

HARYANA STATE POLLUTION CONTROL BOARD



AGENDA

For the

184th meeting of the Board

to be held on 30-05-2014 at 11:00 AM

PANCHKULA



HARYANA STATE POLLUTION CONTROL BOARD

C-11, SECTOR 6, PANCHKULA.

Ph. No. 0172-2577870-873

No. HSPCB/Estt./2019/EG-36/4481-4497

Dated: 27/5/2019

To

1. The Chairman,
Haryana State Pollution Control Board, Panchkula.
2. The Director,
Environment & Climate Change Department, Haryana,
SCO No. 1-3, Sector 17-D, Chandigarh.
3. The Director General,
Urban Local Bodies Department, Haryana,
Bays No. 11-14, Sector-4, Panchkula.
4. The Principal Chief Conservator of Forests,
Haryana, Panchkula.
5. The Transport Commissioner, Haryana,
30-Bays Building, Chandigarh.
6. The Engineer-in-Chief, Haryana,
Public Health Engineering Department, Haryana,
Panchkula.
7. The Director Technical,
Haryana Powers Generation Corporation Limited (HPGCL),
Panchkula.
8. The Chief Engineer or any other technical officer
equivalent of the rank of Chief Engineer of
Haryana State Industrial Infrastructure
Development Corporation (HSIIDC), Panchkula.
9. Smt. Renu Bala Gupta, Mayor,
Municipal Corporation, Karnal
39-40, Chaudhary House Colony, Karnal.
10. Shri Sanjay Kumar, Chairman,
Municipal Council,
Charkhi Dadri,
Ward No. 7, Railway Road, Charkhi Dadri.
11. Shri Gurdyal Sunheri, Chairman,
Zila Parishad, Kurukshetra.
VPO Sunheri Khalsa, District Kurukshetra.
12. Shri Kalyan Chauhan, Chairman,
Zila Parishad, Gurugram, VPO Wazirpur,
District Gurugram.

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13. Shri Pushpinder Kumar, M.C.,
Ward No. 8, Municipal Corporation,
Ambala.
706, Durga Nagar, Ambala City.
14. Shri Satish Singhal,
Singhal Industrial Screws Pvt. Ltd.
Near Oil Mill, Link Road,
Faridabad Old.
15. Shri Dinesh Arora,
Plot No. 55-56, Industrial Estate, Phase-I,
Panchkula.
16. Professor Narsi R. Bishnoi,
Department of Environmental Sciences & Engineering,
Guru Jambheshwar University of Science and Technology,
Hisar.
17. The Member Secretary,
Haryana State Pollution Control Board,
Panchkula.

Subject: 184th meeting of the Haryana State Pollution Control Board to be held on 30.05.2019 at 11.00 A.M.

Kindly refer to this office letter No. HSPCB/Estt./2019/EG-36/4208-4224 dated 15.05.2019 on the subject cited above.

Please find enclosed herewith the Agenda Notes for the 184th meeting of the Board to be held on 30.05.2019 at 11.00 A.M under the Chairmanship of Sh. Ashok Kheterpal, Chairman of the Board in the Conference Room of the Haryana State Pollution Control Board, C-11, Sector-6, Panchkula.

It is also intimated that the Haryana State Pollution Control Board is a statutory Board and its members have been nominated either by name or designation. It is, therefore, requested that their substitute may not be sent.

DA/As above.

S. Lalayal
MEMBER SECRETARY 27/5

Endst. No. HSPCB/Estt./2019/EG-36/4498

Dated: 27/5/2019

A copy of the above is forwarded to the Additional Chief Secretary to Government of Haryana, Environment & Climate Change Department, Chandigarh for information with reference to this office letter Endst. No. HSPCB/Estt./2019/EG-36/4225 dated 15.05.2019.

S. Lalayal
MEMBER SECRETARY 27/5



HARYANA STATE POLLUTION CONTROL BOARD
C-11, SECTOR 6, PANCHKULA.
Ph. No. 0172-2577870-873

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Agenda Items for the 184th meeting of the Board to be held on 30.05.2019 at 11.00 AM under the Chairmanship of Sh. Ashok Kheterpal, Chairman of the Board in the Conference Room of the Haryana State Pollution Control Board, C-11, Sector-6, Panchkula are as under:-

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184.2	Action taken on the Minutes of the 183 rd meeting of the Haryana State Pollution Control Board held on 11.01.2019.	2/1/9 - 2/3/11
184.3	Appointment of Board's Analyst in Haryana State Pollution Control Board.	3/1/12
184.4	Regarding providing Limited Cashless Medical Facility to Regular Haryana Government Employees and Pensioners w.e.f. 30.11.2017.	4/1/13 - 4/10/22
184.5	Change of Regional Office, Jind to Regional Office, Bhiwani.	5/1/23
184.6	Grant of Fixed Medical Allowance instead of reimbursement of OPD medical expenses to the employees of the Board.	6/1/24 - 6/2/25
184.7	Withdrawal of provisions regarding curtailment of production and non operation of the unit till they comply even after they have deposited the performance security.	7/1/26 - 7/16/41
184.8	Amendment in Appendix B of the Haryana State Pollution Control Board (Group A, B, C and D) Service Regulations, 2004 in Group D Serial No. 30, 31, 32, 33 and 34.	8/1/42 - 8/3/44
184.9	Amendment in regulation 5 of the Haryana State Pollution Control Board (Group A, B, C and D) Service Regulations, 2004.	9/1/45 - 9/4/48
184.10	Framing of modalities and methodology for assessment and levy of Environmental Compensation against non complying polluting units and its utilization based on CPCB report.	10/1/49 - 10/4/52
184.11	Delegation of power to engage Advocate by the Regional Officers for Special Environment Courts and other District Courts.	11/1/53 - 11/11/62

Agenda Item No. 184.1

1/1/1

Confirmation of the Minutes of the 183rd meeting of the Haryana State Pollution Control Board.

The minutes of the 183rd meeting were circulated to all the Members of the Board vide this office Memo No. HSPCB/Estt./2019/EG-36/301-318 dated 16.01.2019 (copy of the same enclosed).

No observations from any Member have been received. The Board may confirm the Minutes of the 183rd Meeting.



HARYANA STATE POLLUTION CONTROL BOARD
C-11, SECTOR 6, PANCHKULA.
Ph. No. 0172-2577870-873

1/2/2

No. HSPCB/Estt./2019/EG-36/ 301-317

Dated: 16-01-2019

To

1. The Chairman,
Haryana State Pollution Control Board,
C-11, Sector-6, Panchkula.
2. The Director,
Environment & Climate Change Department, Haryana,
SCO No. 1-3, Sector 17-D, Chandigarh.
3. The Director General,
Urban Local Bodies Department, Haryana,
Bays No. 11-14, Sector-4, Panchkula.
4. The Principal Chief Conservator of Forests,
Forest Department, Haryana,
Van Bhawan, C-18, Sector-6, Panchkula.
5. The Transport Commissioner, Haryana,
30-Bays Building, Chandigarh.
6. The Engineer-in-Chief,
Public Health Engineering Department, Haryana,
Bays No. 13-18, Sector-4, Panchkula.
7. The Director Technical,
Haryana Powers Generation Corporation Limited (HPGCL),
Urja Bhawan, C-7, Sector-6, Panchkula.
8. The Chief Engineer or any other technical officer
equivalent of the rank of Chief Engineer of
Haryana State Industrial Infrastructure
Development Corporation (HSIIDC),
Plot No. C-13-14, Sector-6, Panchkula.
9. Smt. Renu Bala Gupta, Mayor,
Municipal Corporation, Karnal
39-40, Chaudhary House Colony, Karnal.
10. Shri Sanjay Kumar, Chairman,
Municipal Council,
Charkhi Dadri,
Ward No. 7, Railway Road, Charkhi Dadri.
11. Shri Gurdayal Sunheri, Chairman,
Zila Parishad, Kurukshetra.
VPO Sunheri Khalsa, District Kurukshetra.

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12. Shri Kalyan Chauhan, Chairman,
Zila Parishad, Gurugram, VPO Wazirpur,
District Gurugram.
13. Shri Pushpinder Kumar, MC,
Ward No. 8, Municipal Corporation,
Ambala.
706, Durga Nagar, Ambala City.
14. Shri Satish Singhal,
Singhal Industrial Screws Pvt. Ltd.
Near Oil Mill, Link Road,
Faridabad Old.
15. Shri Dinesh Arora,
Plot No. 55-56, Industrial Estate, Phase-I,
Panchkula.
16. Professor Narsi R. Bishnoi,
Department of Environmental Sciences & Engineering,
Guru Jambheshwar University of Science and Technology,
Hisar.
17. The Member Secretary,
Haryana State Pollution Control Board,
Panchkula.

Subject: Minutes of the 183rd meeting of the Haryana State Pollution Control Board held on: 11.01.2019.

Kindly refer to this office letter No. HSPCB/Estt./2019/EG-36/97-113 dated 07.01.2019 on the subject cited above.

Please find enclosed the Minutes of the 183rd meeting of the Board held on 11.01.2019 for information and necessary action.

DA/As above.

S. J. Arora
15/1/19
MEMBER SECRETARY

Endst. No. HSPCB/Estt./2019/EG-36/ 318

Dated: 16-01-2019

A copy of the above is forwarded to the Additional Chief Secretary to Government of Haryana, Environment & Climate Change Department, Chandigarh for information with reference to this office letter Endst. No. HSPCB/Estt./2019/EG-36/114 dated 07.01.2019.

S. J. Arora
15/1/19
MEMBER SECRETARY

Minutes of 183rd meeting of the Haryana State Pollution Control Board, Panchkula, held at 11:30 A.M. on 11.01.2019 under the Chairmanship of Sh. Ashok Kheterpal, Chairman, Haryana State Pollution Control Board, Panchkula.

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The 183rd meeting of the Haryana State Pollution Control Board was convened at 11:30 A.M. on 11.01.2019 in its Conference Room under the Chairmanship of Sh. Ashok Kheterpal, Chairman, HSPCB. The list of participants is at Annexure-I. Leave of absence was granted to the Members who could not attend the meeting. The Member Secretary of the Board welcomed all the participants and presented the agenda items before the Board. A detailed discussion was held on all the agenda items and the minutes of the meeting are presented as below.

Agenda Item No. 183.1

Confirmation of the Minutes of 182nd meeting of the Haryana State Pollution Control Board.

Minutes of 182nd meeting were confirmed.

Agenda Item No. 183.2

Action taken on the minutes of the 182nd meeting of the Haryana State Pollution Control Board held on 15.10.2018.

The Board members were apprised of the action taken on the decisions taken in the 182nd meeting and the same were noted.

Agenda Item No. 183.3

Grant of bonus/Ex-gratia/Short-term Incentives/token gifts to the Employees of Public Sector Undertakings.

The proposal contained in Agenda Note was approved.

Agenda Item No. 183.4

Regarding promotion of Sh. Rajesh Kumar Garhia, Scientist-C to the post of Senior Scientist.

The proposal contained in Agenda Note was approved.

Agenda Item No. 183.5

Regarding re-naming of Sub Regions under Regional Offices of the Board.

The proposal contained in Agenda Note was approved.

Agenda Item No. 183.6

Withdrawal of "Haryana State Pollution Control Board Group Leave Encashment Scheme" from LIC.

The proposal contained in Agenda Note was approved.

Agenda Item No. 183.7

Implementation of Group Pension Scheme (LIC) for the Employees of the Board
Adoption of Pension Life + ROC (Return of Capital).

The proposal contained in Agenda Note was approved after deliberations of various members.

Agenda Item No. 183.8

Amendment in the category of industrial sector categorized as 'Rubber goods industry (with gas operated baby boiler)' with 'Rubber goods industry (with approved fuel operated baby boiler)' in the categorization of industrial sectors/projects issued vide order endst. dated 26.02.2018 for consent management under Water Act, 1974 and Air Act, 1981.

The proposal contained in Agenda Note was approved.

Agenda Item No. 183.9

Installation of 06 Nos. Continuous Ambient Air Quality Monitoring Station (CAAQMS) (03 in Faridabad 02 in Gurugram and 01 in Charkhi Dadri).

The proposal contained in Agenda Note was approved.

Agenda Item No. 183.10

Organization of Environment Education Camps for School Children, farmers, women groups by Haryana Forest Development Corporation (HFDC).

The proposal contained in Agenda Note was approved.

Agenda Item No. 183.11

Amendment in Environment Department notification dated 11.05.2016 regarding minimum distance required from educational institute from stone crushers.

The proposal contained in Agenda Note was approved.

Agenda Item No. 183.12

Regarding approved fuel notification.

The proposal contained in Agenda Note was approved. It was suggested to examine about 'cutting' fuel and identify its technical composition and if required necessary amendment in the orders dated 12.12.2018 declaring approved fuel may be made.

Agenda Item No. 183.13

Budget Estimate of HSPCB for the Financial year 2019-2020.

The proposal contained in Agenda Note was approved.

Agenda Item No. 183.14

Conduct of Gap Analysis study of existing 11 no. CBWTFs with respect to coverage area of BMW generation and projection over a period of next ten years, through PGIMER, Chandigarh.

The proposal contained in Agenda Note was approved.

Agenda Item No. 183.15 (S)

Upgradation of Modernization of the existing 02 nos. Laboratories of Haryana State Pollution Control Board.

The proposal contained in Agenda Note was approved. After deliberation, it was suggested by the members that the procurement of instruments should be done along with AMC of five years.

Agenda Item No. 183.16 (S)

Regarding setting up of independent Air Monitoring Cell for implementation of Graded Response Action Plan for NCR District for abatement of air pollution.

The proposal contained in Agenda Note was approved.

Agenda Item No. 183.17 (S)

Regarding making qualification Hindi/Sanskrit upto Matric standard or Higher Education.

The proposal contained in Agenda Note was approved.

Agenda Item No. 183.18 (S)

Short-term monitoring of noise and ambient air quality of the selected cities of Haryana-Reg.

The proposal contained in Agenda Note was approved.

Agenda Item No. 183.19 (S)

Amendment in Environment Department notification dated 11.05.2016 regarding consideration of time period for shifting of the stone crushers which are now not meeting the siting criteria norms due to expansion in MC Limit.

The proposal contained in Agenda Note was approved.

Agenda Item No. 183.20 (S)

Apprenticeship Training in Haryana State Pollution Control Board.

The proposal contained in Agenda Note was approved subject to approval of the proposal from Government.

ANNEXURE-ILIST OF PARTICIPANTS

1. Sh. Ashok Kheterpal,
Chairman,
Haryana State Pollution Control Board,
C-11, Sector-6, Panchkula.
2. Sh. Manpal Singh,
Engineer-in-Chief,
Public Health Engineering Department, Haryana,
Bays No. 13-18, Sector-4, Panchkula.
3. Sh. V.K. Sethi,
Director Technical,
Haryana Power Generation Corporation Limited (HPGCL),
Urja Bhawan, C-7, Sector-6, Panchkula.
4. Smt. Renu Bala Gupta, Mayor,
Municipal Corporation, Karnal
39-40, Chaudhary House Colony, Karnal.
5. Shri Sanjay Kumar, Chairman,
Municipal Council,
Charkhi Dadri,
Ward No. 7, Railway Road, Charkhi Dadri.
6. Shri Gurdyal Sunheri, Chairman,
Zila Parishad, Kurukshetra.
VPO Sunheri Khalsa, District Kurukshetra.
7. Shri Kalyan Chauhan, Chairman,
Zila Parishad, Gurugram, VPO Wazirpur,
District Gurugram.
8. Shri Pushpinder Kumar, MC,
Ward No. 8, Municipal Corporation,
Ambala.
706, Durga Nagar, Ambala City.
9. Shri Satish Singhal,
Singhal Industrial Screws Pvt. Ltd.
Near Oil Mill, Link Road,
Faridabad Old.
10. Shri Dinesh Arora,
Plot No. 55-56, Industrial Estate, Phase-I,
Panchkula.

11. Professor Narsi R. Bishnoi,
Department of Environmental Sciences & Engineering,
Guru Jambheshwar University of Science and Technology,
Hisar.
12. Sh. S. Narayanan, IFS,
Member Secretary,
Haryana State Pollution Control Board,
C-11, Sector-6, Panchkula.

Agenda Item No. 184.2

2/1/9

Action taken on the Minutes of the 183rd meeting of the Haryana State Pollution Control Board held on 11.01.2019.

The action taken report on the minutes of 183rd meeting of the Board held on 11.01.2019 is as under:-

Agenda Item No. 183.1

Confirmation of Minutes of 182nd meeting of the Haryana State Pollution Control Board.

Minutes of 182nd meeting were confirmed.

Agenda Item No. 183.2

Action taken on the Minutes of 182nd meeting of the Haryana State Pollution Control Board held on 15.10.2018.

Board members were apprised of the action taken regarding the decisions of the 182nd meeting and the same were noted.

Agenda Item No. 183.3

Grant of bonus/Ex-gratia/Short-term Incentives gifts to the Employees of Public Sector Undertakings.

No action is required to be taken.

Agenda Item No. 183.4

Regarding promotion of Sh. Rajesh Kumar Garhia, Scientist-C to the post of Senior Scientist.

No action is required to be taken.

Agenda Item No. 183.5

Regarding re-naming of Sub Regions under Regional Offices of the Board.

No action is required to be taken.

Agenda Item No. 183.6

Withdrawal of "Haryana State Pollution Control Board Group Leave Encashment Scheme" from LIC.

Sent to LIC vide No. HSPCB/Acctts/2018-19/10858 dated 22.01.2019 for necessary action.

Agenda Item No. 183.7

Implementation of Group Pension Scheme (LIC) for the Employees of the Board Adoption of Pension Life + ROC (Return of Capital).

Sent to LIC vide No. HSPCB/Acctts/2018-19/10860 dated 22.01.2019 for necessary action.

Agenda Item No. 183.8

Amendment in the category of industrial sector categorized as 'Rubber goods industry (with gas operated baby boiler)' with 'Rubber goods industry (with approved fuel operated baby boiler)' in the categorization of industrial sectors/projects issued vide order endst. dated 26.02.2018 for consent management under Water Act, 1974 and Air Act, 1981.

Order issued vide No. HSPCB/PLG/2019/5081-83 dated 15.02.2019.

Agenda Item No. 183.9

Installation of 06 Nos. Continuous Ambient Air Quality Monitoring Station (CAAQMS) (03 in Faridabad 02 in Gurugram and 01 in Charkhi Dadri)

Tender has been published & technical bid also opened.

Agenda Item No. 183.10

Organization of Environment Education Camps for School Children, farmers, women groups by Haryana Forest Development Corporation (HFDC).

Vide letter No. 6476 dated 06.02.2019 the amount has been transferred to HFDC deptt as per sanction order HSPCB/PC/2019/6402-6405 dated 31.01.2019.

Agenda Item No. 183.11

Amendment in Environment Department notification dated 11.05.2016 regarding minimum distance required from educational institute from stone crushers.

Case sent to Government vide this office letter No. 5116 dated 17.12.2018 for amendment in notification dated 11.05.2016.

Agenda Item No. 183.12

Regarding approved fuel notification.

Order regarding approved fuels issued vide this office letter No. 4023-76 dated 12.12.2018.

Agenda Item No. 183.13

Budget Estimate of HSPCB for the Financial year 2019-2020.

Action taken vide letter No. HSPCB/ Acctts / 2019 / 10957-58 dated 08.02.2019

Agenda Item No. 183.14

Conduct of GAP Analysis study of existing 11 no. CBWTFs with respect to coverage area of BMW generation and projection over a period of next ten years, through PGIMER, Chandigarh.

Task for GAP Analysis study has been allotted to PGIMER, Chandigarh. The orders for release of fund of Rs. 17,32,280/- has been issued vide Endst. No. 4356-57, dated 20.02.2019 and the payment has also been made through RTGS on 25.02.2019.

Agenda Item No. 183.15 (S)

Upgradation of Modernization of the existing 02 nos. Laboratories of Haryana State Pollution Control Board.

Committee constituted to finalize the specification of instruments.

Agenda Item No. 183.16 (S)

Regarding setting up of independent Air Monitoring Cell for implementation of Graded Response Action Plan for NCR District for abatement of air pollution.

Air Monitoring Cell has been established in Gurugram.

Agenda Item No. 183.17 (S)

Regarding making qualification Hindi/Sanskrit upto Matric standard or Higher Education.

Action has been taken vide this office letter No. HSPCB / Estt. / 2019 / 928 dated 07.02.2019.

Agenda Item No. 183.18 (S)

Short-term monitoring of noise and ambient air quality of the selected cities of Haryana-Reg.

Monitoring of noise and ambient air quality of 09 cities was carried out through authorized labs during Diwali, 2018. Complied results sent to CPCB.

Agenda Item No. 183.19 (S)

Amendment in Environment Department notification dated 11.05.2016 regarding consideration of time period for shifting of the stone crushers which are now not meeting the siting criteria norms due to expansion in MC Limit.

Case sent to Government vide this office letter No. 6601 dated 30.01.2019 for amendment in notification dated 11.05.2016.

Agenda Item No. 183.20 (S)

Apprenticeship Training in Haryana State Pollution Control Board.

Consulted with Skill Development & Industrial Training Department. It is in the jurisdiction of MHRD, Government of India, Kanpur, matter discussed on phone with them & also through e-mail. Matter is under consideration please.

Appointment of Board's Analyst in Haryana State Pollution Control Board.

It is submitted that at present there are four laboratories in the Board Established for the purpose of analysis of effluent and air emission samples of industrial units under the provisions of Water Act, 1974 and Air Act, 1981. The above acts provide the provision for appointment of Board Analyst for the purpose of analysis of legal samples being collecting from time to time from the industrial units.

The following are the provisions for appointment of Board Analyst:-

Under Water Act/Rules	Under Air Act/Rules
<p>Water Act, Section- 53 (3) Analysts "Without prejudice to the provisions of sub-section (3) of section 12, the Central Board or, as the case may be, the State Board may, by notification in the Official Gazette, and with the approval of the Central Government or the State Government, as the case may be, appoint such persons as it thinks fit and having the prescribed qualifications to the Board analysts for the purpose of analysis of samples of water or of sewage or trade effluent sent for analysis to any laboratory established or recognized under section 16, as the case may be, under section 17".</p> <p>Water Rules, 1978 Rule-35 Qualifications of Government Analyst. Section 53.A Government Analyst shall be a person who:-</p> <p>(a) is a graduate of University recognized by the Government for the purposes of this rule in any branch of science including Chemistry, Bio-Chemistry, Industrial Chemistry Engg. Or Medicine; and</p> <p>(b) has practical experience of not less than five years in a recognized Public Health Laboratory which in the opinion of the Government is a reputed laboratory"</p>	<p>Air Act Section- 29 (2) Analysts Without prejudice to the provisions of section 14, the State Board may, by notification in the Official Gazette, and with the approval of the State Government, appoint such persons as it thinks fit and having the prescribed qualifications to be Board analysts for the purpose of analysis of samples of air or emission sent for analysis to any laboratory established or recognized under section 17.</p> <p>Air Rules, 1983 Rules (22) Qualification of Government/State Board Analyst. Section 29 (1) and (2)</p> <p>4. The qualification of the Government Analyst and State Board Analyst shall be as follows:- At least II Class M. Sc. In Basic Sciences or Life Sciences or Earth Sciences with three years experience in environmental quality management.</p>

The detail of qualifications and experience of Scientist of the Board is given as under:-

Sr. No.	Name & Designation	Qualification & Experience	Remarks
3.	Sh. Apamesh Kumar, Scientist 'B'	1. B.Sc. 1 st (Non-medical) with PCM 2. M. Sc. 1 st (Ecology & Environment)	He has approximately 12 years of experience in Board Laboratories as JSA/SSA and Scientist 'B' as such he fulfilled required experience.
4.	Sh. Narendra Hooda, Scientist 'B'	1. B.Sc. 1 st (Non-medical) with PCM 2. Master in Chemistry and Environment with 1 st Class.	He has the experience in Board Laboratory more than 11 years as JSA/SSA and Scientist 'B' as such he fulfilled the required qualification.

The officers mentioned above are eligible for appointment as Board Analyst under Water Air, 1974 and Air Act, 1981.

As per Section 53 (3) of the Water Act, 1974 and Section 29 (2) of the Air Act, 1981 provides that State Board may, by notification in Official Gazette, and with the approval of Government appoint such person as it think fit and having prescribed qualifications. Therefore the matter is placed before the Board for consideration and approval so that the case may be sent to the Government for further approval please.

Regarding providing Limited Cashless Medical Facility to Regular Haryana Government Employees and Pensioners.

The Additional Chief Secretary to Government Haryana, Health Department, Chandigarh has issued circular to all Head of Departments/Boards/Corporations for providing limited Cashless Medical Facility to regular Haryana Government Employees / Pensioners vide No. 30.11.2017 2PM-Cashless-2017/13626-13786 dated 20.11.2017 and spouse / dependents of **Regular Haryana Government Employees/ Pensioners** has also been covered under the Limited Cashless Medical Facilities vide No. 2M-Cashless-2018/2158-2318 dated 04.04.2018.

The **SALIENT FEATURES** of the scheme are as under:-

- I. The scheme shall be **cashless** and only for **Regular Haryana Government Employees and Pensioners**. Spouse/dependents of **Regular Haryana Government Employees/Pensioners** has also been covered under the Limited Cashless Medical Facilities vide No. 2M-Cashless-2018/2158-2318 dated 04.04.2018.
- II. This Limited **Cashless** Medical Facility shall be applicable **ONLY** for six (6) Life threatening conditions namely **CARDIAC EMERGENCY, ACCIDENTS, CANCER STAGE 3rd & 4th, COMA, BRAIN HAEMORRHAGE AND ELECTROCUTION.**
- III. This scheme will be applicable at all Government Medical Colleges/Government **aided Medical Colleges** in Haryana, all district hospitals, other health institutions of Haryana Government, and all **private Hospitals empanelled** under the Haryana Government vide office Memo No. 2/276/2012-IHBIII dated 13.08.2015 and department letter no. 16/228-2PM-2017/13246-13446 dated 14.11.2017, and thereafter.
- IV. All departments of the State Government will issue valid identity cards to their **REGULAR** Employees and Pensioners to entitle them for availing limited cashless medical services. The pensioners shall carry the PPO (Pension Pay Order). These will be accepted as proof of identity by all the Government / **Private empanelled health facilities** for giving limited **cashless** services to them. Departments shall link their identity cards to Aadhar Numbers.
- V. It will be the responsibility of the **beneficiary** to produce the valid ID card/PPO No. to the hospital in order to establish his/her identity of **regular Employee/Pensioner**.
- VI. It will be the responsibility of the health institutions to ask for the identity cards/PPO's from the Employee / Pensioners and to explain to them whether the condition/surgery/disease is covered under **cashless** medical facility or not.

- VII. **Finance Department** and NIC shall make available the data for identification of employees culled out from HRMS data. This data shall be sent to Health Department. The Health Department shall upload this data on their website. The database of the pensioners with PPO numbers shall also be similarly made available to the Health Department by Finance Department and NIC. This shall also be uploaded on the Official website of the **Health** department. In case the hospital wants to verify the entitlement of the **beneficiary** the same can be done by counter checking it on the website of the Health Department.
- VIII. A ceiling of **Rs. 5,00,000/- (Rs. Five Lacs only)** for limited **cashless** treatment is fixed. If the cost of the treatment exceeds this amount, the excess amount will be paid by the Employee/Pensioner. This amount can later be got reimbursed from his/her department as per the entitlement and existing reimbursement policy. (Deleted vide letter No. 2PM-Cashless-2018/2158-2318 dated 04.04.2018)
- IX. Implant of devices shall be given in **Cashless** mode only if the cost of the same has been fixed by the Haryana Government as circulated vide this office Memo no. 2/56/2014-IHB III, dated 21.05.2015. The Government of India has notified the rates of cardiac stents and knee implants in 2017. These rates shall be applicable in place of Haryana Government rates. For Implant/device whose cost has not been fixed by the Centre/State Government, the **Employee/Pensioner** shall make payment for the same and later get it reimbursed as per the existing reimbursement policy.
- X. For the diseases not covered under the Para 2 (II), the Employee/Pensioner will make the payment to the hospital and shall get it reimbursed from their respective department as per the existing reimbursement policy.
- XI. It will be the responsibility of the respective Head of Departments/Head of Office to ensure payment/disposal of all the medical bills raised by Hospitals providing **cashless** health service must be cleared **WITHIN 60 DAYS** of the receipt of bill.
- XII. The cashless medical bills for cashless service given by the hospitals and sent to the respective department will be dealt in the O/o Head of the concerned Department and payment made to the hospital in time.
- XIII. The Nodal Officer will be responsible in processing of bills, transfer of funds, to address any delay in payments and/or share grievance etc.
- XIV. All Government/Private empanelled health facilities and all the Government departments will appoint their respective Nodal Officers with a dedicated cell and share the contact details of the same on their official website as well as send an email to the Health Department. The Health Department will create a new page and will upload the details of the Nodal Officers of all the departments, medical colleges, Private Empanelled Hospitals on their website.
- XV. The services being provided on PPP mode shall be given in cashless mode and will continue to be free for Haryana Government Employees and beneficiaries. These services shall include the cathlab services too. The expenditure incurred shall be fit charge under Mukhya Mantri Mufat Illaj Yojana (MMIY).

- XVI. The expenditure incurred on providing cashless services to Regular Haryana Government Employee/Pensioner in the above mentioned six categories of diseases by the Government Medical Colleges, Government Aided Medical Colleges shall be fit charge under **Mukhya Mantri Mufat Ilaaj Yojana (MMIY)**.
- XVII. Rates for any package / procedure / surgery like organ transplant etc. and devices / implant rates fixed by the State Government from time to time, shall be applicable on all the Government Health Facilities and Empanelled Private Hospitals. These rates are displayed on the website of the **Health Department**.
- XIX. The **Health Department** will establish a dedicated cell which will monitor all the aspects of this scheme.

ADDITIONAL INSTRUCTION FOR PRIVATE EMPANELLED HOSPITALS:-

- i. The private empanelled hospital will give 10% **cashless** services for the treatment given under prescribed package rates of Government of Haryana.
 - ii. If the beneficiary is treated for any conditions which is not covered by prescribed package i.e. Non Package, then:-
 - > **For hospitals empanelled at PGI Rates + 75% of the balance amount:-** 80% of treatment will be made **cashless** and 20% of the final bill has to be paid by the **beneficiary** which later on may be submitted by the beneficiary to their concerned department for reimbursement under existing policy as per entitlement.
 - > **For hospitals empanelled at PGI Rates only:-** 50% of the treatment will be made **cashless** and 50% of the final bill has to be paid by the **beneficiary** which later on may be submitted by the **beneficiary** to their concerned department for reimbursement under existing policy as per entitlement.
 - iii. In cases of Poly-trauma etc. where multiple packages are invoked for treatment given in the same sitting/operative procedure then the reimbursement claimed by the Private empanelled Hospital shall be as per the formula below:-
 - i) Highest Cost Package to be reimbursed @ 100 percent of the package cost.
 - ii) Second highest cost package @ 50 percent of the package cost.
 - iii) Third highest cost package @ 25 percent of the package cost.
All other subsequent cost package @ 25 percent of the package cost.
 - iv. Follow up services in OPD are not **cashless**. However, subsequently if there is an another episode of similar life threatening conditions as mentioned at clause 2 (II) above, the same will again qualify for **cashless** services.
 - v. Two hard copies of each and every bill have to be generated by the hospital. One for concerned department and another for the patient.
- The bills in original along with discharge summary shall be submitted by the hospital to the nodal officer of the respective department within 7 days of

discharge through courier/speed post and a copy of the bill shall also be handed over to the **beneficiary** at the time of discharge. This is in addition to the office copy retained by the hospital. After completion of treatment, the **beneficiary** will counter sign the final bill raised by the hospital.

- vi. All empanelled hospitals will furnish their bank details (name of the bank, account number, IFSC code, MICR code, PAN number) with the bill to the concerned Nodal Officer of the department, for transfer of payment electronically.
- vii. A self declaration must be given by the Private Empanelled Hospitals along with every bill as per the following format.

I.....authorized representative of.....hospital do hereby solemnly affirm and declare that the present bill raised by this institution for the service/treatment rendered to Sh./Smt.....under **cashless** mode is not more than our **normal** tariff for individual/collective service under any package/non package. Also the documents supplied by this hospital are genuine.

The matter is placed before the Board of Directors for their consideration and approval of Board.

4/5/17

From

Principal Secretary to Government of Haryana,
Health Department, Chandigarh.

To

1. Chief Secretary, Government of Haryana, Chandigarh.
2. Addl. Chief Secretaries/Principal Secretaries of all the Departments.
3. Secretary to Hon'ble Governor.
4. The Registrar Punjab and Haryana High Court Chandigarh.
5. Principal Accountant General (A&E and Audit), Haryana, plot No. 4&5, Sector-33, Chandigarh.
6. All Heads of the Departments.
7. All Directors of Government/Government Aided Medical Colleges.
8. All Managing Directors of Boards/Corporations.
9. Director, Public Relations and Affairs Haryana.
10. All the Civil Surgeons of the State.
11. All the Directors/Medical Superintendents/CEO's of all Empanelled Hospitals.
12. State National Informatics Centre, Haryana, Chandigarh.

2/1/18
DP-II

No. 2PM-Cashless-2017/13626-13786 Dated 20/1/2017
Subject:- Regarding providing Limited Cashless Medical Facility to Regular Haryana Government Employees and Pensioners w.e.f. 30.11.2017.

Kindly refer on the subject cited above.

The policy of providing Cashless Medical Services to Haryana Government Employees and Pensioners has been seeking the attention of Government. The State Government has decided to provide limited Cashless Medical Services to Haryana Government Employees and Pensioners w.e.f. 30th November 2017.

2. The SALIENT FEATURES of the scheme are as under:-
 - I. The scheme shall be cashless and only for Regular Haryana Government Employees and Pensioners. Spouses/dependents of Regular Haryana Government Employees/Pensioners are not covered under this scheme. However, the Spouse and Dependents of Employees/Pensioners shall be entitled for treatment as per the existing policy of reimbursement issued by this office vide memo no. 2/8/88-1HBIII dated 06.05.2005.
 - II. This Limited Cashless Medical Facility shall be applicable ONLY for six (6) life threatening conditions namely CARDIAC EMERGENCY.

ACCIDENTS, CANCER STAGE 3RD & 4TH, COMA, BRAIN
HAEMORRHAGE AND ELECTROCUTION.

- III. This scheme will be applicable at all Government Medical Colleges/ Government aided Medical Colleges in Haryana, all district hospitals, other health institutions of Haryana Government, and all private Hospitals empanelled under the Haryana Government vide office Memo No. 2/276/2012-11(BJII) dated 13.08.2015 and department letter no. 16/228-2PM-2017/13246-13446 dated 14.11.2017, and thereafter.
- IV. All departments of the State Government will issue valid identity cards to their REGULAR Employees and Pensioners to entitle them for availing limited cashless medical services. The pensioners shall carry the PPO (Pension Pay Order). These will be accepted as proof of identity by all the Government /Private empanelled health facilities for giving limited cashless services to them. Departments shall link their Identity cards to Aadhar Numbers.
- V. It will be the responsibility of the beneficiary to produce the valid ID card/PPO No. to the hospital in order to establish his/her identity of regular Employee/Pensioner.
- VI. It will be responsibility of the health institutions to ask for the identity cards/PPO's from the Employees / Pensioners and to explain to them whether the condition/surgery/procedures/disease is covered under cashless medical facility or not.
- VII. Finance department and NIC shall make available the data for identification of employees culled out from HRMS data. This data shall be sent to Health Department. The Health Department shall upload this data on their official website. The database of the pensioners with PPO numbers shall also be similarly made available to the Health Department by Finance Department and NIC. This shall also be uploaded on the Official website of the Health department in case the hospital wants to verify the entitlement of the beneficiary the same can be done by counter checking it on the website of the Health Department.
- VIII. A ceiling of Rs. 5,00,000/- (Rs. Five Lacs only) for limited cashless treatment is fixed. If the cost of the treatment exceeds this amount, the excess amount will be paid by the Employee/Pensioner. This amount can later be got reimbursed from his/her department as per the entitlement and existing reimbursement policy.

- IX. Implant or device shall be given in Cashless mode only if the cost of same has been fixed by the Haryana Government as circulated vide this office Memo no. 2/56/2014-1HB III, dated 21.05.2015. The Govt. of India has notified the rates of cardiac stents and knee implants in 2017. These rates shall be applicable in place of Haryana Govt. rates. For implant / device whose cost has not been fixed by the Centre/ State Government, the Employee/ Pensioner shall make payment for the same and later get it reimbursed as per the existing reimbursement policy.
- X. For the diseases not covered under the Para 2(II), the Employee/Pensioner will make the payment to the hospital and shall get it reimbursed from their respective department as per the existing reimbursement policy.
- XI. It will be the responsibility of the respective Head of Department/Head of Office to ensure payment/disposal of all the medical bills raised by Hospitals providing cashless health service must be cleared **WITHIN 60 DAYS** of the receipt of bill.
- XII. The cashless medical bills for cashless service given by the hospitals and sent to the respective department will be dealt in the O/o Head of the concerned Department and payment made to the hospital in time.
- XIII. The Nodal Officers will be responsible in processing of bills, transfer of funds, to address any delay in payments and/or share grievance etc.
- XIV. All Government/Private empanelled health facilities and all the Government departments will appoint their respective Nodal Officers with a dedicated cell and share the contact details of the same on their official website as well as send an email to the Health Department. The Health Department will create a new page and will upload the details of the Nodal Officers of all the departments, medical colleges, Private Empanelled Hospitals on their website.
- XV. The services being provided on PPP mode shall be given in cashless mode and will continue to be free for Haryana Government Employees and beneficiaries. These services shall include the cathlab services too. The expenditure incurred shall be fit charge under Mukhya Mantri Mufat Ilaj Yojana (MMFY).
- XVI. The expenditure incurred on providing cashless services to Regular Haryana Government Employees/Pensioner in the above mentioned six categories of diseases by the Government Medical Colleges, Government

Aided Medical Colleges shall be in charge under Mukhya Mantri Mufat Itaj Yojana (MMIY).

- XVII. Rates for any package / procedure / surgery like organ transplant etc. and devices / implant rates fixed by the State Government from time to time, shall be applicable on all the Government Health Facilities and Empanelled Private Hospitals. These rates are displayed on the website of the Health Department.
- XVIII. In case any fake bill or duplication of claim is reported, the beneficiary / institution is liable to be penalised for major penalties under the Haryana Civil Services (Punishment and Appeal) Rules, as amended from time to time. In case, any wrong bill/fake treatment is reported and confirmed, the hospital is liable for de-empanelment and it will be the responsibility of the concerned department to send the case to the Health Department.
- XIX. The Health Department will establish a dedicated cell which will monitor all the aspects of this scheme.

3. ADDITIONAL INSTRUCTIONS FOR PRIVATE EMPANELLED HOSPITALS:-

- i. The private empanelled hospital will give 100% cashless services for the treatment given under prescribed package rates of Government of Haryana.
- ii. If the beneficiary is treated for any conditions which is not covered by prescribed package i.e. Non Package, then:-
 - > For hospitals empanelled at PGI Rates + 75% of the balance amount :- 80% of treatment will be made cashless and 20% of the final bill has to be paid by the beneficiary which later on may be submitted by the beneficiary to their concerned department for reimbursement under existing policy as per entitlement.
 - > For hospitals empanelled at PGI Rates only:- 50% of treatment will be made cashless and 50% of the final bill has to be paid by the beneficiary which later on may be submitted by the beneficiary to their concerned department for reimbursement under existing policy as per entitlement.
- iii. In cases of Poly-trauma etc. where multiple packages are invoked for treatment given in the same sitting/operative procedure then the reimbursement claimed by the Private empanelled Hospital shall be as per the formula below:-
 - i) Highest Cost Package to be reimbursed @ 100 percent of the package cost.

- i) Second highest cost package @ 50 percent of the package cost.
 ii) Third highest cost package @ 25 percent of the package cost.
 All other subsequent cost packages @ 25 percent of the package cost.
- iv. Follow up services in OPD are not cashless. However, subsequently if there is an another episode of similar life threatening conditions as mentioned at clause 2(11) above, the same will again qualify for cashless services.
- v. Two hard copies of each and every bill have to be generated by the hospital, one for concerned department and another for the patient. The bills in original along with discharge summary shall be submitted by the hospital to the nodal officer of the respective department within 7 days of discharge through courier /speed post and a copy of the bill shall also be handed over to the beneficiary at the time of discharge. This is in addition to the office copy retained by the hospital. After completion of treatment, the beneficiary will counter sign the final bill raised by the hospital.
- vi. All empanelled hospitals will furnish their bank details (name of the bank, account number, IFSC code, MICR code, PAN number) with the bill to the concerned Nodal Officer of the department, for transfer of payment electronically.
- vii. A self declaration must be given by the Private Empanelled Hospitals along with every bill as per the following format
- authorised representative of -----
 ----- hospital do hereby solemnly affirm and declare that the present bill
 raised by this institution for the service/treatment rendered to Sh/Smt.-----
 ----- under cashless mode is not more than our normal
 tariff for individuals/ collective service under any packages /non package.
 Also the documents supplied by this hospital are genuine.

The above policy may kindly be brought to the knowledge of all the concerned and a wide publicity be done.

[Signature]
 Additional Secretary Health
 for Principal Secretary to Government,
 Haryana, Health Department.

From

Additional Chief Secretary, Govt. of Haryana
Health Department, Chandigarh

To

1. Chief Secretary, Govt. of Haryana, Chandigarh.
2. Addl. Chief Secretaries/Principal Secretaries of all the Departments.
3. Secretary to Governor of Haryana
4. Registrar, Punjab and Haryana High Court, Chandigarh.
5. Principal Accountant General (A & E and Audit), Haryana, Plot No. 4 & 5, Sector-33, Chandigarh.
6. All Heads of the Departments.
7. All Directors of Govt. Govt. Aided Medical colleges.
8. All Managing Directors of Boards and Corporations
9. Director, Public Relations and Cultural Affairs Haryana
10. All the Civil Surgeons of the State.
11. All the Directors/ Medical Superintendents/CEO's of all Empanelled Hospitals.
12. State National Informatics Centre, Haryana Chandigarh.

No. 2PM-Cashless-2018/2158-2318

Date: 04.04.2018

Subject:

Regarding providing Limited Cashless Medical Facility to regular Haryana Govt. Employees and Pensioners – Modifications.


In continuation to this office No. 2PM-Cashless-2017/13626-13786 dated 20.11.2017 on the subject cited above:

The following clauses have been modified in the existing policy dated 20.11.2017:-

- I. Spouse/dependents of Employees & Pensioners will also be covered under the Limited Cashless Medical Facility. However, it will be the responsibility of the Haryana Govt. Regular Employee/Pensioner to give affidavit declaring spouse/dependents along with a copy of his/her Aadhar card and Aadhar/ID proof of spouse/dependents.

VIII. This clause is deleted.

In future all the bills should be sent accordingly.


Additional Secretary, Health
for Additional Chief Secretary, Govt. of Haryana
Health Department, Chandigarh.

Change of name of Jind Region to Bhiwani Region.

In the meeting of Regional Officer's held on 14.03.2019, it was decided that large number of industrial units, stone-crushign units, mining projects and brick-kilns etc. are situated in the jurisdiction of District Bhiwani. As such the quantum of workload is much higher in District Bhiwani as compared to District Jind and Kaithal. The Regional Officer, Jind directed to locate the suitable accommodation for Regional Office at Bhiwani and submit compliance report of shifting. The Regional Officer, Jind Region, Jind was also intimated that the Competent Authority has accorded the sanction for shifting/hiring the building situated at Municipal Council, Bhiwani (area 1123.34 Sq. Ft.) First Floor for Regional Office Bhiwani subject to the condition that the rate of rent shall be according to the assessment of PWD (B&R) Bhiwani. The Regional Officer, Jind Region has shifted the office at Municipal Council, Bhiwani for Regional Office, Bhiwani.

Keeping in view of the above position, now the name of Regional Office, Jind will be Regional Office, Bhiwani.

The agenda is placed before the Board of Directors for change of name of Jind Region to Bhiwani Region.

Submitted for consideration and approval.

Agenda item No. 184.6

Grant of Fixed Medical Allowance instead of reimbursement of OPD medical expenses to the employees of the board.

The Board of Directors in its 120th meeting held on 20.12.2001 vide Agenda item No.120.10 approved the reimbursement of expenditure incurred on OPD treatment by the employees of the Board, subject to ceiling of Rs.2500/- per annum, on the basis of certificate to the effect that he/she has spent the said amount on treatment of self/dependent. As per Haryana Govt. instructions issued vide No.2/363/98-1HB/111 dated 06.08.1998 a sum of Rs.1500/- per annum was admissible as fixed Medical Allowance to Govt. employees. In order to keep the reimbursable amount equal to what was admissible to Govt. Employees as Office Order No. HSPCB/Estt/2002/EG-58/4391 dated.31.10.02 was issued vide which the admissible amount of reimbursement was decided as Rs.1500/- per annum for all intends and purposes.

Fixed Medical Allowance increased from Rs. 500/- per month to Rs. 1000/- w.e.f 01.05.2018 for Haryana Govt. employees pensioners/family pensioners vide Govt. letter No. 02/363/1998-HB-III dated. 03.07.2018. This increase in the fixed Medical Allowance will also be admissible to all employees of the Board/Corporations/Municipalities/universities, market committees and other automous bodies of the state Govt. including the pensioners and family pensioners.

The Haryana State Pollution Control Board has adopted the instructions of Haryana Govt. issued from time to time. As such the Board Employees/Pensioners/Family pensioners are eligible for fixed Medical Allowance of Rs. 1000/- per month.

The Chairman of Haryana State Pollution Control Board May also be authorized to implement the instructions regarding Medical Allowance issued by the Govt. from time to time.

The agenda is placed before the BOD for Consideration and approval.

From

The Additional Chief Secretary to Government, Haryana.
Health Department

To

- 1. All the Heads of Departments in Haryana.
- 2. The Commissioners, Ambala, Hissar, Rohtak and Gurgaon Division.
- 3. The Registrar, Punjab and Haryana High Court, Chandigarh.
- 4. All the Deputy Commissioners in Haryana
- 5. All Sub-Division Officer (Civil) in Haryana.

CHAIRMAN

11-7-18

Dated Chandigarh, the 03.07.2018

On this date
 I have
 read
 the
 original
 copy
 of
 the
 document
 and
 found
 it
 correct
 and
 in
 accordance
 with
 the
 original
 copy
 of
 the
 document
 dated
 03/07/2018

Subj:- Increase in the Fixed Medical Allowance.

Sir/Madam, (217)

2. I am directed to refer to Haryana Government, Health Department letter No.2/363/1998-IHBIII dated 27-01-2009 vide which the rate of the Fixed Medical Allowance to the Haryana Government employees/pensioners (family pensioners) was increased to Rs. 500/- per month. Now the State Government has reconsidered the matter and decided to increase the Fixed Medical Allowance from the existing rate of Rs. 500/- per month to Rs. 1000/- w.e.f. 01-05-2018. The other terms and conditions with regards to the Fixed Medical Allowance shall remain the same.

3. This increase in the Fixed Medical Allowance will also be admissible to all employees of the Boards/Corporations/Municipalities/Universities/Market Committees and other autonomous bodies of the State Government including the pensioners and family pensioners.

4. This issues with the concurrence of the Finance Department conveyed vide their U.O.No.04/02/2017-5FR(FD) dated 20.06.2018.

ACS I & C (OT)

ACS I & C

Additional Secretary Health
 for Additional Chief Secretary to Government, Haryana.
 Health Department

Chandigarh, HSPC
 AD/HSPC
 Dir S&D
 Dir I & C
 A.C.A.
 Dir Env.

A copy is forwarded to all Additional Chief Secretaries/Principal Secretaries/Commissioners and Secretaries for information and necessary action.

Additional Secretary Health
 for Additional Chief Secretary to Government, Haryana.
 Health Department

To All Additional Chief Secretaries/Principal Secretaries/Commissioners,
 Secretaries to Government, Haryana.

P.T.O

Agenda Item 184.7

Withdrawal of provisions regarding curtailment of production and non operation of the unit till they comply even after they have deposited the performance security

The Board as per policy order issued vide order Endst. No. HSPCB/PLG-22/3665-88 dated 01.03.2012 (**Annexure-I**), has prescribed procedure for suspension for closure order issued under Water Act, 1974 and Air Act, 1981 with the following provisions:-

- (a) *In the cases where the ETP/STP/APCM are not of adequate capacity but sufficient to meet the treatment requirement of lower capacity, then closure orders for the respective units can be suspended with the condition that the unit shall bring down the production proportionate to their treatment capacities of the ETP/STP/APCM.*
- (b) *In the cases of units whose samples have failed and closure order is issued and suspension of closure is being considered with the condition that unit will bring down the production proportionate to their treatment capacities of ETP/STP/APCM, but at the same time prosecution action shall also be initiated against such units under the provisions of the Water/Air Acts for the past violation committed by them for discharging effluent/air emission in excess of the standards in the past. However, the defaulting units shall be given opportunity where the Board is of the view after hearing the unit that there was operational/technical problem in ETP/STP/APCM arisen on the date of inspection, before taking prosecution action. If the unit still found violating second time after giving the opportunity, then prosecution action shall be taken against the defaulting unit as per law/rules.*

As per policy order Endst. No. HSPCB/PLG-74/652-671 dated 03.05.2012 (**Annexure-II**), the units whose samples are found to be exceeding the permissible limits on account of minor operational problems, are provided an opportunity, on submission of scheme of modification of ETP/APCM and undertaking to comply with the standards laid down by the Board in time bound manner alongwith prescribed performance security and curtailment of production proportionate to the existing capacity of pollution control devices i.e ETP/APCM, to operate with curtailed production for a specific period within which such modification are to be carried out. However, it was provided in the said policy order that no opportunity shall be given to the units which are found bypassing the effluent and units having no ETP/APCM.

Whereas, Hon'ble National Green Tribunal vide its order dated 19.12.2018 (**Annexure-III**) passed in OA. No. 673/2018 with OA. No. 727/2018 has directed to prepare the action plan to restore the water quality of rivers with one of the following feature of the action plan:-

7/2/21

"Lying time – lines for regulation industrial pollution control by ensuring consent compliance and closing the defaulting industries till they comply with the norms stipulated to them."

The matter has been examined and it has been decided to amend the policy of the Board regarding grant of time to the units found non complying the standard for discharge of pollutants, for modification/upgradation of pollution control devices with curtailment of production proportionate to the existing capacity of pollution control devices and to operate with curtailed production for a specific period within which such modification are to be carried out.

In view of above, the above said policy issued by the Board vide order Endst. No. HSPCB/PLG-22/3665-88 dated 01.03.2012 and subsequently amended vide order Endst. No. HSPCB/PLG-74/652-671 dated 03.05.2012, has been further amended accordingly vide order endst no. HSPCB/PLG/2019/5520-45 dated 25.02.2019 (**Annexure-IV**) with the modification that units, having structurally inadequate pollution control devices and found non complying the standards prescribed for discharge of pollutants and/or closed by the Board due to non compliance of the prescribed standards, shall not be allowed to operate and shall not be given time for modification/upgradation of pollution control devices with curtailment of production proportionate to the existing capacity of pollution control devices and closure order issued against such non complying units under Water Act, 1974/Air Act, 1981, shall not be suspended till such units provide the structurally adequate pollution control devices for making the compliance by making the required rectification and modification/up-gradation in their existing pollution control devices to comply with the norms stipulated to them for discharge of pollutants, even if they have deposited the performance security and undertaking in this regard to the Board.

The matter is placed before the Board for consideration and Ex-Post Facto approval.



7/3/28



HARYANA STATE POLLUTION CONTROL BOARD
C-11, SECTOR-6, PANCHKULA
Ph. 2577870-73

Annexure - I

Order

Whereas, the Board has issued a policy order regarding procedure to be followed in cases where sample fails and on closure of the unit which includes obtaining of Bank Guarantee to make over the deficiencies / inadequacies alongwith scheme of up gradation of ETP / APCM within stipulated time period. The industries in these cases continue with the production process and generating emissions / effluents in excess of the prescribed standards till they make over the deficiencies. This practice defeats the very purpose of environmental regulations.

Whereas, it may be in the interest of justice that the closure orders issued against the industry may be suspended after getting Bank Guarantee as per the policy order No. 806-927 dt. 6.7.2011, order No. 884-905 dt. 06.07.2011 and order No. 928-939 dt. 08.07.11. In such cases where the ETP/STP/APCM are not of adequate capacity, but sufficient to meet the treatment requirement of lower capacity, then closure orders for the respective units can be suspended with the condition that the unit will bring down the production proportionate to their treatment capacities of the ETP/STP/APCM which would be sufficient to treat the pollutants generated for the specified production capacity. This policy shall also be applicable in case of failing of samples and unit submits Bank Guarantee & Scheme for modification of ETP/STP/APCM even before closure action.

Whereas, the Hon'ble Punjab & Haryana High Court is taking serious view of the pollution caused by industry/ mines/hospitals etc. and directing the Board to take stringent action such as closure/ prosecution against the violators.

Whereas, the matter was placed before the Board in 161st meeting vide Agenda Item No.161.17(S). The Board has approved the proposal. Based upon the decision of the Board following procedure shall be followed in addition to above policy orders already issued. for bank guarantees:-

- a) In the cases where the ETP/STP/APCM are not of adequate capacity but sufficient to meet the treatment requirement of lower capacity, then closure orders for the respective units can be suspended with the condition that the unit shall bring down the production proportionate to their treatment capacities of the ETP/STP/APCM.

7/4/29

30 Policy/Order/Notification

- b) In the cases of units whose samples have failed and closure order is issued and suspension of closure is being considered with the condition that unit will bring down the production proportionate to their treatment capacities of ETP/STP/APCM, but at the same time prosecution action shall also be initiated against such units under the provisions of the Water/Air Acts for the past violations committed by them for discharging effluent / air emission in excess of the standards in the past. However, the defaulting units shall be given opportunity where the Board is of the view after hearing the unit that there was operational/technical problem in ETP/STP/APCM arisen on the date of inspection, before taking prosecution action. If the unit still found violating second time after giving the opportunity, then prosecution action shall be taken against the defaulting unit as per law/rules.
- c) In case the unit has not installed ETP/STP/APCM at all then closure order will not be suspended and prosecution action will also be initiated against such units.

It is clarified that the clause no. 4 (vi) of the policy order No 8853-75 dt 12.10.09 shall not effect the above orders.

This order shall be implemented with immediate effect.

Dated, Panchkula the
29th February, 2012

R. R. Jowel, IAS
Chairman

Endst. No. HSPCB/Pig. 221 3665-88

Dated: 1/3/12

A copy of the above is forwarded to the following for information and necessary action:-

1. All the Regional Officers in the field.
2. All the Officers in the Head Office.
3. All Lab Incharge.
4. PA/Chairman/PS to Member Secretary

C. J. Jowel
Environmental Engineer (HQ)
For Chairman

o/e

12

[Signature]

7/5/30



HARYANA STATE POLLUTION CONTROL BOARD
C-11, SECTOR-6, PANCHKULA
Ph-2577870-73 E-mail: hspcb.pki@sify.com

Annexure - II

Office Order

The Board vide Resolution No. 162.14 (S) of 162nd meeting held on 20.3.2012 decided that the industrial units of Red category (highly polluting) / Orange Category. (medium polluting) shall submit performance security. The Board vide office order No. HSPCB/PLG-74/97-117 dated 6.4.2012 decided that performance guarantee can be deposited in favour of Bank Guarantee/ Bank Draft. The Bank Guarantee shall be coterminous with the period of consent to operate and its validity should be atleast six months beyond the period of grant of consent by the Board.

The Industrial Associations of Faridabad, Gurgaon, Bahadurgarh, Rohtak, Yamuna Nagar & Panipat have represented that the performance security / guarantee may not be taken from the small scale units having capital investment upto Rs. 1 crore.

The Board vide above referred policy notification decided that performance guarantee shall be deposited by the Red & Orange category of projects and different slabs were prescribed based on the category and capital investment cost. This matter was also reviewed by the Board and it has been decided that performance guarantee shall not be taken from the small scale units having capital investment upto Rs. 1.0 crore under Orange category. For Small Scale Red category (highly polluting) of industry the slab of upto Rs. 1.0 crore has been bifurcated into two slabs i.e. units having capital investment upto Rs. 50 Lac shall deposit Performance Guarantee / Draft of Rs. 25,000/- and units having capital investment above Rs. Rs. 50 lac upto Rs. 1.0 crore shall deposit Performance Guarantee of Rs. 50,000/- and revised slabs are given in the Annexure enclosed.

Further, the matter regarding action to be taken on account of exceeding parameters beyond the permissible limits were also reviewed in view of the representation received from various Industrial Associations and it has been decided that an opportunity shall be given to the units whose samples are found to be exceeding the permissible limits on account of minor operational problems on submission of scheme of modification of ETP / APCM and undertaking to

7/6/31

comply with the standards laid down by the Board in a time bound manner. However, the production shall be curtailed proportionate to the existing capacity of pollution control devices i.e. ETP / APCM and allow the unit to operate with curtailed production for a specific period within which such modifications are to be carried out. No opportunity shall be given to the units which are found bypassing the effluent and units having no ETP/APCM. After the modifications are complete, surprise samples shall be collected as per the provisions of the Water / Air Acts and if the parameters are still found exceeding the permissible limits, the Bank Guarantee shall be forfeited and prosecution / closure action shall be taken against such units.

The above orders shall come into force with immediate effect.

Dated, Panchkula the
3rd May, 2012


R.R. Jorai, IAS
Chairman

Endst. No. HSPCB/PLG-74 / 652-671

Dated: 3.5.2012

A copy of the above is forwarded to the following for information and immediate necessary action.

1. All Sections Incharge in Head Office.
2. All Regional Officers in Field offices.
3. P.S. to Chairman / P.A. to M.S. for information of the officers.


Scientist 'C' (HQ)
For Chairman

7/7/32

Sr.No.	Investment	Red category	Orange Category
1	Upto 0.5 crore	0.25 Lac	Nil
2	Above 0.5 crore upto 1.0 crore	0.50 Lac	Nil
3	Above 1 crore upto 5 crore	1.5 lac	0.75 lac
4	Above 5 crore upto 10 crore	2.5 lac	1.5 lac
5	Above 10 crore upto 50 crore	5 lac	2.5 lac
6	Above 50 crore upto 100 crore	7.5 lac	3.75 lac
7	Above 100 crore	10 lacs	5 lac

Annexure - III
7/8/33

Item Nos. 04 & 05

Court No. 1

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Original Application No. 673/2018
(M.A. No. 1777/2018)

WITH

Original Application No. 727/2018

News item published in "The Hindu" authored by Shri Jacob Koshy

Titled

"More river stretches are now critically polluted: CPCB

WITH

Dr. Tudi Indrasena Reddy & Anr.

Applicant(s)

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 19.12.2018

CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE S.P. WANGDI, JUDICIAL MEMBER
HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER

For Applicant(s): Mr. Sravan Kumar, Advocate in Original
Application No. 727/2018

For Respondent(s): Mrs. Sharmila Upadhyay and Mr. Krishna
Kanodia, Advocates for CPCB
Mr. Pradeep Misra, Advocate for UPPCB
Mrs. G. Indira, Mr. K.V. Jagdishvari and
Ms. Mrinal K. Mondal, Advocates for
Andaman & Nicobar Administration
Mr. Dinesh Jindal, LO GNCTD
Mr. Rajshree Choudhary, Mr. Guntur
Pranod Kumar, Advocates for State of A.P.
Mr. Sanjay Kumar, Advocate for HPSPCB
Mr. Deepak K. Singh, Advocate for State of
Telangana
Mr. Dhananjay Baijal and Mr. Nikhil
Nayyar, Advocates for APPCB and TSPCB

ORDER

1. The issue taken up for consideration in this matter is abatement of pollution in 351 river stretches in the country, identified as such by the Central Pollution Control Board (CPCB). The said river stretches

are not meeting the prescribed standards of the water quality in terms of Bio-chemical Oxygen Demand (BOD). Existence of polluted river stretches is evidence to show that the State Pollution Control Boards (SPCBs) have failed to perform their statutory obligation to take appropriate action to achieve the objects of the Water (Prevention and Control of Pollution) Act, 1974.

2. Having regard to the importance of the issue and in the light of judgments of the Hon'ble Supreme Court in *M.C. Mehta Vs. Union of India & Ors.*¹, *M.C. Mehta Vs. Union of India And Ors.*² (*Calcutta Tanneries' Matter*), *Vellore Citizen' Welfare Forum Vs. Union of India*³, *S. Jagannath Vs. Union of India & Ors.*⁴, *And Quiet Flows The Maily Yamuna*⁵, *Tirupur Dyeing Factory Owners Association Vs. Noyyal River Ayacutdars Protection Association & Ors.*⁶ and *TechiTagi Tara Vs. Rajendra Singh Bhandari & Ors.*⁷ and of this Tribunal in *Manoj Mishra Vs. Union of India*⁸, *M.C. Mehta Vs. Union of India*⁹, *Mahendra Pandey Vs. Union of India & Ors.*¹⁰, *Sobha Singh & Ors. Vs. State of Punjab & Ors.*¹¹, *Nityanand Mishra Vs. State of M.P. & Ors.*¹², *Stench Grips Mansa's Sacred Ghaggar River (Suo-Moto Case)*¹³, *Doaba Paryavaran Samiti Vs. State of U.P. & Ors.*¹⁴, *Arvind Pundalik Mhatre Vs. Ministry of Environment, Forest and Climate Change & Ors.*¹⁵, *Meera Shukla Vs. Municipal Corporation, Gorakhpur & Ors.*¹⁶, *Amresh Singh Vs. Union of India & Ors.*¹⁷, *Sudarsan Das Vs. State of West Bengal & Ors.*¹⁸, *Satish Kumar vs. U.O.I & Ors.*¹⁹, this Tribunal noted

¹ [1987] 4 SCC 463 ¶14 & (1988) 1 SCC 471

² (1997) 2 SCC 421

³ (1996) 5 SCC 647

⁴ (1997) 2 SCC 87

⁵ (2009) 17 SCC 720

⁶ (2009) 1 SCC 737

⁷ (2018) 11 SCC 734

⁸ O.A. No. 6/2012, 2015 ALL(I) NOT REPORTER (1) (DELHI) 139

⁹ O.A. No. 209 of 2014, 2017 NGTR (3) PB 1

¹⁰ O.A. No. 58/2017

¹¹ O.A. No. 101/2014

¹² O.A. No. 456/2018

¹³ O.A. No. 136/2016 (Tawa)

¹⁴ O.A. No. 231/2014

¹⁵ O.A. No. 125/2018

¹⁶ O.A. No. 116/2014

¹⁷ Execution Application No. 32/2016 in O.A. No. 295/2016

¹⁸ O.A. No. 173 of 2018

¹⁹ O.A. No. 56 (Tic) of 2011

the need for steps to check discharge of untreated sewage and effluents, plastic waste, e-waste, bio-medical waste, municipal solid waste, diversion of river waters, encroachments of catchment areas and floodplains, over drawal of groundwater, river bank erosion on account of illegal sand mining. There is need for installation of Effluent Treatment Plants (ETPs), Common Effluent Treatment Plants (CETPs), Sewage Treatment Plants (STPs), Solid Waste Treatment and processing facilities etc.

3. It was also noted that BOD was required to be less than 3.0 mg/l, Dissolved Oxygen more than 5.0 mg/l and Faecal Coliform bacteria less than 500 MPN/100 ml.
4. The Tribunal also noted that as per data published by the CPCB in January, 2018, 30,042 million litres per day (MLD) of domestic sewage is generated from urban areas along the polluted river stretches. The installed sewage treatment capacity is about 16,846 MLD, leaving a gap of about 13,196 MLD (43.9%). There is a large gap in sewage treatment capacity and generation of sewage in urban areas.
5. The Tribunal also noted that on the one hand, there is need to enhance the river flow through intervention on the water sheds/catchment areas for conservation and recharge of rain water for subsequent releases during lean flow period in a year and on the other hand, there is need to dilute the pollutants in the rivers and streams so as reduce concentration to meet the desired level of water quality and extent of flow as per prescribed norms. This called for preparation of action plan including the water shed management by way of (a) Recognition phase (b) Restoration phase (c) Protection phase (d) Improvement phase. Attention was also required for agriculture and forest management and production, forage

production and pasture management, socio-economic conditions to achieve the objectives of watershed management.

6. The object of the action plan should be to restore the water quality for which model action plan prepared for river Hindon could be taken into account. Salient features of the action plan are to be:
- i. Execution of field surveys to assess pollution load generated by industries and sewage generated in a city or town discharging sewage and trade effluent into river Hindon and its tributaries.
 - ii. Collating water quality monitoring data of river Hindon and its tributaries and assigning the class as per primary water quality criteria.
 - iii. Water quality assessment of river in context of sewage/industrial drain outfalls with dilution and distance factors.
 - iv. Laying time-limes for regulating industrial pollution control by ensuring consent compliance and closing the defaulting industries till they comply with the norms stipulated to them.
 - v. Setting up of STPs in towns located in the river catchment and emphasis on utilization of treated sewage.
 - vi. Adopting water conservation practices, ground water regulation, flood plain zone management and maintaining environmental flow.
7. The Tribunal also referred to different actions to be taken for different categories of the priorities for the action plan to deal with the source control, treatment of sewage, ground water, regulation, activities in flood plain zone, e-flow and other issues.
8. The direction issued by the Tribunal was to constitute River Rejuvenation Committee (RRC) comprising of Directors of Environment, Urban Development, Industries and Member

Secretaries of the SPCBs so as to identify pollution sources, functioning/status of STPs/ETPs/CETP and solid waste management and processing facilities, quantification and characterisation of solid waste, trade and sewage generated in the catchment areas of polluted river stretch. The action plan is to address issues relating to ground water extraction, adopting good irrigation practices, protection and management of Flood Plain Zones (FPZ), rain water harvesting, ground water charging, maintaining minimum environmental flow of river and plantation on both sides of the river, setting up of bio-diversity parks, interception and diversion of sewage carrying drains to the STP. The Chief Secretaries of States were to be personally accountable for failure to formulate the action plans.

9. This Tribunal directed action plans to be prepared within two months with the contemplation that water quality will be fit for bathing purposes within six months from the date of the action plan. We are informed that out of 29 States and 7 Union Territories (UTs), total of 16 States/UTs have prepared the draft action plans and 15 have failed to do so.
10. As already noted, contamination of water and deterioration of water quality are matters to be taken seriously as they affect public health and right of citizen to have access to potable drinking water. Unfortunately, in spite of categorical directions of this Tribunal in the order dated 20.09.2018 based on earlier judgments of the Hon'ble Supreme Court and this Tribunal, 15 States and UTs have failed to carry out the order of this Tribunal. The said States and UTs have not even taken the first requisite step of preparing an action plan, showing total insensitivity to such a serious matter and

public issue. With great regret, we may be left with no opinion but to take coercive action, if there is further failure.

11. We also find that for 16 States/UTs which have prepared action plans, the action plans are not complete. Base line data has not been given, preparation of action plans has been assigned to third parties, details of STPs etc. are also not given, timelines given are too long, status of e-flow has not been given, action plans are not proposed to be placed on websites to involve educational and other institutions and the public at large. The said States/ UTs may now give revised reports on or before 31.01.2019 to CPCB after complying with the deficiencies. The CPCB shall examine the action plans and only if they meet the scientific and technical yardstick shall approve the same and convey it to the respective States/UTs. The States/ UTs after its approval shall place/host these action plans on the respective website giving clear timelines for its execution, agencies responsible for its execution along with the matching budgetary provisions.

12. By way of last opportunity, we extend the time for preparation of action plans till 31.01.2019 with the stipulation that for every delay thereafter, compensation for damage to the environment will be payable by each of the States/ UTs at the rate of Rs. One Crore per month for each of the Priority- I and Priority- II stretches, Rs. 50 lacs per month for stretches in Priority- III and Rs. 25 lacs per month each for Priority- IV and Priority- V stretches. The payment will be the responsibility of the Chief Secretaries of the States/Administrators of the UTs and the amount may be recovered from the erring officers. The CPCB may prominently place the names of the defaulting States and UTs and a notice to this effect on its website.

13. The SPCBs and Pollution Control Committees of UTs may display the quality of the water of polluted river stretches on their respective websites within one month from today, alongwith action taken, if any, which may be revised every three months. The CPCB may also display the water quality of the river stretches and action/inaction by such States on its websites. It is made clear that BOD will not be the sole criteria to determine whether a particular river stretch is a polluted river stretch. Other parameters including Faecal Coliform (FC) bacteria will also be the criteria for classifying a stretch as polluted or otherwise. CPCB may devise within two weeks a mechanism for classification wherein two criteria pollutants that is BOD and FC shall henceforth be basis of classification in Priority Classes.
14. The CPCB may also examine whether river Rangpo in Sikkim falls in the category of polluted river stretches and if it is so, CPCB may give appropriate directions with regard to the said river also.
15. Any incomplete action plan will be treated as non-compliance. Performance guarantees are to be furnished for implementation of action plans within the above stipulated time to the satisfaction of Central Pollution Control Board in the sum of:
- (i) Rs. 15 crore for each of Priority I & II stretches
 - (ii) Rs. 10 crore for each of Priority III stretches
 - (iii) Rs. 5 crore for each of Priority IV & V stretches.
16. The CPCB will be at liberty to take further coercive measures against the States/UTs concerned and furnish a consolidated report to this Tribunal by 28.02.2019 by e-mail at ngt.filing@gmail.com.
- List for further consideration on 08.04.2019.

Adarsh Kumar Goel, CP

7/15/40

S.P. Wangdi, JM

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

December 19, 2018
Original Application Nos. 673/2018 & 727/2018
R



[Handwritten mark]



HARYANA STATE POLLUTION CONTROL BOARD

C-11 Sector-6, Panchkula
Ph - 0172- 577870-73, Fax No. 2581201
E-mail- hspcbho@gmail.com

Annexure - I
7/16/19

Office Order

Whereas the Board as per policy order issued vide order Endst. No. HSPCB/PLG-22/3665-88 dated 01.03.2012, has prescribed procedure for suspension for closure order issued under Water Act, 1974 and Air Act, 1981 with the following provisions:-

- In the cases where the ETP/STP/APCM are not of adequate capacity but sufficient to meet the treatment requirement of lower capacity, then closure orders for the respective units can be suspended with the condition that the unit shall bring down the production proportionate to their treatment capacities of the ETP/STP/APCM.
- In the cases of units whose samples have failed and closure order is issued and suspension of closure is being considered with the condition that unit will bring down the production proportionate to their treatment capacities of ETP/STP/APCM, but at the same time prosecution action shall also be initiated against such units under the provisions of the Water/Air Acts for the past violation committed by them for discharging effluent/air emission in excess of the standards in the past. However, the defaulting units shall be given opportunity where the Board is of the view after hearing the unit that there was operational/technical problem in ETP/STP/APCM arisen on the date of inspection, before taking prosecution action. If the unit still found violating second time after giving the opportunity, then prosecution action shall be taken against the defaulting unit as per law/rules.

Whereas, further as per policy order Endst. No. HSPCB/PLG-74/652-671 dated 03.05.2012, the units whose samples are found to be exceeding the permissible limits on account of minor operational problems, are provided an opportunity, on submission of scheme of modification of ETP/PCMC and undertaking to comply with the standards laid down by the Board in time bound manner alongwith prescribed performance security and curtailment of production proportionate to the existing capacity of pollution control devices i.e. ETP/PCMC, to operate with curtailed production for a specific period within which such modification are to be carried out. However, it was provided in the said policy order that no opportunity shall be given to the units which are found bypassing the effluent and units having no ETP/PCMC;

Whereas, Hon'ble National Green Tribunal vide its order dated 19.12.2018 passed in OA. No. 673/2018 with OA. No. 727/2018 has directed to prepare the action plan to restore the water quality of rivers with one of the following feature of the action plan:-

"Laying for regulation industrial pollution control by ensuring consent compliance and closing the defaulting industries till they comply with the norms stipulated to them."

Whereas, the matter has been examined and it has been decided to amend the policy of the Board regarding grant of time to the units found non complying the standard for discharge of pollutants, for modification/upgradation of pollution control devices with curtailment of production proportionate to the existing capacity of pollution control devices and to operate with curtailed production for a specific period within which such modification are to be carried out.

In view of above and in partial modification of this office order Endst. No. HSPCB/PLG-22/3665-88 dated 01.03.2012 and order Endst. No. HSPCB/PLG-74/652-671 dated 03.05.2012, it is hereby ordered that units, having structurally inadequate pollution control devices and found non complying the standards prescribed for discharge of pollutants and/or closed by the Board due to non compliance of the prescribed standards, shall not be allowed to operate and shall not be given time for modification/upgradation of pollution control devices with curtailment of production proportionate to the existing capacity of pollution control devices and closure order issued against such non complying units under Water Act, 1974/Air Act, 1981, shall not be suspended till such units provide the structurally adequate pollution control devices for making the compliance by making the required rectification and modification/upgradation in their existing pollution control devices to comply with the norms stipulated to them for discharge of pollutants, even after they have deposited the performance security and undertaking in this regard to the Board.

This order shall come into force with immediate effect.

Dated Panchkula, the
20th February, 2019

Endst. No. HSPCB/PLG/2019/ 5520 - 43

Ashok Kheterpal
Chairman

Dated: 25/2/19

A copy of the above is forwarded to the following for information and immediate necessary action:-

- All section Incharges in Head Office.
- All Regional officers in Field Offices.
- Nodal Officer (IT) for uploading the order on the website of the Board.

Endst. No. HSPCB/PLG/2019/ 5544-45

A copy of the above is forwarded to the following for information of the officers please:-

- P.S. to Chairman
- P.A. to Member Secretary.

Sr. Environmental Engineer-I (HQ)
For Chairman

Dated: 25/2/19

Sr. Environmental Engineer-I (HQ)
For Chairman

Agenda Item No. 184.8

Amendment in Appendix B of the Haryana State Pollution Control Board (Group A, B, C and D) Service Regulation, 2004 in Group D Serial No. 30, 31, 32, 33 and 34.

The Haryana Govt. General Administration Department, Chief Secretary Office letter No. 42/03/2016-4 GS-I dated 28th March 2018 (copy enclosed) has amended the qualification in Haryana Group-D employees (recruitment and condition of the service) w.e.f. 2018 as come into force which provides for recruitment to Group-D post through the HSSC. Some major provisions of the Act are as under:-

- a) Uniform clearly defined minimum age i.e. 18.
- b) Minimum educational qualification as Matric.
- c) Applies to all Group-D posts except sweeper, chowkidar and sweeper-cum-chowkidar.

In this regard it is submitted that Service Regulations of the Employees of the Haryana State Pollution Control Board under sub section (3) and (3-A) of Section 12 of the Water (Prevention and control of Pollution) Act, 1974 (Act No. 6 of 1974) vide Notification No. S.O 154/C.A. 6/1974/S. 12/2004 dated 05th October, 2004 have been notified.

In Appendix B of Haryana State Pollution Control Board (Group A, B, C and D) Service Regulation, 2004 in Group D Serial No. 30, 31, 32, 33 and 34 provides that:-

Serial No.	Designation of posts	Academic qualifications and experience, if any, for direct recruitment	Academic qualifications and experience, if any, for appointment other than by direct recruitment. recruitment
30.	Senior Peon		<u>By Promotion</u> 5 years experience as Peon <u>By Transfer or Deputation</u> Middle pass certificate from the Board of School Education recognized by Haryana Government.
31.	Dafti		<u>By Promotion</u> 5 years experience as Peon/Mali-cum-Chowkidar. <u>By Transfer or Deputation</u> Middle pass certificate from the Board of School Education recognized by Haryana Government.
32.	Peon	Middle pass certificate from the Board of School Education recognized by Haryana Government.	<u>By Transfer or Deputation</u> Middle pass certificate from the Board of School Education recognized by Haryana Government.
33.	Field Attendant	Middle pass certificate from the Board of School Education recognized by Haryana Government.	<u>By Transfer or Deputation</u> Middle pass certificate from the Board of School Education recognized by Haryana Government.
34.	Mali-cum-Chowkidar	Middle pass certificate from the Board of School Education recognized by Haryana Government and having knowledge of gardening.	<u>By Transfer or Deputation</u> Middle pass certificate from the Board of School Education recognized by Haryana Government and having knowledge of gardening.

The above Appendix B of the Haryana State Pollution Control Board (Group A, B, C and D) Service Regulation, 2004 in Group D Serial No. 30, 31, 32, 33 and 34 is to be substituted as under:-

Serial No.	Designation of posts	Academic qualifications and experience, if any, for direct recruitment	Academic qualifications and experience, if any, for appointment other than by direct recruitment. recruitment
30.	Senior Peon		<u>By Promotion</u> 5 years experience as Peon. <u>By Transfer or Deputation</u> Matric pass certificate from the Board of School Education recognized by Haryana Government.
31.	Daftri		<u>By Promotion</u> 5 years experience as Peon/Mali-cum-Chowkidar. <u>By Transfer or Deputation</u> Matric pass certificate from the Board of School Education recognized by Haryana Government.
32.	Peon	Matric pass certificate from the Board of School Education recognized by Haryana Government.	<u>By Transfer or Deputation</u> Matric pass certificate from the Board of School Education recognized by Haryana Government.
33.	Field Attendant	Matric pass certificate from the Board of School Education recognized by Haryana Government.	<u>By Transfer or Deputation</u> Matric pass certificate from the Board of School Education recognized by Haryana Government.
34.	Mali-cum-Chowkidar	Matric pass certificate from the Board of School Education recognized by Haryana Government and having knowledge of gardening.	<u>By Transfer or Deputation</u> Matric pass certificate from the Board of School Education recognized by Haryana Government and having knowledge of gardening.

"Hindi/Sanskrit upto Matric Standard or Higher Education is essential for all the above-mentioned posts "

In the Haryana State Pollution Control Board (Group A, B, C and D) Service Regulations, 2004 (hereinafter called the said regulations), in Appendix B, Group-D for the word "Middle" the word "Matric" is substituted.

The matter is placed before the Board for approval of above amendments and after approval from the Board the case may be sent to State Government for final approval as required under Section- 12 (3) and (3-A) of the Water (Prevention & Control of Pollution) Act, 1974.

Submitted for consideration and approval of the Board please.

HARYANA GOVERNMENT
GENERAL ADMINISTRATION DEPARTMENT
Chief Secretary Office

No. 42/03/2016-4GSI

To

1. All the Administrative Secretaries to Government Haryana.
2. All Heads of the Departments of Haryana.
3. Commissioners Ambala/Hisar/Rohtak/Gurugram/Karnal/Faridabad Divisions.
4. All the Deputy Commissioners of Haryana.
5. All MDs of Boards/Corporations in State of Haryana.
Dated Chandigarh, the 28th March, 2018.

Subject - Regarding sending the requisition in respect of Group-D posts to HSSC.

Sir/Madam,

1. I am directed to invite your kind attention on the subject noted above and to say that the process of recruitment to Group-D posts initiated in the year 2014 has been closed and the notice to this effect has been published in the news papers.
2. Government had brought the Group-D posts within purview of Haryana Staff Selection Commission (HSSC) and directed all departments to send their requisitions to HSSC vide letter no. 42/3/2016-4GSI dated 22.12.2017.
3. However, now the Haryana Group D Employees (Recruitment and Conditions of Service) Act, 2018 has come into force which provides for recruitment to Group D posts through the HSSC.
4. Some major provisions of the Act are:
 - a) Uniform clearly defined minimum age i.e 18
 - b) Minimum educational qualification as Matric
 - c) Applies to all Group D posts except sweeper, chowkidar and sweeper-cum-chowkidar.
 - d) Uniform selection criteria : 100 marks evaluation (wherein 90 marks are for written test and 10 marks for socio-economic criteria and experience)
 - e) Waiting list upto 25% of advertised vacancies when vacancies are <25; if vacancies are between 25-50, the waiting list shall be 15%; in case vacancies are greater than 50, the waiting list shall be 10%; subject to minimum of two candidates.
5. You are hereby advised to withdraw all the requisition of Group-D posts sent to the Haryana Staff Selection Commission in pursuance of this office letter No. 42/03/2016-4GSI, dated 22.12.2017 and issue a fresh requisition of Group-D posts direct to Haryana Staff Selection Commission in accordance with provisions of Haryana Group D Employees (Recruitment and Conditions of Service) Act, 2018.

Yours faithfully,

Ankur Singh
 Superintendent General Services-I,
 for Chief Secretary to Government Haryana
 Dated: 28.03.2018

Endst No. 42/03/2016-4GSI

A copy is also forwarded to the Secretary of Haryana Staff Selection Commission with reference to their letter No. 97/1/2018-4R.II/801, dated 05.03.2018 for information and necessary action.

Ankur Singh
 Superintendent General Services-I,
 for Chief Secretary to Government Haryana

Agenda Item No. 184.9.

Amendment in regulation 5 of the Haryana State Pollution Control Board (Group A, B, C and D) Service Regulation, 2004.

The Haryana Govt. General Administration Department. Chief Secretary Office letter No. 42/03/2016-4 GS-I dated 28th March 2018 (copy enclosed) has amended the qualification in Haryana Group-D employees (recruitment and condition of the service) Act 2018 as come into force which provides for recruitment to Group-D post through the HSSC. Some major provisions of the Act are as under:-

- d) Uniform clearly defined minimum age i.e. 18.
- e) Minimum educational qualification as Matric.
- f) Applies to all Group-D posts except sweeper, chowkidar and sweeper-cum-chowkidar.

In this regard it is submitted that Service Regulations of the Employees of the Haryana State Pollution Control Board under sub section (3) and (3-A) of Section 12 of the Water (Prevention and control of Pollution) Act, 1974 (Act No. 6 of 1974) vide Notification No. S.O 154/C.A. 6/1974/S. 12/2004 dated 05th October, 2004 have been notified.

Regulation-5 Part-II- RECRUITMENT to SERVICE of the Haryana State Pollution Control Board (Group A, B, C and D) Service Regulation, 2004 provides as under:-

No person shall be appointed to any post in the Service by direct recruitment, who is less than 17 years or more than 42 years of age on or before the first day of the month next preceding the last date of submission of application to the Commission/Chairman:

Provided that, ----

- (a) in case of a person belonging to Scheduled Caste, Scheduled Tribe, backward Class, Ex-Serviceman, Physically handicapped, the upper age limit shall be such as prescribed by the Government from time to time; and
- (b) in case of candidates possessing the requisite qualifications who are already in the service of Government/Board/Corporation. The upper age limit shall be such as prescribed by the Government from time to time.

The above Regulation 5 of the Haryana State Pollution Control Board (Group A, B, C and D) Service Regulation, 2004 is to be substituted as under:-

Regulation 5. No person shall be appointed to any post in the Service by direct recruitment, who is less than 18 years or more than 42 years of age on or before the first day of the month next preceding the last date of submission of application to the Commission/Chairman:

9/2/46

Provided that, ----

- (a) in case of a person belonging to Scheduled Caste, Scheduled Tribe, backward Class, Ex-Serviceman, Physically handicapped, the upper age limit shall be such as prescribed by the Government from time to time; and
- (b) in case of candidates possessing the requisite qualifications who are already in the service of Government/Board/Corporation. The upper age limit shall be such as prescribed by the Government from time to time.

In the Haryana State Pollution Control Board (Group A, B, C and D) Service Regulations, 2004 (hereinafter called the said regulations), in Regulation-5, for the figures and "17 years" the figure "18 years" is substituted.

Therefore, the matter is placed before the Board for approval of above amendments and after approval from the Board the case may be sent to State Government for final approval as required under Section- 12 (3) and (3-A) of the Water (Prevention & Control of Pollution) Act, 1974.

Submitted for consideration and approval of the Board please.

9/3/17

HARYANA GOVERNMENT
GENERAL ADMINISTRATION DEPARTMENT
Chief Secretary Office

No. 42/03/2016-4GSI

To

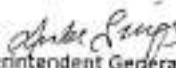
1. All the Administrative Secretaries to Government Haryana.
2. All Heads of the Departments of Haryana.
3. Commissioners Ambala/Hisar/Rohtak/Gurugram/Karnal/Faridabad Divisions.
4. All the Deputy Commissioners of Haryana.
5. All MDs of Boards/Corporations in State of Haryana.
Dated Chandigarh, the 28th March, 2018.

Subject: - Regarding sending the requisition in respect of Group-D posts to HSSC.

Sir/Madam,

1. I am directed to invite your kind attention on the subject noted above and to say that the process of recruitment to Group-D posts initiated in the year 2014 has been closed and the notice to this effect has been published in the news papers.
2. Government had brought the Group-D posts within purview of Haryana Staff Selection Commission (HSSC) and directed all departments to send their requisitions to HSSC vide letter no. 42/3/2016-4GSI dated 22.12.2017.
3. However, now the Haryana Group-D Employees (Recruitment and Conditions of Service) Act, 2018 has come into force which provides for recruitment to Group D posts through the HSSC.
4. Some major provisions of the Act are:
 - a) Uniform clearly defined minimum age i.e 18
 - b) Minimum educational qualification as Metric
 - c) Applies to all Group D posts except sweeper, chowkidar and sweeper-cum-chowkidar.
 - d) Uniform selection criteria : 100 marks evaluation (wherein 90 marks are for written test and 10 marks for socio-economic criteria and experience)
 - e) Waiting list upto 25% of advertised vacancies when vacancies are <25; if vacancies are between 25-50, the waiting list shall be 15%; in case vacancies are greater than 50, the waiting list shall be 10%; subject to minimum of two candidates.
5. You are hereby advised to withdraw all the requisition of Group-D posts sent to the Haryana Staff Selection Commission in pursuance of this office letter No. 42/03/2016-4GSI, dated 22.12.2017 and issue a fresh requisition of Group-D posts direct to Haryana Staff Selection Commission in accordance with provisions of Haryana Group D Employees (Recruitment and Conditions of Service) Act, 2018.

Yours faithfully,


Superintendent General Services-I,
for Chief Secretary to Government Haryana
Dated: 28.03.2018

Endst No. 42/03/2016-4GSI

A copy is also forwarded to the Secretary of Haryana Staff Selection Commission with reference to their letter No. 97/1/2018-4R.II/801, dated 05.03.2018 for information and necessary action.


Superintendent General Services-I,
for Chief Secretary to Government Haryana

9/4/48

[Authorized English Translation]

**HARYANA GOVERNMENT
ENVIRONMENT DEPARTMENT**

Notification

The 30th March, 2016

No.S.O.8/C.A.6/1974/S.12/2016.— In exercise of the powers conferred by sub-section (3) and (3A) of section 12 of the Water (Prevention and Control of Pollution) Act, 1974 (Central Act No. 6 of 1974), the Haryana State Pollution Control Board with the approval of the State Government hereby makes the following regulations further to amend the Haryana State Pollution Control Board (Group A, B, C and D) Service Regulations, 2004, namely:-

1. These regulations may be called the Haryana State Pollution Control Board (Group A, B, C & D) Service (Amendment) Regulations, 2016.
2. In the Haryana State Pollution Control Board (Group A, B, C and D) Service Regulations, 2004, (hereinafter called the said regulations), in regulation 5, for the figures and words "40 years" the words "forty two years" shall be substituted.
3. In the said regulations, in Appendix B, under column 1, 2, 3 and 4, for serial number 23 and entries thereagainst, the following serial number and entries thereagainst shall be substituted, namely:-

1	2	3	4
23	Driver	(i) Matric; (ii) should have a light/heavy transport vehicle valid driving licence, at least three years old; (iii) should have passed the driving test conducted by the Haryana Staff Selection Commission; (iv) should not be colour blind; (v) Hindi/Sanskrit upto matric standard or higher education;	By transfer/deputation— (i) Matric; (ii) should have a light/ heavy transport vehicle valid driving licence, at least three years old; (iii) Three years experience of driving light/ heavy transport vehicle; (iv) should not be a colour blind; (v) Hindi/Sanskrit upto matric standard or higher education; (vi) if not already working on the post of driver then should not be more than fifty years of age."

ANURAG RASTOGI,
Chairman, Haryana State Pollution Control Board,
Panchkula.

ANURAG RASTOGI,
Principal Secretary to Government, Haryana,
Environment Department.

10/1/49

Agenda Item 184. 10

Framing of modalities and methodology for assessment and levy of Environmental Compensation against non complying polluting units and its utilization based on CPCB report.

Hon'ble National Green Tribunal (NGT) has issued the direction in several cases to impose the penalty on the non complying polluting units and has been directing CPCB, all SPCBs including Haryana to implement "Polluter Pays" Principal in right spirit and to recover environmental compensation from the polluting units and to use the same for restoration of environmental damages caused to the public;

As per order of the Tribunal in *Pryavaran Surksha Samiti & Ors. Vs Union of India & Ors., Parveen Kakkar & Ors. Vs MoEF & Ors.* it was held that:

"11. Needless to say that it will be open to the SPCBs/Committees and CPCB to take coercive measure including recovery of compensation for the damage to the environment on 'Polluter Pays' principal as well as also to direct taking of such precautionary measures as may be....."

In 63rd conference of Chairman and Member Secretary of PCBs/Committees held on 18.03.2019 it was decided that SPCBs/PCCs may frame their guidelines on environmental compensation based on CPCB's report circulated in the agenda of the said meeting and to provide their inputs on environmental compensation report if any in writing to CPCB, as per proceedings of the same circulated by CPCB vide letter no. B-12015/63/2019-AS-473 dated 10.04.2019;

The matter was examined by Technical Advisory Committee (TAC) of the Board in its meeting held on 26.04.2019 wherein it was observed that the section 5 of Environment (Protection) Act, 1986, empowers the Ministry of Environment, Forest and Climate Change in Central Government, section 33-A of Water (Prevention and Control of Pollution) Act, 1974 and section 31-A of Air (Prevention and Control of Pollution) Act, 1981 empowers the State Pollution Control Boards to issue directions in writing to any person, officer or any other authority and such person, officer or authority shall be bound to comply with such directions which includes the power to direct --

- a) the closure, prohibition or regulation of any industry, operation or process; or
- b) stoppage or regulation of the supply of electricity or water or any other service.

Central Government has already delegated the powers provided under section 5 of EPA, 1986 to the Haryana Government vide notification S.O. 152(E) dated 10.02.1988, which has also been delegated to the Chairmen of State Pollution Control Boards including the Chairman of HSPCB vide notification S.O. 23(E) dated 08.01.1997 for the violations of standards and rules relating to Hazardous Waste and vide notification no. S.O. 327(E) dated 10.04.2001 for the violations of standards and rules relating to Bio Medical Waste, Hazardous Chemicals, Industrial Solid Waste and Municipal Solid Waste including Plastic Waste; and,

10/2/50

In the light of above and after detailed deliberation, the TAC recommended *that the report of in-house committee of CPCB on methodology and guidelines for assessing the environmental compensation and utilization of the same, as provided in the agenda note of the above said 63rd conference of Chairman and Member Secretary of PCBs/Committees held on 18.03.2019, be adopted and accordingly the Board has decided to adopt the methodology given at **Annexure-I** for assessment, imposing, collection and utilization of environmental compensation from the polluting units in the State of Haryana;*

The order to adopt the said modalities/methodology for assessing, imposing and utilization of environmental compensation from the polluting units in the State of Haryana in the circumstances as mentioned has been issued vide order No.HSPCB/PLG/2019/6043-75 DT. 29.04.2019 (**Annexure-II**).

The matter is placed before the Board for consideration and Ex-Post Facto approval of the same.

Methodology/modalities for assessing, imposing and utilization of environmental compensation from the polluting units in the State of Haryana

1. **Cases for levying environmental compensation.**
 - a) Units discharging the environmental pollutants in excess of the standards prescribed under EP Rules, 1986 and as prescribed in the consent granted to such units under Water Act, 1974/Air Act, 1981.
 - b) Not complying with the directions issued, such as direction for closure due to non-installation of OCEMS, non-adherence to the action plans submitted etc.
 - c) Intentional avoidance of data submission or data manipulation by tempering the Online Continuous Emission/ Effluent Monitoring system.
 - d) Accidental discharges lasting for short durations resulting into damage to the environment.
 - e) Intentional discharges to the environment including bypassing the pollution control devices – land, water and air resulting into acute injury or damages to the environment.
 - f) Injection of treated/partially treated/ untreated effluent to ground water.
 - g) All violations of Graded Response Action Plan (GRAP) in Delhi NCR area.
 - h) Failure of preventing the pollutants being discharged in water bodies and failure to implement Waste Management Rules.
2. **Assessment and utilization of environmental compensation**
 - a) The assessment and utilization of environmental compensation funds will be done as per the methodology and guidelines provided by CPCB in the agenda note of the above said 63rd conference of Chairman and Member Secretary of PCBs/Committees held on 18.03.2019, copy of which is attached as Annexure-A.
 - b) The assessment of the environmental compensation will be done by the concerned Regional Office or District Level Task Force constituted by the State as per the direction of Hon'ble NGT and detailed report in this regard will be submitted by Regional Office to Head Office within 15 days from the date of identification of violations.
 - c) The environmental compensation assessment report submitted by Regional Office will be examined and finalized at Head Office level by a committee of officers headed by Member Secretary, consisting of Sr. Environmental Engineer-I (HQ), Sr. Scientist (HQ), District Attorney (HQ), Sr. Accounts Officer and concerned Branch Incharge in Head Office within 07 days from date of receipt of the said report in Head Office.
 - d) The finalized report will be processed by the concerned branch incharge in Head Office to the authorities for final order for levy of the environmental compensation on the defaulting unit.
 - e) The authority for issuing the direction for levy and deposition of environmental compensation will be the same as prescribed for issuing the direction under section 5 of Environment (Protection) Act, 1986, section 33-A of Water (Prevention & Control of Pollution) Act, 1974, section 31-A of Air (Prevention & Control of Pollution) Act, 1981.
 - f) In case of failure of deposition of environmental compensation by the violator within 15 days of issue of the direction, legal action under the provisions of the relevant Acts under which direction issued, will be taken.
 - g) A separate account for environmental compensation fund will be maintained by the Accounts Branch.
 - h) The environmental compensation fund will be utilized for restoration of environmental damages caused in area of violation as per methodology/guidelines prescribed by CPCB in its report provided the agenda note of the above said 63rd conference of Chairman and Member Secretary of PCBs/Committees held on 18.03.2019.

10/4/52

Annexure II



HARYANA STATE POLLUTION CONTROL BOARD

C-11 Sector-6, Panchkula

Ph - 0173- 577870-73, Fax No. 2581201

E-mail- hspcbho@gmail.com

Office Order

Whereas Hon'ble National Green Tribunal (NGT) has issued the direction in several cases to impose the penalty on the non complying polluting units and has been directing CPCB, all SPCBs including Haryana to implement "Polluter Pays" Principal in right spirit and to recover environmental compensation from the polluting units and to use the same for restoration of environmental damages caused to the public;

Whereas, in the order of the Tribunal in *Pryavaran Surksha Samiti & Ors. Vs Union of India & Ors.*, *Parveen Kakkar & Ors. Vs MoEF & Ors.* it was held that:

"11. Needless to say that it will be open to the SPCBs/Committees and CPCB to take coercive measure including recovery of compensation for the damage to the environment on 'Polluter Pays' principal as well as also to direct taking of such precautionary measures as may be....."

Whereas, in 63rd conference of Chairman and Member Secretary of PCBs/Committees held on 18.03.2019 it was decided that SPCBs/PCCs may frame their guidelines on environmental compensation based on CPCB's report circulated in the agenda of the said meeting and to provide their inputs on environmental compensation report if any in writing to CPCB, as per proceedings of the same circulated by CPCB vide letter no. B-12015/63/2019-AS-473 dated 10.04.2019;

Whereas, the matter was examined by Technical Advisory Committee (TAC) of the Board in its meeting held on 26.04.2019 wherein it was observed that the section 5 of Environment (Protection) Act, 1986, empowers the Ministry of Environment, Forest and Climate Change in Central Government, section 33-A of Water (Prevention and Control of Pollution) Act, 1974 and section 31-A of Air (Prevention and Control of Pollution) Act, 1981 empowers the State Pollution Control Boards to issue directions in writing to any person, officer or any other authority and such person, officer or authority shall be bound to comply with such directions which includes the power to direct --

- the closure, prohibition or regulation of any industry, operation or process; or
- stoppage or regulation of the supply of electricity or water or any other service.

Whereas, Central Government has already delegated the powers provided under section 5 of EPA, 1986 to the Haryana Government vide notification S.O. 152(E) dated 10.02.1988, which has also been delegated to the Chairmen of State Pollution Control Boards including the Chairman of HSPCB vide notification S.O. 23(E) dated 08.01.1997 for the violations of standards and rules relating to Hazardous Waste and vide notification no. S.O. 327(E) dated 10.04.2001 for the violations of standards and rules relating to Bio Medical Waste, Hazardous Chemicals, Industrial Solid Waste and Municipal Solid Waste including Plastic Waste; and,

Whereas, in the light of above and after detailed deliberation, the TAC recommended that the report of in-house committee of CPCB on methodology and guidelines for assessing the environmental compensation and utilization of the same, as provided in the agenda note of the above said 63rd conference of Chairman and Member Secretary of PCBs/Committees held on 18.03.2019, be adopted and accordingly the Board has decided to adopt the methodology given at Annexure-I for assessment, imposing, collection and utilization of environmental compensation from the polluting units in the State of Haryana;

Therefore, it is hereby ordered to adopt the said modalities/methodology for assessing, imposing and utilization of environmental compensation from the polluting units in the State of Haryana in the circumstances as mentioned.

These orders shall come into force with immediate effect.

Dated Panchkula, the

29th April, 2019

Endst. No. HSPCB/PLG/2019/ 6043-50

Ashok Kheterpal

Chairman

Dated: 29-4-2019

A copy of the above is forwarded to the following for information please:-

- The Chief Secretary to Govt. Haryana, Chandigarh
- The Chairman, Central Pollution Control Board, East Arjun Nagar, New Delhi.
- The Additional Chief Secretary to Govt. Haryana, Department of Environment and Climate Change, Chandigarh.
- The Additional Chief Secretary to Govt. Haryana, Industries and Commerce Department, Chandigarh.
- The Additional Chief Secretary to Govt. Haryana, Public Health Engineering Department, Chandigarh.
- The Principal Secretary to Govt. Haryana, Urban Local Bodies Department, Chandigarh.
- The Principal Secretary to Govt. Haryana, Irrigation Department, Chandigarh.
- The Principal Secretary to Govt. Haryana, Town and Country Planning Department, Chandigarh

Endst. No. HSPCB/PLG/2019/ 6050-73

A copy of the above is forwarded to the following for information and immediate necessary action:-

- All section Incharges in Head Office of the Board.
- All Regional officers of the Board in the field.
- Nodal Officer (IT) for uploading the order on the website of the Board.

Sr. Environmental Engineer-I (HO)
For Chairman

Dated: 29-4-2019

Endst. No. HSPCB/PLG/2019/ 6074-75

A copy of the above is forwarded to the following for information of the officers please:-

- P.S. to Chairman.
- P.A. to Member Secretary.

Sr. Environmental Engineer-I (HO)
For Chairman

Dated: 29-4-2019

Sr. Environmental Engineer-I (HO)

11/1/53

Agenda Item No. 184.11

Delegation of power to engage Advocate by the Regional Officers for Spl. Environment Courts and other District Courts

The matter regarding delegation of powers to engage the advocates by the Regional Officers for filing complaints in the Special Environment Courts, Faridabad and Kurukshetra was discussed in Regional Officer's meeting held on 16.5.19. It was discussed that the State Government has formed a panel of advocates at District Level and fees structure of advocate has also been prescribed vide order dated 02.09.2015 (**Annexure -A**). Panel of advocates formed by Government is available on the website of Advocate General Haryana.

The Board vide agenda item no 139.09 (**Annexure-B**) authorized the Regional Officers of the Board to engage advocate from the panel to file cases/replies in the District Court and Special Environment Court and accordingly the Regional Officers were authorized, but these delegations were withdrawn on 06.03.2014 as the Assistant District Attorneys were posted in the Spl. Environment Courts. Since then the Advocates are engaged by the Regional Officers after getting approval from the Chairman of the Board.

It has been observed that in obtaining sanction from the Head office to engage the advocates for filing the cases in District Court/Spl. Environment Court are causing delay. It is pertinent to mention here that the Board has no option as the advocates are engaged from the Panel formed by the Government at the Rates fixed by the Government. In such circumstances it would be appropriate that the power may be delegated to Regional Officers of the Board to engage the advocate to file cases in Spl. Environment Court and Other District Courts from the panel of the Government and as per the rates fixed, after verifying the performance of the Advocates.

Submitted for consideration and approval please.

- 8 - 11/2/5ANN - A

Nation Counsel Board

No. 21/2/1991-5J(1)

The Additional Chief Secretary to Government,
Haryana, Admn. of Justice Department.

The Principal Resident Commissioner,
Haryana Government, Haryana Legal Cell,
Haryana Bhawan, New Delhi

Dated Chandigarh the 02.09.2015

Dy. No. 3540A
7-9-2015

CHAIRMAN
7/9/15

FTMS- 3524
dt 04/9/15

Subject:- Rates of fees payable to the Law Officers/ Panel of Advocates for conducting cases of Haryana Government/Boards/Corporations/Autonomous Bodies etc. in the Supreme Court of India/Delhi High Court/Punjab & Haryana High Court/CAT/Tribunals/ Subordinate Courts etc, in the State of Haryana/Delhi etc.

Sir,
In supersession of Haryana Government, Administration of Justice Department letter No. 21/2/91-5J(1) dated 24.5.2002 and any other letters issued from time to time in this regard on the subject noted above, I am directed to intimate that with a view to adopt a uniform pattern in the matter of payment of Counsel fees to Law Officers/ Panel Advocates in Supreme Court, High Courts, District Courts and other Courts/Forums/Tribunals situated in the State of Haryana, the Government has decided to revise the rates of payment of fees at different levels as per details given below:-

1.	Before the Hon'ble Supreme Court of India at New Delhi:
	I. Fee for designated Senior Advocates in Panel Grade A:
	a) Per appearance: Rs.2,50,000/- per hearing (effective date) including 10% clerkage for effective dates
	b) Bunch matters: 25% of the fee of main case (per case in the bunch) (Subject to a cap of Rs.10 lakhs).
	c) Conference fee: Rs. 55,000/- including 10% clerkage (Be it one, case or bunch)
	d) Settling of petition/counter/re-joinder/ opinion Rs.22,000/- including 10% clerkage. Be it one or Bunch matter.
2.	Fee for Advocate General, Haryana in cases before the Supreme Court: Will be same as payable to Panel Grade 'A' Counsel. The Advocate General, Haryana shall also be allowed fee as payable to Panel Grade 'A' Counsel when appearing on behalf of Government Departments before the Supreme Court of India.
3.	Fee for Advocates in Panel 'Grade B':
	a) Per appearance for effective dates including Conference fee. Rs. 1,10,000/- per appearance (effective date) including 10% clerkage.
	b) Bunch matters: 25% of the fee of the main case (per case in the bunch) (subject to a cap of Rs.5.50 Lakh)
	c) Settling of petition /counter/ re-joinder/ opinion.: Rs.55,000/- including 10% Clerkage. Be it one or bunch Matter.
4.	Fee for Panel Counsel:
	a) Per case: Rs.22,000/- per case including 10% clerkage + actual expenses.
	b) Bunch matters: 25% of the fee for the main case (per case in the bunch) + actual expenses (Subject to a cap of Rs. 1.10 lakh)

DA

5. Fee for Advocates-on-Record/Standing Counsel/Additional Standing Counsel before Supreme Court of India at New Delhi:

Particulars	Rates
i) Court appearance in Admission matters	Rs. 2200/- per hearing or Rs. 11,000/- for the whole case, whichever is lower.
ii) Court appearance in Bunch matters at admission stage	Rs. 4400/- per hearing or Rs. 22000/- for the whole case whichever is lower.
iii) Regular hearing	Rs. 3000/- per hearing or Rs. 15000/- for the whole case, whichever is lower.
iv) Regular hearing in bunch matter.	Rs. 6000/- per hearing or Rs. 30000/- for the whole case whichever is lower.
v) Drafting SLPs/WPs.	Rs. 2000/- per case.
vi) Drafting SLPs/WPs (Bunch matters).	Rs. 4000/- per group/bunch.
vii) Drafting transfer petitions.	Rs. 1000/- per case.
viii) Drafting Transfer petitions (Bunch matters).	Rs. 2000/- per bunch
ix) Drafting suits:	Rs. 10000/- per suit.
x) Drafting Suits (Bunch):	Rs. 20000/- per bunch.
xi) Drafting counter-affidavit and rejoinder affidavits.	Rs. 2000/- per case
xii) Drafting Counter Affidavits and Rejoinder Affidavits (Bunch matters).	Rs. 2000/- per bunch.
xiii) Written submissions:	Rs. 2000/- per case
xiv) Written submissions: (Bunch matters)	Rs. 4000/- per bunch
xv) Miscellaneous applications	Rs. 600/- per case
xvi) Miscellaneous applications (Bunch matters)	Rs. 1200/- per bunch
xvii) Inspection of original record: preparation of list of documents and bill of costs.	Rs. 600/- per case

6. Before the Hon'ble High Court at Chandigarh when engaged by Boards/Corporations/Autonomous Bodies etc.:

- (i). When the Advocate General, Haryana is engaged by Boards/Corporations etc.
- Rs. 1,10,000/- per case (additional amount @ 25% of the fee for the main case; shall be paid for each additional case in bunch matter. (Subject to a cap of Rs. 5.50 Lakhs).

The fee for opinions sought by the Boards/Corporations etc. shall be Rs. 10,000/- per case.

7. Fee for Senior Advocate/Additional Advocate General/Panel Counsel when engaged by Boards/Corporations before the Hon'ble High Court at Chandigarh:

- When Senior Advocate is engaged by the Boards/Corporation/, Autonomous Bodies etc.
 - When Additional Advocate General is engaged by the Boards/ Corporation, Autonomous Bodies etc.
 - When an empanelled Advocate is engaged by any Boards/ Corporations Autonomous Bodies etc.
- Rs. 44,000/- per case including 10% clerkage. (additional amount @ 25% of the fee for each additional case in bunch matter). (Subject to cap of Rs. 2.20 Lakhs).
- Rs. 33,000/- per case including 10% clerkage. (additional amount 25% of the fee for each additional case in bunch matter) + actual expenses. (Subject to a cap of Rs. 1.65 Lakhs).
- Rs. 16,500/- per case including 10% clerkage (additional amount @ 25% of the fee for each additional case in bunch matter) + actual expenses. (Subject to a cap of Rs. 82,500/-).

11/4/56

8. Fee for empanelled Advocate before the District Court/Tribunals/Commissions/Forums/Lok Adalat etc. at Chandigarh or at District Head Quarters, Tehsil and Sub Tehsil level in the State of Haryana.	A fee of Rs. 11,000/- per case including 10% clerkage (additional amount @ 25% of the fee for each additional case in bunch matter) + actual expenses. (Subject to a cap of Rs.50,000).
9. Fee for Senior Advocate/Additional Advocate General/Panel Counsel when engaged by Boards/Corporations before the Hon'ble Supreme Court of India, Delhi High Court, NGT, National Consumer Commission or Competition Commission.	
1. When Senior Advocate is engaged by the Boards/Corporation, Autonomous Bodies etc.	Rs. 44,000/- per case including 10% clerkage. (additional amount @ 25% of the fee for each additional case in bunch matter). (subject to a cap of Rs.2.20 lacs).
2. When Addl. Advocate General is engaged by the Boards/ Corporations/ Autonomous Bodies etc.	Rs. 33,000/- per case including 10% clerkage. (additional amount @ 25% of the fee for each additional case in bunch matter) + Actual expenses. (Subject to a cap of Rs.1.65 Lakh).
3. When an empanelled Advocate is engaged by any Boards/ Corporations/ Autonomous Bodies etc.	Rs. 16,500/-per case including 10% clerkage (additional amount @ 25% of the fee for each additional case in bunch matter) + actual expenses (subject to maximum of Rs.82,500/-)
10 Fee for empanelled Advocate before the District Courts/ Tribunals/ Commissions/ Forums/ Lok Adalats, etc. at Delhi	A fee of Rs. 11,000/- per case including 10% clerkage (additional amount @ 25% of the fee for each additional case in bunch matter) + actual expenses. (subject to a cap of Rs.50,000).

NOTE: The fee structure prescribed for Additional Advocate General, Haryana with respect to the Boards/Corporations etc., as aforesaid, shall however not be applicable with respect to Additional Advocate Generals, Haryana, who have also been appointed as Standing Counsel by the respective Boards/Corporations etc. In such event, the terms and conditions as agreed upon between such Additional Advocate General, Haryana and respective Boards/Corporations etc. shall be applicable.

- Notes: 1. In all other cases, not covered by the above, counsel fee shall be paid as settled in consultation with the Advocate General, Haryana. In cases having heavy stakes or special matters, higher Counsel Fee can be settled with the prior approval of the competent authority.
2. The revised rates shall be effective from the date of issue of this letter.
3. This issues subject to ex-post facto approval of Finance Department.

Sharanjit 21/9/15
 Superintendent, Jail & Judicial
 for Additional Chief Secretary to Government,
 Haryana, Admn. of Justice Deptt.

Endst. No. 21/2/1991-5JJ(1)

dated, Chandigarh 02.09.2015

A copy is forwarded to the Principal Accountant General, Haryana (A&E), Chandigarh for information and necessary action.

Sharanjit 21/9/15
 Superintendent, Jail & Judicial
 for Additional Chief Secretary to Government,
 Haryana, Admn. of Justice Deptt.

Endst. No. 21/2/1991-5JJ(1)

dated, Chandigarh 02.09.2015

A copy is forwarded to the Advocate General, Haryana, Chandigarh for information and necessary action.


Sharanjit 21/9/15
 Superintendent, Jail & Judicial
 for Additional Chief Secretary to Government,

Endst. No. 21/2/1991-5J(1)

11/5/56A
dated, Chandigarh 02.09.2015

A copy is forwarded to the following for information and necessary action:-

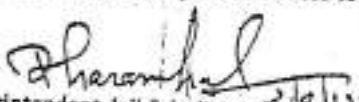
1. All Head of Departments in the State of Haryana.
2. All the Chairman/Managing Directors of Boards/Corporations/Autonomous Bodies in the State of Haryana.
3. All the Divisional Commissioners/Deputy Commissioners in the State of Haryana.


Superintendent, Jail & Judicial-1
for Additional Chief Secretary to Government,
Haryana, Admn. of Justice Deptt.

Endst. No. 21/2/1991-5J(1)

dated, Chandigarh 02.09.2015

A copy is forwarded to the all the Additional Chief Secretaries/Principal Secretaries to the Government of Haryana for information and necessary action.



Superintendent, Jail & Judicial-1
for Additional Chief Secretary to Government,
Haryana, Admn. of Justice Deptt.

To
All the Additional Chief Secretaries and
Principal Secretaries to the Government of Haryana

U.O. No. 21/2/1991-5J(1)

dated, Chandigarh 02.09.2015

A copy is forwarded to the Principal Secretary to the Government of Haryana, Finance Department for information and necessary action.


Superintendent, Jail & Judicial-1
for Additional Chief Secretary to Government,
Haryana, Admn. of Justice Deptt.

To
The Principal Secretary to the Government of Haryana,
Finance Department (F.G.-I Branch)

U.O. No. 21/2/1991-5J(1)

dated, Chandigarh 02.09.2015

11/6/57
A.M.U. - B.

Agenda item 139.9

9/1/22

Delegation of powers to engage
Advocate by Regional Officer.

Government of Haryana has constituted a panel of Advocates for defending/ filing of cases on behalf of Boards & Corporations and other Autonomous bodies in Hon'ble High Courts, District Courts and other Lower Courts. The Board has delegated powers to Chairman & Member Secretary to sanction expenses regarding making payment of council fees etc., the Board has to defend civil suits of different types in District Courts. Sometimes there are urgent matters regarding stay against closure orders issued by the Board against the defaulting units. The Regional Officers have to engage Advocates in emergent circumstances and later on they get Ex-post facto sanction to make payment of counsel fee and other misc. expenses. Some times the Advocates demand exorbitant rates of fee. To avoid such circumstances the Board may authorize Regional Officers to engage advocates as per recommendations of Govt. from the panel to defend the cases in District Courts and other lower courts. The Advocates appearing/defending the Board may be paid Rs. 2200/- plus Rs. 200/- as misc. expenses per case. The 50% of fee may be paid after filing of reply/plaint; balance may be paid after final decision of the case.

Submitted for consideration and approval of the Board.

11/7/58

Agenda Item No. 139.6

Construction of Residential Complex for the employees of HSPCB.

The item was approved by the Board and it was decided that letter be written to all Government Departments/Corporations engaged in the ~~administration~~ activity for obtaining their rates.

Agenda Item No. 139.7

Use of Sophisticated Instruments and Analysis of Samples.

The item was approved by the Board. However it was desired by the members of the Board that the testing charges should be prescribed parameter-wise and made available to the public on the Website besides circulating to Industrial Associations, all RO's, Officers & all concerned.

Agenda Item No. 139.8

Reimbursement of Medical Bills amounting to Rs. 51,917/- to Sh. Dharam Pal Vaid, Husband of Late Dr. Maya Vaid, Senior Scientific Assistant.

It was desired by the members of the Board that this case be referred to Government alongwith the recommendation of the Board.

Agenda Item No. 139.9

Delegation of powers to engage Advocate by Regional Officer.

The item was approved by the Board and this should be as per Government norms.

Agenda Item No. 139.10

Prosecution of M/s A.K. Sood, Hot Mix Plant, Burj Kotian, Chandimandir, Panchkula.

The item was approved by the Board. However members desired that why FIR was not launched in this case and this clarification be obtained from the Regional Officer, Panchkula.

Agenda Item No. 139.11

Prosecution of M/s Road Construction Company Hot Mix Plant, Burj Kotian, Chandimandir, Panchkula.

The item was approved by the Board and it was decided that fresh FIR may also be launched in this case.

- ✓ Minutes of 178th meeting of the Haryana State Pollution Control Board, Panchkula, held at 1130 Hrs on 30.01.2018 under the Chairmanship of Sh. Ashok Kheterpal, Chairman, Haryana State Pollution Control Board, Panchkula.

The 178th meeting of the Haryana State Pollution Control Board (HSPCB) was convened at 1130 Hrs on 30.01.2018 at the Conference Room of HSPCB under the Chairmanship of Sh. Ashok Kheterpal, Chairman, HSPCB. The list of participants is at Annexure-1. Leave of absence was granted to the Members who could not attend the meeting. The Member Secretary of HSPCB, welcomed all the participants and presented the agenda items before the Board. A detailed discussion was held on all the agenda items and the minutes of the meeting are presented as below.

Agenda Item No. 178.1

Confirmation of the minutes of 177th meeting of the Haryana State Pollution Control Board.

Minutes of 177th meeting were confirmed.

Agenda Item No. 178.2

Action taken on the minutes of the 177th meeting of the Haryana State Pollution Control Board held on 17.05.2017.

The Board members were apprised of the action taken on the decisions taken in the 177th meeting and the same were noted.

Agenda Item No. 178.3

Grant of Bonus / Ex-gratia / Short-term Incentives / token gifts to the Employees of Public Sector Undertakings.

The proposal contained in Agenda Note was approved.

Agenda Item No. 178.4

Strengthening of HSPCB - Creation of District-wise Regional Offices and creation of additional posts in HSPCB.

The detailed discussion about creation of 71 additional posts in the Board by the Government vide letter no. 2/24/2010-1Env. dated 06.06.2017 was held. After detailed discussion, the Board of Directors has accepted the approval of the Government to extent of creation of additional posts. Further it was decided to get the process completed for amendment in Haryana State Pollution Control Board (Group A,B,C and D) Service Regulations, 2004 and send to the Government for the approval and notification of the same, after approval from Board.

Agenda Item No. 178.5

Agenda regarding Delegation of Powers to engage the Advocates.

The proposal contained in Agenda Note was approved.

11/9/60

✓ Minutes of 178th meeting of the Haryana State Pollution Control Board, Panchkula, held at 1130 Hrs on 30.01.2018 under the Chairmanship of Sh. Ashok Kheterpal, Chairman, Haryana State Pollution Control Board, Panchkula.

The 178th meeting of the Haryana State Pollution Control Board (HSPCB) was convened at 1130 Hrs on 30.01.2018 at the Conference Room of HSPCB under the Chairmanship of Sh. Ashok Kheterpal, Chairman, HSPCB. The list of participants is at Annexure-L. Leave of absence was granted to the Members who could not attend the meeting. The Member Secretary of HSPCB, welcomed all the participants and presented the agenda items before the Board. A detailed discussion was held on all the agenda items and the minutes of the meeting are presented as below.

Agenda Item No. 178.1

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Agenda Item No. 178.3

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Agenda Item No. 178.4

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Agenda Item No. 178.5

Agenda regarding Delegation of Powers to engage the Advocates.

The proposal contained in Agenda Note was approved.

11/10/61

Agenda Item No. 178.5

05/1/26

Agenda regarding Delegation of Powers to engage the Advocates.

The Board vide Agenda Item No. 174.5 in its meeting held on 12.01.2016 has delegated the power to the Chairman and Member Secretary of the Board to sanction legal expenses. In this delegation name of authority to engage the advocates is not mentioned.

The State Government vide instructions dated 01.01.2015 (Annexure-I) directed that the marking of the cases of the instrumentalities to the advocates will be done by the Advocate General, Haryana till new appointments are informed /issued. The Govt. has not issued any further directions so far. All the cases are got marked from the Ld. Advocate General Haryana. The Board/Chairman or any other officer of the Board is not empowered to engage the Advocate to defend the Board. All the cases are got marked from Ld. AG. Haryana and thereafter approval of the Chairman is obtained. When there is no discretion of the Chairman to allot the cases at his own level there is no use to put up the files to the Chairman for engaging the Advocates.

In these circumstances it proposed that after the nomination is done by Advocate General the powers to engage the advocates to defend the Board in Hon'ble Punjab & Haryana High Court, Hon'ble Supreme Court of India and Hon'ble National Green Tribunal etc. may be delegated to the Member Secretary of the Board.

Submitted for consideration and approval, please.

11/11/62

RECEIVED ON

22 JAN 1963

Annexure-I

5/2/21



The Additional Chief Secretary to Government,
Haryana, Admn. of Justice Department

All the Managing Director/Chairmen of all Boards/Corporations in the
Haryana State.
All the Deputy Commissioners in the State of Haryana,
The Registrars of all the Universities in Haryana,

Dated, Chandigarh the 01/01/2015

Appointment of standing (Quasi) Legal-Adviser/Autonomous
Bodies and District Consumer Forums and Subordinate Courts
etc.

CHAIRMAN
H.F.B.

15-1-15

15-1-15

Sr.

I am directed to invite your attention of Haryana Govt. Administration
of Justice Department's letter No. 14/6/2005-5JJ(I), dated 7-11-2005 and other
letters issued time to time in the regard of the subject noted above and to
inform that Government has decided that all existing Panel of
Advocates/Empanelment/Part time Legal Advisors/ Standing Counselors of various
Corporations/Autonomous Bodies/ Universities etc. for defending the cases
in the Hon'ble Punjab & Haryana High Court & all District and sub divisional
Courts stands dissolved/scrapped with immediate effect.

It is further directed that the handling of cases of these
empanelled to the Advocates will be done by the Advocate General, Haryana
and appointments are informed below.

Yours faithfully,

Jagan Singh
Under Secretary, J&J
for Additional Chief Secretary to Government,
Haryana, Admn. of Justice Department

Dated, Chandigarh the 01/01/2015

No. 14/6/2005-5JJ (I)

A copy is forwarded to the following for information and necessary
actions:

1. The Advocate General, Haryana, Chandigarh w.r.t. their D.O. No.3060
dated 26-2-14.
2. The Law Secretary-cum-Legal Remembrance to Govt, Haryana, Law &
Legislative Department.
3. The Director, Prosecution, Haryana, Panchkula.
4. The Additional Director Prosecution, Haryana Legal Cell, Haryana
Bhawan, New Delhi.

Jagan Singh
Under Secretary, J&J
for Additional Chief Secretary to Government,
Haryana, Admn. of Justice Department

Enclst. No. HS P&A/2015/legal/1826-1846

Dated: 6-1-2015

A copy of the above is forwarded to the following for
information and further necessary action please -

1. All Section in charge in Head office.
2. All Regional officers in field.
3. P.A. to chairman, H.F.B., Panchkula

Jagan Singh
Under Secretary, J&J
for Additional Chief Secretary to Government,
Haryana, Admn. of Justice Department

QC