

Bill No. 199 of 2015

THE AIR (PREVENTION AND CONTROL OF POLLUTION)
AMENDMENT BILL, 2015

By

SHRI FEROZE VARUN GANDHI, M.P.

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BILL

further to amend the Air (Prevention And Control of Pollution) Act, 1981

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

1. (1) This Act may be called the Air (Prevention and Control of Pollution) Amendment Act, 2015.

(2) It extends to the whole of India.

5 (3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Short title,
extent and
commencement.

Insertion of
new section
17A.

2. After section 17 of the Air (Prevention and Control of Pollution) Act, 1981, the following section shall be inserted, namely:— 14 of 1981

Standard of
emission
norms in
respect of
four wheelers
and other
automobiles.

"17A. (1) Notwithstanding anything contained in clause (g) of sub-section (1) of section 17, the standard of emission for four-wheeler automobiles with regard to composition of emission of air pollutant into atmosphere shall be same throughout the country. 5

(2) For the purposes of sub-section (1), the State Board shall, in consultation with the Central Board, notify adoption of—

(i) Bharat IV emission norms by 31st December, 2015 in areas where such norms are not in force on the date of commencement of this Act; 10

(ii) Bharat V emission norms by 31st January, 2017 in areas where Bharat IV emission norms are in force on the date of commencement of this Act; and

(iii) Bharat IV emission norms for new heavy duty trucks by 31st December, 2015 in areas where such norms are not in force.

(3) The State Board shall, in consultation with the Central Board, notify adoption of Bharat V emission norms by 31st January, 2017 in their application to two wheeler and three wheeler automobiles. 15

(4) Notwithstanding anything contained in other law for the time being in force, the State Government shall have all the powers to give effect to the provisions of this section." 20

STATEMENT OF OBJECTS AND REASONS

The Indian Constitution is amongst a select few in the world that contains specific provisions on protection of environment. The provisions of the Constitution highlight national consensus on the importance of environmental protection and improvement besides laying the foundation of jurisprudence of environmental protection. The Supreme Court has impliedly treated the right to live in a pollution free environment as a part of Fundamental Right to Life under article 21 of the Constitution.

Despite the recognition of importance of a pollution-free and clean environment in our Constitution by the founding fathers of an independent India, the reality remains grim at the moment. India's high air pollution is ranked by World Health Organization (WHO) among the worst in the world. As per recent study, approximately half of India's population (660 million people) lives in areas where air pollution is not considered safe for healthy habitation, and this excess pollution alone reduces life expectancy by 3.2 years (on average). Technically speaking, 2.1 billion years that India loses due to high air pollution can be put to use for nation's best interests. Out of 1,622 cities surveyed by WHO last year for suspended particulate matter (especially for particulate matter 2.5, which stands for Particulate Matter—2.5 micrometers or less in size), India was home to 13 of the top 20 cities with most polluted air, with the capital city Delhi topping the charts by registering levels that are 15 times of levels considered 'safe' by WHO. The human cost is soaring cases of asthma, respiratory diseases, heart attacks, strokes and even cancer. Indoor and outdoor air pollution is estimated to claim 1.6 million lives a year. Besides loss of national time, precious lives and increased risks of health hazards, air pollution has also led to loss in crop yields, which poses threat to agricultural produce particularly wheat and rice and the status of India being a major rice exporter.

As India moves ahead on its growth path and prosperity, and if *status quo* is maintained with regard to fuel mix for automobiles, air pollution shall continue to increase, exacting toll from public health, crop yields, rainfall patterns and climatic change. Developed countries have also faced the same problem at the time of industrialization, but have cleaned up their environment since then. India also needs to act fast to stem the growth of air pollution.

Though multiple options are present to take a positive step, it is important to focus on the main reasons. Revision of emission norms by vehicular traffic including heavy duty trucks is one such step that can be acted upon to make a positive impact. As on date, Bharat Stage IV emission norms are followed in National Capital Region (NCR) and 13 other cities, whereas the rest of the country follows Bharat Stage III emission norms. This discrepancy, besides running the risk of being construed as a violation of fundamental right to healthy life for all, presents a bigger risk of encouraging use of fuels with higher emissions (in rest of India), particularly heavy duty trucks which are the one of the largest emitters of PM 2.5 particles.

Hence this Bill.

NEW DELHI;
July 2, 2015.

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(Shri Feroze Varun Gandhi, M.P.)