



PUNJAB POLLUTION CONTROL BOARD

Vatavaran Bhawan, Nabha Road, Patiala

Email address: h2see@yahoo.com

Web: www.ppcb.gov.in

No. SEE (H Q-II)/ 2019/

Date: -----

IMPORTANT

To

- 1) The Chief Environmental Engineer,
Punjab Pollution Board,
Patiala/Ludhiana/Jalandhar &
Bathinda
- 2) The Senior Environmental Engineer,
Punajb Pollution Control Board,
Zonal Office-Patiala-I/II, Ludhiana-I/II,
Amritsar and Bathinda.
- 3) The Environmental Engineer,
Punjab Pollution Control Board,
Regional Office-Patiala/Sangrur/Bathinda/Faridkot/
Batala/Ludhiana-I/II/III/IV Jalandhar, Hoshiarpur,
Amritsar, Fatehgarh Sahib and Mohali.

Subject: CPCB Clarification Re- invoking section 197 Cr.P.C against officials of Deptt. of Local Bodies in the Court of competent jurisdiction.

Find enclosed herewith the subject referred clarification received from the Central Pollution Control Board vide letter no. Legal (Misc.)/2019/116 dated 2.4.2019.

The CPCB has clarified that the State Pollution Control Board are empowered under section 48 and section 60 of Water (Prevention & Control of Pollution) Act, 1974 to file criminal complaint against the officials of Deptt. of Local Bodies. The Hon'ble Supreme Court vide its judgment dated 10.3.2015 in the matter of V.C. Chinnappa Goudar Vs. Karnataka State Pollution Control Board and Anr. has also held that there is no scope for invoking section 197 Cr.P.C. even though the Appellants are stated to be public servants. In view of above, State Pollution Control Boards may proceed to file criminal complaint in the court of competent jurisdiction as required.

This is for your information & necessary action please.

D.A./As above

sd -
Member Secretary

Accepted
15/5/19

Endst. No. PPCB/SEE(HQ-2)/2019 _____

Dated : _____

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

1. The Principal Secretary to Govt. of Punjab, Deptt. of Local Govt., Chandigarh.
2. The Principal Secretary to Govt. of Punjab, Deptt. of Science, Technology, Environment & Chandigarh.
3. The Director, Directorate of Environment and Climate Change (DECC), Chandigarh.

DA/- Copy of CPCB letter

Sd -
Member Secretary

Endst. No. PPCB/SEE(HQ-2)/2019 14786-806

Dated : 10/5/2019

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

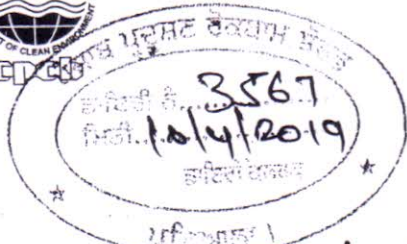
1. The Chief Environmental Engineer, Punjab Bureau of Investment Promotion (PBIP) Chandigarh.
2. The Senior Environmental Engineer, Punjab Pollution Control Board, HQ-1/2/EPA, Patiala.
3. The Sr. Scientific Officer, Pb. Pollution Control Board, Head Office, Patiala.
4. The Environmental Engineer HQ-1/(1,2,3), HQ-2/(1,2), EPA / Mega / HWM, Punjab Pollution Control Board, Head Office, Patiala.
5. ✓ The Environmental Engineer (Computer), Punjab Pollution Control Board, Patiala with request to upload this office order on the web-site of the Board.
6. The Scientific Officer (Air Lab), Punjab Pollution Control Board, Patiala.
7. The Deputy Director (P&R), Punjab Pollution Control Board, Patiala.
8. The Admn. Officer, Punjab Pollution Control Board, Head Office, Patiala.
9. The Sr. Law Officer, Punjab Pollution Control Board, Head Office, Patiala.

DA/- Copy of CPCB letter

Keal
6/5/19
Member Secretary



केन्द्रीय प्रदूषण नियंत्रण बोर्ड
CENTRAL POLLUTION CONTROL BOARD
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय भारत सरकार
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE GOVT. OF INDIA



SPEED POST

EE Retd)
AEECH-2/1) 10/4/19

Legal/(Misc.)/2019/ 116

Date : 02.04.2019

To,

The Chairman
Punjab Pollution Control Board
Vatavaran Bhawan, Nabha Road
Patiala, Punjab

नदी डाक
194

SEE:HQ-I/W/SSO
SSS

10/4/19
नदी डाक
N
11/4/2019

Sub: Issues requiring attention of Central Pollution Control Board

Sir,

पिपत मवेत
CEE (I-8)

This is with reference to your letter, dated 20.03.2019 regarding issues discussed in the 63rd Conference of Chairmen and Member Secretaries, State Pollution Control Boards held in New Delhi on 18.03.2019. The issues regarding filing of criminal complaints against officers of the Department of Local Bodies under the Water (Prevention and Control of Pollution) Act, 1974 in the Court of Competent Jurisdiction was discussed.

The matter has been examined. The State Pollution Control Boards have powers to prosecute officers of Department of Local Bodies under the Water (Prevention and Control of Pollution) Act, 1974. The State Pollution Control Boards are empowered under Section 48 and Section 60 of the Water (Prevention and Control of Pollution) Act, 1974 to file Criminal Complaint against the officials of the Department of Local Bodies. The Hon'ble Supreme Court vide its Judgment, dated 10.03.2015 in the matter of V.C. Chinnappa Goudar Vs Karnataka State Pollution Control Board & Anr. has also held that there is no scope for invoking section 197 Cr.P.C even though the Appellants are stated to be public servants.

In view of the above, the State Pollution Control Boards may proceed to file Criminal Complaint in the Court of competent jurisdiction as required.

Yours faithfully

(A.Sudhakar)

Member Secretary

'परिवेश भवन' पूर्वी अर्जुन नगर, दिल्ली-110032

Parivesh Bhawan, East Arjun Nagar, Delhi-110032

दूरभाष/Tel : 43102030, 22305792, वेबसाइट/Website : www.cpcb.nic.in