



THE ASSAM GAZETTE

অসাধাৰণ

EXTRAORDINARY

প্ৰাপ্ত কৰ্তৃত্বৰ দ্বাৰা প্ৰকাশিত

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GOVERNMENT OF ASSAM
ORDERS BY THE GOVERNOR
ENVIRONMENT AND FOREST DEPARTMENT

NOTIFICATION

The 25th February, 2021

No.ENG.1/2017/332.- In exercise of powers conferred by section (54) of the Air (Prevention and Control of Pollution) Act, 1981, (Central Act 14 of 1981) the Governor of Assam in consultation with the Board for Prevention and Control of Air Pollution is hereby pleased to make the following rules further to amend the Air (Prevention and Control of Pollution) (Assam) Rules, 1991 herein after referred to as the principal Rules, namely:-

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| Short title, and commencement | 1. (1) These rules may be called Air (Prevention and Control of Pollution) Assam (Amendment) Rules, 2021.
(2) They shall come into force on the date of their publication in the Official Gazette. |
| Amendment of rule 2 | 2. In the principal Rules, in rule 2, for clause (c), the following shall be substituted, namely :-
“(c) “Board” means “The Pollution Control Board, Assam” constituted under section 4 of the Act.” |
| Amendment of rule 3 | 3. In the principal Rules, in rule 3, for sub-rules (1), (2), (3) and (4), the following shall be substituted, namely :-
(A) Appointment of Chairman –
(1) Qualification of Chairman,-
No person shall be eligible for being selected for nomination as the Chairman under clause (a) of sub-section (2) of section 5 of the Act, unless, - |

- (a) he/she possesses Degree in Engineering/ Technology in Environmental Engineering or an equivalent degree thereto, Post Graduate in Environmental Engineering/ two years MSc in Environmental Sciences/ Environmental Management and has special knowledge and 15 years practical experience relating to Environment protection with regards to industrial pollution control, mitigation , water treatment or air pollution control devices and has rendered at least 25 years of service; or
- (b) he/she is or has been an officer under the Central Government or State Government or public sector undertaking or a University or autonomous body or statutory body, and-
 - (i) holds or held an analogous post on regular basis in the parent cadre or department in the Pay Scale as prescribed for Commissioner and Special Secretary to Government of Assam, i.e., Rs. 1,30,000 (fixed) as per Assam Revision of Pay Rules, 2017; or
 - (ii) has three years of regular service in the Grade rendered after appointment thereto on regular basis in the Pay Band-4 (Rs. 30,000 – 1,10,000 with Grade Pay of Rs. 17,500) as per Assam Revision of Pay Rules, 2017 in his parent cadre; and
 - (iii) possesses the qualifications and experience specified in clause (a) above; or
- (c) is or has been in an All India Service or in any Civil Service of the State of Assam, holding or held the post of Commissioner and Secretary to the Government of Assam or its equivalent post on regular basis, and possesses a Master's Degree in Science or Bachelor's degree in Engineering and has knowledge and experience of at least 5 (five) years in areas related to environment protection and industrial pollution control activities;
- (d) he/she shall be a resident of Assam for a period of not less than 15 (fifteen) years;

- (e) for the purposes of this sub-rule, a PhD degree in environmental management from a recognized university or institute and excellent record of peer reviewed research publications and experience of organizing environment related training programmes for service personnel/LLB degree from a recognized university shall be desirable qualification.

Though the provisions of Air (Prevention and Control of Pollution) Act, 1981 (Air Act) and Water (Prevention and Control of Pollution) Act, 1974 (Water Act) does not specifically mention that basic academic qualification in Environmental protection is required but the term "special knowledge" covers such a requirement as the legislature cannot be presumed to be oblivious of existence of such basic qualification such as experience in industrial pollution with regards to environment protection.

(2) Mode of recruitment-

Application for appointment of Chairman shall be invited by the Environment and Forest Department, Government of Assam through open advertisement and the Chairman shall be recommended by a Committee consisting of the following members, namely :-

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| (i) | Chief Secretary, Government of Assam | Chairman |
| (ii) | Senior-most Secretary of Department of Environment and Forests, Government of Assam | Member Secretary |
| (iii) | Senior-most Secretary of Department of Personnel, Government of Assam | Member |
| (iv) | Senior-most Secretary of Department of Science and Technology, Government of Assam | Member |
| (v) | Director of technical Education, Government of Assam | Member |
| (vi) | Two expert members from University of Assam / Engineering Colleges of Assam to be nominated by the Chief Secretary, Government of Assam | Member |

(3) Pay, allowances and other conditions of service-

- (a) The Chairman shall receive pay in the Pay Band 6 of Assam Revision of Pay Rules, 2017, i.e., Rs 1,30,000 (fixed) and other allowances as admissible to officers of the Government of Assam of same pay scale or his pay in his parent organisation or Department, whichever is higher. Retired Government Officers, on being appointed as Chairman, shall be allowed to draw their last pay drawn (as notionally fixed after revision of pay under 7th Pay Commission) less the pension allowed to them and other allowances as admissible currently to officers of his service/cadre serving under the Government.
 - (b) If the personnel are appointed from Pensioners /retired and re-employed their pay shall be governed by the OM. No. FEB.154/03/1 dtd. 07.04.2004.
- (4) In addition to the pay specified in sub-rule (3), the Chairman shall be entitled to,-
- (a) A house rent allowance as admissible to the pay scale of Chairman under the Government :
Provided that where the Chairman is allotted an accommodation by the Government, he shall not be entitled to house rent allowance and shall be required to pay a licence fee as applicable for Government officials;
 - (b) the medical facilities as are admissible to officers of their status under Government of Assam. The retired Government official, appointed as Chairman shall continue to avail the benefit of medical schemes of Central Government and/or Government of Assam or the organisation from which he has retired. The retired officials not availing any such medical benefit from his parent organisation, on being appointed as Chairman shall be extended such benefits as admissible to retired Government officials of his rank and status.
 - (c) Other facilities like telephone, mobile phone, allotted vehicle, etc. as admissible to equivalent rank officers under the Government.

- (5) In case, the Chairman has been appointed by taking an officer on deputation, the Board shall contribute towards leave contribution, pension contribution and any other such contributions prescribed to be made as per service condition of the person taken on deputation. His deputation to Board shall be considered as deputation to "Foreign Service".
- (6) The other conditions of service of the Chairman in the matters of allowances, leave, joining time, joining time pay, provident fund, gratuity, age of superannuation and other conditions of service shall be regulated in accordance with such rules and regulations of the Government as are for the time being applicable to officers belonging to the corresponding pay scale stationed at those places.
- (7) The upper age until which a person can hold the post of Chairman is 65 (sixty five) years.
- (8) The Chairman serving in the Board on deputation and retiring from his respective service while serving in the Board on attaining the age of superannuation, shall draw their retirement benefits like Gratuity, pension, leave encashment, etc. from their parent department or organisation.
- (9) The Chairman shall be entitled to travelling allowance and daily allowance, in respect of journeys undertaken by them in connection with their duties, at the rates permissible in the case of Senior Grade Officers under the Government.
- (10) The tenure of Chairman in the Board shall be for a term of 3 (three) years from the date of his appointment by the Government of Assam, provided that he shall, notwithstanding the expiration of his term, continue to hold office until his successor enters upon his office. In situations like the Government being not in position to appoint a new incumbent as Chairman before the expiry of the term of the Chairman, or Chairman falling suddenly ill or proceeding on leave for a period exceeding 10 (ten) days, the Senior-most Secretary to the Government in Environment and Forest Department shall assume the duties of the Chairman suo-moto, till such time, but not exceeding three months, the incumbent Chairman returns or a new Chairman is appointed.

The term of office of the Chairman should not be extended for more than one term. Such persons should not hold office in the Board in accordance to their tenure in State Government.

(11) Government shall not remove the Chairman of the Board before expiry of his term of office without giving him a reasonable opportunity of show-cause against him, which shall ordinarily be 15 days.

(12) Disqualification - No person,-

(a) who has entered into or contracted a marriage with a person having a spouse living; or

(b) who having a spouse living has entered into or contracted a marriage with any person, shall be eligible for appointment to the said post :

Provided that the Government of Assam may, if satisfied that such marriage is permissible under personal law applicable to such person or the other party to the marriage and that there are other grounds for doing so, exempt any person from the operation of this rule.

(13) Power to relax - Where the Government is of opinion that it is necessary or expedient so to do, it may, by order, for reasons to be recorded in writing, relax any of the provisions of these rules with respect to any class or category of persons

(B) Appointment of Member Secretary -

(1) No person shall be eligible for being selected for appointment as the Member Secretary under clause (f) of sub-section (2) of section 5 of the Act, unless, he is an officer of Central or State Government or Public Sector Undertaking under Central or State Government or University or Government Research Institution or Autonomous or Statutory Body meeting the qualification and experience stated below at (a) and (b) or (c) -

(a) Possessing the following service experience, -

(i) with one year of service in the grade rendered after appointment thereto on regular basis in Pay Band 4, i.e., 30,000 - 1,10,000 with Grade Pay of Rs. 17,500 as

- per Assam Revision of Pay Rules, 2017;
or
- (ii) with two years of service in the grade rendered after appointment thereto on regular basis in Pay Band 4, i.e., 30,000 – 1,10,000 with Grade Pay of Rs. 16,900 as per Assam Revision of Pay Rules, 2017;
or
 - (iii) with three years of service in the grade rendered after appointment thereto on regular basis in Pay Band 4, i.e., 30,000 – 1,10,000 with Grade Pay of Rs. 15,700 as per Assam Revision of Pay Rules, 2017;
and
- (b) Possessing the following qualification and experience –
- (i) Bachelor's Degree in Engineering or Master Degree in Environmental/ Chemical/ Civil/ Biological Sciences with a minimum of 10 (ten) years of experience in the field of Industrial Pollution Control for environment protection;
 - (ii) Fifteen years of experience in regular Group 'A' posts not below the rank and Pay Scale of Rs. 22,000 – 87,000 with Grade Pay of Rs. 12,700/- as per Assam Revision of Pay Rules, 2017 or its corresponding Pay Band/ Pay Scale of preceding Pay Rules in Government Department or Institution or Public Sector Undertaking or University or Government Research Institution or Autonomous or Statutory Body at the administrative or management level with practical experience in matters relating to scientific, engineering or management aspects of pollution control.
- (c) is in an All India Service or in any State Civil Service of the State of Assam, holding the post of Secretary to the Government of Assam or its equivalent post in his parent Department or Organisation on regular basis, and possesses a Master's Degree in Science or Bachelor's degree

in Engineering and has knowledge and experience of at least 5 (five) years in Industrial pollution control for Environment protection.

- (d) He shall be a resident of Assam for a period of not less than 15 (fifteen) years.

(2) Mode of recruitment :

Application for appointment of Member Secretary shall be invited by the Environment and Forest Department, Government of Assam through open advertisement and the Member Secretary shall be recommended by a Committee consisting of the following namely:-

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| (i) | Senior-most Secretary of Department of Environment and Forests in the Government | Chairman |
| (ii) | Secretary/ Joint Secretary of Environment and Forest Department, Government of Assam | Member Secretary |
| (iii) | Representative of Department of Personnel, Government of Assam not below the rank of Commissioner and Secretary to the Government | Member |
| (iv) | Representative of Department of Personnel, Government of Assam not below the rank of Commissioner and Secretary to the Government | Member |
| (v) | Representative of Department of Science and Technology not below the rank of Commissioner and Secretary to the Government | Member |
| (vi) | Chairman, Pollution Control Board Assam | Member |
| (vii) | Director of technical Education, Government of Assam | Member |
| (viii) | Two expert members from University of Assam / Engineering Colleges of Assam to be nominated by the Chief Secretary, Government of Assam | Member |

- (3) (a) The Member Secretary shall have option to receive pay either in Pay Band 5 of Assam Revision of Pay Rules, 2017 i.e., Rs. 65,000 – 1, 12,000 with Grade Pay of Rs. 18,500 per month with two percent of annual increment or his pay in his parent department, as he chooses with all the allowances associated with the Pay Band as applicable for Government officers.
- (b) If the personnel are appointed from Pensioners /retired and re-employed their pay shall be governed by the OM. No. FEB.154/03/1 dtd. 07.04.2004
- (4) In addition to the pay specified in sub-rule (1) and sub-rule (2), Member Secretary shall be entitled to,-
- (a) A house rent allowance as are admissible to the pay scale of the Member Secretary under the Government:
- Provided that where the Member Secretary is allotted an accommodation by the Government, he shall not be entitled to house rent allowance and shall be required to pay a licence fee as applicable for Government officials;
- (b) The medical facilities as are admissible to officers of their status under Government of Assam.
- (c) Other facilities like telephone, mobile phone, allotted vehicle, etc. as admissible to equivalent rank officers under the Government.
- (5) In case, the Member Secretary has been appointed by taking an officer on deputation, the Board shall contribute towards leave contribution, pension contribution and any other such contributions prescribed to be made as per service condition of the person taken on deputation. His deputation to Board shall be considered as deputation to “Foreign Service”.
- (6) The other conditions of service of the Member Secretary in the matters of allowances, leave, joining time, joining time pay, provident fund, gratuity, age of superannuation and other conditions of service shall be regulated in accordance with such rules and regulations of the Government as are for the time

being applicable to officers belonging to the corresponding pay scale stationed at those places.

- (7) The upper age until which a person can hold the post of Member Secretary is 60 (sixty) years.
- (8) The Member Secretary serving in the Board on deputation and retiring from their respective service while serving in the Board on attaining the age of superannuation, shall draw their retirement benefits like Gratuity, pension, leave encashment, etc. from their parent department or organisation.
- (9) The Member Secretary shall be entitled to travelling allowance and daily allowance, in respect of journeys undertaken by him in connection with their duties, at the rates permissible in the case of Senior Grade Officers under the Government.
- (10) The tenure of the Member Secretary in the Board shall be for a term of 3 Years from the date of his appointment by the Government of Assam, provided that he shall, notwithstanding the expiration of his term, continue to hold office until his successor enters upon his office. In situations like the Government being not in position to appoint a new incumbent as Member Secretary before the expiry of the term of the Member Secretary, or Member Secretary falling suddenly ill or proceeding on leave for a period exceeding 10 (ten) days, the Senior-most Secretary to the Government in Environment and Forest Department shall assume the duties of the Member Secretary suo-moto, till such time, but not exceeding three months, the incumbent Member Secretary returns or a new Member Secretary is appointed.

The term of office of the Member Secretary should not be extended for more than one term. Such persons should not hold office in the Board in accordance to their tenure in State Government.

- (11) Government shall not remove the Member Secretary of the Board before expiry of his term of office without giving him a reasonable opportunity of show-cause against him, which shall ordinarily be 15 days.
- (12) During the leave or expiry of tenure of Member Secretary, the Chairman of the Board shall make

alternative arrangement for a period not exceeding six months or till the appointment of new Member Secretary by the Government, whichever is earlier.

(13) Disqualification - No person,-

- (a) who has entered into or contracted a marriage with a person having a spouse living; or
- (b) who having a spouse living has entered into or contracted a marriage with any person, shall be eligible for appointment to the said post :

Provided that the Government of Assam may, if satisfied that such marriage is permissible under personal law applicable to such person or the other party to the marriage and that there are other grounds for doing so, exempt any person from the operation of this rule

- (14) Power to relax - Where the Government is of opinion that it is necessary or expedient so to do, it may, by order, for reasons to be recorded in writing, relax any of the provisions of these rules with respect to any class or category of persons.

C Appointment as Member -

- (1) Only the following categories of Officials/ Non-Officials/ Experts/ Persons shall be eligible for nomination as Member as per clauses (b), (c), (d) and (e) of sub-section (2) of section 5 of the Act :-
- (a) Government Officials not below the rank of Joint Secretary to the Government of Assam or equivalent as Government representatives from different Government Departments having concern to Pollution Control and Management.
 - (b) Persons, associated/working under local authorities functioning within the state as representative of local authorities.
 - (c) Experts in agriculture, fishery, industry, Education related to environment or any other field, which in the opinion of the Government is important for pollution control management as non-official member.

- (d) Managing Directors of companies or corporations owned, controlled or managed by the Government.
- (2) An officer working under the Central Government or a State Government or a public sector undertaking or a University or an autonomous body or statutory body selected for appointment as the Member shall be considered for appointment as Member on deputation basis only.
- (3) The period of deputation including period of central deputation in another ex-cadre post held immediately preceding this appointment in the same or some other organisation shall not ordinarily exceed three years.
- (4) Age Limit – No age limit is fixed for Members representing the Government or local authorities or companies or corporations owned by the Government. The age limit for the non-official members shall be 65 (sixty-five) years.
- (5) The Members of the Board shall not be eligible for any pay. They shall be given only sitting fee of rupees two thousand per meeting or as revised by the Board from time to time.
- (6) The tenure of Members of the Board as representative of the Government, local authorities functioning within the State and companies or corporations owned, controlled or managed by the Government shall come to an end as soon as the Member ceases to hold the office under the Government or the corporation owned by the Government by virtue of which he was appointed.
- (7) A Member of the Board shall be deemed to have vacated his seat if he is absent without reason, sufficient in the opinion of the Board, from three consecutive meetings of the Board.

Amendment of rule 24 4. In the principal Rules, the rule 24 shall be deleted

AVINASH JOSHI,

Principal Secretary to the Government of Assam,
Environment and Forest Department.