

Government of Himachal Pradesh
Department of Environment, Science & Technology

No. STE-E(3)-1/2021

Dated: Shimla-2,

18 -04-2022

NOTIFICATION

In exercise of the powers conferred by sub-section (2) of section 4 of The Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974) read with section 4 of The Air (Prevention and Control of Pollution) Act, 1981 (14 of 1981) and in compliance with directions passed by the Hon'ble Apex Court vide judgment dated 22-9-2017 in Civil Appeal No. 1359 of 2017 titled as Techi Taga Tara Versus Rajendra Singh Bhandari and others, the Governor, Himachal Pradesh is pleased to frame the following guidelines for regulating the nomination/appointment(s) and other terms and conditions of service of the Chairman, Member Secretary, Official Members and Non-Official Members in the Himachal Pradesh State Pollution Control Board, in supersession of earlier guidelines notified vide this Department's Notification No. STE-A (3)-2/2017, dated 23-01-2019, namely:-

1. Qualifications and other terms and conditions of service of the Chairman of Himachal Pradesh State Pollution Control Board as per section 5(9) of the Water (Prevention and Control of Pollution) Act, 1974:-

No person, shall be eligible to be nominated as Chairman, under clause (a) of sub-section (2) of section (4) of the act *ibid*, 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 Indian Administrative Service or Indian Forest Service in the service of Central or any State Government of the rank and equivalence of Principal Secretary to the State Government, wherein preference shall be given to an officer of the rank of the Principal Secretary to the State Government of Himachal Pradesh or above holding the charge of the Department of Environment, Science & Technology; 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. Tenure

The Chairman, other than a serving officer under Para 1(b), shall be appointed **either** on whole time basis for a term of 3 years from the date he/she assumes the charge, whichever is earlier or till he/she attains the age of sixty-five(65) years, whichever is earlier **OR** on Part-time basis on such terms and conditions as may be specified by the State Government from time to time.

3. Pay

- (a) The Chairman who is a 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 the Government of Himachal Pradesh.
- (b) A person, who is not a serving/ retired Government servant, shall receive pay and other allowances in the pay scale of Principal Secretary in Government of Himachal Pradesh.
- (c) Any retired person from Government service who is nominated as Chairman shall receive a pay equivalent to last drawn minus pension in accordance with the provisions of Himachal Pradesh State Civil Services (Fixation of Pay of Re-employed Pensioners) Orders, 1988 and subsequent amendments made from time to time.

4. **Resignation:** The Chairman may, by writing under his/ her hand to the Appointing Authority, resign his/ her office **on his own volition or unfit to continue in office by reason of infirmity.**
5. **Removal / Disqualification:** The Chairman may be removed/ disqualified if found violating the provisions as prescribed in section 6 of Water (Prevention and Control of Pollution) Act, 1974.



6. **Mode of Recruitment**

The Chairman, other than a serving officer under Para 1(b), shall be appointed by the State Government on the recommendation of Search-cum-Selection Committee consisting of the following namely:-

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|-----|--|-----------------|
| (a) | Chief Secretary to the Govt. of Himachal Pradesh: | Chairman |
| (b) | Secretary/ Incharge, Department of Env. Sci. & Tech. | Member |
| (c) | Secretary/ Incharge, Department of Personnel | Member |

7. **Procedure for inviting applications and processing of Candidates**

The Search and Selection Committee shall decide the procedure to be followed for making the appointment.

8. **Nomination, terms and conditions for appointment of Member Secretary of State Pollution Control Board:**

The State Government shall appoint a Member Secretary to the Himachal Pradesh State Pollution Control Board, from amongst the Indian Administrative Service or India Forest Service of **Senior time Scale and above** on secondment basis in their own pay scale (Matrix) and such appointment shall be in consonance with the provisions of sub-section 2(f) of section(4) of the Water (Prevention and Control of Pollution) Act, 1974. The Member Secretary shall be appointed for a minimum period of 2 years, which may be reduced by recording reasons in case of an administrative exigency.

9. **Nomination, terms and conditions of Members, Non-Official Members in the State Pollution Control Board:**

The State Government shall nominate the following members in addition to the Chairman as per clauses (b) to (e) of sub-section (2) of section 4 of the Water(Prevention and Control of Pollution) Act, 1974:-

- (a) Five officials from such Departments of the State Government dealing with issues directly related to control of pollution and other environment related issues such as setting up and management of Industries, Transport, Waste Management, Health of general public, Coordinating policy issues related to pollution Control and environment protection to represent the State Government.



(b) Five persons representing the members of the Local Authorities in the State. Representation shall be from cities having sizable population and facing challenges related to industrialization, sewage treatment, solid waste management and such other environmental related issues. Representation shall also be provided to the Panchayati Raj Institutions dealing with environmental related issues in the rural areas of the State. While providing representation to the Panchayati Raj Institutions care shall be taken to see that all the Districts/Regions get represented in rotation periodically.

(c) Three Non-official members shall be nominated to represent the interest of Agriculture, Fishery, Industry or Trade or any other interest which, in the opinion of the State Government ought to be represented.

(d) Two persons to represent the companies or corporations owned, controlled or managed by the State Government dealing with supply of water, wastewater treatment, solid waste management and air emissions. While nominating such persons care shall also be taken to represent the service/regulations in both urban and rural areas.


By order

Prabodh Saxena, IAS
Addl. Chief Secretary (Env., Sci.&Tech) to the
Government of Himachal Pradesh

Endst. No. STE-E(3)-1/2021 Dated: Shimla-171002, the 18-04-2022.

Copy for information and necessary action forwarded to:-

1. The Pvt. Secretary to Hon'ble Chief Minister, H.P.
2. The Pvt. Secretary to the Chief Secretary to the Government of H.P.
3. All the Addl. Chief Secys./Pr. Secys./Secys. to the Govt. of H.P.
4. The Director of Environment, Science & Technology Deptt. Shimla-1.
5. The Member Secretary, HP State Pollution Control Board, Shimla-9.
6. DLR-cum-Deputy Secretary (Law) to the Govt. of H.P Shimla-171002.
7. The Controller, Printing and Stationery, HP Shimla-5.
8. Guard file.


18-04-2022

(Satpal Dhiman)
Additional Secretary (Env., Sci.&Tech.) to the
Government of Himachal Pradesh
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