

**The Punjab Environmental Protection
(Registration of Environmental Consultants) Rules, 2016**

Notification: xxxxx: In exercise of the powers conferred under section 31 of the Punjab Environmental Protection Act, 1997, Governor of the Punjab has been pleased to make the following rules:

1. Short title and commencement.– (1) These Rules shall be cited as the Punjab Environmental Protection (Registration of Environmental Consultants) Rules, 2016.

(2) They shall come into force upon their notification in the official Gazette of the Punjab Government.

2. Definitions.– (1) In these rules, unless the context otherwise requires:

(a) “**Act**” means the Punjab Environmental Protection Act, 1997;

(b) “**Agency**” means the Environmental Protection Agency, Punjab;

(c) “**Committee**” means the Committee on Consultant Registration established under rule xx;

(d) “**Convener**” means the Convener of the Advisory Committee as given in rule xxx;

(e) “**Department**” means the Environment Protection Department, Government of the Punjab;

(f) “**Director**” means a Director of the Agency

(g) “**Director General**” means the Director General of the Agency;

(h) “**Consultant**” means a consultant, a consultant firm, a consortium or joint venture consultant firms engaged in preparation of environmental assessments or carrying out technical review within the meanings of these rules;

(i) “**Guidelines**” means Environmental Consultant Registration Guidelines, 2016 notified under rule xx;

(j) “**Government**” means Government of the Punjab;

(k) “**Environmental assessment**” means Initial Environmental Examination or Environmental Impact Assessment within the meanings of the Act;

(l) “**Minister**” means xxx

(m) “**Misconduct**” means xxxxx

(n) “**Rules**” means the Punjab Environmental Protection (Registration of Environmental Consultants) Rules, 2016;

(o) “**Secretary**” means Secretary to the Government of the Punjab, Environment Protection Department;

(p) “**Technical Review**” means review of environmental assessment submitted to the Agency to ensure that it is technically sound and has been competently performed, covers all aspects of the project to which it relates, is properly documented and meets the recognized quality requirements.

(2) All other words and expressions used in these rules, but not defined herein, shall have the same meanings as are assigned to them in the Act.

3. Environmental assessments to be prepared by registered environmental consultants only.– From such date as may be notified by the Government in the official gazette, all environmental assessments submitted to the Agency for approval under Section 12 of the Act shall be prepared by a consultant validly registered with the Agency under rule 4.

Provided that date for application of this rule shall, in any case, not be later than one calendar year from the date of commencement of these rules.

4. Applications for registration.— (1) All applications to register as a consultant or to renew such registration shall be made to the Director General in such form and manner as is given in the guidelines.

(2) All applications under sub-rule (1) shall be accompanied by requisite fee as specified in Schedule-I.

(3) The Director General shall cause all applications to be entered in a register and, without any undue delay, submit such applications which are complete in all respects to the Convener for consideration of the Committee.

5. Advisory Committee.— (1) There shall be a Committee comprising a Director nominated by the Director General, who shall also be the Convener of the Committee, a Deputy Secretary nominated by the Secretary, one representative each from Finance and Planning and Development Departments, two recognized experts and one civil society activist dealing with environment protection to make recommendations to the Director General on registration of consultants and other matters under these rules.

(2) The two expert members and civil society activist mentioned in sub-rule (1) shall be appointed by the Minister in-charge of Environment out of a panel recommended by the Secretary.

(3) The Convener may co-opt any person who is not a member of the Committee to attend any meeting of the Committee for the purpose of advising it on a matter under discussion, but such person so shall have no right to vote.

(4) The Committee shall meet biannually and also as and when required by the Director General.

(5) Subject to the rules and guidelines, the Committee shall determine its own procedure.

(6) Presence of five members shall constitute the quorum of the meeting of the Committee.

(7) All decisions of the Committee shall be through majority vote of the members present and voting.

6. Consideration of applications by Committee.— (1) All applications submitted to it under rule xx, shall be considered the Committee in its meeting in accordance with the rules and the guidelines.

(2) The Convener shall enter all recommendations of the Committee in a register and without any undue delay, submit them to the Director General.

7. Registration of consultants by Director General.— (1) The Director General shall, after satisfying himself that the recommendations of the Committee are in accordance with the rules and guidelines, register a consultant for preparation of environmental assessments or carrying out technical review.

(2) Registration under sub rule (1) shall be subject to such conditions as the Committee or the Director General may deem fit to impose.

8. Mode of payment of fees.— (1) All fees shall be paid through a banker draft payable to the Director General and crossed with the words "Payee Account Only".

(2) The Agency shall issue an official receipt for every payment received.

9. Undertaking technical review.— (1) Subject to sub-rule (2), the Director General may refer a environmental assessment submitted to the Agency under section 12 of the Act to a consultant registered for technical review at the

expense of the proponent of the project to which that environmental assessment relates.

(2) The Director General shall not refer an environmental assessment under sub-rule (1) to a consultant who is or has been involved in any manner in the preparation of the environmental assessment or otherwise had or has an interest in the project to which the environmental assessment relates.

(3) The consultant to whom an environmental assessment is referred to under sub-rule (1) shall furnish Conflict of Interest Disclosure Certification on the form given at Schedule-IV.

10. Performance evaluation of the consultants.– (1) The Committee shall evaluate the performance of each consultants against following basic parameters and such other parameters as given in the guidelines at least once every calendar year or as and when so required by the Director General:

- (a) the quality of environmental assessments prepared and technical reviews;
- (b) adherence to any timelines for preparation and submission of environmental assessments or technical reviews; and
- (c) degree of adherence to the conditions of registration.

(2) The Convener shall, without undue delay, submit all evaluation reports to the Director General.

11. Annual reports by consultants.– Every registered consultant shall submit to the Director General a report on all environmental assessments and technical reviews undertaken by it during the calendar year no later than 31st of January of the succeeding year in such form and manner as the Director General may from time to time direct.

12. Suspension or revocation of registration.– (1) The Director General may, on the recommendation of the Committee, suspend registration of a consultant if that consultant:

- (a) fails to apply for renewal of registration after lapse of six months from the date of expiry; or
- (b) fails to submit annual report as required under rule xx;
- (c) fails to perform satisfactorily as per evaluation carried out under rule 10; or
- (e) fails to abide by any conditions of registration.

(2) The Director General may, on the recommendation of the Committee, revoke registration of a consultant if that consultant:

- (a) fails to apply for registration despite two notices to such effect given at reasonable intervals after lapse of six months from the date of expiry of registration;
- (b) fails to improve performance despite two notices two notices to such effect give at reasonable intervals;
- (c) knowingly submits a false, incorrect or incomplete environmental assessment, or conceals any important information relevant to the environmental assessment;
- (d) knowingly submits false, incorrect or incomplete information, or conceals any important information, for the purpose of registration;
- (d) despite two notice given at reasonable intervals, fails to submit annual report as required under rule xx;
- (e) despite notice, fails to abide by the conditions of registration;
- (e) involves in a conflict of interest situation within the meanings of rule 9; or
- (f) involves in a grave misconduct within the meanings of rule xx.

(3) The Director General shall not revoke or suspend registration under this rule without first providing a reasonable opportunity of hearing to the consultant clearly stating the reasons for such an action.

(3) All orders under this rule shall be in writing.

(4) The consultant whose registration has been revoked under sub-rule (2) shall not be eligible to apply for registration until lapse of at least one year from the date of such revocation.

13. Guidelines.— After obtaining approval of the Minister, the Secretary may, through a notification in the official gazette, prescribe guidelines for registration of consultants and ancillary matters in accordance with the rules.

SCHEDULE I (Rule 8)
Format of Certificate of Practice

CERTIFICATE OF PRACTICE

Registration No: _____

It is hereby certified that _____ is a registered Environmental Consultant with the Provincial Environmental Protection Agency, Government of the Punjab.

Date of Issue: _____

Date of Expiry: _____

Director General

SCHEDULE II (Rule 8)
Fees for Registration and Issuance of Certificate of Practice

No.	Purpose	Fee
1.	Registration of environmental consultant	Rs. 100,000.00
2.	Certificate of practice for environmental consultant	Rs. 50,000.00 per annum

SCHEDULE III (Rule 11)
Fees for Technical Review of Environmental Environmental assessments

No.	Purpose	Fee
1.	Technical Review of EIA	Rs. 200,000.00
2.	Technical Review of IEE	Rs. 50,000.00

SCHEDULE IV (Rule 11)

Conflict of Interest Disclosure Certification

A MATERIALLY FALSE STATEMENT WILLFULLY OR FRAUDULENTLY MADE IN CONNECTION WITH THIS CERTIFICATION, AND/OR THE FAILURE TO CONDUCT APPROPRIATE DUE DILIGENCE IN VERIFYING THE INFORMATION THAT IS THE SUBJECT MATTER OF THIS CERTIFICATION, MAY RESULT IN RENDERING THE ENVIRONMENTAL CONSULTANT NON-RESPONSIBLE FOR THE PURPOSE OF CONTRACT AWARD, AND A MATERIALLY FALSE STATEMENT WILLFULLY OR FRAUDULENTLY MADE IN CONNECTION WITH THIS CERTIFICATION MAY SUBJECT THE PERSON MAKING THE FALSE STATEMENT TO CRIMINAL CHARGES.

No Conflict of Interest: Except as otherwise fully disclosed below (attach additional pages as needed), the Environmental Consultant affirms, to the best of its knowledge, information and belief, that no person with any association with the firm has any interest, direct or indirect, in the preparation of the environmental assessment of the project name of the project, or has received or will receive any benefit, directly or indirectly, in connection with the environmental assessment or the project. For the purposes of this certification, "associated" persons include: a spouse, child, parent or sibling of an employee of the environmental consultant.

NOTE: THE ENVIRONMENTAL CONSULTANT IS ENCOURAGED TO DISCLOSE ANY OTHER CONNECTION THAT COULD CREATE AN APPEARANCE OF A CONFLICT OF INTEREST, REGARDLESS OF WHETHER IT MEETS THE LISTED DEFINITIONS.

Name of the Consultant	Signature of Authorized Person/Date
Consultant's Address	Name / Title of Signer
City / Postal Code	Email Address

Sworn to before me this ____ day of _____, 20 _____. Notary Public

Signed this 30th day of November 2016:

Saif Anjum
Secretary Government of the Punjab
Environment Protection Department