

[Authorised English Translation]

HARYANA GOVERNMENT
ENVIRONMENT AND CLIMATE CHANGE DEPARTMENT

Notification

The 20th November, 2019

No. S.O. 80/C.A. 6/1974/S. 64/2019.— In exercise of the powers conferred by section 64 of the Water (Prevention and Control of Pollution) Act, 1974 (Central Act 6 of 1974), the Governor of Haryana after consulting the Haryana State Pollution Control Board, hereby makes the following rules further to amend the Haryana (Prevention and Control of Water Pollution) Rules, 1978, namely:-

1. (1) These rules may be called the Haryana (Prevention and Control of Water Pollution) Rules, 2019.
(2) These rules shall come into force from the date of their publication in the Official Gazette.
2. In the Haryana (Prevention and Control of Water Pollution) Rules, 1978 (hereinafter called the said rules), in rule 2, for clause (b), the following clause shall be substituted, namely:-
“(b) “State Board” means the Haryana State Pollution Control Board constituted under section 4;”
3. In the said rules, for rule 4, the following rule shall be substituted, namely:-
“4. Qualifications and other terms and conditions of service of Chairman, section 5(9). – (1) A person, shall not be eligible to be nominated as Chairman, under clause (a) of sub-section (2) of section 4 of the Act, unless,-
 - (a) he possesses Post Graduation degree in Science relating to environment or Degree in Engineering, in a discipline relating to environment from recognized university or institute and has special knowledge and fifteen years of experience relating to environment protection, including industrial pollution mitigation or waste water treatment or air pollution control devices and has rendered twenty-five years of Government/Semi-Government service; or
 - (b) is or has been a member of All India Services in the service of Central or any State Government of the rank and equivalence of Principal Secretary and has experience in administering institutions dealing with matters related to the environment; or
 - (c) is or has been in the service of State Public Sector Undertaking and possess the qualifications and experience for nomination as Chairman under clause (a) above.
(2) (a) The Chairman who is serving officer and continues to remain in the service of the State Government shall receive the pay and other allowances in his own pay scale as admissible, under Haryana Government;
 - (b) A person, who is not a serving/retired Government servant, nominated as Chairman, shall receive pay and other allowances in the pay scale of Principal Secretary in Haryana Government;
 - (c) Any retired person from Government service nominated as Chairman shall receive a pay equivalent to last drawn minus pension along with other allowances as admissible to the Principal Secretary to Government, Haryana.
(3) In addition to disqualification as specified in section 6 of the Act, no person,-
 - (i) who has entered into or contracted a marriage with a person having a spouse living; or
 - (ii) who having a spouse living, has entered into or contracted a marriage with any person, shall be eligible for nomination to the said post;
Provided that the Government may if satisfied that such marriage is permissible under the personal law applicable to such person and the other party to the marriage and there are other grounds for so doing, exempt any person from the operation of this rule.
- (4) The Chairman, Haryana State Pollution Control Board shall hold office for a term of three years from the date on which he assumes charge or till he attains the age of sixty-five years, whichever is earlier.”
4. In the said rules, rule 4-A shall be omitted.
5. In the said rules, for rule 16, the following rule shall be substituted, namely:-
“16. Educational and other qualifications for appointment, pay, allowances and tenure as Member Secretary.-(1) The Government may appoint any serving officer from All India Services or in any services of the Central or State Government or Public Sector Undertaking or university or Government Research Institute or Autonomous or Statutory Body, on deputation, who is-
 - (i) holding a post on regular basis in the parent cadre or department in the pay scale of Level 13A in pay matrix of the Central Government or its equivalent in the State Government; or with two years of regular service in the grade rendered after appointment thereto on regular basis in the pay level of 13 in

the pay matrix of the Central Government or its equivalent in the State Government or equivalent in the parent cadre or department, or six years of service in the grade rendered after appointment thereto, on regular basis in the pay level of 12 in the pay matrix of the Central Government or equivalent in the cadre or department; and

(ii) possessing Post Graduation degree in Science or degree in Engineering from a recognized institute or university or its equivalent with knowledge and experience relating to environment.

(2) The Member Secretary shall be entitled to draw pay in his own pay-scale and other allowances admissible under the Haryana Government rules.

(3) The Member Secretary shall be on deputation as per State Government instructions.

(6) In the said rules, in rule 23,-

(i) for sub-rule (1), the following sub-rule shall be substituted, namely:-

“(1) The Appellate Authority shall consist of either a single person or three persons appointed by the State Government,-

(A) (i) in case of single person authority, the Appellate Authority shall consist of, either retired District and Session Judge or Administrative Secretary of Environment and Climate Change Department or a member of All India Services who is or has been in the service of Central or any State Government of the rank and equivalence of Principal Secretary and has experience in administering instructions dealing with matters related to the environment; or

(ii) in case of three persons, the Appellate Authority shall consist of one of the persons, indicated at (i) above, who shall be designated as President of the Appellate Authority; and any two persons from the following category shall be appointed by the Government as Members,-

(a) Scientist having experience of fifteen years in the field of Environment Management equivalent to the status of group A services;

(b) Professional/Expert at least in the rank of Professor from the Department of Environment of a reputed university;

(c) Secretary/Director level of All India Services officer;

(d) Serving/Retired Engineer of not below the level of Superintending Engineer;

(e) Serving/retired Additional Director from Prosecution Department, Haryana;

(f) Retired District/Additional District and Session Judge;

(g) Administrative Secretary/Secretary of Forest or Irrigation Department.

In case, the President is a non-judicial person, in that case one of the two members shall be from judicial/prosecution side.

(B) The President of the authority shall be paid with an honorarium of one lakh rupees per month and members shall be paid fifty thousand rupees per month by the Government and the Government shall pay the travelling allowances of the Appellate Authority, at such rates as are admissible to Grade I officer of the Government.

(C) The term for President and Members of the Appellate Authority shall be for a period of two years.

(D) The President and/or members of the Appellate Authority may hold office till sixty-seven years of age.

(ii) for sub-rules (5) and (6), the following sub-rules shall be substituted, namely:-

“(5) The fee payable for filing an appeal under section 28 of the Act shall be as decided by the Government from time to time. This fee shall be deposited with the Environment and Climate Change Department of the Government of Haryana before filing the appeal.

(6) The Head Quarter of the Appellate Authority shall be either Panchkula or Chandigarh, as decided by the Government. The Government shall also make the arrangements of the sitting, conducting and functioning of the Appellate Authority and other secretarial services.”.

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Environment and Climate Change Department.