

**104th Board Meeting of the
Pollution Control Board, Assam
held on 02nd July, 2022
at 11.00 AM in the
Conference Hall, PCBA**

MINUTES



pcba

**Pollution Control Board, Assam
Bamunimaidam, Guwahati-21**

**MINUTES OF 104TH BOARD MEETING OF THE
POLLUTION CONTROL BOARD, ASSAM
HELD ON 02-07-2022**

The **104th Board Meeting** of the Pollution Control Board, Assam (PCBA) was held on **02nd July, 2022** at the Conference Hall of the Board. The meeting was attended by fifteen (15) Members including Chairman and Member Secretary of the Board (Attendance Sheet attached).

Agenda Item No. 104.1 : Confirmation of the Minutes of the 103rd Board Meeting.

The Board has confirmed the minutes of the 103rd Meeting

Agenda Item No. 104.2 : Action taken report on the decisions taken in the 103rd Board Meeting, held on 02nd Feb, 2022.

Action taken report on the approved agenda of the 103rd Board Meeting was placed before the Board by the Member Secretary, item wise. The members accepted the Action Taken Report. Member Secretary of the Board also explained the various other activities undertaken by the Board in different sectors, which were highly appreciated by the members.

Agenda Item No. 104.3 : Shifting of Head Office

The Agenda of having Board's own office premises was discussed in detail by the members. The Board was apprised of the recent communication from Land Settlement Officer of Guwahati Metro District to CEO, Guwahati Metropolitan Development Authority (GMDA) to clarify by the later whether a parcel of land measuring about 3 Bigha would be suitable for an office building, as the identified area falls under the eco-sensitive zone of Guwahati city.

In this regard, Shri Indreswar Kalita, Addl. Secretary to the Govt. of Assam, Env. & Forest Department informed the Board about the availability of a building owned by Housefed, Govt. of Assam at its existing Complex near Dispur, Guwahati. The Board took a resolution to approach Housefed without any delay.

Shri Manavendra Pratap Singh, IAS, Managing Director, AIDC informed the Board that AIDC would construct an office building in GS Road, Guwahati and another at ASIDC, Bamunimaidan and he would look into the prospects of allotment of required office space of about 30,000 Sq.ft. to the Board.

The Board suggested that Member Secretary would continuously pursue the matter with the concerned departments till the Board's office space requirements are met with.

Agenda Item No. 104.4 : Introduction of Tatkal scheme for Consent to Establish (CTE) / Consent to Operate (CTO) and Authorization under HOWM Rules

The Board discussed the Agenda in detail. The need and usefulness of the Tatkal scheme were accepted by the Board.

The Additional Secretary to the Govt. of Assam, Environment & Forest Department, informed that there had been specific SOPs made with respect to the various Industrial Sectors from time to time. He cited the SOP prepared for Ethanol units in the State for which Hon'ble Chief Minister reiterated that CTO would be granted within two (2) days to such units. He pointed out that the proposed Tatkal Scheme should not contradict with such existing SOP.



Member Secretary informed the Board that it would be possible to implement the Tatkal Scheme with exemption of specific sectors for which SOPs are being issued by the Government from time to time. The Board agreed.

The Board resolved to implement the Tatkal scheme. Member Secretary also informed the Board that the Hon'ble CM would be requested to launch the scheme, to which the Members agreed.

Agenda Item No. 104.5 : Consent Management (Imposition of penalty against defaulting units who apply late for CTE)

The Board took a serious note of the fact that many industries apply for CTE after making good progress of the construction activities and sometime even after full commissioning of the unit and as such the CTE was obtained by the unit to fulfil the requirement for subsidy claim, to obtain Factory License, etc. The Board decided that penalty would be imposed against the violating units.

The Board also discussed the issue of relaxation granted to the MSME units in the State by the Government for obtaining mandatory license within three (3) years of establishment of any unit after the issue was raised by Mr. Sazzad Alam, Member.

The Board resolved that the provisions of the MSME Rules would be considered for the MSME units while implementing the proposed penalty. It was decided to place the matter in the next Board meeting.

Agenda Item No. 104.6 : Promotion of SES to ACES

The Board discussed the agenda in detail including the Supreme Court Order in the Professor Yash Pal -Vs- The State of Chattisgarh reported in (2005) 5 SSC 420 case, UGC clarification regarding permission granted to Sikkim Manipal University (SMU) to open distance education center through Franchisee, etc. The Board observed that the Indian Institute of Ecology and Environment, which issued the Master's Degree to two (2) of the Board's scientists, namely Shri U.C Das (SES) and Shri M.D. Adhikary (SES), was never in the book of UGC and the said Private Institute was found out to be a Study Centre of SMU. Besides, SMU operated the study centre without any approval from UGC.

The Board also noted that the eligibility criteria of admission into the said MSc course also included even Arts and Commerce graduate, which is absolutely in contradiction to the nature of work in PCBA. It was resolved by the Board that for the coveted post of ACES, the candidate must have a Master's degree from a regular university and one should have the experience of laboratory analysis. From the eligibility criteria of candidates for the said distance education degree, it was understood that the said MSc course lacked the laboratory analysis module. The Board took a strong resolution that the Board needed a Scientist to Head the laboratory with a regular Master's degree from a UGC recognised university.

After deliberation on the issue and also considering the comment of the Standing Counsel that the order of the Supreme Court in the year 2012 should be honored and mistake already done should not be repeated, the Board took the resolution that the candidature of Mr. Umesh Ch Das, SES and Mr. Mridul Dev Adhikary, SES, who obtained degree from Distance Course (off campus), could not be considered for next promotion. Hence, Shri Manoj Saikia, SES, who is having Master's degree in Chemistry from Gauhati University is to be considered for next promotion.



Agenda Item No. 104.7 : Promotion of SEE to ACEE

The Board was informed about the decision of the Selection Committee Meeting, which was held on April 12, 2022 to discuss the matter of promotion of Senior Environmental Engineer (SEE) to Additional Chief Environmental Engineer (ACEE) against one (1) vacant position to be placed for appraisal of the Board. It was also noted by the Selection Committee that the matter had been sub-judice as one of the candidates, Sri Meghnad Nath, SEE appealed before the Hon'ble Gauhati High Court citing injustice as he was not promoted by the Board in time.

MD, AIDC made the strong comment that 'Law of Natural Justice' should prevail in such a case. It was agreed that it was responsibility of the Board to hold the Selection Committee Meeting in time so as to ensure that justice is done to an eligible candidate. It was noted by the Board that when Shri M.N Nath became eligible for the post of ACEE, selection committee meeting was not held by the Board.

Additional Secretary to the Govt. of Assam, Environment & Forest Department, pointed out that the Board would also look into the aspects whether Sri Gokul Bhuyan was given a chance by the Board to serve in the Regional Office.

The Board took a resolution that the Selection Committee would take the decision keeping in view of 'Law of Natural Justice' and the provision of the "Pollution Control Board, Assam (Employees Service) Regulation-2012".

Agenda Item No. 104.8 : Conditional Upgradation of four (4) AES to ES

Agenda of upgradation of four (4) nos. of Asstt. Environmental Scientist to Environmental Scientist, namely, Shri Ranjan Bardoloi, Shri Karamjit Nath, Shri Jiban Sarkar and Shri Manoj Baruah vide resolution made by the Board in its 96th Board Meeting, held on 05.08.2014 was discussed in detail. As per the provisions of the "Pollution Control Board, Assam (Employees Service) Regulation-2012" the promoted scientists were required to obtain Master's Degree within five (5) years of promotion. All the aforesaid Scientists, who were promoted vide Office Order No. WB/G-891/13-14/26/1219 dtd. 12.08.2014, failed to acquire the Master's Degree within the stipulated period. The view of the Standing Counsel of the Board in the matter, submitted vide his letter to Member Secretary dtd. 08.01.2022, was perused by the Board.

The Board resolved the provision of acquiring Master's degree within a period of five years was included in the "Pollution Control Board, Assam (Employees Service) Regulation-2012" and such provision should be strictly honored.

The Board resolved that the aforesaid four (4) Scientists, who could not complete Master's degree within the stipulated time of five (5) years of promotion, would be reverted back to their previous posts with immediate effect.

Agenda Item No. 104.9 : Contribution to CM's Relief Fund

The Board discussed the urgent need of contribution to the Chief Minister's Relief Fund to tackle with the devastating flood situation in Assam.

All the Members discussed the issue and resolved that the Board would contribute Rs. 1.0 Crore to the Chief Minister's Relief Fund.



Agenda Item No. 104.10 : Engagement of Consultant

The Board agreed that to improve the functioning of the Administration and IT wings of the Board, Consultant(s) to guide the Administration and IT Sections may be appointed.

The Board resolved that retired officers of Assam Civil Services or any equivalent cadre of Central Civil Services may be engaged as Administrative Officer (HRA).

The Board also resolved that experienced Programmer shall be hired for the IT Section of the Board. It was also decided that the Board would approach RITES, AMTRON or NIC to select, hire and place a Programmer to the Board

Agenda Item No. 104.11 : Constitution of Legal Cell

The Board was appraised by the Member Secretary that more than 150 nos. of cases are being handled by the Board at present in various Courts, viz. Hon'ble Supreme Court of India, National Green Tribunal (NGT) and Gauhati High Court and the need of opening a Legal Cell in the office, thereof.

All the Members agreed to the proposal that the Board needed a complete Legal Cell.

Shri Indreswar Kalita, Additional Secretary to the Govt. of Assam, Environment & Forest Department suggested that looking into the numbers of cases being handled by the Board, it should appoint two (2) Legal Officers and other Legal Assistants, as per actual requirement.

The Board agreed to the proposal.

Agenda Item No. 104.12 : Empanelment of Advocates / Legal Professional for representing Hon'ble Supreme Court and NGT

The Board was appraised of the present panels of Advocates with only one Advocate representing the Board in the Hon'ble Supreme Court and NGT, Principal Bench, Delhi and another one empanelled Advocate to represent the Board in NGT, Eastern Zonal Bench, Kolkata.

The Board discussed and resolved that two panels of Advocates, consisting of atleast two (2) Advocates each, shall be made. One panel shall represent the Board in the Hon'ble Supreme Court and NGT, Principal Bench, Delhi and the other panel shall represent the Board in NGT, Eastern Zonal Bench, Kolkata.

Agenda Item No. 104.13 : Regularization of CPF deduction for three (3) employees of the Board.

The issue of offering CPF to three (3) nos. of Board's employees was discussed. The appointment details of the concerned employees revealed that direct appointments were made in the past without following the "Pollution Control Board, Assam (Employees' Service) Regulation-2012". One of the three (3) officials were appointed under a post meant for 100% promotional basis.

The Board resolved that the matter would be informed to the Legal Department, Personnel Department as well as Environment and Forest Department, Govt. of Assam for inviting comments on the issue.



Agenda Item No. 104.14 : Amendment under Section 9(II) of the “Pollution Control Board, Assam (Employees’ Service) Regulation-2012”.

The Member Secretary put the agenda before the Board regarding need of Instrumentation Engineers and Computer Science and Engineering graduates in the Board to tackle the issue of increased application of instrumentation, especially in online Emission/Effluent Monitoring system, and need of extensive programming in the IT Section of the Board.

The Members suggested that the cadre list shall be amended in the “Pollution Control Board, Assam (Employees’ Service) Regulation-2012” and number of posts needed in the Instrumentation Engineering as well as Computer Science and engineering may be earmarked with other existing engineering disciplines.

Agenda Item No. 104.15 : “Pollution Control Board, Assam (Employees’ Service) Regulation-2012”

The Board was appraised of the various anomalies in the “Pollution Control Board, Assam (Employees’ Service) Regulation-2012” as detected while looking into the promotion aspects of the officials of the Board. It was highlighted that the cadre strength / cadre list, as included in the said Regulation, was not the same with the list included in the Draft Rules, which was approved by the Government of Assam as a new column (upgradation) was included while notifying the Final Rules.

The Board, after a threadbare discussion, resolved to constitute a Committee consisting of five (5) Members to detect the anomalies in the Rules and to update the cadre strength. The committee would be chaired by Chairman of the Board while Member Secretary will be member Convenor of the Committee. Three (3) Board members namely (i) Shri Manavendra Pratap Singh, IAS, Managing Director, AIDC; (ii) Shri Indreswar Kalita, Addl. Secretary to the Govt. of Assam, Environment & Forest Department and (iii) Shri Rahul Ch. Das, MD, ASTC shall be part of the Committee.

The scope of the Committee would include preparation of the anomaly report, suggestion of revisiting the cadre list and submission of the report to the Govt. for approval.

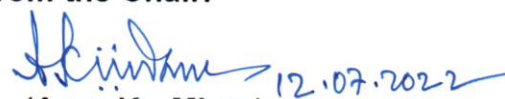
Agenda Item No. 104.16 : Constitution of a Committee to study Pollution Aspects of Petroleum Coke Calcination Units

Mr. Sazzad Alam, Joint Secretary to the Govt. of Assam, Industries, Commerce & PE Department placed a suggestion before the Board that there was a need to study the pollution potential of Petroleum Coke Calcination Units as there had been a total ban on establishment of such units in the State by way of notification published by the Board in 2018.

He also suggested that a “Fact Finding” team, consisting of members from Refineries, Industry Department and PCBA may be formed to study the pollution aspects of such units.

The Board agreed to the proposal and took a resolution that a study team shall be constituted by the Board for the purpose.

The meeting ended with vote of thanks to and from the Chair.


(Arup Kr. Misra)

Chairman

Pollution Control Board, Assam