

Sl. No. 20679

Date. 02/12/24

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,

EASTERN ZONE BENCH, AT KOLKATA

M.A No. 29/2024/EZ

In

O.A No. 125/2022/EZ

IN THE MATTER OF:

Sri. Himanshu Nath

....Applicant

Versus

Central Pollution Control Board & Ors.

....Respondents

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Date: 02.12.2024

Place: Guwahati

Drawn & Filed by:

Vikram Rajkhowa

Vikram Rajkhowa

Advocate for the Applicants

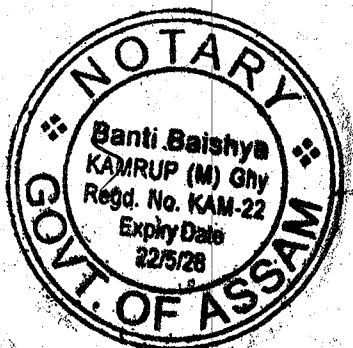
504, Amazing Grace Aptt.,

S.K Bhuyan Road, Dighalipukhuri(E)

Guwahati – 7810001, ASSAM

vikram.rajkhowa@gmail.com

(+91) 9954348258



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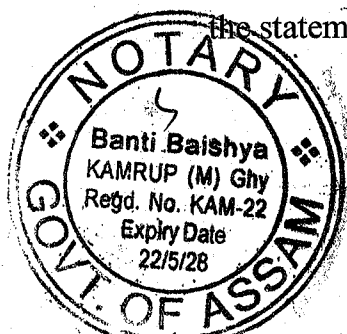
Central Pollution Control Board & Ors.

....Respondents

Rejoinder Affidavit on behalf of the Applicant to the Compliance Affidavit on behalf of the State of Assam, represented by the Chief Secretary

I, Sri. Himangshu Nath, son of Sri. Lokeswar Nath, aged around 50 years, resident of H.No.10, Bonkonwar Tilla, Guwahati 781004, in the district of Kamrup (Metro), Assam, do hereby solemnly affirm and state as under:

1. That I am the applicant in the above mentioned original application, hence I am fully conversant with the facts and circumstances of the case and competent to swear this affidavit.
2. That save and except what has been specifically admitted in this affidavit and what appears from the records, the deponent categorically denies the rest of the statements and submissions made in the compliance affidavit.

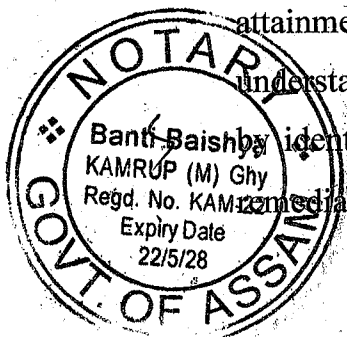


3. That as regard the averments made in paragraph 1 to 5, same requires no comment from the deponent.

4. That as regard the averments made in paragraph 6. A. Pollution Control Board, Assam (PCBA), the deponent begs to state that according to the Counter Affidavit filed by the PCBA in O.A No. 125/2022/EZ, the Member Secretary, PCBA vide letter No. WB/LAB-363/21-22/166 dated 22.12.2021 communicated to the Professor & Nodal Faculty, NCAP, Department of Civil Engineering, IIT Guwahati, that the Board was pleased to accept the proposal for conducting **'Source Apportionment, Emission Inventory and Carrying Capacity study'** in 5 Non-attainment cities of Assam under National Clean Air Programme (NCAP). And according to the terms and conditions contained in the said letter dated 22.12.2021, the project should be completed within 2 years from the issue of the work order as well as submission of quarterly progress report separately for each NACs and final report separately for each NACs with data in compiled graphical representation with sampling photographs in soft and hard copies shall be submitted with to PCBA with suggestion for necessary control measures.

Thereafter, vide agreement letter dated 23.12.2021 signed by the Professor & Nodal Faculty, NCAP, Department of Civil Engineering, IIT Guwahati, agreed to undertake the project. However, according to Annexure-IVA of the Counter Affidavit, i.e., email dated 19.08.2024 from the Professor (HAG) of Environmental Engineering, Department of Civil Engineering, IIT Guwahati, the aforesaid report will take further time.

Be it stated that the above-mentioned 'Source Apportionment, Emission Inventory and Carrying Capacity' study of Guwahati city, which is a non-attainment city is an important study, the findings of which will give a better understanding to the concerned authorities to address the issue of pollution, identifying the main source, the location, etc., and to accordingly take remedial measures.



However, the fact that even after the elapse of 2 years 11 months the said study report is not yet ready, highlight the lackadaisical manner in which the issue of pollution is being addressed by the concerned authorities. Under such circumstances this is a fit case for the interference of this Hon'ble Court and to direct the respondent authorities to submit a 'Status Report' and/or 'Preliminary Report' pertaining to the said study before this Hon'ble Court for proper and just adjudication of the matter.

5. That as regard the averments made in paragraph 6. B. Guwahati Municipal Corporation (GMC), the deponent begs to state that the Guwahati Municipal Corporation have no doubt taken certain initiatives to address the problem of garbage collection and disposal from the residences through the NGO's and mechanized vehicles. However, there's still much to address in regard to the garbage dumping, more particularly on the two rivers, namely Bharalu river and Basistha river, which flows through the city, converting it into a large drain or open sewer.

According to a news in the G-plus dated 16.11.2024 report as follows in regard to the Bharalu river:

"The once-pristine Bharalu river, flowing near Guwahati's Barsapara stadium, has fallen into such disrepair that it is now a primary breeding ground for diseases. Years of neglect, inconsistent clean-up efforts by the Guwahati Municipal Corporation (GMC), and the unchecked dumping of non-biodegradable waste have turned this river into a drainage nightmare, magnifying the city's ongoing public health crisis."

Another news in G-plus dated 27.07.2024 reports as follows in regard to the Basistha river:



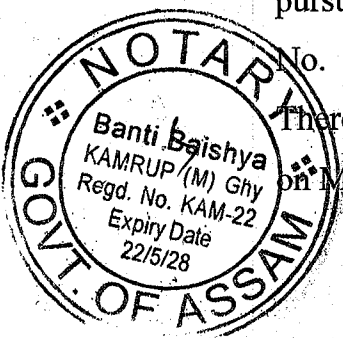
“The Basistha river, originating from Meghalaya and flowing through the area, is heavily polluted with garbage, transforming from a crystal-clear stream to a polluted waterway. The river which further extends into Bahini and Bharalu, has become a victim of unregulated waste disposal. Residents have expressed their frustration over the indifferent attitude of Guwahati Municipal Corporation (GMC) and Guwahati Metropolitan Development Authority (GMDA). The negligence has led to the river and its surroundings being overwhelmed by heaps of plastic and other non-biodegradable waste.”

Copy of the G-plus news dated 16.11.2024 and 27.07.2024 is annexed herewith as ANNEXURE – A/1 and B/1.

6. That as regard the averments made in paragraph 6. C. Public Works (Road) Department (PWD) and 6. D. National Highway Authority of India (NHAI), the deponent begs to state that the construction of flyovers, namely, (i) RG Baruah (Zoo) Road, (ii) Maligaon-Kamakhya and (iii) Sarabbhatti, including the flyovers on the Guwahati By-pass (Khanapara to Jalukbari), which was causing massive amount of dust pollution has been completed.

However, in the meantime three new flyover projects have started, namely, (i) 4 lane Elevated Corridor Project on GNB Road, including its extended arms, (ii) Cycle Factory – Lal Ganesh, (iii) Rukminigaon, including Gas pipeline laying work on Mother Teresa Road, are causing severe dust pollution, posing serious health hazard. Therefore, the deponent submitted a representation dated 20.09.2024 (via email dated 25.09.2024) with the Chief Secretary to the Government of Assam and Chairperson of Committee in pursuance to this Hon’ble Court’s order dated 08.02.2023 in the instant O.A

No. 125/2022/EZ highlighting the said problem of ‘dust pollution’. Thereafter, the gas pipeline work was completed and black topping was done on Mother Teresa Road.

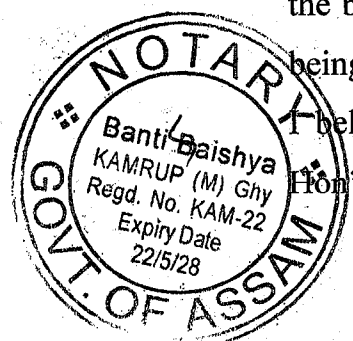


But the road condition wherein the aforesaid flyovers are being constructed, more particularly on GNB Road are in bad condition and it is generating a lot of dust thereby posing a serious health hazard for commuters, more particularly two and three wheelers and the residents and shopkeepers near the construction area. Therefore, this Hon'ble Court may direct the respondent authorities to take necessary and appropriate measures to address the said issue of 'dust pollution' by complying with the Guidelines of the statutory authorities, among other laws.

Copy of the Representation dated 20.09.2024 (via email dated 25.09.2024) is annexed herewith as ANNEXURE - C/1

7. That as regard the averments made in paragraph 6. E. Transport Department, the deponent begs to state that the deponent refer and rely upon the news report dated 25.08.2022 published in 'The Assam Tribune' annexed as Annexure - G in the instant O.A, wherein it is stated that, there are around 12.04 lakh registered vehicles in Guwahati but only around 30% of said registered vehicles have valid PUC, i.e., around 3.16 vehicles. The said number of vehicles is likely to go up in Guwahati city in last 2' years. However, the answering respondent has not reverted back as to how many vehicles are now present in Guwahati city and how many have PUC? Furthermore, the 'Source Apportionment, Emission Inventory and Carrying Capacity study' is important to understand the contribution of vehicular pollution to the overall pollution levels in Guwahati city. That not being the case, this is a fit case for the interference of this Hon'ble Court.

8. That the statements made in this affidavit and in paragraphs 1 to 8 are true to the best of my knowledge and belief and those made in paragraph 5 (part) being matter of records are true to my information derived there from, which I believe to be true and the rest are my humble submissions before this Hon'ble Court.



And I sign this affidavit on this 2nd day of December, 2024 at Guwahati.

Himangshu Saith

DEPONENT

VERIFICATION:

I, the deponent above-named, do hereby verify that the contents of the above rejoinder affidavit is true and correct to the best of my knowledge and belief and nothing material has been concealed there from.

Verified at Guwahati, Assam on this 2nd day of December, 2024.

Identified by

Ankur Jyoti Satima

Advocate

No. *629/2023*

Himangshu Saith

DEPONENT

NOTARY PUBLIC : OATH COMMISSIONER
Solemnly affirmed before me this day, I
Certify that I read over and Explained
the contents to the declarant and that
the declarant seemed perfectly to
understand them.

02/12/24

Banti Baishya
NOTARY, GOVT. OF ASSAM
KAMRUP (Metro) Guwahati
Regd. No.: KAM-22



Guwahati's Bharalu River Turns Into Breeding Ground For Disease Amid Hue & Cry

Devraj Mahanta (Nov 16, 2024)



Bharalu River near Barsapara Stadium. | GPlus Image

Years of unchecked pollution have transformed the river into what locals bitterly refer to as an "open sewer"

The once-pristine Bharalu River, flowing near Guwahati's Barsapara stadium, has fallen into such disrepair that it is now a primary breeding ground for diseases. Years of neglect, inconsistent clean-up efforts by the Guwahati Municipal Corporation (GMC), and the unchecked dumping of non-biodegradable waste have turned this river into a drainage nightmare, magnifying the city's ongoing public health crisis. Although officials recently announced a clean-up initiative scheduled for December to January, residents and environmental experts are sceptical, citing past delays and the high risk of flash floods during the monsoon season if immediate action is not taken.

ALSO READ: Guwahati's Panbazar Bridge Completion To Be Delayed

Stretching across several neighbourhoods in the city, the Bharalu was once vital to Guwahati's ecosystem. However, years of unchecked pollution have transformed it into what locals bitterly refer to as an "open sewer". From discarded plastics and green nets to piles of garbage, the riverbed is buried under layers of waste. Parts of the river have developed a thick, toxic sludge that prevents natural flow, while other sections are blanketed by non-biodegradable debris, floating like reminders of governmental neglect.

"Look at what this river has become – an eyesore and a health hazard," laments a local resident, who lives near Barsapara. "It's sad that something that was once essential to this city is now just a dumping ground."

The deterioration of Bharalu's water quality has not only affected the aesthetics and ecology of the river but has

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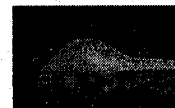
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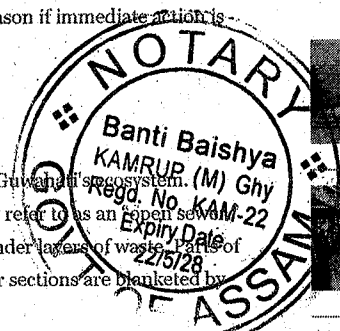
Assam's Baksa Residents Live In Fear As Elephants Go On Rampage



Rising Price Of Commodities In Guwahati Pinches Citizens



New Trend: Guwahati Bars Opt For 'Off' Identity



02/12/24 Banti Baishya
NOTARY, GOVT. OF ASSAM
KAMRUP (Metro) Guwahati
Regd. No.: KAM-22

also resulted in a severe mosquito infestation. This has contributed to a recent surge in mosquito-borne illnesses, particularly dengue, which is already at alarming levels in various parts of Guwahati. Many areas around Bharalu and neighbouring localities have been marked as red zones for their heightened vulnerability to dengue outbreaks. According to public health officials, the situation is critical, and much of it could be attributed to the unhygienic condition of the city.

Residents who live along the riverbank have pointed to an unfortunate reality: much of the trash is not from those who reside nearby but rather from commuters passing through. Car occupants, motorcycle riders, and pedestrians have been seen carelessly tossing packaged waste into the river. Without adequate fines, guard walls, or preventive measures, this has become an ingrained habit that further clogs the river and increases the decay.

"I've seen people in vehicles throw bags of garbage right into the river as if it's just another roadside bin. And yet, there's no one around to hold them accountable," says a frustrated local. "What's worse is that we, the residents, end up paying the price in terms of disease outbreaks and the stink that surrounds us."

While the GMC has periodically announced initiatives to clear the waste, residents report that these efforts are inconsistent and insufficient. Some clean-up drives have been carried out, but the sheer volume of waste soon returns, piling up due to lack of routine maintenance and enforcement.

"It feels like a ticking time bomb – they come, clean a bit, take pictures for the newspapers, and then leave it to deteriorate all over again," shares a long-time resident of the area. The GMC has issued yet another commitment to tackle the problem, with an official recently stating that the river will be cleared "by December-January." This statement has left residents sceptical, however, as many recall similar promises made in the past without noticeable action. With monsoon rains typically arriving in April, many fear that if clean-up is delayed until early next year, there may not be enough time to prepare the river for the heavy rains, risking flash floods.

The timing of clean-up activities is a contentious issue, as the river's clogged state has repeatedly caused urban flooding in recent years. During the monsoon season, water has no escape path due to the accumulated waste, leading to flash floods that affect thousands of residents. In April 2024, following another year of missed deadlines, the city experienced severe flooding that was, in part, attributed to the neglected condition of Bharalu and other water bodies.

Local healthcare professionals are also voicing concerns about the impact of the river's state on public health. "Dengue cases are spiking, and unless we tackle the root causes – like stagnant water in Bharalu – these cases will only multiply," warns a doctor at a local hospital. Mosquito breeding is rampant in the blocked, polluted sections of the river, creating ideal conditions for dengue-carrying mosquitoes to thrive.

The GMC's sluggish approach has contributed to a broader public health problem. It's not just about dengue; other mosquito-borne diseases, including malaria, are also becoming increasingly common, especially during the warmer months. Environmentalists and public health advocates have raised repeated warnings that unless Bharalu is treated as an urgent health hazard, the entire city could face an unprecedented health crisis.

Frustrated residents have voiced their anger over the lack of accountability and transparency from the GMC. In their view, the city's civic body seems to function only in reactionary mode, tackling problems only after they escalate into public outcry or reach the media's attention. For many, this latest announcement feels more like an empty promise rather than a step towards real change.

"If they don't clear the river now, then what's the point of announcing these deadlines?" asks a resident. "Every time, it's the same story. We don't need just one clean-up; we need a system that prevents this garbage from building up in the first place."

Several residents are calling for more stringent anti-littering policies, regularised clean-up schedules, and infrastructure that discourages public dumping. "If there were proper fines, CCTV cameras, and a physical barrier along the river, maybe people would think twice before dumping garbage," suggests another resident.



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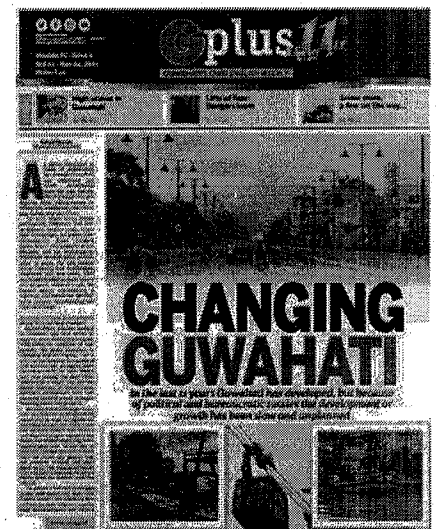


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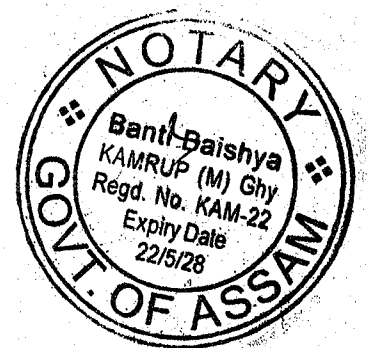
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Sustainable urban planning includes making rivers part of the solution, not ignoring them into oblivion," explains an environmental activist. "Other cities across India have demonstrated that it's possible to revive aging rivers through targeted investments and community engagement. Guwahati should learn from these examples."

With the monsoon season just months away, Guwahati's policymakers must recognise that delayed action could have devastating consequences. Flash floods, driven in part by clogged waterways like the Bharalu, have already led to huge damages across Guwahati over recent years. Without significant changes in the way the city's water bodies are maintained, these incidents are likely to recur, creating an escalating cycle of damage, expense, and health risk.

If the GMC fails to act decisively now, it is likely to face not only public anger but also economic setbacks, as flooding tends to disrupt businesses, increase healthcare costs, and dampen tourism in the city. With Bharalu's condition worsening by the day, many residents are now losing hope that the city will ever prioritise its environmental health.

For Guwahati, the Bharalu River's deterioration should serve as a wake-up call. Residents, health experts, and environmentalists agree that mere promises from the GMC are no longer enough. The city needs a well-funded, well-coordinated response that addresses the root of the problem and keeps rivers clean throughout the year, not just in reaction to crises. Without action, the water body that once supported life in the city will remain a breeding ground for disease and a symbol of civic neglect.

As the deadline of December-January approaches, all eyes will be on the GMC to see if they will deliver on their promise – or if the Bharalu, along with Guwahati's health, will continue to suffer.

Guwahati Biodiversity Pollution

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Basistha River Turns Into Toxic Wasteland Due to Pollution & Neglect

vraj Mahanta (Jul 27, 2024)



Basistha (Credit: GPlus)

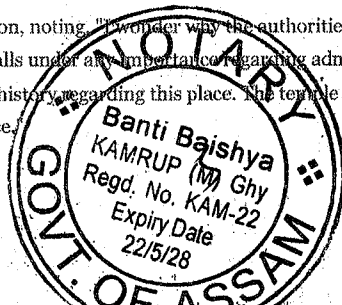
The Basistha area, extending from Notun Bazar to Latakata and beyond, is facing severe waste management issues. Once known for its pristine streams, the locality now stands as a testament to negligence and disorder. The Basistha river, originating from Meghalaya and flowing through the area, is heavily polluted with garbage, transforming from a crystal-clear stream to a polluted waterway. This river, which further extends into Bahini and Bharalu, has become a victim of unregulated waste disposal.

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Residents have expressed their frustration over the indifferent attitude of the Guwahati Municipal Corporation (GMC) and Guwahati Metropolitan Development Authority (GMDA). The negligence has led to the river and its surroundings being overwhelmed by heaps of plastic and other non-biodegradable waste.

A resident of Ghormara, performing rituals near the Basistha Temple, shared his dismay, saying, "I was there for my mother's death rituals. The environment out there is absolutely horrible. The water which was clear before is now polluted. I've witnessed households which surround that streamline openly disposing garbage. The foul smell of garbage and urine was unbearable."

The resident further criticised the authorities for their inaction, noting, "I wonder why the authorities are waiting for so long? I understand it is a place which hardly falls under any importance regarding administration. But, ultimately it is a part of Guwahati and there has been a history regarding this place. The temple itself is a testament. I pity such negligence and substandard conscience."



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The area around Basistha Ashram has also become notorious for substance abuse, despite the presence of a police outpost. Devotees visiting the temple, especially during the Bol Bam period, often use the space for intoxication, intensifying the area's deteriorating condition.

A resident of Ganesh Nagar echoed these concerns, stating, "The area is in a total state of disrepair. There are certain locations where garbage dumping has been normal. Unfortunately, there is no one to hold accountable for. Even the authority has been mute for a long time."

The neglect extends beyond roadside waste dumping. The Basistha river is in a state of utter neglect, with heaps of waste floating and accumulating over time. There has been no concrete action or suggestions from the authorities to address the issue.

Encroachment along the riverbanks has further aggravated the problem. Over time, several households have extended towards the banks, and the lack of a proper waste collection system has contributed to the current state of the Basistha river.

A source from GMC acknowledged the long-standing neglect, saying, "The Basistha area has been neglected by the authority for a very long time. I guess just because it is a bit towards the outskirts such negligence is visible. Earlier, there were discussions on eviction drives. But, those were only in words. No action was initiated. There needs to be a check on such issues. But, it's still a distant reality."

Despite a defence base in the area where waste management issues are promptly addressed within the premises, the government has failed to set a similar example outside the campus.

The residents of Basistha are growing increasingly desperate for relief from the deteriorating conditions. They hope that the authorities will take swift action to address the waste management crisis before the situation becomes irreparable.

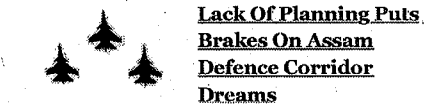
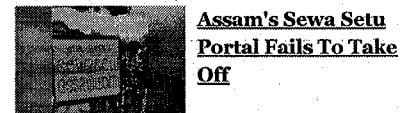
In recent years, the plight of Basistha has drawn attention from environmental activists and local NGOs, who have organised several clean-up drives and awareness campaigns. However, these efforts have had limited impact due to the lack of sustained support from local authorities and the continued negligence of proper waste disposal practices by the residents.

An environmental activist from a local NGO emphasised the need for a comprehensive waste management plan, saying, "We have conducted numerous clean-up drives, but without the support of the authorities and a proper waste management system in place, our efforts are just a drop in the ocean. The community needs to be educated about the importance of proper waste disposal, and the authorities must enforce regulations strictly."

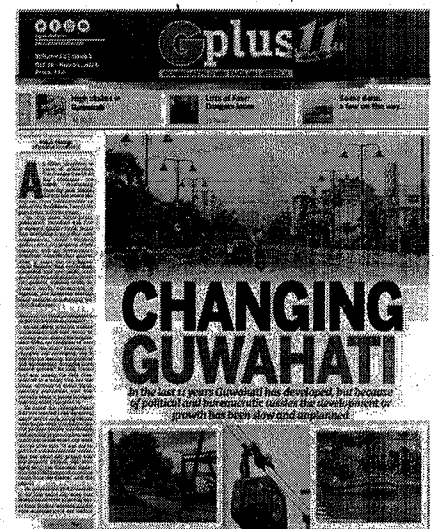
The activist further pointed out that the pollution in Basistha river is not just an environmental issue but also a public health concern. The contaminated water poses serious health risks to the residents, who rely on the river for various daily activities. "Waterborne diseases are on the rise in the area, and it's directly linked to the polluted river. We need immediate intervention to prevent a public health crisis," he added.

Local businesses and shopkeepers in the Basistha area have also been affected by the deteriorating conditions. Many complain of reduced foot traffic and sales, as the foul smell and unsightly heaps of garbage drive customers away. A shopkeeper near Notun Bazar expressed his frustration, stating, "Our businesses are suffering. People don't want to come to this area because of the garbage and the smell. We need the government to step in and clean up this mess, not just for the environment but for our livelihoods as well."

The Basistha river's pollution also threatens the local biodiversity. The once-thriving ecosystem, home to various aquatic species, is now in jeopardy. If the current situation persists, the river's ecosystem could collapse, leading to long-term ecological damage.



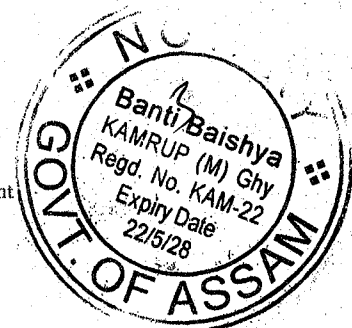
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In response to the growing outcry, a GMC official assured that plans are underway to address the waste management issues in Basistha. "We are working on a waste management plan that includes regular garbage collection, stricter enforcement of waste disposal regulations, and community awareness programs. We urge the residents to cooperate with us and report any violations they witness," the official said.

The residents of Basistha, however, remain sceptical. They have heard similar promises before and seen little action. Many believe that the authorities' efforts will be short-lived and that lasting change will only come with continuous pressure from the community and civil society.

As the situation in Basistha continues to deteriorate, the call for action grows louder. The community is united in their demand for immediate and effective intervention. They hope that with sustained effort and cooperation from all stakeholders, Basistha can be restored to its former glory, and the Basistha river can once again flow clean and clear.

Guwahati GMC PWD

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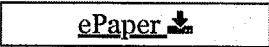
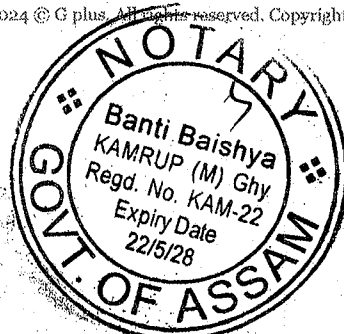
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20th Sept. 2024

To,

The Chief Secretary, Assam**(Chairman of Committee in pursuance to Hon'ble NGT, Eastern Zone Bench, Kolkata order dated 08.02.2023 in O.A No. 125/2022/EZ in Himangshu Nath v. CPCB & Ors.)**

Assam Sachivalaya, Dispur

Guwahati 781006

Email: cs-assam@nic.in

Sub.: Severe 'dust pollution' in Guwahati city poses a serious threat to human health.

Sir,

With reference to the subject cited above, this is to bring to your kind notice that the construction work going on in the under mentioned projects, wherein pollution control guidelines are not being properly followed are causing severe dust pollution in the city, which is posing a serious health hazard to the citizens of Guwahati, especially the vulnerable sections, like children, elderly persons, pregnant women, persons with health conditions, etc.:

1. Flyover construction work on GNB road, from Bamunimaidam to Silpukhuri.
2. Flyover construction work at Cycle factory to Lal Ganesh on Guwahati-Garbhangra road.
3. Gas pipeline laying work on Mother Teresa Road from BSF camp to Geetanagar P.S

In this regard, kindly find attached two news reports published in 'The Assam Tribune' dated 08.09.2024 and in 'Asomiya Pratidin' dated 13.09.2024 as **Annexure - A and B**, which highlight the plight of the citizens due to the aforesaid projects and blatant violation of pollution and environmental laws by the project proponents. The said news reports also highlight the non-action of the PCBA, GMC, PWD in checking pollution and providing respite to the citizens.

In view of the above, as a High-Level Committee appointed by the Hon'ble NGT, Eastern Zone Bench, Kolkata, to address the issue of pollution in Guwahati city, I would like to request you to kindly look into the matter and take all necessary steps to address the issue of pollution, more particularly dust pollution due to the non-compliance of pollution and environmental norms/guidelines, etc., by the project proponents.

Thanking you.

Yours sincerely,

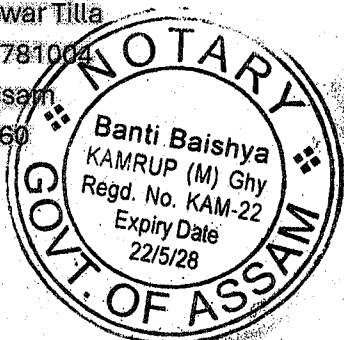
*Himangshu Nath***(Himangshu Nath)**

R/o H.No. 10, Bankonwar Tilla

Kharghull, Guwahati 781004

Dist. - Kamrup(M), Assam

Mobile No. 7086325860

*m. h. h.*
02/12/24Banti Baishya
NOTARY, GOVT. OF ASSAM
KAMRUP (Metro) Guwahati
Regd. No.: KAM-22