

MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE**NOTIFICATION**

New Delhi, the 27th August, 2021

G.S.R. 593(E).—In exercise of the powers conferred by clause (c) of sub-section (2) of section 25, read with section 8 of the Commission for Air Quality Management in National Capital Region and Adjoining Areas Act, 2021(29 of 2021) the Central Government hereby makes following rules, namely:—

1. Short title and commencement.—(1) These rules may be called the Commission for Air Quality Management in National Capital Region and Adjoining Areas (Appointment, Salary, Allowances and other Terms and Conditions of Service of Chairperson, Full-time Members and Member-Secretary) Rules, 2021.

(2) These rules shall come into force on the date of their publication in the Official Gazette.

2. Definitions.—(1) In these rules, unless the context otherwise requires,-

(a) “Act” means the Commission for Air Quality Management in National Capital Region and Adjoining Areas Act, 2021 (29 of 2021);

(b) “full-time Member” means a full-time Member to the Commission appointed under sub-section (1) of section 4;

(c) “Member-Secretary” means the Member-Secretary of the Commission appointed under sub-section (3) of section 4;

(d) “Section” means a section of the Act;

(2) The words and expressions used in these rules and not defined but defined in the Act shall have the meanings respectively assigned to them in the Act.

3. Method of appointment.—(1) The Chairperson and full-time Members shall be appointed by the Central Government on the recommendations of the Selection Committee, as specified in sub-section (1) of section 4, and in case the Central Government appoints a serving officer as the Chairperson or full-time Member then no recommendation of Selection Committee shall be required.

(2) The Selection Committee shall regulate its procedure for making its recommendations after taking into account the suitability of the persons, record of past performance, integrity and such other parameters as it considers appropriate.

(3) The Ministry of Environment, Forest and Climate Change, Government of India shall provide secretarial support to the Selection Committee in processing and searching suitable persons for the posts of Chairperson and full-time Members and shall invite applications through an advertisement published on all India basis and such other mode as is considered appropriate:

Provided that in special circumstances, the Selection Committee may select suitable persons for the purpose of appointment of the Chairperson and full-time Members by adopting appropriate method as it deems fit.

(4) The Chairperson should have experience of not less than fifteen years in the field of environment protection and pollution control or should have administrative experience of not less than twenty-five years.

(5) The full-time independent technical Members should have specific knowledge and experience in matters relating to air pollution.

(6) The Central Government shall appoint one officer in the rank of Joint Secretary to the Government of India as a full-time Member-Secretary of the Commission.

4. Terms and conditions of service.—(1) The Chairperson and the full-time Members shall hold office for a term *not exceeding* three years from the date on which they enter upon office or until they attain the age of seventy years, whichever is earlier, and shall be eligible for reappointment:

Provided that where the Central Government appoints a serving officer as the Chairperson or a full-time Member subject to the provisions of second proviso to sub-section (1) of section 4, such appointment shall continue even after superannuation of the officer so appointed, *till* completion of term of appointment.

(2) The Chairperson or full-time Member shall not be eligible to take up private employment in organisations that fell within the operational jurisdiction of the Commission, till expiry of a period of two years from date of demitting his office, without the permission of the Central Government.

(3) The Member-Secretary shall hold office for a tenure not exceeding three years from the date on which he enters upon office or till his superannuation, whichever is earlier, and shall be eligible for reappointment.

5. Pay.—(1) The basic pay of the Chairperson shall be in level-17 and the basic pay of the full-time Member (other than Member-Secretary) of the Commission shall be in level-15 of pay matrix as defined under the pay structure prescribed by the seventh Central Pay Commission:

Provided that in case of appointment of a serving officer as the Chairperson or full-time Member, he shall continue to draw regular pay and allowances as per applicable rules of the Central Government:

Provided further that in case the serving officer retires before completion of his tenure as Chairperson or full-time Member, as the case may be, his pay and allowances shall be governed by sub-rule (3) and rules 7 to 17.

(2) The Member-Secretary shall draw the regular pay and allowances along with all other entitlements as per applicable provisions and rules of the Central Government.

(3) In case of appointment of a person as the Chairperson or a full-time Member who has retired from the service under the Central Government or State Government and who is in receipt of, or has received or has become entitled to receive any retirement benefits by way of pension, gratuity, employers' contribution to the Contributory Provident Fund or other forms of retirement benefits, the pay of such Chairperson or full-time Member, as the case may be, shall be reduced by the gross amount of pension and pension equivalent of gratuity or employer's contribution to the Contributory Provident Fund or any other form of retirement benefits, if any drawn or to be drawn by him.

6. Sitting fee and meetings.—(1) The Chairperson, full-time Members and Member-Secretary shall not be entitled to any sitting fee for attending the meetings of the Commission or for the Commission.

(2) The Members nominated by the Central Government under clauses (h) and (k) of sub-section (2) of section 3 shall be entitled to sitting fee of ten thousand rupees per meeting to a maximum ceiling of one lakh rupees and such members shall also be entitled to reimbursement of traveling allowance and daily allowance as per entitlement of Joint Secretary to the Government of India.

(3) The Members, other than those nominated by the Central Government under clauses (h) and (k) of sub-section (2) of section 3 shall not be entitled to any sitting fee for attending the meetings of the Commission.

7. Gratuity and Pension.—(1) The Chairperson and the full-time Members shall be eligible to join the National Pension System applicable to the Central Government employees with effect from 1st January 2004 and no option to subscribe under General Provident Fund Rules shall be available to them.

(2) Additional pension and gratuity shall not be admissible for the service rendered in the Commission.

8. Leave and leave encashment.—(1) The Chairperson and the full-time Members shall be entitled to thirty days of earned leave for every year of service to the Commission, on pro-rata basis. The Chairperson and the full-time Members shall be entitled to the encashment of leave in accordance with the rules applicable to Group 'A' officers of the Central Government, subject to a maximum encashment of three hundred days, including the leave encashed before superannuation.

(2) The payment of leave salary during leave shall be governed by rule 40 of the Central Civil Service (Leave) Rules, 1972.

(3) The Chairperson and the full-time Members shall be entitled to encashment of fifty per cent of earned leave standing to their credit at any time.

(4) (a) The Chairperson shall be the authority competent to grant leave to the full-time Members.

(b) The Minister-In-Charge of the Ministry Environment, Forest and Climate Change shall be the authority competent to sanction leave to the Chairperson.

9. Allowances.—(1) The Chairperson and full-time Members, while on tour within India or on transfer (including the joinery undertaken to join the Commission or on the completion of their tenure with the Commission to proceed to their home town) shall be entitled to travelling allowance, daily allowance, transportation of personal effects and other entitlements at the same scale and at the same rate as applicable to the officers in the Central Government in the Apex

pay scale (Level 17) for the Chairperson and in the pay level 15 for full-time Members of the Commission, respectively.

(2) The Chairperson and full-time Members shall receive dearness allowance and other allowances at the rate admissible to a Group 'A' officer of the Central Government of equivalent rank.

(3) Travelling allowance and daily allowance on tour shall be paid to the Chairperson and full-time Members as applicable to the Government servants drawing an equivalent basic pay and they shall also be entitled to the facility of temporary Government Accommodation in Guest Houses/Inspection Bungalows under the control of the Central Government, wherever applicable, on payment of normal rent at out-station, of the class to which the Government servants of equivalent pay are eligible.

10. Official tours outside India.—(1) Tour outside India to be undertaken by the Chairperson or full-time Members shall require prior approval of the Minister-In-Charge of the Ministry of Environment, Forest and Climate Change, and of the Screening Committee of the Secretaries and clearance from the Ministry of External Affairs from political angle and from the Ministry of Home Affairs for acceptance of foreign hospitality, if any, under the provision of the Foreign Contribution (Regulation) Act, 2010 (42 of 2010) or any other law for the time being in force.

(2) Official visits abroad by the Chairperson and any full-time Member shall be undertaken only in accordance with the Government orders as applicable to officers of equivalent grade in the Government of India and in regard to official delegations abroad in which both the administrative Secretary and the Chairperson or full-time Members of the Commission are included, the Secretary shall lead the delegation and for domestic tours the Chairperson shall keep the Secretary of the Ministry of Environment, Forest and Climate Change informed.

11. Leave Travel Concession.—(1) The Chairperson and full-time Members shall be entitled to Leave Travel Concession (LTC) at the same rates as applicable to the officers of the Central Government in the Apex Grade pay level 17 in the case of Chairperson and in the pay level 15 in the case of full-time Members.

(2) Other conditions relating to Leave Travel Concession shall be governed by the rules relating to Group 'A' officers of the same rank of the Central Government.

12. Eligibility for General Pool Accommodation.—(1) The Chairperson and full-time Members shall not be eligible for General Pool Residential Accommodation.

(2) The Chairperson and full-time Members shall be entitled to draw House Rent Allowance as per extant rates and charges for water, electricity and fuel consumed in the house shall be borne by the occupant of the house.

13. Telephone and transport facility.—(1) The Chairperson and full-time Members shall be eligible for telephone facility as admissible to the officer of the Central Government in the Apex Grade in case of the Chairperson and as for Joint Secretary in case of full-time Members.

(2) The Commission shall not purchase any passenger vehicle for official purpose and the requirement of vehicles shall be met by hiring and the Chairperson and full-time Members shall be eligible for fixed reimbursement per month as per the rates prescribed by the Central Government drawing an equivalent pay for the use and maintenance of his personal car for transportation between residence and office and it shall include the salary of a driver who shall not be a Government servant.

14. Oath of office and secrecy.—(1) Every person appointed as the Chairperson and full-time Member shall, before entering upon his office, subscribe to an oath of office and an oath of secrecy in Form-I annexed to these rules.

15. Residuary provisions.—(1) Matters relating to the terms and conditions of service of the Chairperson and full-time Members with respect to which no express provisions have been made in these rules, shall be referred by the Commission to the Central Government for its decision, and the decision of the Central Government thereon shall be applicable to the Chairperson and the full-time Members.

(2) The Chairperson and full-time Members appointed before the commencement of these rules, as a one-time exception, shall be eligible to the provisions of these rules from the date of their joining duty in the Commission.

16. Powers to relax.—Where the Central Government is of the opinion that it is necessary or expedient so to do, it may, by order and for reasons to be recorded in writing, relax any of the provisions of these rules with respect to any class or category of persons.

Form-I**(See rule 15)**

Form of oath of office for the Chairperson / full-time Members of the Commission for Air Quality Management of National Capital Region and Adjoining Areas.

“I _____, having been appointed as Chairperson/full-time Member of the Commission for Air Quality Management in National Capital Region and Adjoining Areas do solemnly affirm/swear in the name of God that I will faithfully and consciously discharge my duties as Chairperson /full-time Member to the best of my ability, knowledge and judgement, without fear or favor, affection or ill –will.”

Date:

(Name of the Chairperson/full-time Member)