

Government of West Bengal
Land & Land Reforms Department
M & M Branch
Nabanna, 6th Floor
325, Sarat Chatterjee Road, Howrah – 711 102

MEMORANDUM

No. 2649–M&M-26/2010

Dated : 27 /10 /2016

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 unauthorised 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;

Whereas, vide Memo No.1251-M&M dated 29/5/2015 detailed guidelines were issued relating to setting up and operation of new brick fields/kilns;

Whereas, there were some operational difficulties and lack of clarity which required simplification and clarification for expeditious disposal of cases;

Whereas, the West Bengal Minor Minerals Concession Rules, 2016, regulating extraction of minor mineral including brick earth has also come into force;

Therefore, after careful consideration of all aspects in the matter, It is felt necessary to issue revised guidelines for operation of new 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 (CtE) and Consent-to-Operate (CtO) 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. The District Land & Land Reforms Officer will also receive 'Consent to Operate' (CtO) 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) Environment clearance from an appropriate authority is to be submitted for excavation or borrowing of brick earth or ordinary earth.
- (g) Any other relevant papers and documents.

Without such accompanying documents, applications shall be liable to be rejected.

3. An Applicant shall submit self declaration in the form of affidavit to the effect that his or her operation of brick field(s) will not cause any damage to any public road, bridge, culvert, embankment or any other public utility and will also cause no obstruction to the flow of the canal/river/drainage in any manner whatsoever.
4. In case of mining of 'brick earth' and 'ordinary earth' in an individual project with an area less or equal to 5 hectare and also in respect of cluster of projects comprising areas of 5 hectare to 25 hectare, prior Environmental Clearance (EC) under 'B2' category project from the District Environment Impact Assessment Authority (DEIAA) shall be required before processing the application for regularization.
However effort shall be made to restrict the excavation of top soil for manufacture of bricks.

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 and used as orchard / forest whether it is situated within the jurisdiction of the Municipality or Panchayats.
2. Within a distance of 1.0 kilometre from registered hospitals, schools, public buildings, religious places or places where inflammable substances are stored.
3. Within a radius of 1.0 kilometre in notified sensitive areas such as zoo & wild life sanctuaries, historical monuments, museums and the like.
4. Within a distance of 100 metres from both sides of the railway tracks.
5. Within a distance of 100 metres from both sides of National and State Highways.
6. Within a distance of 100 metres from both sides of main district roads, major bridges and embankments and the river bank.
7. Within a radial distance of 1.6 kilometres from mango orchards as per the order dated 4th April, 2003 passed by the Hon'ble Supreme Court of India in Civil Appeal No. 2735 of 2003 in the matter of Bijay Krishna Bera & Ors vs Badal Chandra Mondal & Ors.
8. 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.

C. Operational Guidelines:

- 1) (a) Applications received for setting up new brick fields/ kilns shall be examined and scrutinized by a District Level Screening and Scrutiny Committee consisting of the :
 - i) District Magistrate & Collector of the district,
 - ii) District Land & Land Reforms Officer of the district ,
 - iii) Regional Officer of the West Bengal Pollution Control Board of the district,
 - iv) Deputy Director, Agriculture (Administration)/Agriculture Officer connected with soil conservation and
 - v) Executive Engineer, Irrigation & Waterways of the district.

The Committee will ensure that a brick field/kiln is set up on a plot of land only after getting its classification changed from agriculture to non-agriculture use as per the relevant provisions of the WBLR Act, 1955 and the Rules made thereunder and also in terms of the relevant provisions of the West Bengal Minor Minerals Concession Rules, 2016 and Environmental Protection laws. The District Magistrate & Collector will direct the DL & LRO to communicate the decision of the committee regarding 'Consent to Establish'(CtE) and/or the 'Consent to Operate'(CtO), as the case may be, to the applicants concerned.

(b) This Committee will also deal with the renewal of the 'Consent to Operate ' (CtO) of the existing brick fields/kilns as per the existing norms and procedures.

- 2) It will be only after obtaining the Consent-to-Establish (CtE) from the DL&LRO concerned, 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 (CtO) from the DL&LRO of the district concerned.
- 4) All brick fields / kilns located within a radius of 100 kilometres from any coal-based Thermal Power Plant should utilise at least 25% fly ash of its total raw materials required, as per the Fly Ash Utilisation Rules, 1999 and as subsequently amended by the Ministry of Environment Forests & Climate Change, Government of India.
- 5) Effort shall be made to restrict the excavation of top soil for manufacture of bricks. River silt and fly ash should be used for this purpose as far as possible.
- 6) 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.
- 7) No brickfield/kiln shall be allowed to be set up unless a chimney of specific height and standard is installed as per norms specified by the State Pollution Control Board.

- 8) 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.
- 9) 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.
- 10) 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 and No.1251-M&M dated 29/05/2015 regarding operation of brick field /brick kiln with immediate effect.

By order of the Governor,

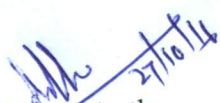

Land Reforms Commissioner and Principal Secretary
to the Government of West Bengal

No. 2649/1(50)-M&M

Dated : 27 / 10 / 2016

Copy forwarded for information and necessary action to :-

- 1) The Addl. Chief Secy/Principal Secretary/Secretary to the Govt. of West Bengal, Environment/Irrigation & Waterways/Agriculture/PWD/Commerce & Industries Department.
- 2) The Commissioner, _____ Division.
- 3) Member Secretary, West Bengal Pollution Control Board.
- 4) The D.L.R.&S., West Bengal, 35, Gopalnagar Road, Alipore, Kolkata -700 027.
- 5) The District Magistrate & Collector _____ (All)
- 6) The A.D.M. & D.L.&L.R.O., _____ (All)
- 7) _____


Secretary to the
Government of West Bengal