

भारत सरकार
जल शक्ति मंत्रालय
जल संसाधन नदी विकास एवं गंगा संरक्षण विभाग
केंद्रीय जल आयोग
नदी प्रबन्ध समन्वय निदेशालय



Government of India
Ministry of Jal Shakti
Dept. of Water Resources, RD&GR
Central Water Commission
River Management Co-ord. Dte.

दिनांक : 06.06.2022,

सेवा मे

Shri Dibakar Bhoi,
At – Jhatiada, PO - Haripur, Via – Amarda,
District – Mayurbhanj,
Odisha, PIN-757055

विषय : RTI application under Right to information Act, 2005.

Sir,

Please refer to your online RTI application Registration No CWCND/R/E/22/00072, dated 05.05.2022, which has been transferred to this office by the Deputy Director & CPIO, Technical Co-ordination Directorate vide letter no. CWC/TC/G-16/2018/63-65 dated 10.05.2022, received in this office through e-Mail on **10.05.2022** along with letter no. A-49012/8/2022/RTI/196, dated 06.05.2022, of the Under Secretary & Nodal Officer, RTI Cell, CWC, to provide the information sought under RTI Act, 2005 to the applicant.

In this regard, the available information in respect to your RTI application, as received from the Director, River Conservation Directorate, under Planning & Development Organization, under River Management Wing (HQ), Central Water Commission, New Delhi is enclosed herewith in **10 pages** & also attested copies of noting sheets (**03 pages**) received from River Conservation Dte., for the information sought at Sl.No.04 in the RTI application.

In case, you are not satisfied with the provided information, you may file 1st Appeal to the First Appellate Authority within 30 days of receipt of this letter under RTI Act 2005, whose particulars are as below:

The Director (RMCD) & First Appellate Authority, River Management Wing (HQ), Central Water Commission, 2nd floor (South), Sewa Bhawan, R.K.Puram, New Delhi-110066, Phone No.011-29583211.

संलग्न : उपरोक्तनुसार (10+03=13 pages)

भवदीया ,

Signed by Velaga Kumari

Date: 06-06-2022 17:11:53

(वि. कुमारी)

Reason: Approved

उप निदेशक & CPIO

प्रतिलिपि सूचनार्थ :

1. The Deputy Director, Technical Co-ordination Dte., CWC, New Delhi.
2. The Under Secretary & Nodal Officer, RTI Cell, 4th Floor(S), CWC, New Delhi.

द्वितीय तल(दक्षिण), सेवा भवन
राम कृष्ण पुरम, नई दिल्ली - 66
दूरभाष: 011-29583211,
ई मेल: rmdte@nic.in

♣ जल संरक्षण सुरक्षित भविष्य ♣



2nd Floor(S), Sewa Bhawan,
R.K. Puram, New Delhi-110066
Tel: 011-29583211,
E-mail: rmdte@nic.in

♣ Conserve Water- Save Life ♣



भारत सरकार
केंद्रीय जल आयोग
नदी संरक्षण निदेशालय

विंग-1, प्रथम तल, पश्चिम खंड -2,
आर. के. पुरम, नई दिल्ली -110606

Email: rcddte-cwc@nic.in

Dated: 02/06/2022

विषय: RTI application of Shri Dibakar Bhoi, Odisha -reg.

संदर्भ: File No.I-12011/120/2021-RMC Dte dated 11.05.2022.

In reference to the above cited RTI, inputs of P&DO are as follows:

Sl. No.	Information Desired	Inputs
1.	Kindly provide current action status of Digitally Signed email petition dated 15.04.2022 to Hon'ble Chair Person of Central Water Commission seeking direction as per Directions of the NGT Orders dated 09.04.2021 and 15.12.2021.	<p>The available information in above matter is as follows.</p> <ul style="list-style-type: none"> Requisite information has been sent vide File No.T-101036/4/2019-RC DTE, dated 2.6.2022. As CPCB was the nodal agency (as per NGT order dated 09.04.2021), Chairman, CWC issued the direction (enclosed), after taking into account the Final report of the Joint Committee to CPCB, for taking further appropriate actions. Directions were also issued by the Chairman, CPCB (enclosed) to State Pollution Control Board, Odisha for protection of riverine ecology and flood plains.
2.	When this aforesaid Digitally Signed email petition dated 15.04.2022 to Hon'ble Chairperson of Central Water Commission was placed before Hon'ble Chair Person of Central Water Commission?	
3.	Whether any Action Taken Report is available on the Official Record or not?	
4.	Kindly provide Certified copies of file noting of aforesaid Digitally Signed email petition dated 15.04.2022 to Hon'ble Chair Person of Central Water Commission.	

5.	Kindly provide required information as early as possible though it is not a matter of life and liberty of this RTI Applicant who are required urgent information for approaching NGT, PB, New Delhi for urgent relief	
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This issues with approval of CE, P&D, CWC.

संलग्न: उपरोक्त

Signed by Ram Jeet Verma

Date: 02-06-2022 11:23:17

Reason: Approved

(राम जीत वर्मा)

निदेशक

Director, RMCD, CWC, New Delhi.



भारत सरकार
केंद्रीय जल आयोग
नदी संरक्षण निदेशालय

विंग-1, प्रथम तल, पश्चिम खंड -2,
आर. के. पुरम, नई दिल्ली -110066

Email: rcddte-cwc@nic.in

Dated: 16/12/2021

सेवा में:

Regional Director,
Central Pollution Control Board,
Ministry of Environment, Forest and Climate Change,
1582, Rajdanga Main Road, Kolkata-700107
(E-mail: rdkolkata.cpcb@gov.in)

विषय: Final report of the Joint Committee constituted in compliance to the Hon'ble NGT Order dated 09.04.2021 in Execution Application No. 18/2020 in EA No.33/2019 in OA No.572/2016

संदर्भ: File No. CM-13011/2/2021-LAW-RD-KOLKATA-RD(Kolkata) dated 26.11.2021

महोदय,

This is in reference to cited letter vide which final report of Joint Committee was submitted to Chairman, CWC for perusal and further necessary directions in compliance to the Hon'ble NGT order dated 09.04.2021.

In the report prepared by the joint committee, following recommendations have been made:

- i. Precautionary measures are required for rainy season in the surrounding area as the court building area lies in the zone of the maximum design discharge of Kapali rivulet.
- ii. Based on the data provided by the concerned State Agency and study output, plinth beam of the compound wall of the court building, the RCC road inside the court premises and the court building veranda is found to be as per the NDMG (i.e. above the flow depth of 25-years flood return).
- iii. As per the study, the risk of flood water spreading along the flood plain is found to be moderate and the probability of flood frequency for Kapali rivulet overtopping the bankfull depth is estimated to be significantly low.

- iv. State Pollution Control Board shall monitor the water quality of the rivulet biyearly at least at 2 locations (before confluence of the rivulet with Salandi river and after the court building).
- v. Since the rivulet is prone to bank erosion and sediment deposition and further becoming a more widened channel, therefore, measures for preventing erosion are to be adopted to maintain uninterrupted flow in the rivulet.
- vi. Plantation across a defined width along both its banks can be proposed.
- vii. As per the water quality of Kapali rivulet analysed by State Pollution Control Board Odisha, Balasore, it is carrying fresh water the quality of which is required to be maintained. District administration shall plan to prevent disposal of untreated sewage into Kapali and protect this naturally flowing rivulet from adverse anthropogenic interventions and encroachments.
- viii. It is necessary to monitor the flow and morphological characteristics of Kapali rivulet, maintain a long-term data of the stream flow, specifically during monsoon season. It is required to update the data and information on the actual flood risks based on observation on flows overtopping from Kapali rivulet and the flood plain area across which the flow is spread. Also, it is required to assess the flood return period (frequent, 25-years, 50-years, 100-years) from the long-term flow observations for Kapali rivulet. Gauge and discharge measuring stations near the court building and near the confluence of the rivulet with the Salandi river may be established by Central Water Commission/ State Govt. of Odisha for monitoring purpose.
- ix. Monitoring of rainfall intensity in the catchment area of Kapali rivulet is required and flood hydrograph is suggested to be prepared and maintained.

In this regard, the concerned state government may be advised to take up necessary initiatives for proper implementation of the above-mentioned recommendations as given by the committee with the suggestion that possibility of rain water harvesting in the court premises may be explored in consultation with CGWB / State Ground Water department.

This issues with the approval of Chairman, CWC.

भवदीय

Signed by Ajay Kumar

Date: 16-12-2021 12:47:15

Reason: Approved

(अजय कुमार)

निदेशक

प्रतिलिपि सूचनार्थ :

Chief Engineer, MERO, CWC, Bhubaneshwar: May co-ordinate with the state government for establishment of hydro-logical observations sites on Kapali river.
(Email: cemero-cwc@nic.in)



केन्द्रीय प्रदूषण नियंत्रण बोर्ड
CENTRAL POLLUTION CONTROL BOARD
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय भारत सरकार
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE GOVT. OF INDIA

Speed Post

F.No. A-14011/WQM-I/(OA No. 572-2016)/2022 12374

11.01.2022

To

**The Chairman,
State Pollution Control Board, Odisha
Paribesh Bhawan, A/118,
Nilakantha Nagar, Unit – VIII,
Bhubaneswar – 751012, Odisha**

DIRECTIONS ISSUED UNDER SECTION 18 (1)(B) OF THE WATER (PREVENTION & CONTROL OF POLLUTION) ACT, 1974 IN THE MATTER OF CONSERVATION AND MANAGEMENT OF KAPALI RIVULET IN ODISHA IN COMPLIANCE TO HON'BLE NGT ORDER DATED 09.04.2021 PASSED IN EXECUTION APPLICATION NO. 18/2020 IN EA NO.33/2019 IN OA NO.572/2016 (SMT. KALPANA MALIK THROUGH SHRI DIBAKAR BHOI POWER OF ATTORNEY HOLDER VS CHIEF SECRETARY, GOVT. OF ODISHA & ORS.)

WHEREAS, amongst others, under Section 17 of the Water (Prevention & Control of Pollution) Act, 1974 one of the functions of the State Pollution Control Board constituted under the Water (Prevention & Control of Pollution) Act, 1974 is to plan a comprehensive programme for prevention, control and abatement of pollution of streams and wells located in the State and to secure the execution thereof; and

WHEREAS, amongst others, under Section 16 of the Water (Prevention & Control of Pollution) Act, 1974 one of the functions of the Central Pollution Control Board constituted under the Water (Prevention & Control of Pollution) Act, 1974 is to co-ordinate activities of the State Pollution Control Board (SPCB) and Pollution Control Committees (PCC) to provide technical assistance and guidance to SPCBs / PCCs and to promote cleanliness of streams and wells in different areas of the States; and

WHEREAS, under Section 25 of the Water (Prevention & Control of Pollution) Act, 1974, no person shall, without the previous consent of the State Pollution Control Board establish or take steps to establish any industry, operation, or process or any treatment or disposal system or an extension or addition thereto, which is likely to discharge sewage or trade effluent into a stream or well or sewer or on land; and

WHEREAS, the Central Pollution Control Board has delegated powers vested under Section 18 (1)(b) of the Water (Prevention & Control of Pollution) Act, 1974 to the Chairman, Central Pollution Control Board vide its resolution made on 133rd Board meeting item no. 3.12 dated 24th March 2005 to issue directions under section 18 (1)(b) of the Water (Prevention & Control of Pollution) Act, 1974 to the State Pollution Control Boards; and

WHEREAS, Hon'ble National Green Tribunal (NGT) in its order dated 09.04.2021 in the matter of EA No. 18/2020 in E.A. No. 33/2019 in O.A. No. 572/2016 (Smt. Kalpana Malik Through Shri Dibakar Bhoi Power of Attorney Holder Vs Chief Secretary, Govt. of Odisha & Ors.) constituted a Joint Committee comprising of representatives from MoEF&CC, CPCB, IIT Kharagpur, a nominee of Central Water Commission, Odisha State Pollution Control Board and the District Magistrate, Bhadrak; and

Contd...2/

WHEREAS, the Hon'ble NGT in its order dated 09.04.2021 in the matter of E.A. No. 18/2020 in E.A. No. 33/2019 in O.A. No. 572/2016 has directed that

"The CPCB and the State PCB will act as nodal agency for coordination and compliance. The Committee may ensure that proper identification and demarcation of flood zones is carried out within three months and a report furnished to the Chairman, Central Water Commission and the Chairman CPCB, who would be at liberty to issue further direction, if necessary, for protection of riverine ecology and flood plains";

WHEREAS, nominations from the all concerned institutes were received by 11th June, 2021 and subsequently the Joint Committee was constituted vide order dated 14th June, 2021 issued by CPCB being one of the nodal agency; and

WHEREAS, after conducting a field-visit and virtually meeting four times, the committee submitted its final report to the Chairman, CPCB and the Chairman, CWC with copy to Member Secretary, OSPCB vide letter File. No: CM- 13011/2/2021-LAW-RD-KOLKATA-RD(Kolkata) dated 26.11.2021, and the Joint Committee in its final report recommended the following:

- i. *Precautionary measures are required during rainy season in the surrounding area as the court building area lies in the zone of the maximum design discharge of Kapali rivulet.*
- ii. *Based on the data provided by the concerned State Agency and study output, plinth beam of the compound wall of the court building, the RCC road inside the court premises and the court building veranda is found to be as per National Disaster Management Guidelines on Floods (2008) (i.e. above the flow depth of 25-years flood return).*
- iii. *As per the study, the risk of flood water spreading along the flood plain is found to be moderate and the probability of flood frequency for Kapali rivulet overtopping the bankfull depth is estimated to be significantly low.*
- iv. *State Pollution Control Board shall monitor the water quality of the rivulet biyearly atleast at 2 locations (before confluence of the rivulet with Salandi river and after the court building).*
- v. *Since the rivulet is prone to bank erosion and sediment deposition and further becoming a more widened channel, therefore, measures for preventing erosion are to be adopted to maintain uninterrupted flow in the rivulet.*
- vi. *Plantation across a defined width along both the banks of Kapali rivulet can be proposed.*
- vii. *As per the analysis of water quality of Kapali rivulet carried out by the Pollution Control Board Odisha, Balasore (Appendix E), it is carrying fresh water, the quality of which is required to be maintained. District administration shall plan to prevent disposal of untreated sewage into Kapali and protect this naturally flowing rivulet from adverse anthropogenic interventions and encroachments.*
- viii. *It is necessary to monitor the flow and morphological characteristics of Kapali rivulet, maintain a long term data of the stream flow, specifically during monsoon season. It is required to update the data and information on the actual flood risks based on observation on flows overtopping from Kapali rivulet and the flood plain area across which the flow is spread. Also, it is required to assess the flood return period (frequent, 25-years, 50-years, 100-years) from the long term flow observations for Kapali rivulet. Gauge and discharge measuring stations near the court building and near the confluence of the rivulet with the Salandi river may be established by Central Water Commission/ State Govt. of Odisha for monitoring purpose.*

- ix. *Monitoring of rainfall intensity in the catchment area of Kapali rivulet is required and flood hydrograph is suggested to be prepared and maintained*

NOW, THEREFORE, in view of the above-mentioned recommendations and in exercise of the power conferred under section 18 (1)(b) of the Water (Prevention & Control of Pollution) Act, 1974 you are hereby directed to take appropriate actions for compliance to the following:

1. *State Pollution Control Board, Odisha (OSPCB) shall carry out monitoring of water quality of the Kapali rivulet on half yearly basis atleast at 2 locations (before confluence of the rivulet with Salandi river and after the court building) and shall submit the report to CPCB, RD Kolkata.*
2. *OSPCB shall issue directions as per applicable procedure under section 33A of The Water (Prevention and Control of Pollution) Act, 1974 to all concerned agencies for ensuring compliance of the following :-*
 - a. *Implementation of the recommendations of the joint committee report*
 - b. *Prevention of untreated sewage disposal into Kapali rivulet by way of ensuring adequate infrastructure for treatment of generated sewage/wastewater in the catchment of Kapali rivulet and also protection of naturally flowing rivulet from adverse anthropogenic interventions and encroachments.*
 - c. *Protection and maintenance of the water quality, natural flow and ecological characteristics of Kapali rivulet.*
 - d. *Protection of banks from erosion and sediment deposition and maintenance of uninterrupted flow in the rivulet.*
 - e. *Ensuring plantation across a defined width along the banks of river.*
 - f. *Monitoring rainfall intensity in the catchment area of Kapali rivulet and preparation of flood hydrographs*
 - g. *Prevention of encroachment in the floodplain zone of Kapali rivulet*
 - h. *Monitoring flow and morphological characteristics of Kapali rivulet and maintenance of long term data of the stream, specially during monsoon season*

OSPCB shall acknowledge receipt of these directions, within a week. Thereafter, the action taken report shall be submitted by OSPCB to CPCB within 30 days from the date of issuance of these directions.

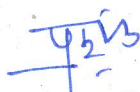

(Tanmay Kumar)
Chairman

Contd...4/

Copy for information to:

- ✓ 1. **The Chairman,**
Central Water Commission,
2nd Floor (South),
Sewa Bhawan, R K Puram,
New Delhi 110066
2. **Joint Secretary**
CP Division
Ministry of Environment, Forest & Climate Change,
Indira Paryavaran Bhawan,
Jor Bagh Road,
New Delhi – 110003
3. **District Magistrate,**
Office of the Collector & District Magistrate Bhadrak,
PO/DIST- Bhadrak,
Odisha-756100
4. **In-charge, IT Division, CPCB**
5. **Regional Director (East),**
Regional Directorate – Kolkata
Central Pollution Control Board
'South End Conclave' Block-502,
5th & 6th Floor, 1582, Razidanga, Main Road,
Kolkata – 700107, West Bengal

: For uploading on CPCB
website


(Prashant Gargava)
Member Secretary



भारत सरकार
केंद्रीय जल आयोग
नदी संरक्षण निदेशालय

विंग-1, प्रथम तल, पश्चिम खंड -2,
आर. के. पुरम, नई दिल्ली -110606

Email: rcddte-cwc@nic.in

Dated: 02/06/2022

सेवा में,

Shri Dibakar Bhoi,
Mayurbhanj, Odisha-757055.
Email:dibakarbhoi2013@gmail.com
Mob: 6371884074

विषय: Protection and Preservation of River Kapali & its flood plain area-reg.

संदर्भ: 1. Email dated 15.04.2022 to Chairman, CWC, New Delhi.
2. Hon'ble NGT Order dated 09.04.2021 in Execution Application No. 18/2020 in EA No.33/2019 in OA No.572/2016.

महोदय,

This is in reference to the above cited mail vide which representation in relation to Final report of the Joint Committee was received, for passing necessary Orders, if any as directed by Hon'ble NGT, PB, New Delhi vide Order dated 09.04.2021.

In this regard, following is brought to your kind information:

- As CPCB was the nodal agency (as per NGT order dated 09.04.2021), Chairman, CWC has already issued the necessary direction, after taking into account the Final report of the Joint Committee to CPCB, for taking further appropriate actions by the concerned regional pollution control board. Further, directions have also been issued by the Chairman, CPCB (attached) to State Pollution Control Board, Odisha for taking appropriate action in above matter as per above direction.

This issues with approval of Competent authority.

भवदीय

संलग्न: ऊपरोक्त

Signed by Ram Jeet Verma

Date: 02-06-2022 11:18:51

Reason: Approved

(राम जीत वर्मा)

निदेशक

प्रतिलिपि:

1. Regional Director, Central Pollution Control Board, Ministry of Environment, Forest and Climate Change, 1582, Rajdanga Main Road, Kolkata-700107.
2. Chief Engineer, M&ERO, CWC, New Delhi.
3. Director, RMCD, CWC, New Delhi.

18/12/2020 4:57 PM

MOHAMMAD AFAQ
(DD-RC DTE)**Note No. #11**

केन्द्रीय जल आयोग

नदी संरक्षण निदेशालय

विषय: Protection and Preservation of River Kapali & its flood plain area

- FR is a representation received from Shri Dibakar Bhoi in relation to Final report of the Joint Committee constituted in compliance to the Hon'ble NGT Order dated 09.04.2021 in Execution Application No. 18/2020 in EA No.33/2019 in OA No.572/2016.
- Applicant through the representation of Shri Dibakar Bhoi has placed few objections to the aforesaid Report.
- NGT vide its order dated 09.04.2021, gave the liberty to CWC to issue further direction(after taking the report of Joint Committee in consideration), if necessary, for protection of riverine ecology and flood plains.
- Consequently, CWC issued the directions to the nodal agency CPCB vide File No.T-75075/13/2021-RC DTE dated 16.12.2021 (attached) for further taking the appropriate measures. Further, copy of directions issued by Chairman, CPCB were also received in this office and is attached.
- It is not evident from the representation, whether the applicant received the directions issued by CPCB or not, since the reference of only the final report of the joint committee has been made.
- After taking the views of the applicant in consideration, DFA has been accordingly prepared and is put up for kind perusal.

📎 **CPCB directions.pdf**📎 **CWC directions.pdf**📎 **Joint Committee Report_OA 572-2016 (2).pdf**

18/05/2022 12:28 PM

DEEPAK RAI
(AD (RC DTE))**Note No. #12**

मसौदा अनुमोदनार्थ प्रस्तुत।

18/05/2022 1:26 PM

MOHAMMAD AFAQ
(DD-RC DTE)

Note No. #13

अनुमोदनार्थ प्रस्तुत।

19/05/2022 11:36 AM

RAJ PAL SINGH VERMA
(DIR-RC DTE)

Note No. #14

As discussed.

19/05/2022 5:38 PM

READING SHIMRAY
(CE (P&D))

Note No. #15

27/05/2022 11:52 AM

RAJ PAL SINGH VERMA
(DIR-RC DTE)

Note No. #16

31/05/2022 10:45 AM

MOHAMMAD AFAQ
(DD-RC DTE)

Note No. #17

Modified Draft is put up for kind approval.

02/06/2022 10:26 AM

RAM JEET VERMA
(DIR-RC DTE)

Note No. #18

02/06/2022 10:42 AM




READING SHIMRAY
(CE (P&D))

Note No. #19

kindly email letter to all concerned.

02/06/2022 11:21 AM

RAM JEET VERMA
(DIR-RC DTE)


03/06/22
राम जीत वर्मा
डायरेक्टर, रीजनल ऑफिस
सेन्ट्रल वुडर कमिशन
एच. १०१०३६/४/२०१९