

**Report of the Joint Committee on Brick Kiln units, Desavilakku Village, Omalur Taluk, Salem District in compliance with the order dated. 01/07/2021 issued by the Hon'ble National Green Tribunal in the matter of O.A.No.135/2021**

**Back Ground:-**

The Hon'ble National Green Tribunal (SZ) passed order dated 01/07/2021 in application No. 135/2021 (Annexure-I) and directed as in point 8, 9

“ 8. In order to ascertain the genuineness of the allegations made in the application, we feel it appropriate to appoint a joint committee comprising of (1) The Revenue Divisional Officer (RDO), Omalur Division, Salem (2) The District Environmental Engineer (DEE), Tamil Nadu Pollution Control Board (TNPCB), Salem to inspect the area in question and submit a factual as well as action taken report, if there is any violation found.”

“9. The Committee is directed to ascertain as to whether

- i) the respondents 6 & 7 are having necessary permission and clearance as required for the purpose of conducting the Brick Kiln,
- ii) Whether, the Brick Kiln operated by the respondents 6 & 7 are complying with the citing criteria and also provided all necessary pollution control mechanisms, so as to curb the possible pollution that is likely to arise on account o their operation,
- iii) Whether they are complying with the conditions if any imposed by the authorities in the permissions of consent granted,
- iv) Whether Ambient Air Quality (AAQ) in that area has been affected on account of their operation.
- v) Whether, any environmental damage has been caused on account of the operation of the Brick Kilns of the respondents 6 & 7 in that area and if so, to assess the environmental compensation to be recovered from them,
- vi) They are also to suggest remedial measures if any, required for cubing the possible pollution that is being alleged by the applicant in that locality.
- vii) The Committee is also directed to ascertain the water quality in and area and if any contamination is caused then, they are directed to provide the remedial measures for rectifying the same.”

**2. Inspection of the joint committee**

The joint committee consisting of the Sub Collector, Mettur and the District Environmental Engineer, Salem inspected the 3 nos. of the Brick Kilns on 30/07/2021.



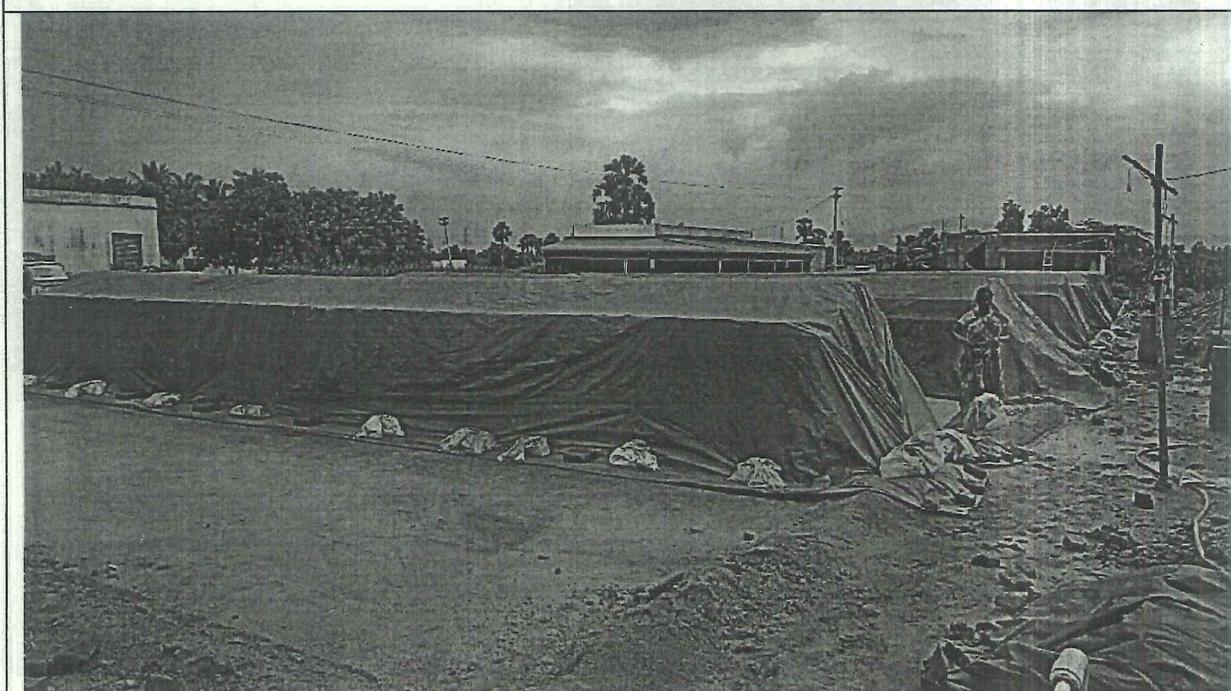
**Brick Kiln Inspection**



**Woods used as fuel in brick Kiln units**



**Discussion with owner of brick kiln unit**



**Brick units – Drying yard before kiln operation**

### **3. Manufacturing process of bricks:**

The tiny brick units involved in the production of country bricks using earthen soil as raw material. The manufacturing process consists of receipt of soil through trucks, laying the red soil on open ground and pouring the required water on the red soil to prepare in paste form, Feeding the prepared red soil paste in mouldings manually, Scrapping the excess paste and removal of moulded bricks from moulding boxes by the demoulding mechanism, Transportation of moulded bricks manually and drying through natural process on open yard. Dried bricks are loaded manually in the Country Brick Kiln and loading the firewood as fuel between the bricks, Light up the fuel and allowing the bricks to burn 2 days, allowing the burnt bricks for natural

cooling inside the Kiln for 2 day and removal of burnt bricks from the Kiln after 4 days from the

**Brick Kiln**



light up date and send it for construction activity.

**4. Details of Committee Inspection observed the following:**

In compliance to the Hon'ble NGT order dated 01/07/2021, the joint committee carried out the inspection on 30.07.2021 in Dasavilakku North village, Omalur Taluk, Salem District. During inspection the Joint Committee observed the following.

1. The units were in operation.
2. There is no trade effluent generation from the units.
3. There is no possibility to affect the ground water since no chemical is used and also no waste water is generated in the unit.
4. The unit has been established without obtaining consent order of the Board under the Air Act.
5. The unit has not provided Air Pollution Control measures to control the smoke emanating from brick kiln.
6. The unit is surrounded by residents and dry agricultural lands.
7. State highway (SH) is located in the nearby area from the units.
8. Government school is located within 500m from brick kiln units.
9. During burning time of brick, smoke will be emitted from the brick kiln and it will engulf the surrounding area and it affects the people of the nearby area

**Details of the brick kiln:**

S.No	Name & address of unit	Distance of the residential area from the unit	Distance of Govt. school from the unit	Distance of State Highway SH-86 (Omalur-Sankari)
				—

				Tirechengode-Paramathi Road) from the unit
1.	M/s. Rajendran brick Kiln, SF.No.75/1B, Dasavilakku North village, Omalur Taluk, Salem District	40 m	Government Modern school 150 m & Government Higher Secondary School 170 m	100 m
2.	M/s. Gopal brick Kiln, SF.No.75/1B, Dasavilakku North village, Omalur Taluk, Salem District	100 m	Government Modern school 220 m & Government Higher Secondary School 250 m	90 m
3.	M/s. Raja brick Kiln SF.No.75/2, Dasavilakku North village, Omalur Taluk, Salem District	170 m	Government Modern school 275 m & Government Higher Secondary School 350 m	40 m

There is no guide line /siting criteria framed by Tamil Nadu pollution Control Board regarding brick kiln. The Board constituted a committee to frame the guidelines of the brick kiln units. However, Central Pollution Control board has issued certain directions to the brick kilns. (Annexure II). As per the existing CPCB direction, country brick kilns are not allowed to operate. Hence, the above said three units shall not be allowed to operate.

**Compliance of Hon'ble NGT in order dt 01.07.2021**

S.No	NGT Directions	Compliance
1.	The respondents 6 & 7 are having necessary permission and clearance as required for the purpose of conducting the Brick Kiln	The unit has not obtained permission from the District administration for handing of earth for handling of earth and also consent order from TNPCB as per the provision of the Air (Prevention & Control of Pollution) Act 1981 as amended.

2.	<p>Whether, the Brick Kiln operated by the respondents 6 &amp; 7 are complying with the siting criteria and also provided all necessary pollution control mechanisms, so as to curb the possible pollution that is likely to arise on account of their operation.</p>	<p>There is no guide lines / siting criteria framed by Tamil Nadu pollution Control Board. The Board constituted a committee to frame the guidelines of the brick kiln units. However, Central Pollution Control board has issued the following directions to the brick kilns vide reference.</p> <ol style="list-style-type: none"> <li>1. All the brick kilns operating without provision and valid consent from SPCBs, not meeting prescribed norms and siting guidelines be closed down with immediate effect.</li> <li>2. Conversion of natural draft to induced draft Brick Kilns (with rectangular kiln shape and zig-zag brick setting)</li> <li>3. Enforce strictly the siting criteria guidelines for brick kilns.</li> <li>4. All the moving area around the main brick kilns should be paved with the bricks to minimize the fugitive dust emissions from the Brick Kilns operations. This condition should be incorporated in the consent condition while granting the consent by the respective State Boards.</li> <li>5. Ensure that fine dust not be accumulate all around the Brick Kilns.</li> </ol>
3.	<p>Whether they are complying with the conditions if any imposed by the authorities in the permissions of consent granted.</p>	<p>The three Nos of the brick kilns have not obtained consent order under the Water (Prevention &amp; Control of Pollution) Act, 1974 as amended in 1988 and the Air (Prevention &amp; Control of Pollution) Act 1981, as amended in 1987.</p>
4.	<p>Whether Ambient Air Quality (AAQ) in that area has been affected on account of</p>	<p>During burning time of brick, smoke will be emitted from the brick kiln and it</p>

	their operation.	engulfs the surrounding area and it affects the nearby residences of that area. It also affects the visibility of the state High way which is located in the nearby area.
5.	Whether, any environmental damage has been caused on account of the operation of the Brick Kilns of the respondents 6 & 7 in that area and if so, to assess the environmental compensation to be recovered from them.	Restoration of the environmental damage is not required in that area.
6.	They are also to suggest remedial measures if any, required for cubing the possible pollution that is being alleged by the applicant in that locality.	This is a tiny sector unit with investment of one or two lakh rupees. This is a country brick kiln. The unit shall be converted as a chamber brick with a stack height of 22 m height.
7.	The Committee is also directed to ascertain the water quality in and area and if any contamination is caused then, they are directed to provide the remedial measures for rectifying the same.”	Ground water sample has been collected in two locations and the results are attached vide annexure. The result of analysis indicates that there is no ground water pollution in that area. Hence, remedial measure is not required in that area. The Report of analysis is attached for further action.

**Details of action taken:**

Show cause notices have been issued to the above said three units of M/s. Rajendran brick Kiln, M/s. Gopal brick Kiln & M/s. Raja brick Kiln under the Air (Prevention and Control of Pollution) Act, 1981 as amended in 1987. Further action will be initiated against the unit on receipt of the reply from the units to the show cause notices.

**Recommendations:-**

1. The Assistant Director ( Geological & Mining), Salem shall take appropriate action against the Brick kiln units located in Desavilakku North & South village, Omalur Taluk, Salem District for illegal mining of earthen soil.

2. The Block development Officer shall take appropriate action against the unauthorised brick kiln units located in Desavilakku North & South village, Omalur Taluk, Salem District.
3. The Block Development Officer, Tharamangalam shall take against all brick kilns in Desavilakku North & South village, Omalur Taluk, Salem District to obtain local body license within a period of six months. If failed, further action shall be taken against the brick kiln units.

V. P.  
5/10/21  
**District Environmental Engineer**  
**Tamil Nadu Pollution Control Board**  
**Salem**

*[Signature]*  
25.8.21  
**Sub Collector**  
**Mettur Division,**  
**Mettur**

2/2

ANNEXURE - I

Item No.01:

BEFORE THE NATIONAL GREEN TRIBUNAL

SOUTHERN ZONE, CHENNAI

Original Application No. 135 of 2021

(Through Video Conference)

IN THE MATTER OF:

K. Palaniappan,

Dasavilakku,

Tamil Nadu



Versus

सत्यमेव जयते

The District Collector,

Salem and others

...Applicant(s)

....Respondent(s)

Date of hearing: 01.07.2021.

CORAM:

HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER

HON'BLE MR. DR. K. SATYAGOPAL, EXPERT MEMBER

For Applicant(s):

Mr. R. Jayaprakash represented

Mr. S. Patrick

For Respondent(s):

Dr. D. Shanmuganathan for R1 & R2

Ms. Ojas Sivakumar represented

Mr. M.R. Gokul Krishnan for R3

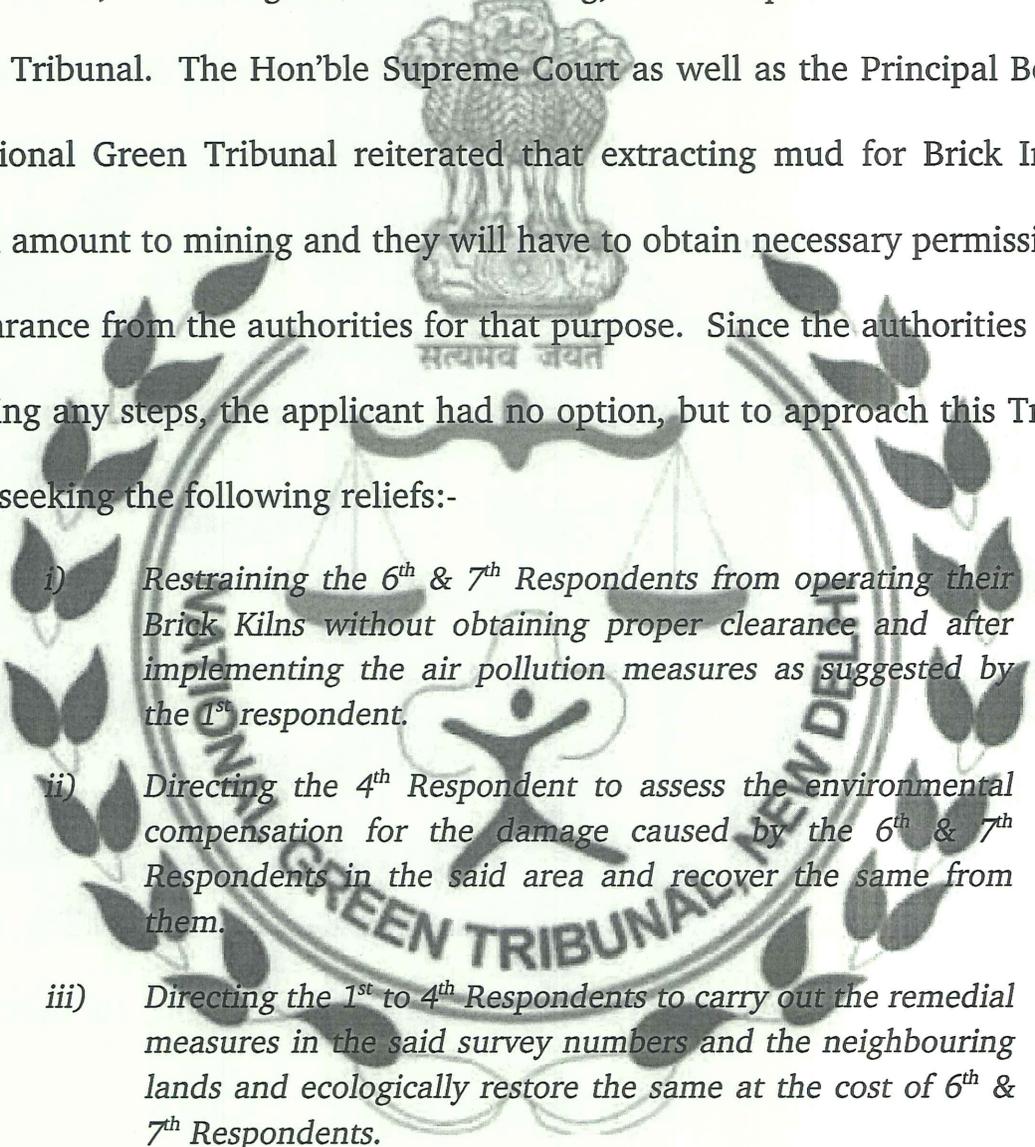
Mr. C. Kasirajan through

Ms. D. Ashwini for R4 & R5

ORDER

1. The grievance in this application is regarding the unauthorised operation of Brick Kilns by the respondents 6 & 7 in land with Survey No. 74/19A3, 75/1B and 75/2, Tuthampatti Village, Omalur Taluk, Dasavilakku, Salem District without getting any necessary permission and not complying with the Citing Criteria. They have also not provided any necessary pollution control mechanism to curb the possible air pollution that is likely to be caused on account of operation of the same. It is situated amidst residential houses, Government Schools and Private schools and other Public Institutions. The emission coming out of the Brick Kilns operated by the respondents 6 & 7 are causing health hazards to the children studying in the school and also people in the locality. The Central Pollution Control Board (CPCB) has filed a report dated 08.02.2021, before the Principal Bench of National Green Tribunal, New Delhi in *O.A. No. 1016/2019 (Utkarsh Panwar Vs. Central Pollution Control Board & Others)* that the Brick Kilns are not providing necessary pollution control mechanism and that will have to be regulated and they have also issued several directions to be followed by the Brick Kilns for the purpose of their operation and the same was circulated to the State Pollution Control Board (SPCB) under Section 18(1)(b) of the Water (Prevention and Control of Pollution), Act 1974 and Air (Prevention and Control of Pollution), Act 1981.

2. Further, the brick Kilns are also situated adjacent to the National Highway causing danger to the persons travelling through the National Highway as well. Though complaints have been made to the several authorities and several Public Interest Litigations are pending before the Hon'ble High Court of Madras, such things are still continuing, which requires the interference of this Tribunal. The Hon'ble Supreme Court as well as the Principal Bench of National Green Tribunal reiterated that extracting mud for Brick Industry will amount to mining and they will have to obtain necessary permission and clearance from the authorities for that purpose. Since the authorities are not taking any steps, the applicant had no option, but to approach this Tribunal, for seeking the following reliefs:-

- 
- i) *Restraining the 6<sup>th</sup> & 7<sup>th</sup> Respondents from operating their Brick Kilns without obtaining proper clearance and after implementing the air pollution measures as suggested by the 1<sup>st</sup> respondent.*
  - ii) *Directing the 4<sup>th</sup> Respondent to assess the environmental compensation for the damage caused by the 6<sup>th</sup> & 7<sup>th</sup> Respondents in the said area and recover the same from them.*
  - iii) *Directing the 1<sup>st</sup> to 4<sup>th</sup> Respondents to carry out the remedial measures in the said survey numbers and the neighbouring lands and ecologically restore the same at the cost of 6<sup>th</sup> & 7<sup>th</sup> Respondents.*

3. On going through the allegations in the application, we are satisfied that there arises a substantial question of environment which requires the interference of this Tribunal for resolving the same. So, the application is admitted.

4. When the matter came up for hearing for admission today through Video Conference, Mr. R. Jayaprakash represented Mr.S.Patrick counsel for applicant, Dr. D. Shanmuganathan appeared for respondents 1 & 2, Ms. Ojas Sivakumar represented Mr. M.R. Gokul Krishnan counsel for 3<sup>rd</sup> respondent and Mr. C. Kaasirajan through Ms. D. Ashwini represented respondents 4 & 5.
5. Issue notice to the respondents by Registered post with acknowledgement due, by e-mail and also by dusthi if possible and produce proof of service on them by filing proof affidavit as per rules.
6. The applicant is also directed to serve copy of the application along with the documents produced to the standing counsel appearing for the respondents 1 to 5 within a week and produce proof of such service by filing proper affidavit as per rules to avoid delay.
7. The applicant is also directed to produce necessary requisites along with postal cover and the necessary postal stamps before this Tribunal within a week, so as to enable this Tribunal to send notice to all the respondents through Tribunal, to ensure service on them, so as to enable this Tribunal to proceed against them, if they did not appear, in their absence in accordance with law.
8. In order to ascertain the genuineness of the allegations made in the application, we feel it appropriate to appoint a joint committee comprising of (1) The Revenue Divisional Officer (RDO), Omalur Division, Salem (2)

The District Environmental Engineer (DEE), Tamil Nadu Pollution Control Board (TNPCB), Salem to inspect the area in question and submit a factual as well as action taken report, if there is any violation found.

9. The committee is directed to ascertain as to whether

- i) the respondents 6 & 7 are having necessary permission and clearance as required for the purpose of conducting the Brick Kiln,
- ii) Whether the Brick Kilns operated by the respondents 6 & 7 are complying with the citing criteria and also provided all necessary pollution control mechanisms, so as to curb the possible pollution that is likely to arise on account of their operation,
- iii) Whether they are complying with the conditions if any imposed by the authorities in the permissions or consent granted,
- iv) Whether the Ambient Air Quality (AAQ) in that area has been affected on account of their operation,
- v) Whether, any environmental damage has been caused on account of the operation of the Brick Kilns of the respondents 6 & 7 in that area and if so, to assess the environmental compensation to be recovered from them,

- vi) They are also to suggest remedial measures if any, required for curbing the possible pollution that is being alleged by the applicant in that locality.
- vii) The committee is also directed to ascertain the water quality in and around that area and if any contamination is caused then, they are directed to provide the remedial measures for rectifying the same.

10. The District Environmental Engineer (DEE), Salem will be the nodal officer for co-ordination and for providing necessary logistics for this purpose.
11. The applicant is also directed to submit a set of papers to the members of the committee within a week, so as to avoid delay in submitting the report.
12. The above officials are directed to submit the report to this Tribunal on or before **04.08.2021**, by e-filing in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF along with necessary hard copies to be produced as per rules.
13. The Registry is directed to communicate this order to the members of the committee and also to the official respondents immediately through e-mail, so as to enable them to comply with the direction and also for filing their independent response to the allegations made in the

application and also for filing their independent report as directed by this Tribunal.

14. For appearance of parties, for filing their independent response and also and for consideration of report, post on **04.08.2021**.

Sd/--



.....J.M.  
(Justice K. Ramakrishnan)

Sd/--

सत्यमेव जयते

.....E.M.  
(Dr. K. Satyagopal)

O. A. No.135/2021  
01.07.2021, Sr.







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

Fax/ Speed Post

017139

IPC-V(SSD)/Brick Kiln/2017 4900

June 27, 2017

To:

The Chairman  
Tamil Nadu Pollution Control Board  
No. 76, Anna Salai  
Guindy, Chennai – 600 032



Sub: Directions under Section 18 (1) (b) of the Air (Prevention and Control of Pollution) Act, 1981 for prevention and control of air pollution in different type of Brick Kilns operated. Regarding

WHEREAS, amongst others, under Section 17 of the Air (Prevention and Control of Pollution) Act, 1981, one of the functions of the Pollution Control Boards/Committees is to plan a comprehensive programme for the prevention, control or abatement of air pollution in the concerned State/UT and to secure the execution thereof;

WHEREAS, high pollution levels have been generated from the various type of Brick Kilns and exceeding levels of PM 2.5 several times the National Ambient Air Quality Standards notified under the Air (Prevention and Control of Pollution) Act, 1981;

WHEREAS, Chairman Central Pollution Control Board randomly inspected different types of Brick Kilns on 15<sup>th</sup> June, 2017. During the inspection Chairman Central Pollution Control Board observed that the Brick Kiln workers working in a highly air polluted pathetic condition due to air born fine dust prevail all the time in the brick kiln working area, because of movement of the truckers and trucks (Conveyance Systems) on the unpaved area having 4-6 inches fine dust layer all around the Brick Kiln;

WHEREAS, no provision were found to control fine dust fugitive emissions, due to this highly air pollution and pathetic condition prevailing all the time;

WHEREAS, the problem of pollution is further aggravated due to meteorological conditions caused by the onset of winter leading to minimal dispersion of pollutants and high ground level concentration;

WHEREAS, it also observed that there are significant number of Brick Kilns operated without valid consent and even most of Brick Kiln never applied to obtain consent to operate from the respective State Boards;

WHEREAS, CPCB receiving large number of complaints from various part of country mainly related to the siting of the Brick Kilns as well as pollution caused by them;

WHEREAS, no significant progress observed for compliance of conversion of Natural Draft Brick Kiln to Induced Draft Brick Kiln (zig-zag brick setting with rectangular shape of kiln);

Page 1 of 2

'परिवेश भवन' पूर्वी अर्जुन नगर, दिल्ली-110032

Parivesh Bhawan, East Arjun Nagar, Delhi-110032

दूरभाष/Tel : 43102030, 22305792, वेबसाइट/Website : www.cpcb.nic.in

ANNEXURE-11

3

WHEREAS, concerned State Pollution Control Boards are required to enforce and ensure compliance of emission standards/ guidelines by the brick kilns and take action against the brick kilns failed to comply under the Air (Prevention and Control of Pollution) Act, 1981;

NOW THEREFORE, in view of the above and in order to improve the air quality in the region where brick kilns are established, the Chairman, CPCB in exercise of the powers vested under the Air (Prevention and Control of Pollution) Act, 1981 issues the following directions to SPCBs for compliance:

1. All the Brick Kilns operating without permission and valid consent from SPCBs, not meeting prescribed norms and siting guidelines be closed down with immediate effect.
2. Provide status on conversion of natural draft to induced draft Brick Kilns (with rectangular kiln shape and zig-zag brick setting).
3. Enforce strictly the siting criteria guideline for Brick Kilns.
4. All the moving area around the main Brick Kiln should be paved with the bricks to minimize the fugitive dust emissions from the Brick Kiln operations. This condition should be incorporate in the Consent condition while granting the consent by the respective State Boards.
5. Ensure that fine dust not to accumulate all around the Brick Kiln.

The State Pollution Control Boards shall acknowledge the receipt of these directions within a week and submit detailed Action Taken Reports within two weeks thereafter.

  
(S.P. Singh Paribar)  
Chairman, CPCB

28/06/2017