

ADDENDUM SLIP NO.1

Please **insert** as page number **1566A, 1566B, 1566C, 1566D, 1566E, 1566F** after page number **1566** in chapter 32B-A — Provision regarding Brick Fields in Volume-Three of Compendium.

Government of West Bengal
Land & Land Reforms Department
'Nabanna'
325, Sarat Chatterjee Road, P.S.-Shibpur, Howrah-711102

MEMORANDUM

No.698/M&M-8/2013/LR A-II

Dated, 23rd March, 2015

Whereas, an instruction was issued vide No.1163(36)-M&M/8/2014 dated :19.05.2014 of this department to follow the provisions as laid down in Rule 33 of the WBMM Rules, 2002, for realizing price for extraction of any mineral or minerals without a proper lease or permit granted under the rules.

Whereas, it is necessary to issue instruction as to the price of earth or any other mineral(s) for extracting it or them without the proper lease or permit granted under the rules.

Now, it is, therefore, decided to fix Rs.51/- per 100 sq.ft. as price of earth and/or price equivalent to 1.5 times of the amount of royalty for extracting or removing of earth and/or any other mineral(s) without any lawful authority in terms of sub-rule (5) of the Rule 33 of the WBMM Rules, 2002.

This order issues with immediate effect.

Sd/-Illegible
OSD & E.O. ACS & LRC
Government of West Bengal

No.698/1(9)/M&M-8/2013/LR A-II

Dated, 23rd March, 2015

Copy forwarded for information and necessary action to :

- 1) The Accountant General (A&E), W.B., 2, Govt. Place (West), Treasury Buildings, Kolkata-700001.
- 2) The Principal Accountant General (Audit), West Bengal, 2, Govt. Place (West), Treasury Buildings, Kolkata-700001.
- 3) The Account General (E&RSA), W.B., M.S.O. Buildings, C.G.O. Complex (5th Floor) D.F. Block, Salt Lake City, Kolkata-700064.
- 4) The Principal Secretary to the Govt. of W.B. Finance Department, Nabanna, 10th Floor, 325, Sarat Chatterjee Road, Howrah-711102.
- 5) The Additional Chief Secretary, Commerce & Industries Department, Mines Branch, 4, Abanindranath Tagore Sarani (Camac Street), Kolkata-700016.
- 6) The Director of Land Records & Survey, W.B., Survey Building, 35, Gopal Nagar Road, Alipur, Kolkata-700027.
- 7) The District Magistrate, (All)
- 8) The A.D.M & DL & LRO, (All)
- 9) The A.O. & E.O. Joint Secretary to the Govt. of West Bengal, PAC Branch of Land & Land Reforms Department, Writers' Buildings, Kolkata-700001.

Sd/-Illegible
Secretary to the
Government of West Bengal

Government of West Bengal
Land & Land Reforms Department
(M & M Branch)
Nabanna, 6th Floor
325, Sarat Chatterjee Road, Howrah-711102

MEMORANDUM

No.1250-M&M/LR/A-II/M&M-26/2010

Dated, 29th May, 2015

Whereas the detailed guidelines were issued by this Department vide No.2739(18)-L. Ref, Dated 29.09.2000 for one-time regularization of brick fields/kilns which were set up on agricultural land on or before 1st September, 2000.

Whereas after the said cut-of date many more brick fields/kilns have come up on agricultural land in violation of the existing norms.

Therefore, after careful consideration of all the aspects in the matter, it is felt necessary to frame guidelines for regularization of such brick fields/kilns on fulfilment of conditions as enumerated herein below :

A. Regulatory Guidelines:

1. District Land & Land Reforms Officers are the Ex-Officio Environment Officers within their respective jurisdictions for the purpose of grant or refusal of Consent-to-Establish (CoE) and Consent-to-Operate (CoO) of the brick fields/brick kilns on behalf of the West Bengal Pollution Control Board (hereinafter referred to as the 'State Board').

Applications should be made to the District Land & Land Reforms Officer concerned in the prescribed format, which may be downloaded from the Website of the State Board (www.wbpcb.gov.in), along with requisite fee and other relevant documents for obtaining permission to establish and/or to operate brick fields/kilns.

2. Apart from the District Land & Land Reforms Officer, the Regional Offices of the West Bengal Pollution Control Board will also receive 'Consent to Operate' applications for the existing bricks fields/brick kilns with arrear consent application fees.

Such applications should be accompanied by the following documents :-

- (a) Trade Licence issued by the appropriate authority.
- (b) Land documents including copy(s) of RoR.
- (c) Royalty and cess challans and up-to-date rent receipt of the Land & Land Reforms Department for using top soil and alluvial soil for manufacture of bricks.
- (d) For identity Proff : PAN Card/Driving Licence/ECI Card/Aadhar Card.
- (e) Photographs showing the brick fields and the chimney with other integrated pollution control systems in the presence of representatives of the bricks fields/kilns and a sketch map showing the four boundaries with coverage in adjoining plots.
- (f) Any other relevant papers and documents as may deemed fit by the applicant to substantiate his/her claim, and/or asked for being produced during process and disposal of such applications by the authorities concerned as mentioned in paragraph 1 and 2.

Without such accompanying documents, applications shall not be accepted by the Regional Office of the State Board and the Office of the District Land and Land Reforms Officer.

3. Clearance should be obtained from the concerned Irrigation & Waterways/PWD and Zilla Parishad authorities to the effect that the existence/operation of brick fields will not cause any damage to any public road, bridge, culvert, embankment or any other public utility and there will be no obstruction to the flow of the canal/river/drainage in any manner whatsoever.
4. Applications received for regularization shall be examined and scrutinized by a District Level Screening and Scrutiny Committee (constituted by the Environment Department, Govt. of West Bengal vide Notification No.EN/202/3C-01/2013 dated 1st January, 2013) consisting of the District Land & Land Reforms Officer/concerned district and the Regional Officer of the West Bengal Pollution Control Board of the concerned district. The Deputy Director, Agriculture

(Administration)/Agriculture Officer connected with soil conservation and the Executive Engineer, I&W, have also been included as the members of this committee by the Environment Department vide No.1004-EN/3C-01/2013 dated 22nd April, 2015.

5. In case of mining of 'brick earth' and 'ordinary earth' up to 5 hectares and also more than 5 hectares but less than 25 hectares, prior Environmental Clearance (EC) under category 'B' projects from the State Environmental Impact Assessment Authority (SEIAA) shall be required before processing the application for regularization.

B. Locational Guidelines :

Brick fields/kilns shall not be considered for regularization in the following places or areas :

1. If the land can be restored for agriculture purpose and on land recorded as agricultural land/orchard/forest whether it is situated within the jurisdiction of the Municipality or Panchayats.
2. If the land is used for agricultural purpose even if it is recorded otherwise in the relevant RoR.
3. Within a distance of 1.0 kilometre from registered hospitals, schools, public buildings, religious places or places where inflammable substances are stored.
4. Within a radius of 5.0 kilometres in notified sensitive areas such as zoo & wild life sanctuaries, historical monuments, museums and the like.
5. Within a distance of 200 metres from both sides of the railway tracks.
6. Within a distance of 200 metres from both sides of National and State Highways.
7. Within a distance of 200 metres from both sides of main district roads, major bridges and embankments.
8. Within 200 metres from the river bank. However, under very special circumstances, this restriction may be reviewed.
9. Within a radial distance of 1.6 kilometres from mango orchards.
10. Unless a chimney of specific height and standard is installed as per norms to be decided by the State Pollution Control Board.
11. Beyond a distance of 1.6 kilometres from mango orchards, if not provided with adequate air pollution control devices and equipment (underground gravitational settling chamber and fixed type stack of height at least 30 metres from G.L. provided with port hold and ladder as per the Emission Regulations Part-III of CPCB.
12. If there is possibility of danger of life or property of the nearby inhabitants.
13. On tribal land by a non-tribal person for manufacturing/extraction even if with power of attorney/partnership deed/any other instrument so registered.
14. On a land unless it is free from encumbrances including litigation/court cases etc.

C. Operational Guidelines :

1. All brick fields/brick kilns located within a radius of 100 kilometres from any Coal-based Thermal Power Plant should utilize at least 25% fly ash of its total raw materials required, as per the Fly Ash Utilisation Rules, 1999 and its amendments made thereafter by the Ministry of Environment and Forests, Government of India.
2. Multi-layer green belt of 10 metres width shall be constructed along the periphery of brick fields/kilns leaving two 10 metres wide gaps in the boundary for entry and exit of materials and vehicles. A 3-metre high wall shall be constructed on the sides where land is not available for green belt development in order to prevent fugitive dust emission. For installation of a brick field/kiln with green belt development, the minimum area required is 2.0 acres.
3. A lightning arrester as per PWD norms or of any other standard design shall be installed for brick fields/kilns to avoid any damage to stack/chimney by lightning.

4. While digging the earth for making bricks in the area as marked for the same, the straight cutting of earth should be avoided; instead cutting should be done with a slope of 1:3, so that solid erosion of the agricultural land can be minimized.

5. Good house-keeping practices such as proper disposal of coal ash, provision for double wall around the kiln, proper layout, brick lined passage, use of a properly graded coal, proper firing practices, protection from noise pollution and other environmental measurers should be adopted by all brick field/kiln owners.

6. **Sunderban area** : Special attention will be given on prevention of unauthorized brick fields/kilns in Sunderban areas.

D. Committee for regularization of unauthorized brick fields/kilns :

1. (a) The Screening & Scrutiny Committee as constituted by the Environment Department, Govt. of West Bengal will examine as to whether the land, on which the brick fields/kilns have been set up is useable or fit for agriculture or if it cannot be reclaimed for agricultural use in near future. If land is found no longer fit for agriculture or not reclaimable, necessary decision for regularization of brick fields/kilns may be taken by the Committee subject to fulfilment of the conditions stated above. The Committee will also ensure compliance of all terms & conditions as laid down in Rule 5A of the West Bengal Land Reforms Rules, 1956 read with Section 4C of the WBLR Act, 1955 and the West Bengal Minor Minerals Rules, 2002 as amended up-to-date and Environmental Protection Rules.

(b) The Government will also constitute a State Level Committee to oversee the regularization of unauthorised brick fields/kilns.

2. Those brick fields/kilns which do not conform to the guidelines laid down herein will be given stop operation notice and thereafter the proceedings for closure shall be started.

3. These guidelines for regularization of unauthorized brick fields/kilns shall remain valid up to 4 (four) months from the date of issue of the order.

This order issues in supersession of all earlier orders/memorandums of this Department vide Nos. 9503(16)-M&M, dated 30.10.1986, 4840(16)-M&M, dated 20.06.1986, 6100(18)-M&M, dated 25.07.1986 & 2739(18)-L.Ref., dated 29.09.2000 regarding operation of brick fields/kilns with immediate effect.

By order of the Governor
A.K. Singh
OSD & E.O. ACS & LRC

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Government of West Bengal
Land & Land Reforms Department
(M & M Branch)
Nabanna, 6th Floor
325, Sarat Chatterjee Road, Howrah-711102

MEMORANDUM

No.1251-M&M/LR/A-II/M&M-26/2010

Dated, 29th May, 2015

Whereas bricks are an important component of the construction industry and there is a growing demand of bricks for development of infrastructure including housing.

Whereas unplanned and unauthorized manufacture of bricks destroy top soil of agricultural land beyond reclamation and makes it un-usable for agriculture practices.

Whereas un-planned and un-scientific brick manufacturing may have adverse impact on environment and human health.

Therefore, after careful consideration of all aspects in the matter, It is felt necessary to frame guidelines for operation of new/existing brick fields/brick kilns as enumerated below :-

A. Regulatory Guidelines :

1. District Land & Land Reforms Officers are the Ex-officio Environment Officers within their respective jurisdictions for the purpose of grant or refusal of Consent-to-Establish (CoE) and Consent-to-Operate (CoO) of the brick fields/brick kilns on behalf of the West Bengal Pollution Control Board (hereinafter referred to as the 'State Board')

Applications should be made to the District Land & Land Reforms Officer concerned in the prescribed format, which may be downloaded from the Website of the State Board (www.wbpcb.gov.in), along with requisite fee and other relevant documents for obtaining permission to establish and/or to operate brick fields/kilns.

2. Apart from the District Land & Land Reforms Officer, the Regional Officer of the West Bengal Pollution Control Board will also receive 'Consent to Operate' applications for the existing brick fields/kilns with arrear consent application fees.

Such applications should be accompanied by the following documents :-

- (a) Trade Licence issued by the appropriate authority.
- (b) Land documents including copy (s) of RoR.
- (c) Royalty and cess challans and up-to-date rent receipt of the Land & Land Reforms Department for using top soil and alluvial soil for manufacture of bricks.
- (d) For Identity Proof : PAN Card/Driving Licence/ECI Card/Aadhar Card.
- (e) Photographs showing the proposed brick fields area/land and a sketch map showing the four boundaries with coverage in adjoining plots.
- (f) Any other relevant papers and documents.

Without such accompanying documents, applications shall not be accepted by the Regional Office of the State Board and the office of the District Land and Land Reforms Officer.

3. No objection certificate should be obtained from the Agriculture department to the effect that there will be no adverse effect on agricultural activities in nearby areas.
4. No objection certificate shall be obtained from the adjoining raiyats for setting up brick fields.
5. Clearance should be obtained from the concerned Irrigation & Waterways / P.W Department and Zilla Parishad authorities to the effect that existence / operation of brick field will not cause any damage to any public road, bridge, culvert, embankment or any other public utility and there will be no obstruction to the flow of the canal/river/drainage in any manner whatsoever.
6. In case of mining of 'brick earth' and 'ordinary earth' up to 5 hectares and also more than 5 hectares but less than 25 hectares, prior Environmental Clearance (EC) under category 'B2' projects from the State Environmental Impact Assessment Authority (SEIAA) shall be required.

B. Locational Guidelines :

No new brick fields/kilns shall be allowed to be set up in the following places or areas :

1. On any land recorded as agricultural land/orchard/forest whether it is situated within the jurisdiction of the Municipality or Panchayats.
2. If the land is used for agricultural purpose even if it is recorded otherwise in the relevant RoR.
3. Within a distance of 1.0 kilometre from registered hospitals, schools, public buildings, religious places or places where inflammable substances are stored.
4. Within a radius of 5.0 kilometres in notified sensitive areas such as zoo & wild life sanctuaries, historical monuments, museums and the like.
5. Within a distance of 200 metres from both sides of the railway tracks.
6. Within a distance of 200 metres from both sides of National and State Highways.
7. Within a distance of 200 metres from both sides of main district roads, major bridges and embankments.
8. Within 300 metres of another already established brick field/kiln.

9. Within 200 metres from the river bank. However, under very special circumstances, this restriction may be reviewed.
10. Within a radial distance of 1.6 kilometres from mango orchards.
11. Beyond a distance of 1.6 kilometres from mango orchards, new brick fields/kilns may be allowed only after ensuring the adequacy of air pollution control devices and equipment (underground gravitational settling chamber and fixed type stack of height at least 30 metres from G.L. provided with port hold and ladder as per the Emission Regulations Part-III of CPCB.
12. If there is possibility of danger of life or property of the nearby inhabitants.
13. On tribal land by a non-tribal person for manufacturing/extraction even if with power of attorney/partnership deed/any other instrument so registered.
14. On a land unless it is free from encumbrances including litigation/court cases etc.

C. Operational Guidelines :

1. Applications received for setting up new brick fields/kilns shall be examined and scrutinized by a District Level Screening and Scrutiny Committee (constituted by the Environment Department, Govt. of West Bengal vide Notification No. EN/202/3C-01/2013 dated 21st January, 2013) consisting of the District Land & Land Reforms Officer/concerned district and the Regional Officer of the West Bengal Pollution Control Board of the concerned district. The Deputy Director, Agriculture (Administration) / Agriculture Officer connected with soil conservation and the Executive Engineer, I&W, have also been included as the members of this committee by the Environment Department vide No.1004-En/3C-01/2013, dated 22nd April, 2015. The Committee will also ensure compliance of all terms & conditions as laid down in Rule 5A of the West Bengal Land Reforms Rules, 1965 read with Section 4C of the WBLR Act, 1955 and the West Bengal Minor Minerals Rules, 2002 as amended up-to-date and Environmental Protection Rules. The decision of the committee shall be communicated to the applicants.
2. It will be only after obtaining the Consent-to-Establish (CoE) from the concerned DL&LRO, the applicant can start construction work of brick field/kiln.
3. The operation of brick fields/kilns can start only after erecting the appropriate pollution control systems and obtaining Consent-to-Operate (CoO) from the DL&LRO / the Regional Office of the State Pollution Control Board of the district concerned.
4. All brick fields/kilns located within a radius of 100 kilometres from any coal-based Thermal Power Plant should utilize at least 25% fly ash of its total raw materials required, as per the Fly Ash Utilisation Rules, 1999 and its amendments made thereafter by the Ministry of Environment and Forests, Government of India.
5. Multi-layer green belt of 10-metre width shall be constructed along the periphery of brick fields/kilns leaving two 10-metre wide gaps in the boundary for entry and exit of materials and vehicles. A 3-metre high wall shall be constructed on the sides where land is not available for green belt development in order to prevent fugitive dust emission. For installation of a brick field/kiln with green belt development, the minimum area required is 2.0 acres.
6. No brickfield shall be allowed to be set up unless a chimney of specific height and standard is installed as per norms to be decided by State Pollution Control Board.
7. A lightning arrestor as per PWD norms or of any other standard design shall be installed for brick fields/kilns to avoid any damage to stack/chimney by lightning.
8. While digging the earth for making bricks in the area as marked for the same, the straight cutting of earth should be avoided, instead cutting should be done with a slope of 1:3, so that solid erosion of the agricultural land can be minimized.
9. Good house-keeping practices such as proper disposal of coal ash, provision for double wall around the kiln, proper layout, brick lined passage, use of a properly graded coal, proper firing practices, protection from noise pollution and other environmental measures should be adopted by all brick field/kiln owners.

This order issues in supersession of all earlier orders/memorandums of this Department vide Nos.9503(16)-M&M, dated 30.10.1986, 4840(16)-M&M dated 20.06.1986, 6100(18)-M&M dated 25.07.1986 & 2739(18)-L.Ref dated 29.09.2000 regarding operation of brick field/brick kiln with immediate effect.

By order of the Governor,
A.K. Singh
OSD & E.O.ACS & LRC