

# Punjab Pollution Control Board, Patiala

No. 2017/ 532

Dated 8/8/2017

## OFFICE ORDER

**Subject: Engagement of private lawyers to conduct the cases of the Board before the Hon'ble Lower Courts of Law at District and Sub Division Level.**

Punjab Pollution Control Board is implementing the provisions of the Water (Prevention & Control of Pollution) Act, 1974, Air (Prevention & Control of Pollution) Act, 1981, Environment (Protection) Act, 1986 and the Rules framed thereunder. The Ministry of Environment and Forests, Government of India has notified Environment Impact Assessment notification dated 14.9.2006 under the provisions of the Environment (Protection) Act, 1986, wherein certain projects require the prior Environmental Clearance from the State Level Environment Impact Assessment Authority or the Ministry of Environment and Forests, Government of India.

2) Some persons, industries, project proponent are found violating the provisions of the above mentioned statues as well as the rules framed thereunder, by the officers of the Board during routine checking or during surprise visits. The Board is filing complaint cases for violation of the provisions of the Water (Prevention & Control of Pollution) Act, 1974, Air (Prevention & Control of Pollution) Act, 1981 and Environment (Protection) Act, 1986 and the rules framed thereunder, especially for the violation of the Environment Impact Assessment Notification dated 14.9.2006, the Bio-Medical Waste (Management & Handling) Rules, 1998 and the Municipal Solid Waste (Management and Handling) Rules, 2000. The said complaint cases are criminal in nature and are filed before the Hon'ble Courts of Law at the District and the Sub Division Level, through the Assistant Environmental Engineers against the defaulter persons including the officers of the Government Departments. Apart from the Criminal Complaints, the Board has also to defend some Civil Cases.

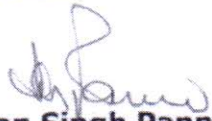
3) All the Lower Court cases are to be looked after properly so that work of the Board may not suffer. Due to lack of Law Officers, it has been decided to engage the services of private Lawyers at District and Sub Division Level. As such, all the Regional Offices of the Board are allowed to engage private Lawyers for

conducting the Criminal as well as Civil Cases on behalf of the Punjab Pollution Control Board in the Hon'ble Lower Courts of Law at District and Sub Division Level subject to the following conditions.

- i. The Advocate will be paid professional fee of Rs. 7500/- + miscellaneous expenses on a case to case basis.
- ii. The professional fee will include clerkage, typing, photocopying and other miscellaneous expenses including T.A., D.A etc.
- iii. Half of the professional fee will be paid to the Advocate after the filing of written statement in the case and the remaining professional fee shall be paid after the final disposal of the case and delivery of the copy of judgment.
- iv. The Advocate will not accept any case / brief against the Punjab Pollution Control Board before any Court of Law.
- v. The Advocate will not make any statement before the Hon'ble Court on behalf of the Punjab Pollution Control Board, which will adversely effect the functioning of the Government or the Punjab Pollution Control Board without the instructions of the Punjab Pollution Control Board in this regard.
- vi. If at any stage of the case, the Advocate shows his inability to defend the matter of the Board any further before the Hon'ble Court, then the Advocate shall undertake to complete and conclude the cases which had already been entrusted to him by the Board.
- vii. The Advocate will not entrust or further refer the matter / case to any other Advocate without prior consent of the Board.

4) For engagement of private lawyers on a case to case basis, the concerned Regional Office shall obtain the approval of the Member Secretary.

The orders will come into force with immediate effect.

  
(Kahan Singh Pannu, IAS)  
Chairman

Endst. No. 32643-683

Dated : 08-02-2017

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

- 1 The Chief Environmental Engineer, Punjab Pollution Control Board, Patiala / Jalandhar / Ludhiana / Bathinda.
- 2 The Senior Environmental Engineer, Punjab Pollution Control Board, Zonal Office, Patiala-I/II/Ludhiana-I/II/ Jalandhar / Amritsar & Bathinda.
- 3 The Senior Environmental Engineer (HQ-1/2/3), Punjab Pollution Control Board, Patiala.
- 4 The Special Secretary (P&G), Punjab Pollution Control Board, Patiala.
- 5 The Senior Scientific Officer, Punjab Pollution Control Board, Patiala.
- 6 The Environmental Engineer, Punjab Pollution Control Board, Regional Office, Patiala / Ludhiana-I/II/III/IV/ Jalandhar / Amritsar / Hoshiarpur / Sri Fatehgarh Sahib / Batala / Sangrur / Bathinda / Faridkot and SAS Nagar.
- 7 The Environmental Engineer (Const/CSA/CETP/SEIAA/SEAC), Punjab Pollution Control Board, Patiala.
- 8 The Scientific Office (Water/Air), Punjab Pollution Control Board, Patiala.
- 9 The Deputy Controller (F&A), Punjab Pollution Control Board, Patiala.
- 10 The Administrative Office-1/2, Punjab Pollution Control Board, Patiala.
- 11 The Law Officer, Punjab Pollution Control Board, Patiala.
- 12 The Deputy Director (P.R), Punjab Pollution Control Board, Patiala.
13. The Asstt. Personnel Officer, Punjab Pollution Control Board, Patiala.
14. The Superintendent (Establishment), Punjab Pollution Control Board, Patiala.
15. PA to Chairman/ P.S. to Member Secretary, Punjab Pollution Control Board, Patiala.

  
Member Secretary