EAST KOLKATA WETLANDS (CONSERVATION AND MANAGEMENT) RULES, 2006

Registered No. WWSC-247 kolkata No. Gaiette ASVINA 19] Extraordinary Published by Authority WEDNESDAY, OCTOBER 11, 2006 [SAKA 1928 PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc. GOVERNMENT OF WEST BENGAL No. EN/1766rr-11-2/006/2006 DEPARTMENT OF ENVIRONMENT Writers' Buildings, Kolkata-70() 001 NOTIFICATION Dated, the 11th October, 2006. In exercise of the power conferred by clauses (a), (b), (d), (e), (f), (g) and (h) of sub-section (2) of section 23 of the East Kolkata Wetlands (Conservation and Management) Act, 2006 (West Ben. Act VII of 2006), the Governor is pleased hereby to make the following rules, namely:— Rules I. Short title.—These rules may be called the East Kolkata Wetlands (Conservation and Management) Rules, 2006

2. Definitions.—(l) In these rules, unless the context otherwise requires,— (a) "Act" means the East Kolkata Wetlands (Conservation and Management) Act, 2006 (West Ben. Act VII of 2006); (b) "Authority" means the East Kolkata Wetlands Management Authority constituted under section 3 of the. Act; "Chairperson" means the Chairperson Of the Authority; (c) (d) "East Kolkata Wetlands" means the area defined under sub-section (c) of section 2 of the Act; "Form" means Form appended to these rules; (e) (f) "Member" means a Member of the Authority and includes the Chairperson; (g) "Member-Secretary" means the Member-Secretary of the Authority; "nominated Member" means persons nominated to the Authority under clause (xvi) of sub-section (2) (h) of section 3 of the Act; • "section" means a section of the Act; O) "State Government" means the Government of West Bengal in the Department of Environment; (k) "sub-rule" means a sub-rule of the rule in which the word occurs. 2 THE KOLKATA GAZETTE, EXTRAORDINARY, OCTOBER 11, 2006 (2) Words and expressions used and not defined in these rules but defined in the Act shall have the same meanings respectively assigned to them in the Act

3. Terms of office and allowances of nominated. Every nominated Member shall hold office for a term of three years from the date he assumes office and shall be eligible for re-appointment. (2) Every nominated Member shall, for attending a meeting Of the Authority, be entitled to travelling allowance, daily allowance and such other allowances as may be decided by the Authority

4. Filling up of casual vacancy.—lf the bffice of any nominated Member becomes vacant, the vacancy shall be filled up by nomination by the State Governnhent and the person so nominated shall hold office as a nominatted Member for the remaining term of the Member in whose place he is so nominated

5. Resignation of nominated Member.—A nominated Member may, by giving in writing under his hand, addressed to the State Government, resign from the Authority and such resignation shall take effect from the date on which it is accepted by the State Government or on expiry of thirty days from the date of tendering the resignation, whichever is earlier

6. Removal Of nominated Member.—A nominated Member may be removed by the Authority from his office, after due and proper enquiry

7. Meeting of Authority.—(l) The Authority shall meet at least four times a year at its headquarters or at such places as may be decided by the Chairperson. (2) The Chairperson shall, upon a written request from not less than five Members of the Authority, call a special meeting. (3) The Members shall be given at least seven days' notice, specifying the purpose, time and place, for an ordinary meeting and at least three days' notice specifying the purpose, time and place, for a special meeting. (4) lhe Chairperson may, in consultation with the Members, invite in the meeting any person working in the field of conservation of wetlands or any field relevant to the conservation and management of the East Kolkata wetlands. (5) The Chaimerson shall preside over the meeting of the authority and in his absence, it shall be presided over by such Member as may be nominated for the purpose by the Chairperson from amongst the other Members, other than the Member-Secretary. (6) The decision at a meeting shall be taken by a simple majority of the Members present and voting and, in the event of equality of votes, the Chairperson or, in his absence, the Member pesiding shall have a second or casting vote. (7) Each Member shall have one vote. (8) The quorum at every meeting shall be six. (9) No Member shall bring forward, for consideration in a meeting, any matter of which he has not given at least seven days' notice, unless the Chairperson in his discretion permits him so to do

8. Application for change of character or mode of use of Any person holding a land in the East Kolkata Wetlands may apply for a change of character or mode of use of the land, to the Authority in

Form l, in triplicate.(2) The application shall be accompanied with fees as may be fixed by the Authority from time to time. (3) The receipt of the application shall be acknowledged by the Authority. (4) The Authority shall, on receipt of the application, examine the merit of the case and if necessary cause an inspection of the proposed site through an expert committee: Provided that if the Authority believes that there is no merit in the case, it may, after giving the applicant a reasonable opportunity of being heard, reject the application for change of character or mode of use of land and inform the applicant within sixty days of receipt of the same, citing reasons for rejection. (5) The Authority shall, after examination of thc merit of the case and inspection of the proposed site, refer the application with observations thereof, in duplicate, to the Collector of the concerned District, within sixty days, for taking necessary action for issuance of an order under section 4C of the West Bengal Land Reforms Act. 1955 (West Ben. Act X of 1956)

PART 1] THE KOLKATA GAZETTE. EXTRAORDINARY, OCTOBER 11, 2006 3 9. Permission for change of character or mode of use of Ihe Collector shall, after taking necessary actions as required under the West Bengal Land Reforms Act, 1955, and rules made thereunder, either pass an order for change of character or modc of use of land or reject the application. (2) A copy of the order referred to in sub-rule (l), granting the change or otherwise, shall be forwarded by the Collector to the Authority for necessary action. (3) On receipt of the order by the Collector of the concerned District, in case the Authority requires the applicant to create a compensatory waterbody prior to granting sanction under sub-section (4) of section IO, it shall, after the conversion is granted by the Collector of the concerned District, communicate its decision to the applicant in

Form 2: Provided that the Authority shall, while communicating its order in Form 2, mention the time limit for compliance of the order, a copy of which shall be returned to the Authority by the applicant, duly filled, within the time allowed. (4) After the compliance of the order referred to in sub-rule (3), the Authority may pass an order in Form 3 granting sanction for change of character or mode of use of land with such restriction and conditions as mentioned therein: Provided that before issuing such order in Form 3, the Authority Shail satisfy itself, if necessary, by enquiry, field inspection or otherwise, that the conditions laid down in Form 3 have been fulfilled properly. (5) Nothing in sub-rules (3) and (6) above, shall prevent the Authority to disallow, or restrict the applicant for change of character or mode of use of land, if the Authority is satisfied that the ptrvosed change— (a) may adversely affect the ecology or environment of the East Kolkata Wetlands area; or (b) may adversely affect the livelihood or socio-economic conditions of the people in the area; or (c) is against the principles of Ramsar Convention. (6) The Order passed by the Authority in Form 3 granting the conversion shall remain valid for sixty days and shall be deemed to be cancelled, in case the applicant fails to execute the same within the prescribed time: Provided that the Authority may, for sufficient and valid reasons, extend the period of validity of order for further period of thirty days

10. Powers and duties of Chairperson.—(l) The Chairperson shall have the power of general superintendence over the officers and other employees of the Authority and to issue directions for the conduct and managemet of the affairs of the Authority. (2) The Chairperson, or any officer delegated by him, shall be in charge of all the confidential documents of the Authority and responsible for their safe custody. (3) All orders and instructions of the Authority shall be issued under the signature of the Chairperson or such officer of the Authority as may be authorised in this behalf by the Chairperson. (4) The Chairperson shall exercise such other powers and perform such other functions as may be delegated to him by the Authority or the State Government

11. Powers and duties of Save as otherwise provided in these I ules, the Member-Secretary shall have the overall control over the day-to-day activities of the Authority.(2) The Member-Secretary, either himself, or through such officer of the Authority, as may be authorised in this behalf by the Chairperson, may sanction and disburse all payments against the approved budget. (3) The Member-Secretary shall have power to grant administrative and technical sanction to all estimates. (4) The Member-Secretary shall exercise such other powers and perform such other functions as may be delegated to him by the Authority or the Chairperson. (5) The Member-Secretary, with the prior approval of the Chairperson, shall convene the meetings of the Authority, either by himself or through an officer of the Authority, and shall preside over the meetings and shall ensure that all decisions taken in the meetings are implemented in proper manner

12. Operation of Fund of The fund of the Authority shall be operated jointly by the Member-Secretary, and any one amongst the Secretary, Department of Fisheries and the Member-Secretary, West Bengal Pollution Control Board.

13. Accounts of The Authority shall maintain its monthly accounts in the following forms:—(a) monthly cash account in

Form 4: (b) momhly ledger for drawing and disbursing in 5; (c) cheque drawing register (including bank reconciliation) in Form 6

14. Annual report of The Member-Seeretary or any Other officer of the Authority authorised in this behalf, shall prepare the annual report for each financial year, giving a full account of the activities of the Authority during that financial year and submit the same to the State Government.(2) The Authority shall furnish to the State Government the annual report together with the audited statement of accounts to the State Government by the end of September each year.

FORM 1 [See rule 8(1)] Form for application for Change of Characier or mode of use of the land in the East Kolkata Wellahds area [To be submitted in triplicate] [To be filled in b/ office] Serial No.. 4 THE KOLKATA GAZETTE, EXTRAORDINARY. OCTOBER 11, 2006 (2) The fund of the Authority shall have the following heads of accounts, namely, (a) receipts from the Central Government; (b) receipts from the State Government; and (c) Other receipts, by way of grants, gifts, donations, benefactions or Otha wise. (3) The fund of -the Authority shall be applied for the pUrposes of the Act. Date of (PART I

2. Date of despatch to Collector/forwardiiiÅ ko. Date of Receipt from Collector/forwarding No.. Part A Full particulars of the applicant: (a) Name Permanent address/Telephone Nos./Fax: Name and address of the contact person, if any: (b) (c) (d) (e) (f) Profile of the organization (personal profile in case the applicant is an individual): (Please attach relevant documents of authentication.) Nature of business: Turnover of the organization: Details of the Land and activity for which change of character is proposed: (a) Name of Mouza and J.L.No.: (b) Dag No.: District: (d) Name of the owner: (as per the record-of-rights) (f) Description of the land (dag No.-wise) as per the record-of-rights: (Please enclose copy of the record-of-rights) PART 1] 3. 4. 5. (g) (h) (i) (j) (k) (l) (m) (n) THE KOLKATA GAZETI'E, EXTRAORDINARY, OCTOBER 11, 2006 Proposed change of character of the land: Purpose of the proposed change of character or mode of use of land: Details of the activity proposed to be undertaken on the land after the change Of character or mode of use: Structures or constructions to be undertaken, if any: Whether any water body is proposed to be filed up: If answer to (k) above iG affirmative, then the total area of the water body: Area and location of compensatory water body proposed to be created: Whether any collection of the resources endangers any component of biological diversity and the risks which may arise from the access: Whether the proposed activity is going to benefit the local community: If answer to 3 above is affirmative, then describe how: Any other information considered relevant: Part B Declaration: J/We hereby declare that the conversion of the character of the land/mode of use of the land proposed in Part A above, shall not— (a) adversely affect the sustainability of the natural resources; (b) entail any adverse environmental impact; (c) pose any risk to ecosystems; (d) adversely affect the local communities; and (e) destroy any biological resource. I/We further declare that the information provided in this application fom is true and correct and I/we shall be responsible tor any incorrect or false information herein. Place: Date: 2. 3. 4

5. Place: Date: Signature: ......,,..... Designation & Observation of the Authority (To be filled in by the authorized officer) Whether the proposed change in character or mode of use of land will (i) improve the local environment and surroundings: (ii) be required for the upkeep of the local environment: Whether the proposed location of the compensatory water body (within the East Kolkata Wetlands) is agreeable: Proposed alternate location in case of answer to 2 above is negative: Whether the proposed projects is in conformity with the management plan of the East Kolkata Wetlands: General comments: Signature of authorized officer of the East Kolkata Wetlands Management Authority: . Designation & 6 THE KOLKATA GAZEITE, EXTRAORDINARY, OCIOBER 11. 2006

FORM 2 [See rule 9(3)] Order for prior creation of compensatory water body Order No. . [To be issued in t}iblicate] Dated, . The application for change of character or mode of use of land in the East Kolkata Wetlands area, the details of which are given below, has been granted by the Collector of 24-Parganas (South)/(North) district in his Sanction No. „ 2. 3. 4. 5. 6

7. Data . Name of Applicant: Permanent addressnelephone Nos./Fax: Name of Mouza and J.L. No.: Dag Nos. and total area (in acres): Name of the owner: Description of the land (dag No.-wisé) as per the. Record of Rights: (a) Existing: (b) Conversion sanction for: The East Kolkata Wetlands Management Authority, in exercise of its power under sub-section (4) of section IO Of the Act, hereby directs that a compensatory water body be in the land ås detailed below, prior to the issuance of the Order for sanction of filling up of the existing water body given under the description in serial 7 above: I. 2. 3

4. Derail-QLLancLfQLÆL.eati11BQ!nrensa.tQ11-Yå1tø-12Qdy Name of Mouza and J.L. No.: Dag Nos. and total area (in acres): P.s.: Description of the existing land (dag No.-wise) as per thé Record of Rights: . days from the date of The creation of compensatory water body shall be completed within issue of this order, failing which the permission tor conversion shall be treated as cancelled. Place: Date: Signature of Member-Secretary or duly authorized officer of the East Kolkata Wetlands Management Authority: Name: . Designation & Seal: . DECLARATION BY TIIE APPLICANT I/We hereby declare that I/we have completed the work of creation of compensatory water body in the land detailed in the order within the time limit allowed to me/us. Place: Date: Signature of the applicant(s) PART 1] THE KOLKATA GAZETTE, EXTRAORDINARY, OCTOBER 11, 2006

FORM 3 [See rule 9(4)] Order granting sanction/rejecting change of character of land or mode of use Order No.. Dated, Whereas the Collector of 24-Parganas district is satisfied/not satisfied* that the change of character , in mouza, J.L. No. or-mode of use of land in the dag Nos.. may be granted under section 4C of the West Bengal Land Reforms Act, 1955; And Whereas the Authority is satisfied/not satisfied* that the creation of the compensatory water body in dag Nos. .. , under . has been duly complied with; . mouza, J.L. No. ... . Whereas the Authority is satisfied that the change of character or mode of use of land in the dag Nos. in .... mouza, J.L. No. . (a) may adversely affect the ecology and/or environment of the East Kolkata Wetlands area; or (b) may adversely affect the livelihood or socio-economic condition of the people in the area; or (c) is against the principles of Ramsar Convention; the permission for change of character of land described above or its mode of use is disallowed by the Authority, in exercise of the power under sub-section (4) of section IO of the East Kolkata Wetlands (Conservation and Management) Act, Now, in exercise of the power under sub-section (4) of section IO of the East Kolkata Wetlands (Conservation and Management) Act, 2006, the East Kolkata Wetlands Management Authority is hereby pleased to grant permission for change of character/mode of use of the land within the East Kolkata Wetlands, under terms and conditions given below: Terms and Conditions The permission of change of character/mode of use of land shall be restricted to dag Nös. ....., of . under . .....district, having total area of ... mbuza J.L. No The order shall remain valid till . acres. 2. 3. 4. 5. 6. 7. 8

9. The pumose for which conversion is permitted shall be strictly adhered to and there shåuld not be any deviation. Thew shall be no deviation from the activities proposed in the project report. The activities shall be in conformity wilh the approved management plan of the East Kolkata Wetlands area. No water body, other than the ones permitted, shall be filled up under any circumstances. The project shall be subject to monitoring by the Authority or its authorized agency/agencies at any point of time. There shall not be any destruction to the biodiversity in the project area. There shall not be any diversion or blockage or any such activity that could destroy the wholesomeness of the water bodies or the sewage, dry weather and the storm water flow channels. IO. The Authority, if it is of the opinion that the project may damage the ecology or alter the ecosystem of the area, or that there is any violation of the Act, may withdraw the permission any time. Place : Date : N.B.: *Strike out the portions not relevant. Signature of Member-Secretary or duly authorized officer of the East Kolkata Wetlands Management Authority: ..... . Name: „ . Designation & Seal: 6 iiiil"i 8 Dated : Opening Balance Rs. Dated : THE KOLKATA GAZETTE, EXTRAORDINARY, OCTOBER 11, 2006

FORM 4 [See rule Cash account of the East Kolkata Wetlands Management Authority [PART for the month of .. Debit .... 20 Credit Signature of Member-Secretary or duly authorized officer of the East Kolkata Wetlands Management Authority. FORM 5 [See rule Drawing and Disbursing Ledger of the East Kolkata Management Authority . . . . 20 for the month of .. Name Of Scheme/Source of fund Total Amount Rs. Ref. No. (G.O./Sanction No. etc.) Received Amount Rs. Total Expenditure for the month Rs. P. Closing Balance Rs. Signature of Member-Secretary or duly authorized officer of the East Kolkata Wetlands Management Authority. Note : One Scheme should be entered in one page

FORM 6 [See rule Cheque Drawing Register of Fast Kolkata Wetlands Management Authority Details of the Cheques drawn in the month of 20 Cheque No. To whom issued Amount Signature 1st signatory 9 Signature 2nd signatory Signature of Member-Secretary or duly authorized officer of the East Kolkata Wetlands Management Authority. Bank Reconciliation Statement 20 The Statement of cheques drawn by the East Kolkata Wetland Management Authority in the month of has been reconciled with the books of accounts/records of the bank and no disclepancy is found. Date : Bank Manager/Authorised Bank officer By order of the Governor, M. L. MEENA, Secretary to the Govt. of West Bengal, Department of Environment. Published by thc Controller of Piinling and Stationery, West Bengal und printed at Saraswaty Press Ltd. (Governnaent of West Bengal Enterprise), Kolkata 700 056