

Annexure-12

GOVERNMENT OF PUNJAB
DEPARTMENT OF SCIENCE, TECHNOLOGY, ENVIRONMENT
AND NON-CONVENTIONAL ENERGY

Notification

No.348/07/STE(4)/2274.

Dated 25th July, 2008

Whereas, it is necessary and expedient to take steps under section 5 and section 7 of Environment (Protection) Act, 1986 and the Rules framed there under, to maintain ecological balance, to prevent environmental degradation and to avoid human health hazard in the State.

2. And whereas, in order to resolve the complex issue regarding siting of residential project in the vicinity of industrial units/ industrial areas and to frame consolidated guidelines after considering all other guidelines/ instructions/ notifications issued by Govt. of India/ State Government and various Pollution Control Boards, the Govt. of Punjab constituted a committee headed by the Chief Secretary, Punjab which in its meeting held on 8.6.2007, observed that in case of knowledge based industry like electronic/ I.T. Parks etc. where there is no discharge of any type, there may not be any necessity of any buffer distance between the industry and the residents. In fact, the concept of walk to work is being encouraged, world wide, in green industries. The SEZ policy of Govt. of India also permits development and co-existence of non-polluting and non-hazardous industries. Similarly, the Punjab State Industries and export corporation policy/ industrial policy of the State Govt. have provision for co-existence of residential and industrial establishment in industrial parks./ focal points. The committee also observed that new sophisticated technological development today enable us to curb the levels of pollutants from various categories of industries eliminating or substantially minimizing the ill effects of industrial emission/ discharge. The pressure of ever increasing population, fast urbanization and nearly double digit economic growth make it imperative that natural resources including land, are optimally utilized. This calls for co-existence of residential projects and industry of course, with proper safe guard measures.
3. And whereas, it was noticed that no such minimum distance in locating residential colony/ commercial complexes from existing industrial complex has been fixed either by the Ministry of Housing and Urban Development, the Ministry of Environment & Forest, Govt. of India, or other State Pollution Control Boards from where information could be obtained. Noticing further that in case of air and water pollution, prescription of any such distance say 500 metres or even 100 metres, may become more or less fruitless because pollution if created shall spread beyond the prescribed distance. The Bhopal gas tragedy is too recent to be forgotten. Therefore, the focus has to be on strict and rigid pollution and risk control measures. Fortunately, the Pollution Control Acts, provides a comprehensive system and mechanism, laying standard and norms which the committee recommended, should be vigorously enforced. Primarily, the committee observed that the need was to ensure public safety for which the distance from source of hazard was relevant for locating residential colony/ commercial Complex.
4. And whereas, the committee also held a public hearing on the issue of evolving the siting guidelines on 2.8.2007, which was attended by the representatives of the industries as well as representatives of on going residential complexes in the State. It was pointed out at the time of public hearing that some of the existing and on going residential projects are located as per the draft master plan in residential zones/ Municipal area etc. and some of these cases have got a detailed EIA study done and obtained approval after proper public hearing. It was further represented that the committee should take into account the huge investments made by the projects promoters as well as the individual buyers of these properties.
5. And whereas, it was resolved that to solve the issue of siting in a logical manner and on permanent basis, there is an urgent need to immediately prepare the Master Plans for the entire State, designating industrial and residential zones. Once these plans are in position, the respective activity should be allowed only in the designated zone, thus eliminating conflict between industrial and residential usage of land.
6. Accordingly, in supersession of earlier guidelines framed by the Punjab Pollution Control

Board vide letter no. GPC/Gen/4/19/2006/876-96 dt. 17.1.2006 and any other guidelines/ notification issued by the Board from time to time, the State Govt. vide its notification no 3/6/07/STE(4)/ 2851 dt. 7.8.2007 laid down the siting policy/ guidelines for establishment of residential colonies, commercial establishment like shopping malls, multiplexes in the State of Punjab, wherein, a minimum distance of 100 metres from the source of pollution hazard of the Maximum Accident Hazard(MAH) industries notified by Director General Factory Service Labour Institute to the building line of residential colonies/ commercial complex was prescribed.

The above said notification was further reviewed by the committee under the Chairmanship of Chief Secretary, Punjab as per the observations of Hon'ble High Court in CWP no. 18632 of 2005. This committee further decided to increase the distance of building line of the coming up residential settlement from the Maximum Accident Hazardous source from 100 mts to 250 mts. in the above said notification. It was also decided by this committee that minimum buffer of 15 metres green belt of broadleaf trees should be provided by the colonizer towards the air polluting industries, boundary of which are located within 100 metres from the boundary of such air polluting industries.

Now, therefore, in supersession of earlier notification no 3/6/07/STE (4)/2851 dt. 7.8.2007 issued by the State Govt. and any other guidelines/ notification issued by the State Govt./ Punjab Pollution Control Board from the existing industries and in exercise of the powers conferred under section 5 of the Environment (Protection) Act, 1986, read with rules 5(i)(vi) of Environment (Protection) Act 1986, the Governor of Punjab is Pleased to notify the siting policy/ guidelines for establishment of residential colonies, commercial establishment like shopping malls, multiplexes in the State of Punjab as under:

1. The Master Plan is the final legal solution to planned development and hence the master plans be prepared in a time bound manner on priority.
2. All residential colonies, commercial establishments like shopping malls multiplexes etc. shall maintain a minimum distance of 250 metres from the hazardous (Maximum Accident Hazard) industries notified by Director general factory Advice Service labour institute. The distance should be measured from the source of pollution/ hazard (e.g. storage tank, gas chamber etc.) in the industrial premises to the building lines as per Zoning Plan, of residential colonies/commercial complex. This notification would not have an overriding affect on any Act/ Rules/Orders of the Govt. of India/ State Govt. which prescribe a distance of more than 250 metres from such source of hazard and the said prescribed distance shall be maintained. The notification/ orders issued by the State Govt./ Punjab Pollution Control Board relating to siting of industries namely stone crushers, rice shellers, saw plants, brick Kilns, cement plants, grinding units, hot mix plants and other industries shall remain operative and unaffected by this policy/ notification. In order to resolve any dispute regarding measurement or other related issues, an inspection committee comprising of Chairman, Punjab Pollution Control Board or his nominee, Chief Inspector of Factories, Punjab or his nominee, Chief Town Planner, Punjab or his nominee and a nominee of the Department of Industries is hereby constituted. This inspection committee will be headed by the Chairman, Punjab Pollution Control Board who will also act as convener of the said committee.
3. Minimum buffer of 15 metres green belt of broadleaf trees should be provided by the colonizer towards the air polluting industries, boundary of which are located within 100 metres from the boundary of such air polluting industries. This would be included as a clause both by licencing authorities of Housing Department as well by Punjab Pollution Control Board. The species/ varieties of trees shall be decided in consultation with Forest Department.
4. In view of the fact that these guidelines may affect few existing housing complexes and also that some projects in the pipeline may not be conforming to the policy and also the fact that huge investments made by the project proponents and the prospective buyers in the these project, it is decided that all such project which are not covered under the policy, shall be studied on unit to unit basis by the above said inspection committee as per the guidelines prescribed above with Public safety being the prime concern.

A.S. Chhatwal
Secretary to Government of Punjab,
Deptt. Of Science, Technology, Environment
and Non Conventional Energy

Esdst No. 3/6/07/STE(4)/2275

Dated, Chandigarh 25th July, 2008

A copy is forwarded to the Controller, Printing & Stationery, Punjab, Chandigarh with the request that the above notification may be published in the ordinary gazette and 50 (Fifty) copies thereof may be sent for record.

Secretary

Esdst No. 3/6/08/STE (4)/2276-84

Dated, Chandigarh 25th July, 2007

A Copy is forwarded to the following for information & necessary action: The Advocate General, Punjab.

1. The Director of Industries, Udyog Bhawan, Sector-17, Chandigarh.
2. The Director, Local Government, Punjab, SCO 131-132 Sector-17, Chandigarh
3. The Director of Factories, Punjab, SCO 87-88, Sector-17D, Chandigarh
4. The Managing Director, Punjab State Industries & Export Corporation, Chandigarh.
5. The Chief Administrator, PUDA, Chandigarh
6. The Chairman, Punjab Pollution Control Board, Nabha Road, Patiala.
7. The Chief Town Planner, P.b., Chandigarh.
8. The Executive Director, Punjab State Council for Science and Technology, Chandigarh.

Secretary

A copy is forwarded to the following for information & necessary action:

1. The Principal Secretary to Chief Minister, Punjab for the kind information of Hon'ble C.M. Punjab.
2. The Secretary to Science, Tech. and Environment Minister Punjab for the kind information of Hon'ble Minister.
3. The Chief Secretary to Government of Punjab.
4. The Principal Secretary to Govt. of Punjab, Deptt. Of Labour & Employment, Chandigarh.
5. The financial Commissioner to Govt. of Punjab, Department of Forest, Chandigarh.
6. The Principal Secretary to Govt. of Punjab, Department of Local Government, Chandigarh
7. The Principal secretary to Govt. of Punjab, Department of Industries & Commerce, Chandigarh.
8. The Secretary to Govt. of Punjab, Department of Housing & Urban Development, Chandigarh.

Secretary

ID No. 3/6/07/STE(4)/2285-2292

Dated, Chandigarh 25th July 2008