

**Minutes of the Thirty-fifth Meeting of High Power Committee held on 13th June, 2014 at
3 p.m. in the Conference Room of WBPCB**

The Thirty-fifth meeting of the High Power Committee was held on 13th June, 2014 at 3 p.m. in the Conference Room of West Bengal Pollution Control Board (WBPCB). The meeting was chaired by Mr Prasanta Kumar Sarkar, Member Secretary, WBPCB.

The meeting was also attended by the following members:-

1. Dr Dhrubajyoti Ghosh, Member
2. Dr Kalyan Rudra, Member
3. Dr. Susmita Sen, Member
4. Shri Chandan Chayan Guha, Joint Secretary, Home Department, Govt. of West Bengal
5. Srimati Mira Ray, Joint Secretary, Urban Development Department, Govt. of West Bengal
6. Shri B C Patra, Joint Secretary, Municipal Affairs Department, Govt. of West Bengal
7. Dr. Rajarshi Chakraborty, Environment Officer, Environment Department, Govt. of West Bengal and Member Convenor.

The Chairman welcomed all and initiated the discussion.

1. Discussion regarding Dankuni lowlands in pursuance of the order of The Hon'ble High Court at Kolkata dated 29.11.2013 in the case of PUBLIC & another Vs. Union of India & Ors. (WP 461 of 2013)

The members decided that the matter may be dealt in two steps. In the first place, the submissions received for proposed projects might be disposed of by providing them a set of guidelines. The larger work of coming out with a suggestive zoning of the entire area might be taken up later since it would take considerable amount of time.

It was observed that a good number of applications (presently 60) have been submitted before the HPC for clearance, who have their proposed project sites situated in the area of concern. It was felt that it would be difficult to meet at such short intervals to deal with the huge number of applications like a regular office. In addition, there is paucity of man power, logistics etc. Moreover there remained the possibility of new proposals being proposed in future. Hence, the committee decided to formulate a set of general guidelines that should be followed by each applicant in place of dealing with each and every case separately (by giving hearing or making field verification). The formulated guide lines are the followings:-

- (i) No industrial activity / no establishment / construction work will be started without obtaining all statutory clearances from all applicable authorities.
- (ii) No untreated waste water should be discharged at any point of time from the industrial units.

- (iii) Treated discharge should be released into the nearest canal/drainage system to avoid water logging.
- (iv) Wherever, industrial units would be constructed by filling up water bodies, compensatory water body of same size will have to be created as per provisions of West Bengal Land Reforms Act, 1955 and West Bengal Inland Fisheries Act, 1984 as amended.
- (v) Dumping and disposal of solid waste should adhere to the existing rules.
- (vi) At least one third of the project area should be maintained under tree cover.
- (vii) An undertaking is to be given to the Fisheries Department, GoWB. for preservation of the water bodies within the premises of the factory stating the whole area, dag no. of such water bodies. While preserving the water bodies, the guide lines given in the statutory circular of the Department of Environment, GoWB. Vide Memo no. EN/1959/1C-10/2007, dated 8th October, 2007 are to be followed.
- (viii) All waterbodies as per records of the land department and all those marked as waterbodies in the waterbody maps of the Fisheries Department should be preserved.
- (ix) Dankuni canal will have to be completely and entirely resuscitated along with outfall arrangement with the Hooghly river. The Irrigation and Waterways Department is to initiate a project to make the Dankuni canal functional.
- (x) Irrigation and water ways Department is to prepare a holistic drainage plan for Dankuni lowland area.

In view of the above stated position, the HPC decided to draw the kind attention of Ld. LR seeking his valued opinion on the following points :-

- a) Whether the HPC could make such guidelines as stated above which will be applicable to upcoming industries in lieu of dealing each application separately as ordered by the Hon'ble High Court's order dated 29.11.2013 in W.P.No.461/2013;
- b) If so, as to how the said guidelines could be implemented.

2. Letter from the Principal of Usha Martin School, Dankuni

It was mentioned in the letter that the school trust had purchased a plot of land measuring a little more than 2 acres in Howrah district. During their visit to ADM, LR office Howrah, it has been verbally communicated to them that they are unable to convert the nature of land after the Hon'ble Kolkata High Court Order and had been advised to approach the High Power Committee.

It was decided to inform the school authorities that the mandate of the committee is limited to certain High Court referred cases, of which all but one have already been disposed of by the committee. The pending case is related to the WP 461 of 2013. From the submissions made before it, committee is given to understand that the WP 461 of 2013 is restricted to Panchghara mouza and Mallerbaer mouza of the district of Hooghly.

3. Information sought u/s 6 of the Rights to Information Act,2005 by Mr Sanjay Jain

Some information had been sought by Mr Sanjay Jain regarding steps taken by the committee for implementation of its order dated 18.01.2013 in connection with WP No. 15965 (w) of 2010. It was observed that in the said order it was stated that "Fisheries Department, Govt. of West Bengal will monitor the implementation of the order, and in case of non implementation of the order will take appropriate actions under provisions of existing Acts and Rules." Hence it was decided that the application might be forwarded to the Fisheries Department under section 6(3) of RTI Act, 2005 for providing information directly to the applicant with an intimation to the committee.

4. Letter from ADM and DL&LRO, Howrah.vide memo no: Conv-04/Bally/1715/12 dated 30.05.2014

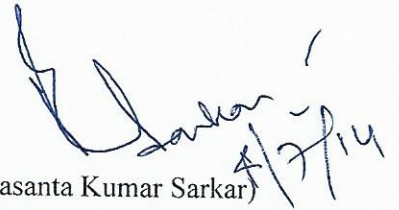
Referring to the report of the field visit done on 26.04.14, ADM and DL&LRO, Howrah had sought the opinion of the committee regarding land conversion in the concerned area.

It was observed that the High Power Committee was formed on the order of the Hon'ble High Court dated 03.02.2012 in the W.P. No. 606 of 2011 to go through the grievances of the petitioners and prepare a report thereafter proposing the ways and means, both remedial and preventive so that such occurrence may not happen in future. The High Power Committee was required to submit its report to the Chief Secretary.

Some field visits were conducted by the High Power Committee as a part of its task relating to the W.P. No. 606 of 2011. Regarding the specific field visit report mentioned in the letter, the members felt that the committee had made certain observations, based on a field visit way back in 2012, which are self-explanatory. The field visit report formed a part of the final report of the committee in W.P. No. 606 of 2011. It was further observed that no specific order was passed by the committee in this instance imposing any restrictions since the committee was not empowered to pass any order in WP 606 of 2011 but was directed to prepare a report only.

It was thus decided to give a reply stating the above.

The meeting then ended with thanks to everyone.



(Prasanta Kumar Sarkar)
Chairman, High Power Committee &
Member Secretary, West Bengal Pollution control Board