Private Limited before the Hon’ble Supreme Court seeking exemption from partial closure of the dairy unit has been received in the Commission;
4. 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 has *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”.

5. Whereas, apart from M/s Mother Dairy Fruits and Vegetable Private Limited various milk and dairy units in NCR namely Ballabgarh Cooperative Milk Producers Union Limited, Hisar-Jind Cooperative Milk Producers Union Limited,

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Rohtak Cooperative Milk Producers Union Limited, Haryana Dairy Development Cooperative Federation Limited etc. have approached the Commission seeking exemption / relaxation from the Commission's Direction No. 46 dated 02/12/2021;

6. Whereas, representatives of various milk producers / procurers unions / federations were heard in person on 13/12/2021 through virtual mode including representatives of Mother Dairy Fruits and Vegetable Private Limited;

7. Whereas, the main arguments of milk and dairy units are:-

- (i) Milk and dairy units procure large amount of milk on daily basis from framers and process the same to produce milk and milk products for supply to Delhi and NCR;
- (ii) Milk is a perishable item and cannot be stored for long time and most of units do not have storage capacity to store milk;
- (iii) Milk and Dairy Units are engaged in activities providing essential services and partial closure will result in serious disruption of milk supply and allied products to Delhi – NCR leading to shortage of milk supply;
- (iv) Closure will also lead to shutting of dairy units or reducing its operation leading to non-procurement of large amount of milk from large number of farmers;
- (v) For the operation of the dairy units and processing the milk, units needs to function 24 Hours a day for the entire year;
- (vi) Operation for 8 hours a day is not practical and shall render the boiler ineffective hampering production of milk and milk products;
- (vii) M/s Mother Dairy Fruits and Vegetable Private Limited has taken-up with M/s Indraprastha Gas Limited for supplying gas to its unit but unable to shift to PNG for want of gas infrastructure and supply.

8. Whereas, it clearly emerged that M/s Mother Dairy Fruits and Vegetable Private Limited has earnestly taken up the matter with M/s IGL and have deposited security amount and M/s IGL is working for supply of gas to the unit;

9. Whereas, some of the milk plants have already shifted from coal fired boiler into boiler running on PNG fuel, others are in the process of installing PNG connections for boiler and DG sets and those not connected with PNG have informed that on availability of PNG infrastructure they will convert to PNG;

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10. Whereas, Association of Indian Medical Device Industry have also represented to the Commission with the request to permit critical medical devices to be exempted from the Direction to shift to PNG / Cleaner Fuels to ensure supply chains of essential medical devices and to ensure non-disruption of public utilities;

11. Whereas, it was further mentioned that many of the medicines, solutions and drugs that are produced are critical for health care services;

12. Whereas, the Association of Indian Medical Device Industry representatives were heard in virtual mode on 13/12/2021 during which the compelling need to lift restriction on their activities in view of the current operation of Disaster Management Act due to Covid pandemic was elaborated;

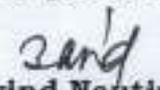
13. Whereas, units involved in manufacturing of life saving medical equipment/ devices, drugs and medicines have also been permitted to use DG Sets for emergency purposes to ensure uninterrupted supply chain;

14. Whereas, it was also informed during the hearing that some medical equipment/ devices and drug manufacturing industries have taken steps to shift to cleaner fuels and have taken up with PNG suppliers for supplying PNG;

15. Whereas, the Air Quality Index of Delhi has since improved from 'severe' category and is currently under "Very Poor" Category;

16. NOW THEREFORE, in view of the position given above and considering the complete facts and circumstances, the Commission, with immediate effect, till further orders that: -

"Milk & Dairy Units as well as Units in NCR involved in manufacturing lifesaving medical equipment/ devices, drugs and medicines are hereby exempted from the operation of (ii) of Direction No. 46 dated 02/12/2021 issued by the Commission and are hereby permitted to operate accordingly, subject to strict compliance of the prescribed emission norms as applicable to such units".


(Arvind Nautiyal)

Member Secretary

Tel No.: 011-23701197

Email: arvind.nautiyal@gov.in

To

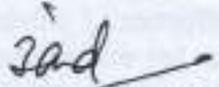
1. The Chief Secretary, Government of Haryana.
2. The Chief Secretary, Government of Rajasthan.
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4. The Chief Secretary, Government of NCT of Delhi.

Copy to:

5. The Chairman, Central Pollution Control Board
6. The Chairman, Haryana State Pollution Control Board
7. The Chairman, Uttar Pradesh Pollution Control Board
8. The Chairman, Rajasthan Pollution Control Board
9. The Chairman, Delhi Pollution Control Committee
10. CMD / MD, Mother Dairy Fruits and Vegetables Private Limited, 18 KM Stone, Ghaziabad, Hapur Road, Pilkhuwa, Uttar Pradesh.
11. Forum Coordinator, Association of Indian Medical Device Industry (AiMeD), 901-902, Narain Manzil, 23 Barakhamba Road, New Delhi.

Copy also to:

12. The Chairperson and all Members, CAQM.


(Arvind Nautiyal)
Member Secretary

**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 - 1854-1876

Dated: 07.12.2021

Subject: Directions under Section 12 of the Commission for Air Quality Management in National Capital Region and Adjoining Areas Act, 2021 for effective control of air pollution in Delhi-NCR.

WHEREAS, 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 (hereinafter referred to as 'Act'), has constituted the Commission for Air Quality Management in National Capital Region and Adjoining Areas (hereinafter referred to as the 'Commission');

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 and Adjoining Areas;

WHEREAS, in terms of Section 12 (2) (v) of the Act, stipulates restrictions of areas in which any industries, operations or processes or class of industries, operations or processes, that have implications on air quality in the region, shall not be carried out or shall be carried out subject to certain safeguards;

WHEREAS, Section 12 (2) (xi) of the Act, empowers the Commission to issue directions in writing to any person, officer, or any authority and such person, officer or authority shall be bound to comply with such directions;

WHEREAS, the Commission has been highlighting that amongst others, Industrial Pollution is one of the major contributing factors for deterioration of air quality in the region;

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 Governments/ GNCTD and has issued various Directions, Orders and has also taken specific decisions for effective implementation of measures for abating air pollution in NCR region from time to time;

WHEREAS, in terms of Direction No. 29 - 31 dated 12.08.2021, the Commission had issued comprehensive policy Directions for Shifting of industries operating in NCR Districts to PNG / cleaner fuels which *inter-alia* included the following:

- (i) To audit and inspect the industries, which are already connected to PNG supply and ensure that those industries are not using any other polluting fuels like coal etc.
- (ii) To maintain strict vigil to prevent the use of unapproved fuels in the NCR, through the enforcement agencies concerned and take stringent action, in case of the defaulting units.
- (iii) To prepare an implementable Action Plan by clearly specifying definite time lines for switching over of all identified industries units to PNG, where infrastructure and supply of gas are already available.
- (iv) To develop a time bound comprehensive action plan, in consultation with the authorized entities to supply gas in the industrial areas falling within the specified Geographical areas of NCR districts, for ensuring PNG and infrastructure supply in the remaining industrial areas.

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 had issued Direction No. 44 dated 16.11.2021 for emergent action in various sectors viz. Industrial Pollution, Thermal Power Plants, Vehicular Pollution, Dust Control etc. followed up with Directions No. 46 dated 02.12.2021.

WHEREAS, in terms of para 1 (iii) of Direction No. 44, dated 16.11.2021, it was *inter alia* directed that industries in such industrial areas / clusters where PNG infrastructure and supply is available, shall immediately be shifted to PNG/ cleaner fuels and industry wise date of shifting shall be provided to the Commission;

WHEREAS, despite orders and follow up the plan of action and timeline for such switch over has still not been provided by the agencies concerned in the State Governments of Haryana, Uttar Pradesh and Rajasthan;

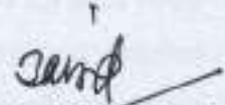
WHEREAS, despite measures in different sectors towards improvement, the air quality in the region still remains in 'Very Poor' to 'Severe' category and hence, there is an emergent need to take further preventive measures, as a matter of extreme emergency and abundant caution to prevent further deterioration of air quality;

NOW, THEREFORE, in view of the facts stated above and the compelling need to prevent further deterioration of air quality in NCR, the Commission, in exercise of its powers conferred upon it under Section 12 (2) (xi) read with Section 12 (2) (v) of the Commission for Air Quality Management in National Capital Region and Adjoining Areas Act 2021, further directs the following for strict implementation with immediate effect, until 12.12.2021, subject to further review:

“All such industries located in industrial areas / clusters where PNG infrastructure and supply is available and have still not switched over to PNG/ cleaner fuels shall be closed immediately and not

permitted to schedule their operations till 12.12.2021, subject to further review".

Strict enforcement of these Directions as also the Directions / Orders issued by the Commission from time to time since its inception shall be ensured by the respective agencies and implementation/ compliance of the same shall be monitored by the Chief Secretaries of the respective States in the NCR.



(Arvind Nautiyal)
Member-Secretary
Tel No.: 011-23701197

Email: arvind.nautiyal@gov.in

To:

- | | | |
|---|--|---|
| <ol style="list-style-type: none">1. The Member-Secretary, State Pollution Control Board - Haryana2. The Member-Secretary, State Pollution Control Board - Uttar Pradesh3. The Member-Secretary, State Pollution Control Board - Rajasthan4. ACS/ Pr. Secretary/ Secretary, Industries Department, Govt. of Haryana5. ACS/ Pr. Secretary/ Secretary, Industries Department, Govt. of UP6. ACS/ Pr. Secretary/ Secretary, Industries Department, Govt. of Rajasthan | | For ensuring compliance and reporting to the Commission |
|---|--|---|

Copy to:

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

Copy also to:

The Chairperson and all Members, CAQM.

HARYANA STATE POLLUTION CONTROL BOARD

C-11, SECTOR-6, PANCHKULA

Ph-2577870-74 E-mail: hspcbaircell@gmail.com

No. HSPCB/Aircell/2021/4199-4209

Dated:03.12.2021

To

1. Additional Chief Secretary, Town and Country Planning Department,Haryana.
2. Additional Chief Secretary, Power Department, Haryana.
3. Additional Chief Secretary, Home Department, Haryana.
4. Additional Chief Secretary, Food, Civil Supplies and ConsumerAffairs Department, Haryana.
5. Additional Chief Secretary, PWD (B & R) Department, Haryana.
6. Additional Chief Secretary to Government, Haryana, LabourDepartment.
7. Director General of Police.
8. Principal Secretary to Government, Haryana Higher EducationDepartment.
9. Principal Secretary, Urban Local Bodies, Government of Haryana.
10. Principal Secretary, Transport Department, Government of Haryana.
11. Principal Secretary, Industries and Commerce Department,Haryana.

Sub: Directions no. 46 under section 12 of the Commission for Air Quality Management in National Capital Region and Adjoining Areas Act, 2021 regarding steps for effective control air pollution in wake of the prevailing air quality scenario in Delhi- NCR.

Ref:- CAQM F No. A-110018/01/2021-CAQM/1694-1709 dated 02.12.2021.

With reference to the above cited subject and communications, please find enclosed herewith the Directions no. 46 under section 12 of the Commission for Air Quality Management in National Capital Region and Adjoining Areas Act, 2021 regarding steps for effective control air pollution in wake of the prevailing air quality scenario in Delhi- NCR for information and necessary action at your end.

DA/ As above.

**Signed by Dr. Rajesh
Garhia**

Date: 03-12-2021 18:30:21

Reason: Approved

**Sr. Scientist (HQ)
for Member Secretary**

CC:- A copy Is forwarded to the following for information and necessaryaction please.

1. All DCs of NCR Districts.
2. All Police Heads of NCR Districts.
3. All Regional Officers of NCR Districts.

DA/ As above.

CC:- A copy is forwarded to the following for information and necessaryaction please.

1. All Industrial Association in NCR District of Haryana.

DA/ As above.

CC:- A copy is forwarded to the following for information please.

1. Member Secretary, CAQM.
2. P.S. to Chief Secretary, Government of Haryana
3. P.S. to ACS, Environment and Climate Change Department,
Government of Haryana
4. P.S. to Chairperson, HSPCB.
5. PA to Member Secretary, HSPCB.
6. All Branch In-charges in Head Office.

DA/ As above.

CC:- A copy is forwarded to SEE(IT) for uploading the above letter onthe website of the Board.

DA/ As above.

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

F.No. A-110018/01/2021-CAQM 1694-1709

Dated: 02.12.2021

Subject: Directions under Section 12 of the Commission for Air Quality Management in National Capital Region and Adjoining Areas Act, 2021 regarding steps for effective control of air pollution in wake of the prevailing air quality scenario in Delhi-NCR

WHEREAS, 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);

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 and Adjoining Areas;

WHEREAS, Section 12 (2) (xi) of the Act, empowers the Commission to issue directions in writing to any person, officer, or any authority and such person, officer or authority shall be bound to comply with such directions;

WHEREAS, the Commission has been highlighting that amongst others Industrial Pollution and Vehicular Pollution are the major contributing factors for deterioration of air quality in the region;

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 organisations concerned of the Central and State Governments/ GNCTD and has issued Directions, Advisories and conveyed decisions for effective implementation of measures for abating air pollution in NCR region;

WHEREAS, in respectful compliance of the directions of the Hon'ble Supreme Court dated 15.11.2021 in Writ Petition (Civil) No. 1135 of 2020 titled as Aditya

Sand

Dubey Vs. Union of India & Ors., a meeting of the Commission for Air Quality Management in NCR and Adjoining Areas was convened in an emergent mode at 10:00 am on 16.11.2021, to consider taking further and more stringent steps to effectively control air pollution in identified sectors;

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, issued Directions No. 44 dated 16.11.2021 to the Chief Secretaries of Governments of NCT of Delhi, Haryana, Punjab, Rajasthan and Uttar Pradesh for taking action on various sectors viz. Industrial Pollution, Thermal Power Plants, Vehicular Pollution, Dust Control etc.

WHEREAS, the Commission, in furtherance to the above said Directions has issued various Direction (s) / Order (s) on 25.11.2021, 26.11.2021, 27.11.2021 and 30.11.2021;

WHEREAS, the air quality in the last few days has been at the upper end of 'Very Poor' or in 'Severe' category, there is an emergent need to take further preventive measures as, a matter of extreme emergency and abundant caution and to prevent the air quality to further deteriorate;

NOW THEREFORE, in view of the facts stated above and the compelling need to prevent further deterioration of environment and towards improvement of air quality in Delhi and NCR, the Commission, in exercise of its powers conferred upon it under Section 12 (2) (xi) read with Section 12 (2) (v) of the Commission for Air Quality Management in National Capital Region and Adjoining Areas Act 2021, further directs that following measures shall be implemented with strict force with immediate effect, until further orders:

- i. The Direction No. 44 dated 16.11.2021 related to industrial pollution shall continue to be in force;
- ii. It is further directed that industrial operations and processes in NCR, not running on PNG or cleaner fuels, shall be allowed to operate only up to eight hours a day from Monday to Friday and shall not be allowed to operate on Saturdays and Sundays;
- iii. Operation of Thermal Power plants within 300 km radius of Delhi shall continue to be regulated in terms of the Commission's latest Order in this regard issued vide No. A-110018/01/2021-CAQM dated 30.11.2021;
- iv. All Schools, Colleges and Educational Institutions in the NCR shall remain closed, allowing only online mode of education, except for the purpose of conduct of examinations and laboratory practical etc.;

2021

Direction No. 46

- v. Stop entry of trucks in Delhi except CNG / Electric Trucks and trucks carrying essential commodities;
- vi. Strict enforcement of these Directions as also the Directions / Orders issued by the Commission from time to time since its inception shall be ensured by the respective agencies and implementation, compliance of the same shall be monitored by the Chief Secretaries of the respective State / GNCTD.

Arvind
(Arvind Nautiyal)

Member Secretary

Tel No.: 011-23701197

Email: arvind.nautiyal@gov.in

To:

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

Copy to:

1. The Chairperson and all Members of the Commission for Air Quality Management in NCR and Adjoining Areas



HARYANA STATE POLLUTION CONTROL BOARD
C-II, SECTOR-6, PANCHKULA
Ph-2577870-74 E-mail: hspcbaircell@gmail.com

No. HSPCB/Aircell/2021/4038-4040

Dated: 24/11/2021

To

All Deputy Commissioners of NCR District.

Sub: Implementation of the decision of directions no. 44 dated 16.11.2021 of the CAQM - reg.

Ref:- This office letter no. HSPCB/ Aircell/ 2021/3831-3841 dated 17.11.2021.

With reference to the above cited subject, please find enclosed herewith the communication received from Commission for Air Quality Management in NCR and Adjoining Areas vide letter No. A-110022/19/2020-CAQM/1546-53 dated 23.11.2021 which is self explanatory.

You are hereby advised to implement the above directions in you jurisdiction and send the Action Taken Report to HSPCB.
DA/ As above.

24/11/2021
Sr. Scientist (HQ)
for Member Secretary

CC-

A copy is forwarded to the following for information and necessary action please.

1. All Police Heads of NCR Districts.
2. All Regional Officers of NCR Districts.

DA/ As above.

CC-

A copy is forwarded to the following for information and necessary action please.

1. Additional Chief Secretary, Power Department, Haryana.
2. Additional Chief Secretary, PWD (B & R) Department, Haryana.
3. Additional Chief Secretary, Home Department, Haryana.
4. Additional Chief Secretary, Food, Civil Supplies and Consumer Affairs Department, Haryana.
5. Director General of Police.
6. Principal Secretary, Town and Country Planning Department, Haryana.
7. Principal Secretary, Urban Local Bodies, Government of Haryana.
8. Principal Secretary, Transport Department, Government of Haryana.
9. Principal Secretary, Industries and Commerce Department, Haryana.

DA/ As above.

CC:-

A copy is forwarded to the following for information please.

1. Member Secretary, CAQM.
2. P.S. to Chief Secretary, Government of Haryana
3. P.S. to ACS, Environment and Climate Change Department, Government of Haryana
4. P.S. to Chairperson, HSPCB.
5. PA to Member Secretary, HSPCB.
6. All Branch In-charges in Head Office.

CC:-

A copy is forwarded to SEE (IT) for uploading the above letter on the website of the Board.

DA/As above.

MOST URGENT / OUT TODAY
FOR IMMEDIATE ACTION

FROM : CAQM - NCR AND AA (.)
TO : MEMBER SECRETARIES OF THE STATE POLLUTION CONTROL BOARDS OF HARYANA, RAJASTHAN AND UTTAR PRADESH AND, MEMBER SECRETARY DELHI POLLUTION CONTROL COMMITTEE (.)

SUBJECT : IMPLEMENTATION OF THE DECISIONS OF DIRECTION NO. 44 DATED 16.11.2021 OF THE COMMISSION (.)

NO. C-110022/19/SC-02/2020/CAQM/ DATED: 23RD NOVEMBER, 2021
/1546-13

REFERENCE COMMISSION'S DIRECTION NO. 44 DATED 16.11.2021 REGARDING STEPS FOR EFFECTIVE CONTROL OF AIR POLLUTION IN WAKE OF THE PREVAILING AIR QUALITY SCENARIO IN DELHI-NCR (.) REQUEST FOR STRICT IMPLEMENTATION OF THE DIRECTION OF THE COMMISSION (.)

VIGOROUSLY IMPLEMENT THE DIRECTIONS PERTAINING TO CONTROL OF INDUSTRIAL POLLUTION, INCLUDING CONTINUOUS INTENSIVE DRIVES BY TEAMS OF SENIOR OFFICERS TO MONITOR COMPLIANCE AND TAKE SUITABLE PENAL ACTION AND /OR CLOSURE EXPEDITIOUSLY (.)

IMPLEMENT PENAL PROVISION AGAINST PLYING OF DIESEL AND PETROL VEHICLES MORE THAN 10 & 15 YEARS RESPECTIVELY IN NCR, EFFECTIVELY STOP PLYING OF VISIBLY POLLUTING VEHICLES WITHOUT PUC IN NCR AND ENSURE STEPS TOWARDS SMOOTH FLOW OF TRAFFIC AND FOR AVOIDING CONGESION (.)

CONTINUE INTENSIVE ENFORCEMENT DRIVES BY TEAMS OF SENIOR OFFICERS TO MONITOR COMPLIANCE OF AIR POLLUTION EMISSION CONTROL NORMS BY THE C & D PROJECTS, AND TO TAKE HEAVY PENAL ACTION AND/OR ISSUE CLOSURE DIRECTIONS (.)

AS A DUST CONTROL MEASURE, MASSIVE DEPLOYMENT OF ANTI-SMOG GUNS, WATER SPRINKELERS AND DUST SUPPRESSANTS ON HOT SPOTS AND AVAILABILITY OF ROAD SWEEPING MACHINE BE CONTINUED AND INCREASED IN ALL ERNEST AND INTENSIVE DRIVES BY TEAMS OF SENIOR OFFICERS TO MONITOR COMPLIANCE, TAKE SUITABLE PENAL ACTION AND IMPOSE PENALTY BE CONTINUED(.)

STRICTLY ENFORCE BAN OF USE OF DG SETS, EXCEPT FOR EMERGENCY SERVICES AS STIPULATED IN THE DIRECTION OF THE COMMISSION(.) SIMULTANEOUSLY ENSURE UNINTERRUPTED POWER SUPPLY TO FACILITATE EFFECTIVENESS OF THIS MEASURE (.)

CHIEF SECRETARIES OF THE CONCERNED STATES TO MONITOR THE IMPLEMENTATION OF DIRECTION OF THE COMMISSION REGULARLY(.)

(MEMBER SECRETARY)
CAQM - NCR & AA

COPY TO

1. THE ADDITIONAL CHIEF SECRETARY, ENVIRONMENT AND CLIMATE CHANGE, GOVERNMENT OF HARYANA
2. THE ADDITIONAL CHIEF SECRETARY, DEPARTMENT OF ENVIRONMENT AND CLIMATE CHANGE, UTTAR PRADESH
3. THE PRINCIPAL SECRETARY, ENVIRONMENT AND FOREST, GNCTD, NEW DELHI
4. THE PRINCIPAL SECRETARY, ENVIRONMENT DEPARTMENT, GOVT. OF RAJASTHAN



HARYANA STATE POLLUTION CONTROL BOARD
C-11, SECTOR-6, PANCHKULA
Ph-2577870-74 E-mail: hspcbaircell@gmail.com

No. HSPCB/Air Cell/2021/3969-3983

Dated 23/11/2021

To All Regional Officers of NCR Districts of Haryana State.

Sub: Strict implementation of directions of CAQM-reg.

Ref: Directions of CAQ dated 16.11.2021 and endorsed of HSPCB in this regard dated 17.11.2021.

Please refer to the above cited subject and reference, wherein the Commission for Air Quality Management in NCR and adjoining area (CAQM) has directed that there shall be a strict ban on the use of DG sets, except for emergency services as stipulated in the orders of the Sub Committee on invocation of GRAP from time to time. The Commission has also directed to strictly implement the closure of all industries which are having gas connectivity but otherwise fail to run on gas.

The Sub Committee on Enforcement, during its meeting held at 1100 Hrs on 23.11.2021 observed that the implementation of the above directions is not satisfactory at field level and the same will be apprised to Hon'ble Supreme Court as non-compliance, if not followed up strictly.

You are, therefore, directed to strictly implement the above directions in the field while ensuring the implementation of other directions as well and send the Action Taken Report to HSPCB Headquarters periodically in the prescribed format. Any lapse in complying with the above directions will be viewed very seriously.

Rajni
23.11.2021
Senior Scientist (HQ)
for Member Secretary

Endst. No. HSPCB/Air Cell/2021/3984-4020

Dated: 23/11/2021

A copy of the above is forwarded to the following for information and necessary action:-

1. All Deputy Commissioners.
2. All Police Heads.
3. All Heads of Municipal Corporations/Municipal Bodies of NCR Districts.

Rajni
23.11.2021
Senior Scientist (HQ)
for Member Secretary

Endst. No. HSPCB/Air Cell/2021/4021-4023

Dated: 23/11/2021

A copy of the above is forwarded to the following for information and necessary action:-

1. CEO, GMDA.
2. Principal Secretary, Urban Local Bodies Department, Govt. of Haryana.
3. Principal Secretary, Industries & Commerce Department, Govt. of Haryana.


23.11.2021
**Senior Scientist (HQ)
for Member Secretary**

Endst. No. HSPCB/Air Cell/2021/4024-4026

Dated: 23/11/2021

A copy of the above is forwarded to the following for information and necessary action:-

1. PS to Chief Secretary, Haryana.
2. PS to ACS, Environment & Climate Change Department, Govt. of Haryana.
3. PS to Chairperson, HSPCB/PA to Member Secretary, HSPCB.


23.11.2021
**Senior Scientist (HQ)
for Member Secretary**

Endst. No. HSPCB/Misc./2021/4027

Dated: 23/11/2021

A copy of the above is forwarded to the Senior Environmental Engineer (IT Cell), HSPCB for uploading on the website of the Board.


23.11.2021
**Senior Scientist (HQ)
for Member Secretary**



HARYANA STATE POLLUTION CONTROL BOARD
C-11, SECTOR-6, PANCHKULA
Ph-2577870-74 E-mail: hspcbaircell@gmail.com

No. HSPCB/Aircell/2021/

Dated:

To

1. Additional Chief Secretary, Power Department, Haryana.
2. Additional Chief Secretary, PWD (B & R) Department, Haryana.
3. Additional Chief Secretary, Home Department, Haryana.
4. Additional Chief Secretary, Food, Civil Supplies and Consumer Affairs Department, Haryana.
5. Director General of Police.
6. Principal Secretary, Town and Country Planning Department, Haryana.
7. Principal Secretary, Urban Local Bodies, Government of Haryana.
8. Principal Secretary, Transport Department, Government of Haryana.
9. Principal Secretary, Industries and Commerce Department, Haryana.

Sub: Directions under section 12 of the Commission for Air Quality Management in National Capital Region and Adjoining Areas Act, 2021 regarding steps for effective control air pollution in wake of the prevailing air quality scenario in Delhi- NCR.

Ref:- CAQM F No. A-110018/01/2021-CAQM/1461-1486 dated 16.11.2021.

With reference to the above cited subject and communications, please find enclosed herewith the Directions under section 12 of the Commission for Air Quality Management in National Capital Region and Adjoining Areas Act, 2021 regarding steps for effective control air pollution in wake of the prevailing air quality scenario in Delhi- NCR for information and necessary action at your end.

DA/ As above.

17.11.2021
Sr. Scientist (HQ)
for Member Secretary

CC- A copy is forwarded to Sh. Sanjeev Kaushal, IAS, Additional Chief Secretary - cum- FCR, Govt. of Haryana for information and necessary action please.

DA/ As above.

CC- A copy is forwarded to the following for information and necessary action please.

1. All DCs of NCR Districts.
2. All Police Heads of NCR Districts.
3. All Regional Officers of NCR Districts.

DA/ As above.

CC:- A copy is forwarded to the following for information and necessary action please.

I. All Industrial Association in NCR District of Haryana.

DA/ As above.

CC:- A copy is forwarded to the following for information please.

1. Member Secretary, CAQM.
2. P.S. to Chief Secretary, Government of Haryana
3. P.S. to ACS, Environment and Climate Change Department, Government of Haryana
4. P.S. to Chairperson, HSPCB.
5. PA to Member Secretary, HSPCB.
6. All Branch In-charges in Head Office.

DA/ As above.

CC:- A copy is forwarded to SEE(IT) for uploading the above letter on the website of the Board.

DA/ As above.

**COMMISSION FOR AIR QUALITY MANAGEMENT
IN NATIONAL CAPITAL REGION AND ADJOINING AREAS
17th Floor, Jawahar Vyapar Bhawan (STC Building)
Tolstoy Marg, New Delhi-110016**

F.No. A-110018/01/2021-CAQM/1461-1486

Dated: 16.11.2021

Subject: Directions under Section 12 of the Commission for Air Quality Management in National Capital Region and Adjoining Areas Act, 2021 regarding steps for effective control of air pollution in wake of the prevailing air quality scenario in Delhi-NCR

WHEREAS, 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);

WHEREAS, Section 30 of the Act, 2021 provides that anything done or any action taken under the erstwhile Ordinance 2020 shall be deemed to have been done or taken under the corresponding provisions of the Ordinance 2021;

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 and Adjoining Areas;

2021

DIRECTION NO. 44

WHEREAS, Section 12 (2) (xi) of the Act, empowers the Commission to issue directions in writing to any person, officer, or any authority and such person, officer or authority shall be bound to comply with such directions;

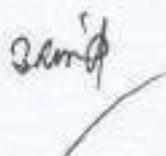
WHEREAS, the Commission has been highlighting that Road dust, dust from Construction and Demolition sites, Industrial Pollution, Vehicular Pollution, agricultural stubble burning, burning of biomass/ municipal solid waste, bursting of fire crackers etc. and unfavorable meteorological conditions in NCR particularly during the winter season are the major contributing factors for deterioration of air quality in the region;

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 organisations concerned of the Central and State Governments/ GNCTD and has issued Directions, Advisories and conveyed decisions for effective implementation of measures for abating air pollution in NCR region;

The Commission has been holding meetings periodically to review the situation.

WHEREAS, the Hon'ble Supreme Court of India heard the Writ Petition (Civil) No. 1135 of 2020 titled as Aditya Dubey Vs. Union of India & Ors. on 15.11.2021;

WHEREAS, in respectful compliance of the directions of the Hon'ble Supreme Court, 8th Meeting of the Commission for Air Quality Management in NCR and Adjoining Areas was convened in an emergent mode at 10:00 am on 16.11.2021, to consider taking further and more stringent steps to effectively control air pollution in identified sectors viz. construction activities, industries,



transport, thermal power plants, stubble burning etc. and also for consideration of "Work From Home" by the Central Government and State Governments for their offices in the NCR.

WHEREAS, Dr. V.K. Soni, Scientist 'F', IMD presented before the Commission, a perspective of the forecast for air quality, wind velocity, mixing depth etc. in the region in the coming days. It was advised that the air quality over Delhi-NCR is likely to remain in "Very Poor" category and may slip into Severe category by night on 16.11.2021. The air quality is likely to improve marginally but remain in Very Poor category on 17.11.2021 and 18.11.2021. The air quality is likely to remain in Very Poor category and improve from 21.11.2021 owing to relatively strong winds. PM_{2.5} will be the predominant pollutant. Lower Ventilation Index in coming five days i.e. from 17.11.2021 to 21.11.2021 is unfavourable for dispersion of pollutants.

WHEREAS, besides the Members of the Commission, Chief Secretaries/ Addl. Chief Secretaries/ Pr. Secretaries of the Departments concerned in the States of Uttar Pradesh, Punjab, Haryana, Delhi and Rajasthan were special invitees in the meeting to make their submissions and give their views and suggestions in this context. Secretaries to GOI in the Ministries of Environment, Forest and Climate Change, Secretary of Power, Secretary of Deptt. of Personnel and Training and Addl. Secretary, MoHUA and other senior officers from organisations concerned in the Central Government and from the State of Punjab, NCR States and Govt. of NCT of Delhi also provided their valuable suggestions and inputs in the respective fields during the detailed discussions.

WHEREAS, based on the detailed deliberations and in after considering the views expressed by the special invitees from the Central/ State Governments/ GNCTD and the Members of the Commission and based on a general consensus which emerged in the meeting, as a matter of emergency and

abundant caution, certain decisions are taken by the Commission in the matter.

NOW THEREFORE, in view of the facts stated above and the compelling need to prevent further deterioration of environment and towards improvement of air quality in Delhi and NCR, 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, directs that following measures shall be implemented with strict force with immediate effect:

1. Industrial Pollution

NCR States and GNCTD shall ensure that:

- (i) All Industries in NCR having gas connectivity shall be run only on gas as a fuel failing which Industries concerned shall be closed.
- (ii) This Commission has already repeatedly directed not to permit any industry to use unapproved fuels. All industries in NCR still using unapproved fuels shall be closed by respective Governments with immediate effect.
- (iii) All Industries in NCR where gas connectivity is available shall immediately be shifted to gas and State Governments to furnish industry-wise date of shifting.
- (iv) NCR State Governments and GNCTD shall further set up effective enforcement mechanism including intensive and continuous drives by deputing adequate number of teams consisting of senior officers

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to monitor compliance of air pollution emission control norms by Industrial Units and for suitable penal action and / or closure.

2. Thermal Power Plants

- (i) Of the 11 thermal power plants located within 300 km radius of Delhi, only 5 power plants namely NTPC, Jhajjar; Mahatma Gandhi TPS, CLP Jhajjar; Panipat TPS, HPGCL; Nabha Power Ltd. TPS, Rajpura and Talwandi Sabo TPS, Mansa shall only be allowed to schedule their operations and the rest shall remain inoperative at least till 30th November, 2021.
- (ii) Secretary, Ministry of Power informed that load requirements, if any, arising out of such closures shall be duly facilitated through power supply from other power plants located beyond 300 km radius of Delhi.

3. Vehicular Pollution / Transport

NCR States and GNCTD shall:

- (i) Stop entry of trucks in Delhi except the trucks carrying essential commodities, till 21st November, 2021 subject to further review for extension of this date.
- (ii) Plying of diesel and petrol vehicles of more than 10 and 15 years respectively in NCR is a serious matter and the authorities shall ensure that no vehicles of more than 10 years and 15 years using diesel and petrol respectively are found plying on road.

- (iii) Stop plying of visibly polluting vehicles and vehicles without PUC in NCR. Checks for PUC may be primarily carried out at the petrol pumps so as to obviate congestion on free roads.
- (v) Deploy traffic task-force teams to closely monitor all busy traffic intersections, busy market areas, unauthorized parking lots etc. and take every possible step towards ensuring smooth flow of traffic and avoiding congestion.
- (vi) GNCTD to expeditiously procure and put on road adequate number of CNG buses at the earliest.

4. Dust Control Measures

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/ defence 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.
- (iii) Deploy Anti-smog guns, water sprinklers (including supplementing such efforts through large scale deployment of fire tenders etc.) and

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application of dust suppressants to be carried out in all vulnerable hotspots, at least 3 times in a day.

- (iv) Augment availability of road sweeping machines and water sprinklers in NCR through emergent procurement measures.
- (v) Set up effective enforcement mechanism including intensive drives by deputing adequate number of teams consisting of senior officers to monitor compliance of air pollution emission control norms by the C&D projects and heavy penal action and/ or closure directions be issued with immediate effect.
- (vi) Impose heavy penalty on persons/ organizations responsible for stacking construction materials or C&D waste on roads and right of ways in NCR.

5. DG Sets

NCR States and GNCTD shall enforce a strict ban on use of DG sets, except for emergency services, which are stipulated in the orders of the Sub-Committee on invocation of GRAP from time to time. Uninterrupted power supply to facilitate the effectiveness of this measure shall to be ensured by the respective electricity supply agencies in Delhi-NCR.

6. Encouraging Work From Home (WFH) to further ease vehicular pollution

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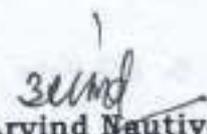
DIRECTION NO. 44

(i) NCR State Governments shall allow Work from Home (WFH) for at least 50% of their staff in offices in NCR, till 21st November, 2021 subject to further review.

(ii) NCR State Governments shall encourage at least 50% of staff working in private establishments in NCR are also allowed to work from home till 21st November, 2021 subject to further review.

7. All public and private Schools, Colleges and Educational Institutions in NCR shall remain closed until further orders allowing only online mode of education.

8. These directions shall be closely monitored by the Chief Secretaries of NCR States / GNCTD on a regular basis for effective field level implementation and control of air pollution and compliance report shall be filed before this Commission on 22.11.2021.


(Arvind Nautiyal)

Member Secretary

Tel No.: 011-23701197

Email: arvind.nautiyal@gov.in

To:

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

Copy to:

DIRECTION NO. 44

1. The Chairperson and all Members of the Commission for Air Quality Management in NCR and Adjoining Areas
2. All Associate Members of the Commission for Air Quality Management in NCR and Adjoining Areas
3. The Secretary, Ministry of Environment, Forest and Climate Change, Government of India
4. The Secretary, Ministry of Power, Government of India
5. The Secretary, Ministry of Housing and Urban Affairs, Government of India
6. The Secretary, Department of Personnel and Training, Government of India

Arvind Nautiyal
(Arvind Nautiyal)
Member Secretary