

8-A. INSTRUCTION ON FOREST AND ENVIRONMENT

**Government of West Bengal
Department of Environment
'G' Block (2nd floor)
Writers' Buildings, Kolkata-700001.**

No. EN/1959/1C-10/2007.

Dated: October 08, 2007

STATUTORY CIRCULAR

In view of a High Court case and in pursuance of the submissions and queries from the different organization, the Department of Environment constituted a Committee for 'determination of the nature of embankment of water bodies' in the State of West Bengal on 21st June, 2007, involving the representatives of the Kolkata Metropolitan Development Authority, Kolkata Municipal Corporation, Institute of Environment Studies & Wetland Management, West Bengal Bio-diversity Board, West Bengal Pollution Control Board, Department of Environment and different experts and social activities and the said Committee submitted a report before the Department of Environment on 3rd September, 2007.

2. After careful consideration of the recommendations of the Committee and taking into consideration of the records kept and maintained by the Department of Environment and in exercise of the powers conferred under Section 24 of the Water (Prevention & Control of Pollution) Act, 1974, all Municipalities, Zilla Parishads, Public Works Department, Corporations, Irrigation Department, KMDA, East Kolkata Wetlands Management Authority, any industrial unit or any individual, being owner of a pond, should maintain the following guidelines for 'determination of the embankments of water bodies'. These are the following guidelines.

- i) Maintaining the natural slope, by driving sharp aged bamboos preferably diagonally or straight, into the ground along the edges of ponds. The bamboos should be driven in such a manner that the natural slope is maintained.
- ii) Iron nets should be fixed with the bamboos. The purpose of the netting is to protect die brick chips and soil from slipping to the water. The netting should be made inside the water bodies a couple of feet away from the edges.
- iii) The gaps thus created between the edges of the pond and the netting should be filled with brick chips, and earth.
- iv) The newly formed earthen slope of the embankments should then be seeded with soil binders like grass and other wetland vegetation and plantation of tress. These vegetation will hold the natural embankment and will last for 10 to 15 years.
- v) To protect the water-bodies from encroachments, erection of any boundary brick wall around a pond should not be undertaken. These boundary walls deny the free movements of the amphibians to and from water and land. The wall also prevents the surface run off to come to the pond. Without the surface run off a pond cannot survive. The boundary walls around a pond also cause water logging in the neighbouring areas of the pond.

Instead of boundary walls, fencing may be fitted. In any case the fencing should be fixed in such a manner that surface runoff and side seepage of water body should not be obstructed from coming into the pond and amphibians and other aquatic animals of the water body can move freely to and from the water. The gapping between the fencing rods should be wide enough. Barb wires fitted in poles will be a better option.

- vi) In extremely isolated cases, i.e. on a road side where heavy traffic plies and thus where natural method cannot be undertaken, a trench should be dug some 6-10 feet or more behind the pond and a brick wall be erected. This wall always should be below the ground level, and should not be raised above the surface.
- vii) Illumination of heavy lights need to be avoided and pedestal lights or duly covered tube lights may be installed, which will illuminate the foot-paths and the brandings and not the trees.
- viii) Waste materials should not be dumped in bank of the water bodies in any manner.

Note : Where Sal or eucalyptus pilling is undertaken it should be kept into consideration that no cut-drum sheets or tin plates are fitted with the bullahs as these tin-sheets separate the land and water. This separation of land and water is very unhygienic for the water body and the surrounding areas according to scientists.

3. Public Works Department, Irrigation, Commissioner of the Municipal Corporation, Executive Officers of the Municipalities, Secretary of the Zilla Parishad, Chief Executive Officer of K.M.D.A., President of different Chamber of Commerce and Industries, are requested to circulate the aforesaid statutory guidelines through their offices for wide compliance so that the aforementioned guidelines may be adhered to by all concerned.

4. In case of violation of the aforementioned guidelines in respect of 'determination of the nature of embankment of the water bodies' Department of Environment, West Bengal, Pollution Control Board and other statutory authorities will take necessary actions in accordance with law against the violators.

By order

M.L. Meena
Secretary to the Govt. of West Bengal
Department of Environment

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Government of West Bengal
Land and Land Reforms Department
Writers' Buildings, Kolkata-700001.

No. 7184(19)SLUB/2/08.

Dated: 23.09 2009

From : The Assistant Secretary to the
Government of West Bengal

To : The A.D.M. & D.L. & L.R.O.,
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Sub : Guidelines to be followed at the time of issuance of 'Consent to Establish' and 'Consent to operate' to the sponge iron units in West Bengal.

The undersigned in directed to send herewith a copy of Notification bearing no.EN/1084/T-IV-1/002/2008 dt. 21.05.08 issued by the Deptt. of Environment, Govt. of W. Bengal for necessary information and guidance.

Sd/-Illegible
Assistant Secretary
to the Govt. of West Bengal

No. 7184(19)/1(4)SLUB.

Dated: 23.09 2009

Copy along with the copies of Notification bearing No.EN/1084/T-IV-1/002/2008 dt. 21.05.08 forwarded to :-

1. The O.S.D. to M.I.C., L & L.R. Deptt.
2. P.S. to C.G., L & L.R. Deptt.
3. P.S. to L.R.C. L & L.R. Deptt.
4. The Special Officers, GE(M), Branch, Pl. show it to all H.As & Dealing Asstts. of his Branch.

Sd/-Illegible
Assistant Secretary
to the Govt. of West Bengal
Land & Land Reforms Deptt.

**Government of West Bengal
Department of Environment
'G' Block (2nd floor)
Writers' Buildings, Kolkata-700001.**

No. EN/1084/T-IV-I/002/2008.

Dated: 21.05 2008

NOTIFICATION

WHEREAS, the Department of Environment, Government of West Bengal, is statutorily responsible for declaration of 'air pollution control area' and also to take other steps as conferred under Air (Prevention & Control of Pollution) Act, 1981 (hereinafter will be referred to as the said Act, 1981) for prevention, control and abatement of air pollution within the territorial jurisdiction of West Bengal;

AND WHEREAS the Department of Environment has already declared entire West Bengal as air pollution control area for proper implementation of the different statutory provisions as laid down under the said Act, 1981 for preservation of the quality of the air and control of air pollution;

AND WHEREAS the West Bengal Pollution Control Board (hereinafter will be referred to as 'the State Board') has made some recommendation to the Department of Environment as per provision of Section 17 of the said Act regarding restriction of sponge iron units located in the State of West Bengal;

AND WHEREAS it is observed that during the last few years, there has been phenomenal growth of sponge iron and Ferro alloy units in certain parts of West Bengal and such growth has been accompanied by serious environmental impact in the surrounding areas, resulting in, contamination of water sources and destruction of food crops. The sponge iron units are thus critically air polluting in nature having serious problem of emission of high concentration of particulate matter not only from point sources (rotary kilns, cooler discharge, raw material handling and product separation house) but also high degree of defused secondary emission of the particulate matter. Full proof air pollution abatement system for such units are yet to be arrived at. In spite of installation of emission control system, the sponge iron units are also causing environmental ecological disturbances because of the following reasons :-

* Full proof integrated pollution abatement systems for coal based sponge iron units are not available.

* In most of the cases the systems are not adequately designed and also are not properly maintained;

* As the operation of the abatement systems are energy intensive, many units do not operate the abatement systems continuously, specially the night time;

Hence, in exercise of the powers conferred under section 18 read with Section 19 of the said Act, 1981, the State Board is now hereby directed to maintain the following guidelines at the time of issuance of 'Consent to Establish' and 'Consent to Operate' to the sponge iron units in the State of West Bengal. These are the following statutory guidelines :-

* That, State Board should not issue any 'Consent to Establish' to any isolated stand alone sponge iron or ferro alloy unit within the territorial jurisdiction of West Bengal;

* That, State Board should encourage organized project of integrated sponge iron unit instead of setting up stand alone rotary kilns;

* That, only integrated sponge iron proposals with downward integration for ingot manufacturing and/or concast and/or ferro alloy units with appropriate pollution control technology as prescribed by the State Board time to time should only be considered by the State Board for issuance of 'Consent to Establish' as per the provisions of the said Act, 1981. Such project should adopt technology of AFBC (Atmospheric fluidized bed Combustion) boiler which can utilize coal char as a fuel to the maximum possibility;

* That, 'Consent to Establish' for such integrated sponge iron units should be examined not only on the basis of the proposed pollution control technologies, but also in consideration of overall impact of surrounding environment and ecology and adoption of effective environment management system to meet the pollution problems generated from the units and other matters relating thereto;

* That, the State Board should issue 'Consent to Establish' for integrated sponge iron units on the basis of analyzing the case to case and also the State Board is at liberty to issue such direction for betterment of the environment of the surrounding areas.

2. That, existing stand alone sponge iron units should take all appropriate steps as prescribed by the State Board time to time for abatement of pollution from their manufacturing process or from their waste generated from the manufacturing process and in case of any such violation State Board should issue regulatory order as per provisions of the environmental laws presently executed by the State Board.

3. It is further directed that all the Municipalities and Panchayats or any other authority should not issue any permission in respect of establishing any sponge iron units without considering the Consent to Establish of the State Board.

District Authority i.e. District Magistrate or Superintendent of Police of each district in West Bengal should ensure through their good offices that any stand alone sponge iron unit may not be established without obtaining 'Consent to Establish' of the State Board and in case of any such attempt is made by any project proponent to establish any sponge iron unit without obtaining 'Consent to Establish' from the State Board, in such case unit should be closed and even its work should be stopped immediately under intimation to the West Bengal Pollution Control Board and Department of Environment.

4. This order will take immediate effect and for public interest, State Board will give proper paper advertisement for information of the public at large.

By order

M.L. Meena

Principal Secretary to the Govt. of West Bengal
Department of Environment

No. EN/1084/T-IV-I/002/2008.

Dated: 21.05 2008

Copy forwarded to :-

- 1) The Principal Secretary to the Government of West Bengal, Commerce & Industries Department.
- 2) The Chairman, West Bengal Pollution Control Board, 'Paribesh Bhawan, Salt Lake City, Kolkata-700098.
- 3) The Managing Director, West Bengal Industries Development Corporation Ltd.,
- 4) The Member Secretary, West Bengal Pollution Control Board, 'Paribesh Bhawan, Salt Lake City, Kolkata-700098.
- 5) The Chief Environment Officer, Department of Environment, Government of West Bengal.
- 6) The District Magistrate, _____
- 7) The Superintendent of Police _____
- 8) The Secretary, _____ Zilla Parishad.
- 9) The Secretary, Sponge Iron Manufacturers' Association, West Bengal.
- 10) The P.S. to MIC, Department of Parliamentary Affairs & Environment, Govt. of West Bengal.

Sd/- Illegible
Chief Law Officer,
Department of Environment

Government of West Bengal
Environment Department
East Kolkata Wetlands Management Authority
DD-24, Sector-I, Sale Lake City, Kolkata – 700064
Ph : 91-33-23343003, Fax : 91-033-23346403

Arijit Banerjee, IFS
Chief Technical Officer, EKWMA

No. CTO/EN/2587/(10)/60/12.

Dated: 05/12/2012

To

- 1) The District Magistrate, North 24-Parganas/South 24-Parganas.
- 2) The Commissioner, Kolkata Municipal Corporation
- 3) The ADM & DLLRO, North 24-Parganas/South 24-Parganas.
- 4) The B.L. & L.R.O., Sonarpur/Rajarhat/ATM Kasba/Bhangor-I/Bhangor-II

Sir,

I am circulating the Notification vide No. EN/2158/(S) dated 20.09.2012 regarding use of land by different occupiers of East Kolkata Wetlands Area.

Yours sincerely

A. Banerjee

CTO, EKWMA

Government of West Bengal
Department of Environment
'G' Block (2nd floor)
Writers' Buildings, Kolkata- 700001
Ph No. 2214-1007, Fax 2214 5592
Web portal: enviswb.gov.in

No. EN/2158/(S).

Date: 20th September 2012

ORDER

WHEREAS the Government of West Bengal has enacted a specific Act for conservation and management of East Kolkata Wetlands area on 31.03.2006 under the name and style 'East Kolkata Wetlands area (Conservation and Management) Act, 2006 (hereinafter will be referred to as the 'said Act, 2006');

AND WHEREAS the main intention of the said Act, 2006 is to save the East Kolkata Wetlands area from increasing pressure for human settlement, leading to filling up of the wetlands as the East Kolkata Wetlands area are ecologically very sensitive and it has already been declared as RAMSARSITE from International level;

AND WHEREAS it is observed that a large number of unauthorized construction and unwanted commercial activities have been developed or is going to be developed, violating the environmental norms, which creates a serious ecological imbalance in East Kolkata Wetlands area and such activities are also frustrating the very purpose of the said Act, 2006 and also the norms declared by RAMSAR CONVENTION;

AND WHEREAS Section 4(k) of the said Act, 2006 has already entrusted the East Kolkata Wetlands Management Authority (hereinafter will be referred to as the "EKWMA") to enforce land use control in the substantially water body oriented areas and other lands in the East Kolkata Wetlands area;

AND WHEREAS section 4(r) of the said Act, 2006 has also given necessary statutory powers to the EKWMA for imposing absolute or reasonable restriction for use of the lands of East Kolkata Wetlands area for the purpose of maintaining the wholesomeness of the ecologically sensitive sites of East Kolkata Wetlands;

AND WHEREAS for the clarity on ownership it has been decided that for registration and mutation of the land in the East Kolkata Wetlands area the permission of EKWMA shall not be required;

Hence in cancellation of the Order No.S/EN/487/177/08 dated 03/03/2008 and in the exercise of the powers conferred under Section 4(k) & (r) of the said Act and taking into consideration of the 'precautionary principles' as laid down by the Hon'ble Supreme Court for preservation and protection of environment, it has been decided that reasonable restrictions need to be imposed regarding use of land by different occupiers of East Kolkata Wetlands area in the following manner :-

- a) That the local authority should not issue any licence or building plan for any residential, commercial, or industrial activities without considering the clearance from the EKWMA;
- b) That the Land and Land Reforms Department of the concerned area is also directed not to issue any certificate for change of the character of land under Section 4(C) of the West Bengal Land Reforms Act, 1955, without considering the clearance from the EKWMA.
- c) That the occupiers of the East Kolkata Wetlands area can transfer land to any person or persons in any manner through registered deed or through providing lease or tenancy right, and such owner may mutate such transferred land in their name. But any construction activities in the said area shall be subject to written permission/ prior clearance of the EKWMA.

Provided further that the change of character or mode of use of land by any purchaser shall be subject to and in conformation with the provisions of the said Act, 2006.

d) Any owner/occupier of land in the East Kolkata Wetlands area, with prior permission of the EKWMA shall have the right of vegetative fencing their demarcated area utilizing sal, eucalyptus, bamboo made pole and barbed wire, but shall not be permitted to make any permanent construction for fencing their boundary;

Provided that on receipt of any information of violation, EKWMA may take such action as it is necessary for conservation and management of East Kolkata Wetlands area in accordance with provisions of the East Kolkata Wetlands (Conservation and Management) Act, 2006.

This order will take immediate effect.

By order
RPS Kahlon
Principal Secretary to the Govt. of West Bengal
Environment Department
& Member Secretary
East Kolkata Wetlands Management Authority

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