

THE KERALA CLEAN AIR BILL

A BILL to prevent the Air Pollution generated by the motor vehicles in the State by using non-polluting fuels;

Preamble.—WHEREAS it is considered necessary that in order to prevent pollution by automobiles and maintain the health of the people from the air pollution being generated by the motor vehicles, all motor vehicles shall use only non-polluting fuels like CNG, LPG, Biogases and Electricity.

Be it enacted in the Fifty-ninth year of the Republic of India as follows:

1. Short title, extent and commencement.—(1) This Act may be called the Kerala Clean Air Act, —

(2) It shall extend to the whole of the State of Kerala;

(3) It shall come into force on such date as may be notified by the Government.

2. Definitions.—In this Act unless the context otherwise requires,—

(1) “Government” includes Transport Department of the State Government.

(2) “Compressed Natural Gas” or “CNG” means compressed gaseous fuel composed predominantly of methane (CH4).

(3) “LPG” means Liquified Petroleum Gas consisting principally of propane and butane stored in metal cylinders and used as fuel and cooking and heating fuel.

(4) “Person” includes owner and driver of a motor vehicle.

(5) The definitions given in the Motor Vehicles Act, 1988 and under its Rules (both State and Central) will have the same meaning for the words as defined under this Act.

3. Declaration of usage of CNG for vehicles.—(1) The State Government shall issue a notification declaring that all the motor vehicles shall use within the State of Kerala only CNG or LPG or Electricity as fuel in a phased manner as directed in the notification.

(2) All the existing three wheelers shall convert their vehicles to make them fit for using CNG at any rate before 1st January, 2010.

(3) All the Kerala State Road Transport Corporation buses shall be converted to make them fit for using CNG at any rate before 1st June, 2010.

(4) All the existing bus operators shall convert their vehicles to make them fit for using CNG at any rate before 1st June, 2010.

(5) All the existing taxi owners and other stage carriage operators shall convert their vehicles to make them fit for using CNG, LPG or Electricity at any rate before 31st December, 2009.

(6) No public transport vehicle shall be allowed to be used in the Kerala State unless they are converted to make them fit to use CNG with effect from 1st January 2010.

(7) No diesel vehicles shall be used in the State of Kerala from 1st January, 2010.

4. Vehicles using diesel for operation not to be registered.—No vehicles operated by diesel shall be registered in the State on and after 18th January 2010.

(8) All notifications issued under this Act shall be published in the Kerala Gazette.

5. Offences.—(1) Any person found plying a vehicle within the State on or after the dates notified in Section 3 above in contravention of the provisions contained in this Act, shall be punishable with imprisonment up to one month or fine upto five thousand rupees.

(2) Punishment for committing the above offence shall be recorded in the Registration Certificate of the vehicle and the Driving Licence of the driver.

(3) If any person commits the same offence once over again, he shall be liable for imprisonment up to three months and fine upto one lakh of rupees.

Statement of Objects and Reasons

Vehicles and industries are mainly responsible for the deterioration of air quality in the State as both create noise and emit air pollutants, said a report published by the Kerala State Council for Science, Technology and Environment (for short the Council). The impact of vehicular emission and noise is widespread whereas the industrial emission is limited to the areas around the industries. Though advanced manufacturing techniques have considerably reduced the noise and emission from automobiles and cleaner production process the emission from industries, the benefits are offset by the rapid increase in number of vehicles and industries, said the State of Environment Report Kerala, 2005, brought out by the Council. The ever-increasing use of fossil fuel in transportation and industrial sectors are adversely affecting the air quality and increasing the ambient noise. It is estimated that there are 25 lakh licensed vehicles on Kerala roads whereas the length of the carriage way is 21,347 km. Kerala recorded an astonishing increase of 2,000 per cent in the number of vehicles during the 1975-2002 period. The number of vehicles on Kerala roads rose to 2,315,372 in 2002 from 119,720 of 1975. At the same time, the rate of increase in road length was just 44 per cent during this period. The road length reached 21,347 km. from 14,870 of 1975, the study report said. Kochi, Thiruvananthapuram and Kozhikode account for nearly 40 per cent of the vehicles registered in the State. Personal transport vehicles constitute 72 per cent of the vehicle population in the State. Scooters and motorcycles accounted for 77 per cent of the personal transport vehicles in the State.

According to the official figures, there are 4 46,959 vehicles in Kochi followed by 350,455 in Thiruvananthapuram and 207,117 in Kozhikode. Wayanad had the least number of vehicles

33,550. The ambient air quality of Ernakulam has been adversely affected by the presence of most number of major and medium-scale industries and maximum number of vehicles. Of the 640 large or medium industries in the State, nearly 510 are located at Kochi. Air quality degradation was observed in Kanjikode in Palakkad due to the large number of electric furnace-based industries located there, the report said. The major industrial units of Eloor, Udyogamandal and Ambalamugal in Kochi and Kanjikode account for almost half of the air polluting industries in the State. Studies have revealed that the Suspended Particulate Matter and Reparable Suspended Particulate Matter (RSPM) regularly exceed the allowable limits in Kochi, Thiruvananthapuram and Kozhikode cities. Making available unadulterated fuel, compliance of emission norms through strict emission testing facility, replacement of older vehicles, introduction of low-sulphur fuels and use of catalytic converters have also been suggested.

Therefore it is essential to insist for the usage of alternate fuels like, compressed natural gas (CNG) or electricity or such other non-polluting energy sources in all motor vehicles in the State of Kerala.

This Bill is intended to achieve this object.