



**Minutes of the 107th Board Meeting of the Pollution Control Board, Assam
held on 28/06/2024 in the NEDfi House, Guwahati**

Member present:

1. Dr. Arup Kumar Misra : Chairman
2. Dr. Shantanu Kumar Dutta : Member Secretary
3. Neera Daulagupu, ACS, Secretary to the Govt. of Assam - : Member
Representative of Department of Environment and Forest
4. Nripendra Kumar Sarma, Chief Engineer (PHE) - : Member
Representative of Public Health Department
5. Ganesh Ch Sarma, Deputy Secretary (II), Water Resource : Member
Department - Representative of Water Resource Department
6. Ashimi Kashyap, Under Secretary to the Govt. of Assam - : Member
Representative of Industries & Commerce Department
7. R. Daimari, Deputy Secretary to the Govt. of Assam, Power : Member
Department - Representative of Power Department
8. Dr. Saikat Patra, Chairman, Municipal Board, Dibrugarh : Member
9. Jayashree Talukdar Pathak, Chairman, Municipal Board, : Member
Nalbari
10. Nabuttom Sharma, AUAS, Executive Office (i/c), : Member
Municipal Board, Silchar
11. Arup Borpujary, Secretary, Laghu Udyog Bharati : 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 106th 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 106th Board Meeting. The Member Secretary through a Power Point Presentation apprised the Board about the recent initiatives of the Board.

After the initial discussion, the Board subsequently proceeded to the issues as per the Agenda for the 107th Board Meeting.

Agenda Item No. 107.1: Proposal to change the name 'Pollution Control Board, Assam' to 'Assam Pollution Control Board' (Govt. Notification shall be required).

The Member Secretary, while submitting the proposal, stated that the Board was constituted on 02nd June, 1975 as 'Board for Prevention and Control of Water Pollution'. In exercise of the power conferred by sub section (I) of section 4 of the Water (Prevention and Control of Pollution) Act, 1974 (Central Act of 1974), the Governor of Assam renamed the Board as 'Pollution Control Board, Assam'. He further stated that the names of almost all the 28 State Pollution Control Boards or 8 State Pollution Control Committees start with the name of the State, e.g. Maharashtra Pollution Control Board, Delhi Pollution Control Committee, etc. To maintain uniformity with the rest of the States he proposed to rename '**Pollution Control Board, Assam**' as '**Assam Pollution Control Board**'.


After detailed discussion, the Board approved the proposal for renaming the Pollution Control Board, Assam as Assam Pollution Control Board and suggested the Member Secretary to submit the proposal to the government along with the decision of the Board for necessary consideration of Government for notification.

Agenda Item No. 107.2: Amendment of 'Pollution Control Board, Assam (Employees' Service) Regulation-2012'.

Placing the proposal before the Board, the Member Secretary submitted that the 'Pollution Control Board, Assam (Employees' Service) Regulation-2012' came into force *w.e.f.* 24/02/2014. During the last 10 years, the activities of the Board have increased manifold and therefore, it has been considered necessary to amend the Regulation as per the current requirements and future prospective and also to establish parity by removing anomalies in different cadres of the services.

He further stated that the Regulation is adopted in exercising the powers conferred under Sub-Section 3(A) of Section 12 of Water (Prevention and Control of Pollution) Act, 1974 as amended and Sub-Section (4) of the Section 14 of the Air (Prevention and Control of Pollution) Act, 1981 as amended.

Furthermore, he stated that additional fund would be required as there has been proposal for increase of Human Resources and also upgradation of pay scale in certain levels. The Board would be able to meet the additional requirement of fund with its own budget, he stated.



Accordingly the Member Secretary placed the draft of the proposed amendment of “Pollution Control Board, Assam (Employees’ Service) Regulation-2012’ named as “Pollution Control Board, Assam (Employees’ Service) Regulation-2012 as amended during 2024” for approval.

The Board, after detailed discussion, in principle, approved the draft of the proposed amendment of “Pollution Control Board, Assam (Employees’ Service) Regulation-2012’ and requested the Member Secretary to place the same before the Government for approval.

Agenda Item No.107.3: Relaxation of criteria for promotion for selected cadres.

Placing the proposal the Member Secretary stated that at present there are vacancies in the cadre of EITO, MFA, MHR and AES. Due to minimum time criteria of experience fixed for promotion to these cadres as per the Pollution Control Board, Assam (Employees’ Service) Regulation-2012, promotion to the officers, otherwise eligible for promotion to these posts, could not be made. As a result, these posts are lying vacant and there are stagnation for promotion of junior cadre officers.

The Member Secretary opined that for the betterment of functioning of the Board, it is considered necessary to fill up all the promotional vacant posts by promoting the eligible officers.

Regarding the legal provisions, he stated that as per the section 12 (iii) of the 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 the another under special circumstances. Moreover, all such vacant posts are sanctioned posts as per the Table-1 Appendix-I of the Pollution Control Board, Assam (Employees’ Service) Regulation-2012.

He further stated that all the vacant posts, for which relaxation of experience is proposed, are sanctioned post and hence the Board will be able to meet additional experience from its own budget.

In view of the above facts, the Member Secretary sought approval of the Board to relax the extent of experience to fill up the following promotional vacant posts and also to fill up of the resultant vacancies due to promotion in higher cadre.



- i) The Vacant Post of Executive IT Officer (EITO).
- ii) The probable vacancy in the cadre of Assistant Executive Information Technology Officer (AEITO) which may occur due to promotion of present incumbent holding the post of AEITO.
- iii) The vacant post of Manager (Finance & Accounts) (MFA).
- iv) The probable vacancy in the cadre of Assistant Manager (Finance & Accounts) (AMFA) which may occur due to promotion of present incumbent holding the post of Assistant Manager (Finance & Accounts) (AMFA).
- v) The vacant post of Manager (Human Resource and Administration) (MHR).
- vi) The vacant post of Assistant Environmental Scientist (AES).
- vii) The probable vacancy in the cadre of Senior Environmental Engineer (SEE) which may occur due to promotion in higher cadre.

The Board after detailed discussion approved the proposal submitted by the Member Secretary for relaxation of extent of experience against the specific posts for considering promotion in the interest of the Board.

Agenda Item No.107.4: Issues pertaining to appointment of three (3) officials of PCBA.

The Member Secretary informed the Board that irregularities were there with three (3) employees namely Sri Mantu Boro (appointed on 21/07/2016 against a direct recruitment post of Scientific Assistant-III), Ms Soma Hazarika (appointed on 21/08/2017 against a promotional post of Technical Assistant-II) and Ms Firdusi Rahman Choudhury (appointed on 12/02/2018 against a direct recruitment post of Data Entry Operator). He further submitted that these three employees have not been enrolled in prevailing CPF scheme of the Board in view of their mode of appointment, though they have been paid monthly salary regularly with all other benefits. The Member Secretary further informed the Board that the matter was placed before the Board in its 105th meeting and as per the decision of the Board the matter was referred to the Government. The Government in return communicated to the Board vide letter No.ECF No. 258726/61 dated 4/3/2024 with the view that since the proper procedure of appointment was not followed while appointing these three employees and therefore the appointment of Sri Mantu Boro, Scientific Assistant Grade-III, Ms. Soma Hazarika, Technical Assistant Grade-II and Ms. Firdusi Rahman Choudhury, Data Entry Operator cannot be regularized and the Government had further directed to take appropriate steps accordingly, to look into the matter



of irregularities in the appointment made and the officials responsible for the same and submit Report to this Department without fail.

The Member Secretary informed the house that in view of the letter received from the Government an enquiry had been initiated by appointing an Inquiry Officer vide Notification No. WB/G-16/22-23/11/440 Date 20/5/2024 to look into the matter of irregularities in the appointment made and the officials responsible for the same for onward necessary action. He urged upon the Board to decide further action to be taken in view of the report of the Government.

The Board after detailed discussion unanimously opined that since the Government has given a very clear cut view in regards to the appointment of these three (3) employees namely Sri Mantu Boro, Ms Soma Hazarika and Ms Firdusi Rahman Chowdhury their services cannot be regularised. However considering their conduct and services they have rendered to the Board, the Board has decided the following:

- i) Sri Mantu Boro, Ms Soma Hazarika and Ms Firdusi Rahman Chowdhury shall discontinue to work as Scientific Assistant-III, Technical Assistant-II and Data Entry Operator respectively.
- ii) Sri Mantu Boro, Ms Soma Hazarika and Ms Firdusi Rahman Chowdhury may be allowed to continue in the Board as Fixed Pay employees.
- iii) The Fixed Pay/remuneration may be fixed at their present Basic Pay with the DA admissible which will undergo revision whenever pay scale changes based on enhancement of DA and recommendation of Pay Commission, along with Medical Allowance of Rs.600/- per month.
- iv) The names of these three employees shall be removed from the gradation list of their respective services and the posts they have been occupying will be considered vacant and efforts will be made to fill up the post either by direct recruitment or by promotion as applicable under the Service Rule.



Agenda Item No.107.5: Revision of Consent fee for Industries.

Initiating the discussion the Member Secretary informed the Board that the matter of revision of Consent fee for certain category of industries was discussed in the 106th Board Meeting held on 02.03.2024 and it was decided that the Board would place the proposal to the Govt. He further apprised the Board that the Govt. of Assam directed the Board to revise the service charges under EoDB/BRAP and in a meeting held on 25.04.2024, the Secretary, Finance, desired that PCBA seek the prior approval of the changes in Consent fee/service charge from Departmental Minister in this regard.

The Member Secretary further submitted that the Board earlier notified Consent Fee in the year 2003. Revision of fee at the lower and higher slabs of project cost need to be incorporated and subsequently notified. The Proposed Fee structure has been formulated in order to rectify the anomalies in the existing fees structure. The Member Secretary also submitted that the present fee structure needs to be revised to address the following issues:

A) Non Uniform Increase in Fees with respect to Capital Investment.

Example: CTO fees for unit having C.I. of Rupees Forty Nine (49) crores have to pay a CTO Fees of Rupees One (1) Lakh and CTO fees against C.I. of Fifty One (51) Crores is Rupees Two (2) Lakhs. Moreover an Industry Having C.I. of Ninety Nine (99) crores have to pay the Same CTO fees of Rupees Two (2) Lakhs.

B) Same consent fees irrespective of Pollution indices of the Industries hence, not complying with the “Polluter’s Pay Principle”.

Example: CTE/CTO fees of two industries (One Green category industry and another highly polluting Red Category industry) falling in a particular investment slab have to pay the same Consent Fees.

C) In the existing fees structure the CTE as well as CTO Fees remain constant for all industries above 200 crores.

Example: CTE/CTO fees for an industry having C.I. of 300 Crores has to pay the Same Consent fees as that of another industry having C.I. of 1000 Crores.

The proposed Fees structure tries to address the aforementioned anomalies by incorporating different fees for Green, Orange and Red category of Industries. Further, the proposed consent fee of industries increases in a linear manner as a percentage of the corresponding capital investment.



Moreover, the CTE/CTO fees for micro scale industrial units having C.I less than 3 Lakhs has been proposed to be exempted from paying consent fees. (Those shall be liable to pay the online application fee only).

The Proposed Fees Structure:

<u>Proposed Consent to Establish (CTE) Fees</u>				
Sl. No.	Total Capital Investment (in Rupees)	Green	Orange	Red
1	Up to 3.0 Lakh	Fees Exempted		
2	Exceeding 3 Lakh up to 20 Lakh	8,000	12,000	14,000
3	Exceeding 20 Lakh up to 50 Lakh	15,000	22,000	26,000
4	Exceeding 50 Lakh up to 75 Lakh	50,000	75,000	87,000
5	Exceeding 75 Lakh up to 1 Crore	60,000	90,000	1,05,000
6	Exceeding 1 Crore up to 5 Crore	75,000	1,12,500	1,31,000
7	Exceeding 5 Crore up to 10 Crore	1,00,000	1,50,000	1,75,000
8	Exceeding 10 Crore up to 50 Crore	2,00,000	3,00,000	3,50,000
9	Exceeding 50 Crore up to 100 Crore	3,00,000	4,50,000	5,25,000
10	Exceeding 100 Crore up to 200 Crore	5,00,000	7,50,000	8,75,000
11	Exceeding 200 up to 500 crore	7,00,000	10,50,000	12,20,000
12	Exceeding 500 up to 1000 crore	10,00,000	15,00,000	17,50,000
13	Exceeding 1000 Crore and above	0.015% of CI. Subject to the max. of 50 Lakh	0.022% of CI. Subject to the max. of 75 Lakh	0.025% of CI. Subject to the max. of 87.5 Lakh

Proposed Consent to Operate (CTO) fees ::				
Sl. No.	Total Capital Investment (in Rupees)	Annual Consent Fee (in Rupees)		
		Category		
		Green	Orange	Red
1	Less than 3.0 Lakh	Fees Exempted		
2	Exceeding 3 Lakh up to 20 Lakh	7,000	8,750	10,500
3	Exceeding 20 Lakh up to 50 Lakh	10,000	12,500	15,000
4	Exceeding 50 Lakh up to 75 Lakh	12,000	15,000	18,000
5	Exceeding 75 Lakh up to 1 Crore	20,000	25,000	30,000
6	Exceeding 1 Crore up to 5 Crore	25,000 + 5,000 for each additional crore above 1 crore	30,000 + 6,000 for each additional crore above 1 crore	35,000 + 7,000 for each additional crore above 1 crore
7	Exceeding 5 Crore up to 10 Crore	50,000 + 5,000 for each additional crore above 5 crore	60,000 + 6,000 for each additional crore above 5 crore	65,000 + 7,000 for each additional crore above 5 crore
8	Exceeding 10 Crore up to 50 Crore	1,00,000 + 2,000 for each additional crore above 10 crore	1,20,000 + 2,500 for each additional crore above 10 crore	1,30,000 + 3,000 for each additional crore above 10 crore
9	Exceeding 50 Crore up to 100 Crore	200,000 + 1,000 for each additional crore above 50 crore	2,25,000 + 1,250 for each additional crore above 50 crore	2,50,000 + 1,700 for each additional crore above 50 crore
10	Exceeding 100 Crore up to 200 Crore	3,00,000 + 1,000 for each additional crore above 100 crore	3,50,000 + 1,250 for each additional crore above 100 crore	4,00,000 + 1,700 for each additional crore above 100 crore
11	Exceeding 200 up to 500 crore	5,00,000 + 500 for each additional crore above 200 crore	6,00,000 + 750 for each additional crore above 200 crore	7,00,000 + 1,000 for each additional crore above 200 crore
12	Exceeding 500 up to 1000 crore	6,50,000 + 700 for each additional crore above 500 crore	8,25,000 + 1,000 for each crore above 500 crore	10,00,000 + 1,300 for each additional crore above 500 crore
13	Exceeding 1000 Crore and above	0.01% of CI.	0.015% of CI.	0.02% of CI.

After detailed discussion the Board approved the proposal of the Member Secretary to submit the proposal to the Government for approval and necessary notification in this regard.



Agenda Item No.107.6: Installation of Continuous Ambient Air Quality Monitoring Station (CAAQMS) and Online Continuous Noise Monitoring Station (OCNMS) in locations selected by the Board at the cost of major private and public sector industries, Airports, etc. based on the area of the operation.

While placing the proposal, the Member Secretary stated that at present nine (9) CAAQMS are installed covering five (5) NCAP cities in the State. It would be appropriate to install CAAQMS in other cities or towns to disseminate information to the Public in general and also to generate quality data on ambient air quality. Such a station cost about 1.5 crores, including five (5) years of operation and maintenance. The large industries in the State may be asked to contribute to the cause of environmental monitoring and data dissemination, which is a prime responsibility of the Board as per the provision of the Water Act, 1974 and the Air Act, 1981

He further stated that Air quality monitoring in an industry is one of the mandates of PCBA to the air polluting industries. Polluter's Pay Principle (PPP) is also an appropriate consideration for generation of corpus fund for installation of CAAQMS in the district headquarters and polluted areas in the State to the maximum possible extent.

Furthermore, the Member Secretary stated that the proposal is to generate a corpus fund with contribution from industries, especially the PSUs, Hydrocarbon Industries, other polluting industries like Coke Oven Plants in Ledo-Margherita area operating in the State from their CSR/CER fund. The Board shall procure the station following proper procedure and data shall be disseminated to the public

Elaborating further, the Member Secretary informed that the Board would not have any financial implication on its own. To cover all the major industrial districts and polluted industrial areas, viz, Margherita, Nazira, Duliajan, etc. in Assam, the Board may generate fund to install about 20/25 CAAQMS in the State. Rs. 30 to 35 Crores shall be required to install more than 20 CAAQMS.

The Member Secretary sought approval of the Board for Installation of CAAQMS at selected industrial area including District Head Quarters, through revenue generated from the contribution of industries from their CER/CSR fund and under the ambit of Polluter's Pay principle.

After detailed discussion the Board has approved the proposal and suggested to create a corpus fund with the contribution and develop a mechanism for the quantum of contribution based on types, production capacity, capital investment, etc. of the industries.



Agenda Item No.106.7: Post facto approval for release of fund to Chief Minister's Relief Fund.

The Member Secretary informed the Board that Hon'ble Chief Minister called for a meeting on 13.06.2024 and discussed various issues pertaining to Board's activities. He took a stock of the financial position of the Board. He also briefed about the CM's Relief Fund and requested to examine the possibilities for contribution to the CM's Relief Fund by the Board. Honouring the views of the Hon'ble Chief Minister, Assam an amount of Rs. 1.5 Crore was contributed to the CM's Relief Fund by the Board on the same day. The Member Secretary sought Post facto approval of payment of Rs. 1.5 crore to CM's relief fund.

The Board after detailed discussion has accorded post fact approval of the payment of Rs. 1.5 Crore to the Chief Minister's Relief Fund.

Agenda Item No.107.8: Discussion on Lifting ban on Pet Coke and Coke Oven Plants in the State of Assam and proposal for new Notification with citing criteria for Coke Oven Plants producing LAMC.

The Member Secretary submitted that vide a Notification vide No. **WB/GUW/T-3521/17-18/22 dtd. 17.02.2018**, Pollution Control Board, Assam banned expansion or setting up of any pet coke industry in the State and in superseding the earlier Notification No. WB/GUW/T-3521/17-18/22 dtd. 17.02.2018 and in exercise of power conferred under relevant section of Air Act, 1981, the Board notified vide No. **WB/T-179/17-18/84 dtd. 05.04.2019** that –

- a) Usage of domestic and imported pet coke as fuel in the State was banned with immediate effect.
- b) Import of pet coke was banned for industries other than cement, lime kiln, calcined carbide and gasification

He further informed that vide Notification vide No. **WB/T-179/17-18/245 dtd. 13.02.2020**, the Board cancelled the earlier Notification 05.04.2019.

The Member Secretary informed the Board that as per the opinion of Advocate General, Assam in PIL No. 32/2023, none of the Notification is valid as of now and as such there is no ban on setting up of or expansion of pet coke or LAMC manufacturing unit (Coke oven units) in the State. Affidavit was submitted by the Board in the said PIL accordingly.



He further inform that in PIL No. 32/2023, as per direction of the Advocate General, Assam, Pollution Control Board, Assam has submitted an Additional Affidavit before the Hon'ble Gauhati High Court incorporating

*"...Therefore the original notification dated 17.02.2018 becomes effective again" was an inadvertent mistake without considering the law in force on the part of the deponent. A conjoint and meaningful reading of paragraph 11 specifically and the Board's Affidavit-in-Opposition generally, will leave no doubt that **the Board's clear position is that the Notification dated 17.02.2018 no longer holds the field post the coming into force of the Notification dated 13.02.2020.** The Petitioner has sought to use an innocuous mistake to set up its entire case afresh in the reply affidavit. It is humbly submitted that on the date the Consent to Establish was issued, i.e. 31.12.2022, the position of law remained that there was no embargo/ban on setting up or expansion of new Calcined Petroleum Coke industries. As a statutory authority, the Board was bound to comply with the extant law governing the field"*

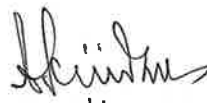
Furthermore, the Member Secretary informed that the Assam Legislative Assembly Committee on Public Undertakings, in its Meeting held on 21.06.2024, questioned how the Govt. Departments are allowing setting up of Coke Oven Plants within 10 Km distance of a coal mine while there has been a regulation under the Mineral Concession Rule.

Considering the present environmental situation and also the Mineral Concession Rules, Assam, the Member Secretary proposed the following:

1. Ban on establishment of new coke oven plant upto 10 Km distance from the coal mine.
2. Continuing ban on establishment of coke oven units in Byrnihat Polluted Industrial Area.
3. To allow setting up of large coke oven units, which need Environmental Clearance.

Accordingly the Member Secretary sought Approval of the Board is sought for Ban on establishment of new coke oven plant upto 10 Km distance from the coal mine.

After detailed discussion the Board has decided that the opinion of the Mining and Mineral Department may also be obtained before proceeding on the matter and all statutory provisions shall be strictly adhered to in regards of establishment of new coke oven plant.



Agenda Item No.107.9: Appointment of Candidates from merit list prepared by IIT, Guwahati for the posts remaining vacant.

The Member Secretary, apprised the Board that a recruitment process was conducted by PCBA with the involvement of IIT, Guwahati, which conducted written test and personal interview and subsequently prepared a merit list of candidates. 74 candidates were issued with recruitment letters on 13.03.2024 in a State function as this recruitment were included in the Hon'ble Chief Minister's 1 Lakh recruitments.

Out of which 10 candidates have not joined. Moreover 2 nos. of new recruits have resigned and 2 more have applied for resignation from their respective posts.

The recruitment letters were distributed on 13.03.2024 to 74 short listed candidates as per the merit list. An amount of more than 1 crore was spent by the Board to complete the recruitment process.

The Member Secretary further informed the Board that the Hon'ble NGT in OA No. 693/2023 directed the SPCBs and PCCs to file an affidavit disclosing the reason as to why till now the full strength appointments have not been made and why so many sanctioned posts were lying vacant and also time schedule within which the vacant posts will be filled up. Accordingly, mentioning time line, affidavit has been filed.

The Member Secretary urged the Board that in view of the vacancy arose against the 74 nos. of advertised post due to resignation and restrain from joining, to avoid further unavoidable expenditures and to fill up the vacancies keeping in view the observation of NGT in OA No. 693 /2023, it is proposed to fill up the vacancies form the merit list prepared by the IIT and subsequently approved by selection committee. He further said that the Board can save more than a crore of rupees by avoiding repetition extensive recruitment drive.

With the above submission, the Member Secretary sought approval of the Board for filling up of the 12 vacant posts from the merit list prepared by IIT, Guwahati in the month of February/March, 2024.

After detailed discussion, the Board has approved the proposal of appointment of 12 vacant post, which either remained vacant due to non-joining of appointed candidate or vacancy arose due to resignation of appointed candidates, from the merit list prepared by the IIT, Guwahati



Agenda Item No.107.10: Discussion on concept note on PCBA Mission for plantation of agroforestry in 1000 brick units at a minimum of 10000 tree plantation in each kiln.

The Member Secretary informed the Board that the PCBA is encouraging Akira Miyawaki method of dense plantation and it would be possible to implement the dense plantation technique in approximately 4000 sq.mtr available area in a brick kiln by planting about 10,000 saplings. He further stated that though PCBA mandates 33% area of a brick kiln industry to be under green cover, any plantation is hardly visible in such areas. Explaining his proposal the Member Secretary stated that there are about 1000 brick kilns in the state, which can be brought under the proposed plantation programme and planting 10,000 saplings each it would be possible to plant 1.0 crore saplings in the premises of brick kilns. He further said that there shall not be any financial implication of the Board and the expenditure for the plantation shall be borne by brick Industries being it necessary for them as per the terms and conditions laid down in the consent papers.

After detailed discussion the Board has approved the proposal with applause and a suggestion to plant only indigenous species in such plantation.

Agenda Item No.107.11: Consent fee for Building/Real Estate and Hospital Projects.

The Member Secretary submitted that the building/real estate projects and large Hospitals projects are required to obtain CTE/CTO/CCA under both the Water Act, 1974 and Air Act, 1981, as the Board practices to realize CTO fee under both the Acts. However, when a building is in the construction stage, the provisions of the Air Act are more relevant and therefore, payment of CTO fee under the Air Act should be applicable. After the building is commissioned, the pollution load generated in terms of effluent/sewage becomes more significant. He further said that there are requests from various stakeholders to waive off the Consent fee, especially from the Cancer Care Hospitals and a few infrastructure projects.

The Member Secretary further apprised the Board that during construction phase of a project, the provisions of the Air Act, 1981 are applicable while provisions of the Water Act are not generally applicable. When projects like Large Hospitals are commissioned, the provisions of the Air Act become insignificant while the provisions of the Water Act become relevant.



In view of the above the Member Secretary sought approval of the Board for levying of only CTO (A) fee during construction phase of Real Estate and Hospital Projects and CTO (W) fee during the operational phase of such projects.

After detailed discussion the Board has approved the proposal.

Agenda Item No.107.12:

a) Discussion on Proposal to Celebrate the 50th Foundation Day of the Board (2nd June, 2024- - 2nd June, 2025).

Chairman, PCBA has informed all the Committee Members about the launching of Golden Jubilee celebration of the Board on 02nd June, 2024. He also apprised the Board about ongoing and proposed activities to be included for the celebration with a target to reach all the stakeholders including common Public in the State. He also apprised the Board regarding launching of Green Fellowship for the School/College/Universities students in the State.

b) Discussion on the anomalies in Contributory Provident fund (CPF) of Pollution Control Board, Assam.

The Member Secretary informed the Board that there were anomalies in the Contributory Provident Fund (CPF) being maintained by PCBA as per the comment of the **Accountant General (Audit) Assam** in the report titled "**Inspection Report on the Accounts of the Office of the Pollution Control Board, Assam (PCBA) for the period from 01.04.2010 to 31.03.2018**" (Reference Number OBS-702445), specifically under Para 7 titled "**Non-providing of interest at par with EPFO deprived its employees of the due interest**". These anomalies were also brought to attention through various representations by the employees of the Board. The Member Secretary also apprised the Board that the competent authority earlier constituted a committee, headed by the Additional Chief Environment Scientist, to propose recommendations for the way forward in addressing the parity in CPF vide Office Order No. PCBA/G-135/24-25/01/173 dated 23/04/2024. The Committee submitted its findings and recommendations in its report dated, vide letter No. PCBA/G-145/24-25/19/701 dated 18/06/2024. It is observed that there have been certain anomalies of managing the CPF fund.



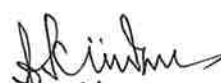
The Member Secretary placed the agenda for discussion and approval for necessary action to remove the anomalies in the management of CPF fund and implementation of the NPS w.e.f. 01.02.2005.

Legality / Legitimacy and Justification of the Proposal:

1. **Regulation 31 (ii) 2nd para states that** “*The Board shall take care to provide same rate of interest against CPF deposit as applicable under the Employees Provident Fund scheme of Government of India*”
2. **Government Directivities: -**
 - a. *Govt. of Assam notification: No.BW.7/2008/Pt-I/69 Dated Dispur, the 18-10-2012 for switching to National Pension Scheme (NPS) recommendation for Autonomous Organization (SABs) such as like statutory bodies etc. for employees joining service on or after 01-02-2005. Moreover, Vide Rule 43 of the CPF rule 1962, the Contributory Provident Fund Rules (India) has already been repealed*
 - b. As per Govt. of Assam notification **OM no. BW.7/2008/pt./357 dated 04-11-2020**, employer’s contribution has been raised to 14% and employee’s contribution has been set at 10% with effect from 1st April, 2019. However, in the Board the contributions of employee and employer are still set to 12% each.
3. Under **section 1(3) of the Employees' Provident Fund and Miscellaneous Provisions Act, 1952**, any establishment with 20 or more employees are required by law to register for the EPF scheme, while those with employees less than 20 can also register voluntarily.

In view of the above the Member Secretary sought approval of the Board for the following:

1. **Implementation of Regulation 31 ii of the PCBA (Employee’s Service) Regulation 2012.** The CPF interest rate can be addressed by aligning with that of Employees' Provident Fund Organization (EPFO) with effect from February 1, 2005 to till date.
2. **Adoption of NPS:** The Board may adopt the National Pension Scheme (NPS) for its Employees who joining after February 1, 2005 recommended for State Autonomous Bodies regulated under **PFRDA Act, 2013**, with except of the following: -



- a. Employees who joined the Board before February 1, 2005, may choose the proposed PCB Employee Retirement Benefit Scheme as recommended in the 106th Board Meeting.
 - b. Employees who joined after February 1, 2005, and have less than 10 years of service remaining may choose either to migrate to the proposed PCB Retirement Benefit Scheme or to opt for the NPS.
- 3. Revision of Contribution Rates:** The employer's contribution may be raised from 12 % to 14%, while the employee contribution should be set at 10% with effect from 1st April 2019. Additionally, any discrepancy in the contribution rate should be rectified, with the excess 2% contribution being revert to the employee with effect from 1st April 2019.
- 4. Fixed pay Employees may be brought under the EPF scheme, u/s 1(3) of the Employees' Provident Fund and Miscellaneous Provisions Act, 1952**

After detailed discussion the Board has approved the proposal for regularization of gaps in the EPF scheme and implementation of the NPS scheme in the Board w.e.f. 01.02.2005.

Additional Agenda Item No.107.12:

c) Purchase of building for Regional Office cum Laboratory, Tezpur, PCBA.

The Member Secretary, as an additional agenda item, appraised the Board that RLO, Tezpur has been operating from a rented place for years and as such, requirement of permanent office set up would be needed for better functioning of the Office cum Laboratory to cater the needs of Sonitpur, Darrang, Udalguri and Biswanath districts in Assam. The Member Secretary appraised the Board that a built up area of about 6000 Sq.ft. could be purchased through calling Expression of Interest (EOI).



Financial Implication:

The Board shall purchase the property from its own revenue from the lowest quoted rate, to be approved by PWD Building Department, Govt. of Assam.

After detailed discussions, the Board has approved the proposal and recommended floating of EOI for procurement of minimum 6000 Sq.ft. of built up area in an existing building.

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



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