

Minutes of the 106<sup>th</sup> Board Meeting of the Pollution Control Board, Assam held on 02/03/2024 in the NEDfi House, Guwahati.

Member present:

- 1. Dr. Arup Kumar Misra : Chairman
- 2. Dr. Shantanu Kumar Dutta : Member Secretary
- 3. Ms. Neera Daulagupu, ACS, Secretary to the Govt. of Assam, Dept. of Environment and Forest Department - Representative of Environment and Forest Department. : Member
- 4. Ms. Gayatri Bhattacharyya, Addl. Chief Engineer (PHE) - Representative of Public Health Department : Member
- 5. Shri Mustafa F.H.Laskar, Deputy Chief Engineer, Water Resource Department - Representative of Water Resource Department : Member
- 6. Shri Tarun Ch. Saharia, Director, Public Enterprise Representative of Industries & Commerce Department : Member
- 7. Mr. Suhal Yasir, Asstt. Commissioner (GMC)- Representative of the Commissioner, Guwahati Municipal Corporation : Member
- 8. Dr. Saikat Patra, Chairman, Municipal Board, Dibrugarh : Member
- 9. Ms Ambika Majumdar, Chairman, Municipal Board, Nagaon : Member
- 10 Ms Jayashree Talukdar Pathak, Chairman, Municipal Board, Nalbari : Member
- 11. Shri Arup Borpujary, Secretary, Laghu Udyog Bharati : Member
- 12. Shri Hara Kanta Daimari, Dy. G.M(POB) – Representative of the Managing Director, Assam State Transport Corporation : Member

- All Agenda Notes were placed before the Members of the Board.
- At the outset the Chairman welcomed all the members of the Board to the meeting and initiated the proceedings of the meeting as per the agenda.
- The Minutes of the 105<sup>th</sup> Board Meeting was placed before the Board Members for confirmation and after going through the records of the minutes, the Board unanimously confirmed the minutes.

- The Member Secretary submitted the action taken report as per the decision taken as recorded in the minutes of 105<sup>th</sup> Board Meeting. The Member Secretary through a Power Point Presentation apprised the Board about the recent initiatives of the Board. The Board members were informed about the successful completion of Recruitment of 74 officers and staffs in the Board.

After the initial discussion, the Board subsequently proceeded to the issues as per the Agenda for 106<sup>th</sup> Board Meeting.

***Agenda Item No. 106.1: Presentation of Budget for financial Year 2024-2025 for approval.***

The Member Secretary submitted the draft annual Budget for the year 2024-2025 before the Board. As per the statement submitted by the Member Secretary, the sanction for the Financial Year 2023-24 was 4,644.58 lakhs against which actual expenditure for the Financial Year was 3,534.11 lakhs upto 31.01.2024. The revenue earned by the Board upto 31.01.2024 was Rs. 3,128.00 lakhs and assistance received from MoEF &CC/CPCB was 681.64 lakhs.

The Member Secretary proposed a Budget Expenditure for an amount of Rs. 5,089.39 Lakhs for the year 2024-2025 against an expected Budget income of Rs. 5,100 Lakhs during the year 2024-2025.

The Member Secretary submitted an additional Budget estimate as follows:

- a. Additional Budget fund will be required for Retirement Benefit Scheme of the Pollution Control Board, Assam. An amount of Rs.32 Crores (Aprox.) for 25% benefit of last pay drawn and Rs. 42 Crores (aprox.) for 30% benefit of last pay drawn as Retirement Benefit Scheme was mentioned.
- b. Rs.21 Crores (aprox.) will be required for construction of new RCC building for PCBA Head Office with (G+5) floor at the proposed site of ASIDCL compound Bamunimaidam, Guwahati-21.

After detailed discussion the Board approved the budget as submitted by the Member Secretary, Pollution Control Board, Assam.



**Agenda Item No. 106.2: Post Retirement Benefit Scheme to the Employees of PCBA**

The Member Secretary apprised the Board that due to the absence of any Pension Scheme for the employees of the Pollution Control Board, Assam, the Board, in its 105<sup>th</sup> meeting, constituted a three-member committee with the following members namely Dr. Shantanu Dutta, Member Secretary, PCBA, Shri Tarun Ch. Saharia, Director, Public Enterprise, Department of Industries & Commerce Department and Shri Arup Borpujary, Secretary, Laghu Udyog Bharati, to prepare a Pension Scheme for the employees of the Board, Assam after examining all aspects. The report submitted by the Committee was placed before the Board. The Board examined the report of the committee submitted in the form of 'Pollution Control Board, Assam (Employees) Retirement Benefit Regulation-2024' and deliberated threadbare.

The Committee, proposed for 'Pollution Control Board, Assam (Employees) Retirement Benefit Regulation-2024' suitable for all the employees of the Board considering the present financial strength and the projected revenue of the Board for 20 years. The 'Pollution Control Board, Assam (Employees) Retirement Benefit Regulation-2024' will be admissible for 177 nos. of officials of the Board who were appointed since formation of the Board till 01.07.2023.

The salient features of the proposed 'Pollution Control Board, Assam (Employees) Retirement Benefit Regulation-2024' are as follows:

- i) The Committee proposed for Retirement Benefits for 177 numbers of PCBA employees which will be economically viable to the Board and proposed that the Retirement Benefit shall be framed at 25% BP+DA. This will be exactly at a rate half of the existing OPS applicable to Govt. Employees.
- ii) The family pension is proposed as 15% BP+DA, which is half of the family pension under the OPS
- iii) The Retirement benefit shall be subjected to a maximum benefit of Rs. 50,000/- and minimum of Rs. 15000/-
- iv) It will be optional whether an employee subscribe to the scheme or not.

The Member Secretary submitted that to implement the "Pollution Control Board, Assam (Employees) Retirement Benefit Regulations-2014' a corpus fund of about Rs. 50 crores need to be paid to LIC India for enrolling the RBS, 2024. He further stated that an amount of about Rs. 20 crores is available against the CPF contribution against the employees over the years and the remaining fund requirement of about Rs. 30 crores will be paid from the Board's revenue, as available.



The Board, after detailed discussion, approved the “Pollution Control Board, Assam (Employees) Retirement Benefit Regulations-2014’ as submitted by the committee and requested the Chairman to place the “Pollution Control Board, Assam (Employees) Retirement Benefit Regulations-2014’ before the Government for information.

It has also been decided that for the new appointees, the Board shall follow the NPS as followed by the State government.

***Agenda Item No.106.3: Fixing minimum Consent to Establish (CTE)/ Consent to Operate (CTO) fee for certain categories of industries.***

The Member Secretary, PCBA apprised the Board that the Board earns revenue from the Consent Fee (CTE/CTO) and the rates were notified by the Govt of Assam Notification dated 12<sup>th</sup> November, 2003 which are based in investment slabs viz., upto 5 lacs, 5-10 lacs, 10-20 lacs, 20-50 lacs, 50-100 lacs, etc. The Member Secretary further stated that a number of industries like health care facilities (pathological labs, diagnostic centres, etc.), brick kiln, stone crusher, coke oven plants, timber depot/furniture making unit show very less project cost and pay the minimum amount of CTE/CTO fee. In this connection he cited example of coke oven units in Ledo Margherita who pays the CTO (Air) fee @Rs. 1000-2500 per year.

In view of this, the Member Secretary proposed to enhance the fee amount of such Industries.

The Board after detailed discussion decided that after due analysis of the issue, a proposal for enhancement of rates will be submitted by the Member Secretary, with approval of Chairman, to the government to consider revision of notification number ENG.26/2003/14 dated 12/11/2003. The Board further desired that the matter should be placed before the Board in its next meeting.

***Agenda Item No.106.4: Granting of Consent to Operate for Building Infrastructure Projects at the construction stage.***

The Member Secretary apprised the Board that the Building Infrastructure Projects/Real Estate Projects are granted with CTE only. The units are not applying for CTO. Looking into the pollution potential of the construction activities, it is required to mandate specific conditions in CTO.



In view of the above facts, the Member Secretary stressed upon the mandatory requirement of CTO, besides CTE, during the construction phase with payment of CTO fee based on the total project cost. On completion of the project, the Board shall revise the CTO fee based on the investment on STP, ETP, DG Sets, Solid Waste Treatment System, Rain Water harvesting System, etc.

After detailed discussion the Board approved the proposal for granting of Consent to Operate from commencement of building construction in such Building Infrastructure Projects under the provisions of the Water Act and Air Act in force.

***Agenda Item No.106.5: Regularization of Consent to Operate (CTO) for Dental Clinics and Restaurants.***

The Member Secretary apprised the Board that there are several of Dental Clinics, Restaurants, Diagnostic centres, Automobile Workshops/Vehicle Servicing Centres, etc. operating in the state without obtaining mandatory CTO/CTE from Board and there is no clear information in the existing guidelines/SOP about the base year from which the CTE, CTO fee is payable for such units which are under operation.

The Board, after detailed discussion decided that since there is no guideline/SOP available regarding the base line for realising CTO/CTE fees from such existing units, the Board shall, therefore, realise one time CTE fee and CTO fee taking base year as 2021-22 for such units, being the year of constitution of present Board, and bring the units under the purview of PCBA accordingly.

***Agenda Item No.106.6: Engagement of Consultant (Technical) and Consultant (Publishing).***

The Member Secretary apprised the Board about the need of engaging experienced Consultants in the Board for preparing and publishing quality reports on technical subjects. He proposed to hire, preferably, one retired government official as Consultant (Technical) and one retired government official having relevant experience as Consultant (Publicity).

The Board after discussion approved the proposal and decided that in case of retired government official engaged as Consultant (Technical) and Consultant (Publicity), the monthly remuneration shall be last pay minus pension drawn by the official or Rs.75,000/ per month whichever is less.



***Agenda Item No.106.7: Empanelment of professional/agency for filling up consent application forms in the OCMMS Portal.***

The Member Secretary apprised the Board that while applying for CTE/CTO, it is mandatory to apply in prescribed forms which contains provisions for disclosing technical specifications of machineries as well as specific information on raw materials, products, emission, effluent and waste generation data, especially data on HW issues. Based on the information provided, after due examination the Board grants the CTE/CTO. He further stated that due to non-availability of professionals with the industries for filling up the forms, the submitted forms are either incomplete or devoid of required information which results in delay of the process.

The Member Secretary further stated that to ease the process, it is proposed to empanel individual/agencies/consultants, etc., having required technical skill and knowledge by the Board, so that the industries can avail the services of such agencies/consultants while filling up the forms etc. Furthermore, he elaborated that the agency may be designated as 'Qualified Registered Agent' and the eligibility criteria of such agency will be framed and the agency charges to be paid by the industries for providing service will be determined by the Board and the Board will notify the names of such authorized agency. He further clarified that it shall not be bounded upon the applicants/industries to use the service of such registered agency. He stressed the need of modification of application form in OCMMS accordingly to incorporate the name of the QRA, at the time of execution, to make the QRA accountable on adoption of the proposal. The Member Secretary cited the example of such arrangement in Mines and Minerals Department for preparation of Mining plan.

After detailed discussion, the Board in principle has agreed the proposal and requested the Member Secretary to prepare detail modalities for identifying and notifying the agencies for empanelment.

***Agenda Item No.106.8: Release of payment to M/s Exclusive Advertising Private Limited against the Creative Works for wide publicity of "Amrit Brikshya Andolan" – an initiative by Government of Assam to promote Green Economy in the State through planting of commercial tree – reg.***

The Member Secretary informed the Board that the Hon'ble Chief Minister of Assam, during celebration of World Environment Day, 2023 announced 'one crore plantation' to be made in the State during 2023. Subsequently, the then Additional Chief Secretary to the Govt. of Assam, Environment and Forest Department, Sri Ravi S. Prasad, IAS vide letter D.O.No:





ACS(RSP)/2/2021/206 dtd. 23.06.2023 requested the Board to earmark a sum of Rs. 1 Crore (Rupees One Crore) for publicity in social, print, radio and other mass media for 1 crore commercial tree plantation programme.

The Government of Assam vide Order No. ECF.No.326320 dtd 01.07.2023 advised the PCBA to take part in the implementation of its flagship programme of One Crore Plantation Drive across the state of Assam, which was later renamed as “**Amrit Brikshya Andolan**”.

The Hon’ble Chief Minister of Assam formally launched the Amrit Brikshya Andolan on 17<sup>th</sup> September, 2023 with a target of planting one crore commercial trees across the State. The PCBA was involved with the Publicity Monitoring Committee.

Govt. of Assam vide letter **U.O. No: ACS(RSP).2/2023/25 dtd. 18.08.2023** desired vigorous publicity through social media platforms (Face book, Instagram, Twitter and You Tube), Print, Radio and other mass media etc. to reach out to the targeted audience and assigned the task to PCBA to engage M/S Exclusive Advertising Pvt. Ltd, which has been managing the social media platforms of the Board. There was no scope for the Board to select a party by process of tendering. By that time, the agency was already involved by the Environment and Forest Department, Govt. of Assam to carry out the publicity drive.

The publicity drive was carried out satisfactorily by M/s Exclusive Advertising Pvt. Ltd, which subsequently submitted a bill amounting to **Rs. 24,63,854/- (Rupees twenty four lakhs sixty three thousand eight hundred fifty four)** only including GST vide **Bill No. EXC/C/23-24/171 dtd. 30.09.2023**. The creative job items included in the bill was duly certified by the Forest Department, Govt. of Assam vide letter No. FDG.75/ABA/2023 dtd. 12.12.2023 signed by Sri R.P. Singh, IFS, Addl. Principal Chief Conservator of Forests, SF & Nodal Officer, Amrit Brikshya Andolan and forwarded the same to the Board for necessary action.

The Board confirmed that item wise rate mentioned by M/S Exclusive Advertising Pvt. Ltd in its bill was lower than the respective rate of Directorate of Information and Public Relation (DIPR), Government of Assam. The party also submitted the Comparative Statement of the rate vide letter No. EXC/PCBA/2023-24/170 dtd. 19.01.2024 mentioning the ‘Rate of the Party’ and the ‘Approved Rate of DIPR’ against the same items.

After the detail deliberation, the Member Secretary sought approval of the Board for release of payment as per the bill submitted by M/S Exclusive Advertising Pvt. Ltd. amounting **Rs. 24,63,854/- (Rupees twenty four lakhs sixty three thousand eight hundred fifty four)**



only including GST against the publicity work carried out by the party for Amrit Brikshya Andolan of Government of Assam.

After discussion, the Board approved the bill amount of Rs. 24,63,854/- (Rupees twenty four lakhs sixty three thousand eight hundred fifty four) only including GST submitted by M/S Exclusive Advertising Pvt. Ltd against the publicity work carried out for Amrit Brikshya Andolan of Government of Assam.

***Agenda Item No.106.9: Draw of Fixed Wages/Remuneration of Fixed Pay Employees of PCBA.***

The Member Secretary informed the Board that at present there are 36 nos. of casual workers engaged in different activities in the Board. Initially they were paid a Fixed Rate of Rs. 9000/- per month. The casual workers are engaged for a period of 89 days at a stretch and after one day break they are reengaged. The Board has increased the Fixed rate from Rs. 9000/- to Rs.12,000/- per month on completion of one year of their services.

He further informed that within the present policy frame work, as such, there is no scope for regularisation of the services of the working casual workers. At the same time the workers have been rendering their services most satisfactorily. Environment and Forest Department recently vide notification number ECF No. 330580/141 Dated 1<sup>st</sup> January, 2024 allowed 482 casual workers who were engaged prior to AFRBM period i.e 1<sup>st</sup> September, 2005 to draw fixed wages/remuneration of Rs 15,900/- with Dearness Allowance (DA) which will undergo revision whenever there is enhancement of DA and recommendation of Pay Commission, along with Medical Allowances of Rs.600/-per month.

The Member Secretary sought approval of the Board for to adopt the said circular of the Govt. and to fix the salary of Contractual employees at (enhancement of the Fixed Pay to) Rs. 15,900/-per month with Dearness Allowance (DA) which will undergo revision whenever pay scale changes based on enhancement of DA and recommendation of Pay Commission, along with Medical Allowances of Rs. 600/-per month to the working Fixed Pay workers who have completed 3 years of service in the Pollution Control Board, Assam as on 01/04/2024. He further clarified that the posts would be personal to the respective casual workers and will be abolished as soon as the incumbents relinquish the post in any manner and no new person will be engaged against the expired/retired/relinquished workers. He proposed to enhance the fixed pay with effect from 1<sup>st</sup> April, 2024.



After detailed discussion the Board approved the proposal of enhancement of the Fixed Pay to Rs. 15,900/-per month with Dearness Allowance (DA) which will undergo revision whenever pay scale changes based on enhancement of DA and recommendation of Pay Commission, along with Medical Allowances of Rs.600/-per month to the working Fixed Pay workers who have completed 3 years of service in the Pollution Control Board, Assam as on 01/04/2024 subject to Police verification and on receipt of undertaking from such fixed pay workers and the posts would be personal to the respective casual workers and will be abolished as soon as the incumbents relinquish the post in any manner and no new person will be engaged against the expired/retired/relinquished workers. The Board further decided that the enhancement would be effective w.e.f. 01/04/2024. The Board furthermore decided that henceforth no such casual employee will be engaged by the Board.

***Agenda Item No.106.10: Post facto approval for relaxation of the extent of experience for promotion from Senior Environmental Engineer (SEE) to the post of Addl. Chief Environmental Engineer (ACEE).***

The Member Secretary apprised the Board that there was a vacancy in the cadre of **ACEE**, which had to be filled up by promoting one eligible SEE. Selection committee meeting was held 02/01/2024. As per the Pollution Control Board, Assam (Employees' Service) Regulation-2012, one of the requirements for promotion from SEE to the **ACEE** is to have 'a minimum 2 years experience as Regional Head of office'. Though, Sri M.M. Bora, SEE fell short of 2 years experience of Regional Head of Office, the committee recommended for promotion of Sri M.M. Bora, SEE being the senior most amongst the SEEs within the zone of consideration as per the gradation list under the provision of Section 10.12(iii) of the Pollution Control Board, Assam (Employees' Service) Regulation-2012, considering his experience in the Board and 1 year 2 month and 15 days service as Regional Head of Office.

The Appointing Authority accepted the recommendation of the Selection Committee and promoted Sri M.M. Bora SEE to ACEE vide Notification no. PCBA/E-7/SC/Tech/2022-23/101/2420 date 12/01/2024 subject to approval of the Board under section 10.12.(iii) of Pollution Control Board, Assam (Employees' Service) Regulation-2012.

There is a provision under section 10.12(iii) of Pollution Control Board, Assam (Employees' Service) Regulation-2012- "The Chairman, with the approval of the Board, may relax the extent of experience for promotion from one post to under special circumstances".



The Member Secretary further stated that Head Office needs senior officer in the rank of ACEE and Sri M.M. Bora has acquired adequate experience in managing Regional Office as a Regional Head and he has completed more than 30 years of service in the Pollution Control Board, Assam. In view of the above, it was considered appropriate to promote Sri M.M. Bora, SEE, to the rank of ACEE against a resultant vacancy consequent upon promotion of one ACEE to Chief Environmental Engineer, subject to approval of the Board under relevant section.

In view of the above, he stated that Post facto approval is sought from the Board under section 10.12(iii) of Pollution Control Board, Assam (Employees' Service) Regulation-2012 in regards to the promotion of Sri M.M. Bora, SEE to the post of Additional Chief Environmental Engineer as notified vide Notification number PCBA/E-7/SC/Tech/2022-23/101/2420 Date 12/01/2024.

After discussion the Board accorded post facto approval in regards to the promotion of Sri M.M. Bora, SEE to the post of Additional Chief Environmental Engineer as notified vide Notification number PCBA/E-7/SC/Tech/2022-23/101/2420 Date 12/01/2024 under section 10.12(iii) of Pollution Control Board, Assam (Employees' Service) Regulation-2012.

***Agenda Item No.106.11: Discontinuation of Incentive being paid to the Regular and Contractual Employees of the Board.***

Presenting the proposal, the Member Secretary stated that the Board has been paying 'Incentive' to the regular as well as contractual employees, two times a year, in the month of April and October as it was in practice which was disbursed out of the contribution received from the Central Government as the state's share of Water Cess. He submitted that as the regime of water cess ended after implementation of the GST regime hence the practice of paying incentives to the regular as well as contractual employees require to be discontinued.

After detailed discussion the Board unanimously decided to discontinue the practice of paying Incentive to the regular as well as contractual employees henceforth.

***Agenda Item No.106.12: Enhancement of the existing House Building Advance maximum limit from existing Rs.15,00,000/- to Rs. 30,00,000/.***

The Member Secretary submitted that the Board has a provision of House Building Advance for its employees with a maximum amount of Rs.15,00,000/- ( Rupees Fifteen Lakhs) only at 4 % per annum interest rate, which was approved in the 103rd Board Meeting, Agenda item 9.3



held on 2nd February 2022. He further apprised that as per the present market situation, the existing maximum limit of the House Building Advance Rs 15,00,000/- is insufficient to purchase a flat or to construct a house and therefore, he proposed to increase the upper limit of the loan amount from Rs.15,00,000/- to Rs. 30,00,000/- (Rupees thirty lakhs) only without changing the existing 4% interest rate.

After detailed discussion the Board has approved the enhancement of upper limit of the Loan amount from Rs. 15,00,000/- to Rs.30,00,000/- without changing the existing 4% interest rate as proposed.

***Agenda Item No.106.13: Adoption of 'Mukhya Mantri Lok Sevak Arogya Yojana', Govt. of Assam for the employees of the Board.***

The Member Secretary submitted that the employees of the Board is availing the Medical Reimbursement facility as per Rule of the Government of Assam with the approval of Directorate of Health Service, Government of Assam. There is no separate Health Scheme in the Board for its employees. He further apprised the Board that the Government of Assam launched the new health scheme for its employees in the name and style of – 'Mukhya Mantri Lok Sevak Arogya Yojana', for State Govt Employees Vide Gazette Notification No.MER.354019/250 date 19.12.2023 (copy of the Yojana enclosed herewith). The Yojana is limited to the employees of the Government drawing salary from the State Exchequer only. To provide similar benefits to the employees of the Board, the Member Secretary proposed to adopt the 'Mukhya Mantri Lok Sevak Arogya Yojana' for the all regular employees of the Board.

After detailed discussion the Board decided that proper study and assessment need to be carried out before adopting the 'Mukhya Mantri Lok Sevak Arogya Yojana' for the all regular employees of the Board. The Member Secretary will come up with a detailed proposal in this regard after proper study and assessment and place the same in a next meeting of the Board for consideration.

***Agenda Item No.106.14: Allotment of Vehicle/POL to ACES/ACEE.***

The Member Secretary informed the Board that at present there is no allotted vehicle for the Officers of the rank of ACEE and ACES in the Board and there is no suitable vehicle along with driver for allotment to such Officers. Further, there is no rule in the Board in regards to



providing vehicle to its Officers of different ranks for performing duty- the M.S. informed. He further stated that the officer of the rank of ACEE and ACES are senior officers and need to attend different meetings etc. in different offices within Guwahati city and quite often such Officers use their own vehicle in performing duties of the Board. Sometimes the Board hires vehicle for the officers which are found to be very expensive. In view of this the Member Secretary proposed to provide allowances, such as 60 litre POL per month and a driver on a Fixed Pay basis, for conveyance within the radius of 8 km of the Head Office to the Officer of the rank of Additional Chief Environmental Engineer (ACEE) and Additional Chief Environmental Scientist (ACES) while using their own private vehicle on duty of the Board.

After detailed discussion the Board has approved the proposal to provide allowances, such as 40 litre POL per month and a driver on a Fixed Pay basis, for conveyance within the radius of 8 km of the Head Office to the Officer of the rank of Additional Chief Environmental Engineer (ACEE) and Additional Chief Environmental Scientist (ACES) while using their own private vehicle on duty of the Board.

The meeting ended with a vote of thanks to the Chair.

(Dr. Arup Kumar Misra)  
Chairman  
Pollution Control Board, Assam