

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
EASTERN ZONE BENCH, KOLKATA**

ORIGINAL APPLICATION NO. 73/2025/EZ

IN THE MATTER OF:
SHRI DULAL BORA.

...APPLICANT

-VERSUS-

The State of Assam & Ors.

...RESPONDENTS

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Dulal Bora

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Date: 14/07/2025

Place: Guwahati, Assam.

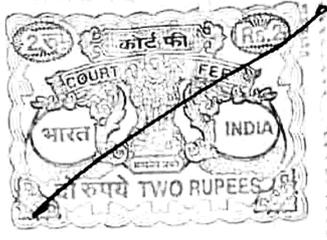
Filed by:

Ghanshyam Pandey
Advocate

Mr. Ghanshyam Pandey,
Advocate,

M: 9686750386

E: ghanshyamlegal@gmail.com



Sl. No.....*941*.....
Date...*14*...*Jul*...*2025*.....

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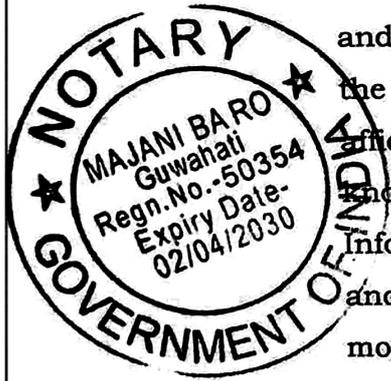
The State of Assam & Ors.

...RESPONDENTS

SUPPLEMENTARY AFFIDAVIT BY THE APPLICANT

I, Sri Dulal Bora, aged about 55 years, son of Late Deben Bora, resident of House No. 118, Rajib Gandhi Path, Kainadhara Tiniali, Khanapara, Guwahati, Assam, Pin-781022, do hereby solemnly affirm and state as follows:

1. That I am the Applicant in the above-mentioned Original Application and am intimately acquainted with the facts and circumstances of the present case. I am competent to swear this supplementary affidavit and the facts stated herein are within my personal knowledge, derived from extensive investigation through Right to Information applications, field verification, documentary evidence, and interactions with affected communities spanning several months of meticulous research and analysis.
2. That I file this supplementary affidavit to bring to the notice of this Hon'ble Tribunal additional crucial facts, evidence, and circumstances that have emerged through my continued



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investigation subsequent to the filing of the original application. These revelations establish beyond any shadow of doubt the systematic and deliberate violation of environmental laws by officials of the Pollution Control Board, Assam (PCBA), the institutional breakdown of environmental governance, and the urgent need for judicial intervention to prevent irreversible environmental damage and protect fundamental rights of affected populations.

Majani Baro

- 3. That the Ministry of Environment, Forest and Climate Change, Government of India, vide notification GSR 143(E) dated 22.02.2022, amended the Environment (Protection) Rules, 1986, by inserting Entry 74 in Schedule-I specifically addressing the environmental hazards posed by brick kilns. The notification was necessitated by alarming epidemiological studies demonstrating severe health impacts on populations living near brick kilns, including respiratory diseases, cardiovascular ailments, and developmental disorders in children.



Copy of the GSR 143(E) dated 22.02.2022 - Environment Protection (Amendment) Rules, 2022, and other Brick Field regulations and notifications are annexed herewith and marked with the letter "A-1 Collectively".

- 4. That the said notification mandates stringent and scientifically-determined siting criteria under Note (6) and Note (7) of Entry 74, requiring brick kilns to be established at a minimum distance of 0.8 kilometre from habitation and fruit orchards, and at a minimum distance of one kilometre from existing brick kilns to prevent clustering and cumulative pollution impacts. These distances were meticulously calculated based on atmospheric dispersion modeling studies conducted by premier scientific institutions, demonstrating that brick kilns emit particulate matter concentrations often

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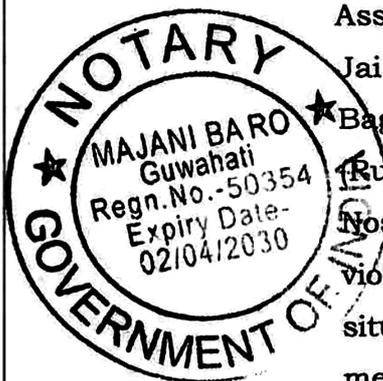
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exceeding 250 mg/Nm³, along with toxic gases including sulfur dioxide, nitrogen oxides, carbon monoxide, and other hazardous air pollutants that pose severe and immediate health risks to nearby populations.

5. That the Central Pollution Control Board (CPCB) has consistently emphasized through numerous technical reports and scientific studies that brick kilns are among the most polluting industries in the country, contributing significantly to ambient air pollution and causing severe health impacts including respiratory ailments, cardiovascular diseases, eye irritation, skin disorders, and neurological problems. Studies conducted by the Indian Council of Medical Research and other premier scientific institutions have established direct correlations between proximity to brick kilns and increased incidence of respiratory diseases in children, reduced lung function, premature mortality, and impaired cognitive development that affects educational outcomes and future life prospects.

6. That despite these clear, mandatory, and scientifically-backed environmental protection measures, Ms. Mousumi Bardaloi, Additional Chief Environmental Engineer, Pollution Control Board, Assam, granted Consent to Establish (CTE) dated 05.08.2024 to M/s Jai Brick Industry for establishment of a brick kiln unit at Village Baguriguri, P.O. Malibari Pather Bazar, Boko, South Bank, Kamrup (Rural), Assam, with a manufacturing capacity of 75,00,000 Nos./season. This consent was granted in blatant and knowing violation of the mandatory siting criteria, as the proposed location is situated within a mere 200 meters of village houses and within 300 meters of existing brick kilns, including nearby brick manufacturing units in the area, representing a flagrant and unconscionable disregard for both environmental law and public health.

Mousumi Bardaloi



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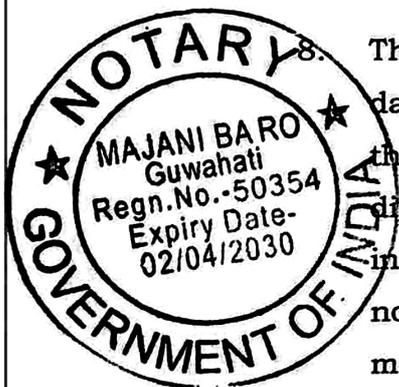
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Copy of the Consent to Establish (CTE) order dated 05.08.2024 granting consent to M/s Jai Brick Industry is annexed herewith and marked with the letter "A-2".

- 7. That under Section 25 of the Water (Prevention and Control of Pollution) Act, 1974, and Section 21 of the Air (Prevention and Control of Pollution) Act, 1981, no person can establish any industry without obtaining prior consent from the State Pollution Control Board. These statutory provisions cast an inescapable, non-delegable, and fundamental duty upon the Board to satisfy itself through independent inspection, verification, and comprehensive scientific assessment that the proposed location complies with all applicable environmental norms before granting such consent. The casual, perfunctory, and reckless grant of consent without proper site verification, distance measurement, or environmental impact assessment constitutes a fundamental dereliction of statutory duty and a betrayal of the sacred public trust placed in environmental regulatory authorities.

Majani Baro

8. That the Application ID: 2844183 referenced in the impugned CTE dated 05.08.2024 indicates that the consent was processed through the Online Consent Management System (OCMMS) portal. This digital platform is specifically designed and programmed with built-in technological safeguards to prevent violations of environmental norms by automatically flagging applications that do not meet mandatory criteria and alerting reviewing officers to potential violations. The fact that this flagrantly violative application was processed and approved despite the existence of these technological safeguards suggests either gross technical inadequacy of the system, deliberate manipulation of software controls, or conscious override



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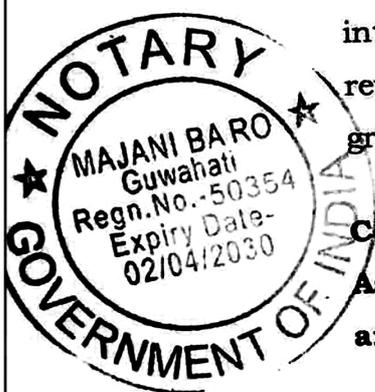
of safety mechanisms to circumvent environmental protection protocols.

9. That the applicant upon deriving knowledge that the CTE granted to the Brick Field is biased and against the criteria's incorporated by the MOEF & CC and CPCB, the applicant wrote an letter dated 1st April, 2025, seeking a RTI response / information about the Brick Industry. Wherein the applicant was served with a RTI response dated 3rd April, 2025.

10. That the response revealed an even more alarming and disturbing pattern of administrative incompetence and systemic corruption within the PCBA. While investigating complaints against M/s Jai Brick Industry, the Board's inquiry committee committed the inexcusable and embarrassing error of inspecting an entirely different entity, M/s JAI Enterprise, and proceeded to revoke its CTE upon discovering violations. This mistaken inspection, which should have been a source of deep embarrassment and institutional introspection for any competent administrative body, instead revealed the pervasive and endemic nature of illegal consents granted across the state.

Copy of the RTI response letter from PCBA to Government of Assam dated 03.04.2025 regarding the inquiry findings is annexed herewith and marked with the letter "A-3".

11. That this serendipitous discovery of violations in the wrongly inspected unit establishes beyond doubt that the systematic grant of illegal environmental consents is not an isolated incident or administrative aberration but represents a pattern of corruption, negligence, and institutional failure that pervades the entire functioning of the PCBA. The fact that even a randomly selected unit



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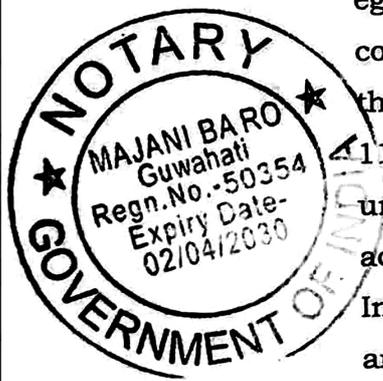
Dr. [Signature]

was found to be in violation of environmental norms indicates that the Board's verification and compliance mechanisms have completely collapsed under the current leadership, resulting in wholesale violations of environmental law across Assam.

- 12. That upon receiving the said RTI reply dated 3rd April, 2025, the applicant after comparing the CTE memo number being (to M/s JAI Enterprise CTE No. PCBA/SBCH/T-433/2024-25/97 dtd. 30.09.2024), referred in the RTI dated 3rd April, 2025, came to an understanding that the said findings recorded in the RTI reply dated 3rd April, 2025, recorded the CTE memo / reference number for a different Brick Industry with the same name being "Jai Enterprise". Whereas, the CTE memo number of JSI Brick Industry is CTE No. PCBA/BONG/T-1352/24-25/222.

Dr. Majani Baro

Thus, the applicant was compelled to lodge another RTI dated 10th April, 2025, and based on the said complaint filed by the applicant with the Pollution Control Board, Assam, regarding these egregious and systematic violations, the Board was compelled to constitute an inquiry committee to investigate the matter. However, the committee's findings, as revealed through RTI response dated 11.06.2025, demonstrate a calculated, systematic, and unconscionable attempt to shield Ms. Mousumi Bardaloi from accountability while deflecting entire blame onto M/s Jai Brick Industry through spurious, legally untenable, and factually baseless arguments that reveal the institutional capture of the regulatory mechanism.



Copy of the RTI response dated 11.06.2025 from the Pollution Control Board, Assam containing the inquiry committee's findings is annexed herewith and marked with the letter "A-4".

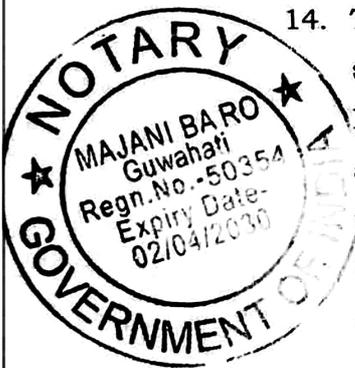
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13. That the inquiry committee's findings falsely and maliciously claim that "the unit provided misleading information regarding distances during the application process," thereby attempting to absolve the consenting officer of her statutory responsibilities through this legally and factually untenable subterfuge. This finding exposes the committee's fundamental ignorance of the legal framework governing consent procedures and represents a deliberate misrepresentation of statutory duties designed to protect the violating officer from lawful consequences. Under the established principles of environmental law, administrative practice, and judicial precedents, the consenting authority cannot and must not rely solely on self-reported information from applicants but is statutorily and constitutionally mandated to conduct independent verification through physical site inspection, accurate distance measurement using appropriate surveying instruments, and comprehensive environmental assessment.

Dr. ...

14. That the committee's recommendation that "the Board may either serve a show cause notice or withdraw the CTE of M/s Jai Brick Industry" demonstrates a callous, casual, and unconscionable approach toward grave environmental violations and constitutes an inexcusable attempt to provide face-saving options to the violating officer. This recommendation betrays a fundamental misunderstanding of the mandatory, non-discretionary, and urgent nature of environmental compliance under the precautionary principle established in environmental jurisprudence. Environmental violations cannot be treated as mere procedural irregularities subject to optional corrective measures but demand immediate cessation of harmful activities, exemplary punishment of



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responsible officers, and deterrent action to prevent future violations.

15. That the inquiry committee's attempt to characterize serious environmental violations as administrative lapses that can be remedied through show cause notices reveals the institutional capture of the regulatory mechanism by vested interests and the complete breakdown of environmental governance in Assam. This whitewashing exercise demonstrates that the Pollution Control Board has transformed from a protector of environmental rights into a facilitator of environmental violations, thereby necessitating urgent and comprehensive judicial intervention to restore the rule of law and environmental justice.

Dr. Saal Baro

16. That the casual manner in which the inquiry committee treated this fundamental error - inspecting the wrong unit entirely - demonstrates the unprofessional, incompetent, and cavalier approach that characterizes the Board's regulatory functions. Any competent and responsible regulatory body would have treated such an error as a serious breach of administrative protocol requiring investigation, disciplinary action, and comprehensive corrective measures. Instead, the committee proceeded to take punitive action against the wrongly inspected unit, thereby compounding the original error and revealing the arbitrary, capricious, and unprincipled nature of environmental enforcement in Assam.



17. That the impugned brick kiln is proposed to be established on agricultural land in the midst of a densely populated rural area, directly threatening the health and safety of vulnerable populations including children, pregnant women, elderly persons, and individuals with pre-existing respiratory conditions. The proposed location within 200 meters of residential houses violates the

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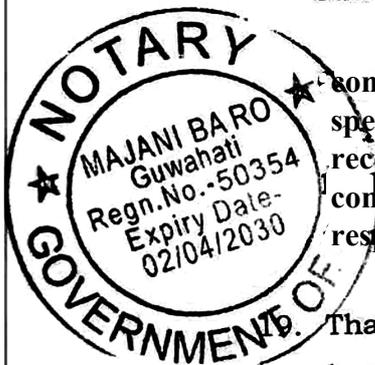
fundamental principle established in environmental jurisprudence that polluting industries must maintain scientifically-determined safe distances from human habitation to prevent health hazards and protect fundamental rights.

- 18. That the proximity of the proposed brick kiln to School and religious places, located within a very close proximity of the site, constitutes a direct, immediate, and unconscionable threat to the fundamental rights of children and adults under Article 21 of the Constitution of India. Children are particularly vulnerable to air pollution due to their developing respiratory systems, higher breathing rates, increased time spent outdoors, and greater susceptibility to long-term health impacts. Exposure to brick kiln emissions causes irreversible damage including decreased lung function, increased susceptibility to respiratory infections, asthma, chronic bronchitis, and impaired cognitive development that affects educational outcomes, intellectual capacity, and future life prospects.

Dr. Meenal Baro

The applicant with the help of certain individuals had been contacted vide a number being 03323240089 by the name San and after speaking with the lawyer of the applicant herein, the applicant stopped receiving the calls, similiarly, the locals were also contacted for their compliant. The applicant prays, a wrong is a wrong and the people responsible should be held responsible.

That scientific studies conducted by premier medical institutions have established that children attending schools located near brick kilns suffer from significantly higher rates of respiratory illnesses, chronic cough, breathlessness, eye irritation, skin allergies, and reduced physical stamina compared to children in unpolluted environments. The proposed establishment of a brick kiln in such close proximity to a school represents a callous and unconscionable disregard for children's health, constitutional rights, and future



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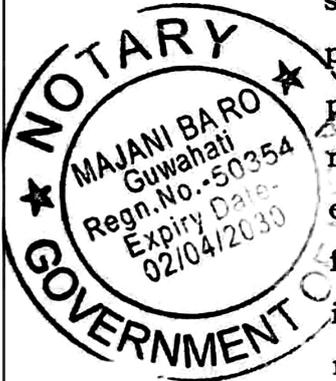
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welfare that cannot be tolerated in a civilized society governed by rule of law.

20. That the establishment of this polluting industry in close proximity to Chamaria Satra, a revered and ancient center of Vaishnavite worship and cultural heritage, demonstrates an unconscionable and sacrilegious disregard for both environmental protection and religious sentiments of the community. Chamaria Satra, established in 1588 A.D. by Sri Sri Bar-Vishnu Ata following the advice of Mahapurusha Madhavadeva, is one of the oldest and most important Satras in Assam and holds immense spiritual and cultural significance as a premier institution of neo-Vaishnavism.

Dinesh Baro

This sacred Satra, also known as Sri Sri Bar Vishnu Than, has been a center of spiritual learning, cultural preservation, and religious practice for over four centuries, attracting devotees and scholars from across the region. Religious institutions of such profound historical and spiritual importance require serene, pollution-free environments for spiritual practices, meditation, religious ceremonies, and the preservation of ancient traditions. The emission of toxic fumes, particulate matter, and industrial noise from brick kilns would desecrate the sanctity of these sacred spaces, interfere with religious activities, and violate the fundamental religious rights of devotees while causing irreparable damage to the cultural heritage of the region.



21. That during monsoon seasons, the region experiences regular flooding that inundates vast areas and causes widespread displacement of populations. The location of brick kilns in close proximity to residential areas creates substantial risks of toxic materials being dispersed throughout the floodplains,

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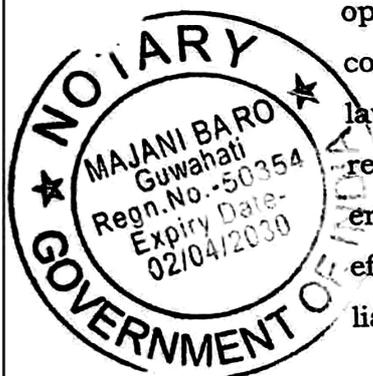
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contaminating agricultural land, drinking water sources, and residential areas. These seasonal risks were completely ignored during the consent-granting process, demonstrating the lack of environmental impact assessment and disaster risk evaluation.

22. That the PCBA lacks proper documentation of distance measurements, site verification reports, environmental impact assessments, and compliance monitoring records for the consents granted. This absence of basic documentation violates fundamental principles of administrative transparency, scientific rigor, and evidence-based decision-making required for environmental regulation under the Environment (Protection) Act, 1986.

23. That the delegation of consent-granting authority to Additional Chief Engineers like Ms. Mousumi Bardaloi, without adequate supervision, monitoring, or accountability mechanisms, has created opportunities for arbitrary decision-making and potential corruption. Under established legal principles and administrative law, Dr. Arup Kr. Misra, as Chairman of PCBA, bears ultimate responsibility for ensuring that delegated officers comply with environmental laws and proper procedures. His failure to establish effective oversight and corrective mechanisms makes him personally liable for the systemic violations occurring under his leadership.

24. That the systematic violation of mandatory siting criteria by PCBA officials represents either gross negligence amounting to criminal neglect of duty or deliberate circumvention of legal requirements for considerations extraneous to environmental protection. The pattern of violations suggests that environmental consents are being granted based on external factors other than compliance with environmental norms.



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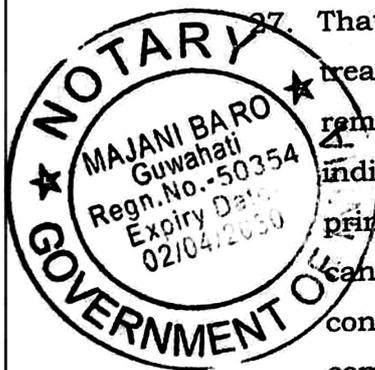
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25. That the actions of PCBA officials constitute multiple and egregious violations of constitutional and statutory provisions including Article 21 (right to life and pollution-free environment), Article 48A (state duty to protect environment), Article 51A(g) (citizen duty to protect environment), Section 25 of the Water Act, Section 21 of the Air Act, and various provisions of the Environment (Protection) Act, 1986. These violations have created immediate and continuing threats to public health, environmental integrity, and fundamental rights of affected populations.

26. That the continuing operation of brick kilns in violation of environmental norms constitutes a continuing offense under environmental laws, with each day of non-compliance representing fresh environmental damage and health hazards to affected populations. The failure of PCBA officials to take immediate corrective action despite knowledge of violations enables continued environmental degradation and demonstrates willful disregard for their statutory duties.

27. That the casual manner in which environmental violations are being treated by PCBA, including the recommendation for optional remedial measures rather than mandatory compliance enforcement, indicates a fundamental misunderstanding of the precautionary principle that governs environmental law. Environmental protection cannot be subject to discretionary enforcement or administrative convenience but requires strict, immediate, and unwavering compliance with established norms to prevent irreversible damage.

28. That the evidence presented in this supplementary affidavit establishes prima facie cases for action under the Environment (Protection) Act, 1986, the Prevention of Corruption Act, 1988, and administrative disciplinary proceedings against the officers



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responsible for these systematic violations. The organized nature of the violations, the attempted cover-up by inquiry committees, and the continued defiance of environmental norms suggest coordinated misconduct requiring comprehensive investigation and exemplary punishment.

29. That I have approached this Hon'ble Tribunal seeking justice not only for the specific violations documented in this case but also to prevent similar violations across Assam, and to ensure that environmental laws are enforced with the seriousness and urgency they deserve. As an RTI activist and social worker committed to environmental protection, I seek to establish effective deterrent mechanisms that will compel public officials to discharge their environmental responsibilities with integrity and competence.

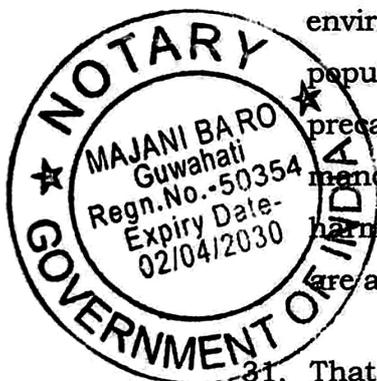
30. That there is grave and immediate urgency in this matter as any delay in corrective action will result in causing irreversible environmental damage, immediate health hazards to vulnerable populations, and continued violation of fundamental rights. The precautionary principle established in environmental jurisprudence mandates immediate preventive action to avoid environmental harm, particularly when vulnerable populations including children are at risk.

31. That the facts and evidence presented in this supplementary affidavit, supported by documentary proof obtained through RTI applications, field investigations, and expert consultations, demonstrate the urgent need for this Hon'ble Tribunal's intervention to restore environmental governance, ensure accountability of responsible officers, and protect the constitutional rights of affected populations.

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32. That I therefore most respectfully pray that this Hon'ble Tribunal may take cognizance of the additional facts, evidence, and legal arguments presented in this supplementary affidavit and grant comprehensive relief including quashing of illegal consents, personal accountability of responsible officers, establishment of effective monitoring mechanisms, and such other orders as may be necessary to vindicate environmental rights and prevent future violations.
33. That the statements made in paragraphs 1 to 6 above are true to my personal knowledge, and the statements made in paragraphs 7 to 32 of the supplementary affidavit are based on investigation, documentary evidence, expert opinions, and legal research, which I believe to be true and accurate.

Prepared at my office

Ghanshyam Pandey
Ghanshyam Pandey
Advocate

Dual Bara

DEPONENT

Identified by me

Sankar N. Tenaal
Advocate

Enrolment no. 726/04-05

BEFORE ME

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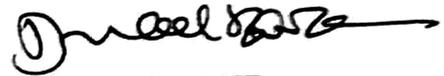
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VERIFICATION

I, Sri Dulal Bora, do hereby solemnly verify that the contents of paragraphs 1 to 31 of this supplementary affidavit are true to my knowledge and belief based on extensive investigation, documentary evidence, field verification, RTI responses, and expert consultations conducted by me over several months, and nothing material has been concealed therefrom.

Verified at Guwahati on this 14th day of July, 2025.



DEPONENT



-Letter A-1 Colly-

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केन्द्रीय प्रदूषण नियंत्रण बोर्ड

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CENTRAL POLLUTION CONTROL BOARD

पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय भारत सरकार
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE GOVT. OF INDIA

Speed Post/Email

CP-31/2/2022-IPC-V-HO-CPCB-HO

July 26, 2022

To

The Member Secretary,
All State Pollution Control Boards/ PCCs
(As Per List)

Sub: Revised Environmental Notification of Brick Kilns dated 22.02.2022 -reg.

Sir,

Ministry of Environment, Forest and Climate Change (MoEF&CC) has revised the Environmental Standards for Brick Kilns vide Notification GSR No. 143 (E) dated 22.02.2022.

A copy of Revised Environmental Notification is attached for reference and its implementation.

Yours faithfully,

(S.K. Gupta)

Addl. Director & DH, IPC-V

Encl: as above

Copy to:

All Regional Directorates
Central Pollution Control Board
(As Per List)

: for follow up, please.

(S. K. Gupta)



भारत का राजपत्र

The Gazette of India

सी.जी.-डी.एल.-अ.-22022022-233662
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असाधारण
EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)
PART II—Section 3—Sub-section (i)

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

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No. 140]

नई दिल्ली, मंगलवार, फरवरी 22, 2022/फाल्गुन 3, 1943
NEW DELHI, TUESDAY, FEBRUARY 22, 2022/PHALGUNA 3, 1943

पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय

अधिसूचना

नई दिल्ली, 22 फरवरी, 2022

सा.का.नि. 143(अ).—केन्द्रीय सरकार, पर्यावरण (संरक्षण) अधिनियम, 1986 (1986 का 29) की धारा 6 और धारा 25 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, पर्यावरण (संरक्षण) अधिनियम, 1986 का और संशोधन करते हुए निम्नलिखित नियम बनाती है: अर्थात्:-

1. संक्षिप्त नाम और प्रारंभ :

- (1) इन नियमों का संक्षिप्त नाम पर्यावरण (संरक्षण) संशोधन नियम, 2022 है।
- (2) वे राजपत्र में उनके अंतिम प्रकाशन की तारीख से लागू होंगे।

2. पर्यावरण (संरक्षण) नियम, 1986 में, अनुसूची-1 में, क्रम सं. 74 पर प्रविष्टि के स्थान पर निम्नलिखित प्रविष्टि को रखा जाएगा, अर्थात्:-

74"	ईट भट्टे	चिमनी से उत्सर्जन में विविक्त पदार्थ	250 मिलीग्राम/एनएम3
		चिमनी की न्यूनतम ऊंचाई (भट्टों की वर्टिकल साफ्ट)	14 मीटर (लोडिंग प्लेटफॉर्म से कम से कम 7.5 मीटर)
		- भट्टा क्षमता 30,000 ईट प्रतिदिन से कम	16 मीटर (लोडिंग प्लेटफॉर्म से कम से कम 8.5 मीटर)
		- भट्टा क्षमता 30,000 ईट प्रति दिन के बराबर या अधिक	

	चिमनी की न्यूनतम ऊंचाई (भट्टों की वर्टिकल शाफ्ट के अलावा)	
	- भट्टा क्षमता 30,000 ईट प्रतिदिन से कम	24 मीटर
	- भट्टा क्षमता 30,000 ईट प्रति दिन के बराबर या अधिक	27 मीटर

टिप्पणियां :

1. सभी नए ईट भट्टों को केवल ज़िग-ज़ैग तकनीक या वर्टिकल शाफ्ट के साथ होने की या ईट बनाने में ईंधन के रूप में पाइपड प्राकृतिक गैस के उपयोग की अनुमति दी जाएगी और इस अधिसूचना में निर्धारित मानकों का पालन करना होगा।
2. विद्यमान ईट भट्टे जो ज़िग-ज़ैग तकनीक या वर्टिकल शाफ्ट या ईट बनाने में ईंधन के रूप में पाइपड प्राकृतिक गैस (पीएनजी) के उपयोग का पालन नहीं कर रहे हैं, उन्हें (क) गैर-प्राप्ति शहरों के 10 किमी के दायरे में स्थित भट्टों के मामले में एक वर्ष (जैसा कि केंद्रीय प्रदूषण नियंत्रण बोर्ड द्वारा यथापरिभाषित) (ख) अन्य क्षेत्रों के लिए दो वर्ष की अवधि के भीतर ज़िग-ज़ैग तकनीक या वर्टिकल शाफ्ट में परिवर्तित किया जाएगा या पीएनजी का उपयोग ईट बनाने में ईंधन के रूप में किया जाएगा। इसके अतिरिक्त, ऐसे मामलों में जहां केन्द्रीय प्रदूषण नियंत्रण बोर्ड/राज्य प्रदूषण नियंत्रण बोर्ड/प्रदूषण नियंत्रण समितियां ने रूपांतरण के लिए अलग से समय-सीमाएं निर्धारित की हैं, वहां ऐसे आदेश प्रभावी होंगे।
3. सभी ईट भट्टे केवल अनुमोदित ईंधन जैसे कि पाइपड प्राकृतिक गैस, कोयला, ईंधन लकड़ी और/या कृषि अपशिष्टों का उपयोग करेंगे। पेट कोक, टायरों/प्लास्टिक/खतरनाक अपशिष्टों के उपयोग की अनुमति ईट भट्टों को नहीं दी जाएगी।
4. उत्सर्जन की निगरानी के लिए केन्द्रीय प्रदूषण नियंत्रण बोर्ड द्वारा निर्धारित मापदंडों/रूपरेखा के अनुसार ईट-भट्टे स्थायी सुविधा (पोर्ट होल और प्लेटफार्म) का निर्माण करेंगे।
5. विविक्त सामग्रियों (पीएम) के निष्कर्ष 4% CO₂ पर प्रसामान्य किए जाएंगे जो निम्नलिखित हैं:
पीएम (सामान्य) = (पीएम(मापित) X 4%)/ (चिमनी में मापित CO₂ का %, मापित CO₂ के मामले में $\geq 4\%$ कोई प्रसामान्यीकरण नहीं। चिमनी की ऊंचाई (मीटर में) भी $H = 14 Q^{0.3}$ सूत्र (जहां Q kg/hr में SO₂ उत्सर्जन दर है) द्वारा परिकलित की जाएगी, और अधिकतम दो को काम में ले सकेंगे।
6. ईट भट्टों को आवासों और फलों के बागों से 0.8 कि.मी. की न्यूनतम दूरी पर स्थापित किया जाना चाहिए। राज्य प्रदूषण नियंत्रण बोर्ड/प्रदूषण नियंत्रण समितियां आवास, जनसंख्या घनत्व, जल निकायों, संवेदनशील रिसेप्टर्स इत्यादि की निकटता का ध्यान रखते हुए स्थापित मापदंडों को सख्त बना सकते हैं।
7. किसी क्षेत्र में भट्टों की अधिक संख्या से बचने के लिए मौजूदा ईट भट्टों से कम से कम एक किलोमीटर की दूरी पर ईट भट्टों को स्थापित किया जाना चाहिए।
8. ईट भट्टों को संबंधित राज्य प्रदूषण नियंत्रण बोर्ड/प्रदूषण नियंत्रण समितियां द्वारा निर्धारित उत्सर्जन प्रक्रिया/पलायक धूल उत्सर्जन नियंत्रण दिशा-निर्देशों का पालन करना होगा।
9. ईट भट्टों से निकलने वाली राख को ईट बनाने में उसी परिसर के अंदर ही इस्तेमाल किया जाएगा।
10. ईट भट्टे में ईट बनाने के लिए उपयोग की जाने वाली मिट्टी को निकालने के लिए संबंधित राज्य/संघ राज्य क्षेत्र के खनन विभाग सहित संबंधित प्राधिकरणों से सभी आवश्यक अनुमोदन प्राप्त किए जाएंगे।
11. ईट भट्टा मालिक यह सुनिश्चित करेंगे कि कच्चे माल/ईटों के परिवहन के लिए उपयोग की जाने वाली सड़के पक्की सड़के हैं।
12. कच्चे माल/ईटों के परिवहन के दौरान वाहनों को ढका जाएगा।"

[फा. सं. क्यू-15017/35/2007-सीपीडब्ल्यू]

नरेश पाल गंगवार, अपर सचिव

टिप्पण : मूल नियम भारत के राजपत्र, असाधारण, भाग II, खण्ड 3, उप-खण्ड (i) में तारीख 19 नवंबर, 1986 के का.आ. 844 (अ) द्वारा प्रकाशित किए गए थे और 04 अक्टूबर, 2021 की अधिसूचना सा.का.नि. 724 (अ) द्वारा अंतिम बार संशोधित किए थे।

MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

NOTIFICATION

New Delhi, the 22nd February, 2022

G.S.R. 143(E).—In exercise of the powers conferred by sections 6 and 25 of the Environment (Protection) Act, 1986 (29 of 1986), the Central Government hereby makes the following rules further to amend the Environment (Protection) Rules, 1986, namely:—

1. Short Title and commencement: -

(1) These rules may be called the Environment (Protection) Amendment Rules, 2022.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Environment (Protection) Rules, 1986, in the SCHEDULE-I, for entry at Sl. No. 74, the following entry shall be substituted, namely: -

"74	Brick Kilns	Particulate matter in stack emission	250 mg/Nm ³
		Minimum stack height (Vertical Shaft Brick Kilns)	
		- Kiln capacity less than 30,000 bricks per day	14 m (at least 7.5m from loading platform)
		- Kiln capacity equal or more than 30,000 bricks per day	16 m (at least 8.5m from loading platform)
		Minimum stack height (Other than Vertical Shaft Brick Kilns)	
		- Kiln capacity less than 30,000 bricks per day	24 m
		- Kiln capacity equal or more than 30,000 bricks per day	27 m

Notes :

- All new brick kilns shall be allowed only with zig-zag technology or vertical shaft or use of Piped Natural Gas as fuel in brick making and shall comply to these standards as stipulated in this notification.
- The existing brick kilns which are not following zig-zag technology or vertical shaft or use Piped Natural Gas as fuel in brick making shall be converted to zig-zag technology or vertical shaft or use Piped Natural Gas as fuel in brick making within a period of (a) one year in case of kilns located within ten kilometre radius of non-attainment cities as defined by Central Pollution Control Board (b) two years for other areas. Further, in cases where Central Pollution Control Board/State Pollution Control Boards/Pollution Control Committees has separately laid down timelines for conversion, such orders shall prevail.
- All brick kilns shall use only approved fuel such as Piped Natural Gas, coal, fire wood and/or agricultural residues. Use of pet coke, tyres, plastic, hazardous waste shall not be allowed in brick kilns.
- Brick kilns shall construct permanent facility (port hole and platform) as per the norms or design laid down by the Central Pollution Control Board for monitoring of emissions.
- Particulate Matter (PM) results shall be normalized at 4% CO₂ as below:

$$PM \text{ (normalized)} = (PM \text{ (measured)} \times 4\%) / (\% \text{ of } CO_2 \text{ measured in stack}), \text{ no normalization in case } CO_2 \text{ measured } \geq 4\%.$$
 Stack height (in metre) shall also be calculated by formula $H=14Q^{0.3}$ (where Q is SO₂ emission rate in kg/hr), and the maximum of two shall apply.

6. Brick kilns should be established at a minimum distance of 0.8 kilometre from habitation and fruit orchards. State Pollution Control Boards/Pollution Control Committees may make siting criteria stringent considering proximity to habitation, population density, water bodies, sensitive receptors, etc.
7. Brick kilns should be established at a minimum distance of one kilometre from an existing brick kiln to avoid clustering of kilns in an area.
8. Brick kilns shall follow process emission/fugitive dust emission control guidelines as prescribed by concerned State Pollution Control Boards/Pollution Control Committees.
9. The ash generated in the brick kilns shall be fully utilized in-house in brick making.
10. All necessary approvals from the concerned authorities including mining department of the concerned State or Union Territory shall be obtained for extracting the soil to be used for brick making in the brick kiln.
11. The brick kiln owners shall ensure that the road utilized for transporting raw materials or bricks are paved roads.
12. Vehicles shall be covered during transportation of raw material/bricks”.

[F. No. Q-15017/35/2007-CPW]

NARESH PAL GANGAWAR, Addl. Secy.

Note : The principle rules were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) *vide* number S.O. 844(E), dated the 19th November, 1986 and lastly amended *vide* number G.S.R. 724(E), dated the 04th October, 2021.



Pollution Control Board, Assam
Bamunimaidam, Guwahati-21

No. WB/G-698/10-11/97

Dated Guwahati, the 20th Dec.' 2012

**Guideline for Processing of NOC/Consent to Establish proposals for setting up
of Brick Kilns & Stone Crushers**

The Pollution Control Board, Assam has been processing the NOC/Consent to Establish proposals concerning to setting up of Brick Kilns based on documents listed below:

1. NOC from Local Body.
2. Non Agricultural Land Certificate from the District Administration.
3. Project Report.
4. Site Plan.
5. Land documents.
6. Affidavit for adopting Pollution Control Measures as suggested by CPCB.

Many instance have come to Notice of the Board where the villagers come forward and object to No Objection Certificate issued by Gaon Panchayat and Certificates issued by Revenue Circle Officers. These documents being crucial, form the basis for issue of NOC by the Board. Now, onwards it is decided that the Board would like to take opinion of the people through Public Hearing as is done in case of proposals concerning to Environmental Clearance by Ministry of Environment & Forests.

Now onwards all Regional Offices of the Board, on receipt of completed proposal for setting up it Brick Kiln or stone crushers shall arrange to hold public meeting in manner stated below and send the proposal with records of meeting for the consideration of same by the Board.

1. The Public Hearing shall be arranged in a systematic time bound and transparent manner ensuing indent possible public participation at the industry site or in its close proximity by the concerned Gaon Panchayat.
2. **Process:**

After receiving the application for Consent to Establish, the concerned Regional Office of the Board will request the Gaon Panchayat (under whose jurisdiction the industry has been proposed to establish) to hold the public hearing within 30 (thirty) days. Gaon Panchayat will finalize the date, time and exact venue for the conduct of public hearing within 7 (seven) days of the receipt of the letter of the Regional Office, Pollution Control Board, Assam and inform the Revenue Circle Officer, District Agricultural Officer, SDO (C) etc. requesting them to depute their representatives, if they feel necessary. All the Members of Panchayat should also be informed by the President requesting them to be present besides due publicity in the village.

Contd....P/2

-2-

3. Supervision of Presiding Over the Hearing:

The Regional Officer of the Pollution Control Board, Assam assisted by the Gaon Panchayat President or his representative shall supervise and preside over the entire public hearing process.

4. Videography:

The industry shall arrange to Video film the entire proceedings and a copy of the Videotape or VCD shall be enclosed with the public hearing proceedings.

5. Proceedings:

The attendance of all those who are present at the venue shall be noted and annexed with the final proceedings.

6. Time Period for completion of Public Hearing:

The Public Hearing shall be completed within a period of thirty days from the date of receipt of application for Consent to Establish.

Sd
(R.M. Dubey)
Chairman

No. WB/G-698/10-11/97-A,
Copy to:

Dated Guwahati, the 20th Dec.' 2012

1. The Member Secretary, Pollution Control Board, Assam for information & necessary action.
2. The Chief Env. Engineer, Pollution Control Board, Assam for information & necessary action.
3. The SEE/SES/REE, RO/RLO, Guwahati /Sivasagar /Silchar / Bongaigaon / Tezpur / Golaghat / Dibrugarh / Nagaon, Pollution Control Board, Assam for information & necessary action.

R.M. Dubey 20/12/12
(R.M. Dubey)
Chairman

GUIDELINES ON BRICK MANUFACTURING UNIT

1. INTRODUCTION:

Brick is one of the primary building materials known to the mankind. The process of manufacturing of brick also has not undergone much change over centuries across the world. The bricks are significant basic material for all spheres of building activities and constitute about 15% of the total building material cost. In Assam burnt clay bricks are mainly used as material for construction since it produces a superior and comfortable physical living environment than other materials. Despite the initiation of other type building and walling materials such as earth block, concrete block, stone concrete, stone block, fly ash brick etc. Burnt clay bricks still occupy the dominant position in Assam and elsewhere mainly due to economic as well as its environmental friendly reasons.

The consumption or demand of burnt clay bricks in Assam is around 2,500 million pieces which is going to be around 4000-5000 million piece in 2013-15 period. There is a vast gap between supply and demand of these clay bricks in Assam. Therefore there is urgent need for another 300-500 bricks kilns in Assam to meet the demand and supply gap. The traditional brick making process is still used in Assam and rest of India. The following steps are involved in the clay brick manufacturing:

- i) Material procurement : In Assam the basic raw material is Alluvial clay with requisite plastic properties. The requirement for 1000 clay bricks is as follows:

Clay	:	4 tones
Silt	:	0-0.4 tones
Coal	:	0.2 tones
Water	:	3-4 KI
- ii) Tempering : The clay is mixed with water to get right consistency either manually or with pug mills.
- iii) Moulding : The tempered clay is then rolled in sand and shaped into mould. The sand prevents the clay from sticking to mould.
- iv) Drying : Sun drying in open air is carried for 10 days or so.
- v) Firing : The sun dried bricks are arranged in the kiln and insulation is done by mud pack. The firing is done through the fire hole and the kiln is kept in sealed condition to keep the heat inside for about a week.
- vi) Sorting : The sorting is done on basis of colouration which is an indication of level of burning.

2. THE ENVIRONMENTAL ISSUES ASSOCIATED WITH BRICK MANUFACTURING:

The Central Pollution Control Board, Delhi (CPCB) has already recognized the brick production industry a highly resource and energy intensive as well as polluting industry which is mostly due to obsolete traditional production technologies employed in India.

While the cluster of brick kilns are source of local air pollution affecting local population agriculture and vegetation. At global level they also contribute to climate change.

The traditional brick manufacturing needs considerable land area and top soil. The land area near the kiln is subjected to high temperature making it unfit for uses in agricultural activities after being abandoned. The brick manufacturing uses thousand of tones of coal and biomass fuel (The energy use is 30-35 % of production cost).

The possible pollutants from brick kilns are:

1. Carbon dioxide (CO₂).
2. Carbon monoxide (CO).
3. Sulphur dioxide (SO₂).
4. Nitrogen Oxides (NO_x).
5. Suspended Particulate Matter (SPM).

Along with these there is a problem of high volume of bottom ash as residue.

The other possible environmental threat may be disturbance of flow path of natural stream, nullah, river due to establishment of the brick kiln in the vicinity in the path leading to obstruction in down stream as well as for distribution on flow of water during rainy season.

In consideration of various environmental concern relating to the brick kilns the following guidelines are issued to reduce the pollution from the brick kilns at minimum possible level to avoid adverse affects on the health of plants, animal and human life.

3. COMPETENT AUTHORITY:

Any project proponent who intends to establish a brick kiln must seek prior Consent to Establish (CTE) under Air (Prevention & Control of Pollution) Act, 1981 before taking any step for establishing the brick Kiln. Like wise, he must seek Consent to Operate (CTO) before commissioning the plant. Application format for Consent to Establish may be downloaded from Board's website (www.pcbassam.org/consent.htm) or may be obtained from Regional Offices of the Board and its Head Quarter. The proponents must submit duly filled (in duplicate) in application forms alongwith prescribed fee to the concerned Regional Office of the Board.

4. LOCATION OF LAND:

A brick Kiln unit can be established on a land owned by the promoter (or on such land taken on lease or agreement for at least 10 years) by the promoter provided that:

- 4.1** Brick kiln shall be established at least 300 m away from residential area having a minimum population of 100-150 people or 20 houses including both kachcha/thatched and pucca houses, 500 meters from a residential area having a population more than 150 or more than 20 houses including both kachcha/thatched and pucca houses. However the distance from notified municipal area/town committee shall be not less than 1.0 Km.
- 4.2** The aerial distance of brick kilns shall be at least 500 mtrs. from the areas like registered hospital, school, public building, religious place or a place where flammable substances are stored. Brick kilns shall not be allowed within a radius of 1.0 km in notified sensitive areas like Zoo, wild life sanctuary, historic monuments, museum etc. The distance to be verified by an officer not below the rank of Forest Range Officer/Revenue Circle Officer or the Board official not below the rank of Asstt. Executive Engineer in the format enclosed as **Annexure-I**.

4.3 Brick kilns shall not be constructed within 200 m (aerial distance) from the sides of railway tracks.

4.4 The clay collection/excavation area for the brick kiln shall not be an area falling within the restriction limits prescribed under Rule 7 of Assam Minor Mineral concession Rules, 2013 reproduced below:

“1. No mining lease/ contract/ permit shall be granted in respect of any land within a distance of :

- i) Fifty meters from the outer periphery of the defined limits of any village habitation, National Highway, State Highway and other roads where such excavation does not require use of explosives;
- ii) Two hundred fifty meters from the outer periphery of the defined limits of any village habitation, National Highway, State Highway and other roads where use of explosives is required;
- iii) Five hundred meters from major structures like R.C.C. Bridges Guide bund etc.;

Provided that the Government may relax the above distance parameters, wherever required in the interest of workings, mineral conservation or for any unforeseen reasons subject to such conditions as may be imposed under the said relaxation.

2. No mining lease/ contract/ permit or other mineral concession shall be granted in respect of any such minor mineral or in respect of any specific or general area which the Government may notify.”

4.5 The distance between two brick kilns shall not be less than 500 m to avoid clustering of brick kilns in an area if a new brick kiln is being installed.

4.6 Brick kiln should be constructed at least 500 meters away from path of any natural water flow as well as from River bank water front of beels, lakes etc. More over no top soil from these areas (within the vicinity of 500 meters) be extracted for making the green bricks (kutch bricks) which are necessary for ensuing stability of river bank.

Note: The distance criteria mentioned under Para 4.1 to 4.6 shall not be applicable for existing brick kilns which have been established with valid Consent of the Board prior to the date of issue of these guidelines

4.7 No brick kilns shall be allowed within the co-ordinates of “No Development Zone” around the Numaligarh Refinery without the consent of MoEF. The renewal of “Consent to Operate” in respect of existing units for their operation at present location would depend upon the final outcome of case pending with NGT and decision of MoEF.

4.8 The brick kiln situated outside the co-ordinates of “No Development Zone” around the Numaligarh Refinery shall be allowed to function subject to the compliance of the Guidelines for operation of such units as prescribed by the Ministry of Environment & Forests, Govt. of India; Central Pollution Control Board, Delhi and Pollution Control Board, Assam.

4.9 After scrutinizing the application of the proponent of brick unit, the Regional Office of the Board shall arrange for Public Hearing in the concerned Gram Panchayat for assessing the acceptability of industry by local people.

5. LOCATION OF PLANT & MACHINERY:

The minimum area of land for establishing a brick kiln unit should be such that after establishing plant and machinery and leaving sufficient space for material stock and movement of vehicles, enough space is available all around for planting at least two rows of trees, shrubs or bamboo along the periphery.

6. STANDARDS TO BE ACHIEVED:

Stack height to be provided with different type of brick kilns and emission standards have been notified by Ministry of Environment & Forests (MoEF), Govt. of India under Schedule I at Sl. No. 74 of Environment (Protection) Rules, 1986 (as amended time to time) vide G.S.R. 543 (E) dated 22.07.2009 (**Annexure-2**).

There are other activities in brick manufacturing process like mining / quarrying of clay, handling & transportation of raw material / bricks which contribute to ambient air pollution. MoEF has also Notified National Ambient Air Quality Standards dated 16th November, 2009 (**Annexure-3**).

These standards are mandatory to be achieved by the Brick Kiln units.

7. POLLUTION CONTROL MEASURES REQUIRED:

Following measures must be taken by brick kiln owners for abatement of pollution:

- i. Approach road within the premises of brick kiln area should be pucca/ stabilized with brick bats etc.
- ii. They should use crushed coal for better burning efficiency.
- iii. Bricks should be laid in such a staggered manner for baking to entrap maximum particulate matter at the source itself.
- iv. They should use a properly designed gravity chamber.
- v. Permanent stack should be provided at the brick kiln and height of chimney / stack should be at least 30 meters. No moving chimney shall be allowed.
- vi. Water sprayers shall be installed and operated at strategic locations.
- vii. The approach road to site of brick kiln (including the storage site if it is at different place) from the nearest public road for the transportation of raw material/final products must be paved or hard surfaced.
- viii. Active haul roads inside the works should be adequately wetted with water (preferably recycled and treated waste water).
- ix. Exhausts of trucks for transportation of materials within the site should be directed upward.
- x. Wheel cleaning facilities should be provided, for delivery trucks leaving the works, for the removal of mud.

8. OPERATION AND MAINTENANCE:

- i. Water storage facility (minimum 3000 liters) must be provided at the brick kiln site.
- ii. A high standard of housekeeping should be maintained.
- iii. Malfunctioning or breakdown of any equipment / machinery leading to abnormal emissions should be dealt with promptly.

9. GENERAL CONDITIONS:

- i. A Sign Board showing the name, address and capacity of the brick kiln as well as validity of the consents should be displayed at the entrance of the site.
- ii. Brick kiln industry must have valid source for raw material either in self ownership or with proper legal arrangement. An affidavit to this effect shall be submitted by the Project proponent. Clay mining area should be reclaimed after utilization.
- iii. The application for consent and reply to notices etc. must be furnished by owner (including lawfully empowered attorney for such purpose) of the unit. Where the owner of the brick kiln is a Juristic person (Company, Firm, Association etc.), the applications must be filed/information must be furnished under the seal and signature of a person authorized for such purpose and the document confirming the authorization must be attached.
- iv. Local agro industrial wastes residue shall be encouraged for use as internal fuel to replace coal in a phased manner.
- v. The use of local agricultural wastes residues as a substitute to coal fire shall be encouraged and non-hazardous industrial waste such as stone dust, rice husk ash, red mud etc. shall be encouraged to be mixed with top soil.
- vi. Fly ash shall be used in brick molding in compliance of the notification (as amended) issued under the provision of Environment (Protection) Act, 1986 to manufacture soil – fly ash brick.
- vii. Spent organic solvent, oily residue, pet coke, filter press cake (hazardous waste) etc. and other wastes such as plastic, rubber, lather etc. shall not be allowed as fuel in brick kiln.
- viii. Lighting arrestor as per the PWD norms or any other standard design shall be installed for brick kiln to avoid the damage to stacks/chimney caused due to lightning attack.
- ix. In Brick Kiln besides the above Good House Keeping practices including disposal of coal ash, provision of double wall around the kiln, proper layout, Brick lining of passage, use of properly graded coal, proper firing practices, protection from noise pollution and other measures should be followed by all Brick Kiln Owners.
- x. The above sitting criteria will be applicable to all Bulls Trench Kilns irrespective of their brick production capacity.

10. ENVIRONMENTAL CARE: GREEN BELT DEVELOPMENT:

For conserving environment from adverse effect of emissions, the industry must ensure that:

- i. Minimum 33% of the land on which industry is established or proposed to be established is covered by plantation.
- ii. Multi layer and multi storey green belt of 10 m width or two rows of bamboo shall be developed along the periphery of brick kiln leaving two 10 m wide gaps in the boundary for entry and exit of material and vehicles. A wall of 3 m height shall be constructed on the sides where land is not available for green belt development to prevent fugitive dust emission. For installation of brick kiln with green belt development, the minimum area required is 5 bighas.

11. PROCEDURE TO APPLY FOR CONSENT TO ESTABLISH:

The prescribed application form for Consent to Establish can be downloaded from Board's Website (www.pcbassam.org).

The application for Consent to Establish before establishing a new brick kiln unit or expansion of an existing unit must be submitted in the prescribed form along with following documents failing which additional consent fees will be payable as per provisions of the Rules:

- i. Requisite Consent fee as prescribed by Govt. of Assam, Notification as amended from time to time (**Annexure-4**).
- ii. Declaration on Rs. 10/- non judicial stamp paper duly attested by notary public as per **Annexure-5**.
- iii. Details of valid source of raw material in accordance with Rule 26 of Assam Minor Mineral Concession Rules, 2013 (**Annexure-6**).
- iv. Certificate regarding distances issued by Revenue Circle Officer/Forest Range officer/PCB Official as per **Annexure-7**.
- v. Project report of proposed plant including all costs duly attested by Chartered Accountant.
- vi. Details of various of air pollution and proposal for pollution control measures.
- vii. Ownership documents for land/lease deed.
- viii. Land conversion letter / land allotment letter for brick kiln issued by the Competent Authority not below the level of Circle Revenue Officer as per format enclosed as **Annexure-8**.
- ix. Layout plan showing the location of plant and machinery and the green belt giving to the scale dimensions and also specifying the width of green belt.
- x. Location plan of proposed site showing distance from road and nearest village.
- xi. Copy of partnership deed / MOU & Article of Association as the case may be.
- xii. Document confirming the authorization of signatory of the application form and enclosures.

On receipt of the duly completed application the Regional Office of Board shall conduct Public Hearing in local Gaon Panchayat as per procedure detailed in PCBA letter No. G-698/10-11/97 dtd. 20-12-2012 and send the application to the Board Head Quarter along with record of Public Hearing – The Board's letter dated 20.12.2012 is appended as **Annexure-9**.

12. PROCEDURE TO APPLY FOR FIRST CONSENT TO OPERATE:

The application for Consent to Operate must be filed after establishing the unit and at least four months before the date of expiry of period of Consent to Establish.

The prescribed application form for Consent to Operate can be downloaded from Board's website.

The application form for Consent to Operate must be submitted along with following documents:

- i. Requisite consent fee as per the Department of Environment, Govt. of Assam, Gazette Notification No. ENG.26/2003/14 dated 12.11.2003 as amended from time to time.

- ii. Declaration on Rs. 10/- non judicial stamp paper as per format at Annexure-5.
- iii. Investment certificate issued by Chartered Accountant as per format at Annexure-7.
- iv. Report of compliance of all the conditions of consent to establish point to point.
- v. Status of implementation of the action plan for green belt development, i.e., the number of plants planted, area covered by plantation, area yet to be covered by plantation etc. alongwith photographs of plantation as an evidence for record.
- vi. Document confirming the authorization of signatory of the application form and enclosures.
- vii. Copy of documents required with consent to establish as per Para 11, if not submitted earlier.
- viii. Copy of Reports for excavation of brick required to be obtained from Forest Department in accordance with Rule 26 of Assam Minor Mineral Concession Rules, 2013 Form DIM 1 & PIM 2.

13. PROCEDURE TO APPLY FOR RENEWAL OF SUBSEQUENT ANNUAL CONSENT TO OPERATE:

The application for renewal of Consent to Operate must be filed at least four months the date of expiry of period of Consent to Operate.

The application for renewal of Consent to Operate must be preferred in prescribed form along with following documents:

- 13.1 Requisite Declaration on Rs. 10/- non judicial stamp paper as per format at **Annexure-5.**
- 13.2 Investment certificate issued by Chartered Accountant as per format at **Annexure-10.**
- 13.3 Report of compliance of conditions of previous year's Consent to Operate point to point.
- 13.4 Status of implementation of the action plan for green belt development i.e. the number of plants planted, number of plants surviving, area already covered by plantation etc. alongwith photograph of plantation.
- 13.5 Copy of periodical reports submitted.
- 13.6 Document confirming the Authorization of signatory of the application form and enclosures.
- 13.7 Status of payment of Water Cess, as applicable.

14. PERIODICAL REPORTS REQUIRED TO BE SUBMITTED TO THE STATE BOARD:

Following periodical reports must be submitted to the Board. Failure to submit these reports shall be treated as non compliance for the purpose of future consents.

- a) Annual compliance report of Consent conditions to the Competent Authority.
- b) Annual stack emission and Ambient Air Quality Monitoring Report to the Competent Authority.
- c) Annual Environment Statement in the prescribed format as under Environment (Protection) Act 1986(**Annexure-11**) to the Competent Authority.
- d) Annual production and dispatch details of bricks.

15. CONSEQUENCE OF DEFAULTING COMPLIANCE OF GUIDELINES:

If any non compliance is observed during the operations, notice under Section 31(A) of the Air Act will be issued and proponent will be directed to rectify the non compliance within specified period. If non compliances are found to be continuing even after show cause notice, the consent will be revoked/refused and closure directions will be issued under Section 31(A) of the Air Act, 1981 forthwith. The owner will also be liable criminal prosecution.

16. CONDITIONS FOR REVOCATION OF CONSENT:

The consent granted will be revoked if it is found that:

- 16.1 It has been obtained by misrepresentation of facts.
- 16.2 The industry defaults in Pollution Control Measures.
- 16.3 If found that the raw material is procured from illegal sources.
- 16.4 The industry defaults in furnishing of annual information even after expiry of 30 days from the prescribed period.

Further, in case of a brick kiln unit established after obtaining consent from the Board, the Consent may not be renewed without appropriate legal action if it is found that:

- The project proponent has failed in compliance of the conditions laid down in the consent and
- On enquiry it is established that there is deterioration of AAQ as also experienced by local community.

17. RECLAMATION OF BRICK FIELDS:

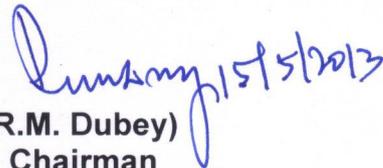
The top layer i.e. the HUMUS layer of the land used for earth mining as well as Kiln area must be preserved safely in a area inside Brick field to be used for the reclamation of the depleted/abandoned brick field or kiln area later on. The thickness of this layer must not be less than 1.5 ft. This is to retain the fertility of the land used for brick manufacturing process after being abandoned.

The annexure referred in the guidelines are enclosed.

All concerned are directed to ensure strict compliance of the guidelines while dealing with the issues related with the brick kiln industry.

The guidelines are meant to serve as a guide only. In case of interpretation of any question related to law, the provisions of the original law and the rules made there under with various Government directions/resolutions will have to be read and followed. In case of amendment to the original Act/Rules/Notifications made there under, the provisions as amended from time to time shall be applicable. The Board in process of introducing "On line Consent Management System" and on being introduced the guidelines under Para 11, 12 & 13 shall be suitably modified.

These guidelines are issued as Direction of the Board in supersession to all the previous guidelines/directions under Section 5(a) of Environment (Protection) Act, 1986 for Regulation and Operation of Brick Kilns in the State of Assam and who ever fails to comply with these guidelines/directions shall be dealt with provisions made Section 15, 16 or 17 of the Environment (Protection) Act, 1986 as the case may be.


(R.M. Dubey)
Chairman

The Assam Brick Kilns Establishment and Regulation Rules, 2013

In exercise of Powers conferred under Section 54, Sub-section 2, clause (j) of the Air (Prevention & Control of Pollution) Act, 1981, the Government of Assam makes following rules to discharge its functions prescribed under clause (j), Sub-section 1 of Section 17 of the said act.

1.
 - i) These rules may be called "The Assam brick Kilns Establishment and Regulation Rules, 2013".
 - ii) They shall come into force with effect from the date of their publication in the Gazette.

2. Location:

A brick kiln unit can be established on a land owned by the promoter, or on such land taken on lease or agreement for atleast 10 years by the promoter provided that the following distance criteria is met.

- i) Brick kiln shall be established atleast 300 meters away from residential area having a minimum population of 100-150 people or 20 houses including both kachcha/thatched and pucca houses, 500 meters from a residential area having a population more than 150 or more than 20 houses including both kachcha/thatched and pucca houses. However, the distance from notified municipal area/town committee shall be not less than 1.0 Km.
- ii) The aerial distance of brick kilns shall be atleast 500 meters from the areas like registered hospital, school, public building, religious place or a place where flammable substances are stored. Brick kilns shall not be allowed within a radius of 1.0 Km in notified sensitive areas like zoo, wild life sanctuary, historic monuments, museum etc. The distance to be verified by an Officer not below the rank of Forest Range Officer/Revenue Circle Officer or the Board Official not below the rank of Assistant Executive Engineer.
- iii) Brick kilns shall not be constructed within 200 meters (aerial distance) from the sides of railway tracks.
- iv) The distance between two brick kilns shall not be less than 500 meters to avoid clustering of brick kilns in an area if a new brick kiln is being installed.
- v) Brick kilns should be constructed atleast 500 meters away from the path of any natural water flow as well as from river bank, water front of beels, lakes etc. More over no top soil from these areas within the vicinity of 500 meters, be extracted for making the green bricks (kutchha bricks), as the top soil is necessary for ensuing stability of river bank.

- NOTE:**
- (i) The distance criteria mentioned under para 2(i) to 2 (v) shall not be applicable for existing brick kilns which have been established with valid Consent of the Board prior to the date of issue of these Rules.
 - (ii) All distances in the above rules are from the stack of the brick kiln considering stack as the central point of the kiln.
- vi) No brick kilns shall be allowed within the co-ordinates of "No Development Zone" around the Numaligarh Refinery without the Consent of MoEF. The renewal of "Consent to Operate" in respect of existing units for their operation at present location would depend upon the final outcome of case pending with National Green Tribunal and decision of MoEF.

Contd....p/2

-2-

3. Restrictions on setting up of Brick Kilns:

- (i) The brick kiln shall be allowed only on such land which is certified as Non Agricultural Land by the concerned Circle Officer of Revenue Departments of the Government.
- (ii) For establishment of a new brick kiln, public hearing shall be conducted in the concerned Gaon Panchayat for assessing the acceptability of the unit by local people and without "No Objection" from Gaon Panchayat no new brick kiln shall be allowed.
- (iii) The clay collection/excavation area for the brick kiln shall not be an area falling within the restriction limits prescribed under Rule 7 of Assam Minor Mineral Concession Rules, 2013. The brick industry must have valid source for raw materials supply. An affidavit to this effect shall be submitted by the project proponent.

4. Operation of Brick Kilns:

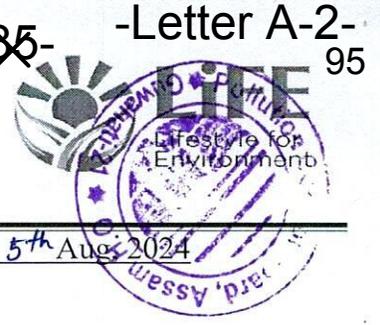
- (i) The brick kiln shall be allowed to function subject to the compliance of the guidelines for operation of such units as prescribed by the Ministry of Environment & Forests, Government of India; Central Pollution Control Board, Delhi and Pollution Control Board, Assam as issued from time to time provided that valid Consent for establishment and operation has been obtained from Pollution Control Board, Assam under Air (Prevention & Control of Pollution) Act, 1981.
- (ii) Stack height of brick kiln and Emission Standard shall be as per notification of Ministry of Environment & Forests, Government of India under Schedule-I at Sl. No. 74 of Environment (Protection) Rules, 1986 vide G.S.R.543(E) dtd. 22.07.2009 (as amended from time to time). The ambient air quality shall conform to the National Ambient Air Quality Standards notified by Ministry of Environment & Forests vide No. G.S.R. 826(E) dtd. 16.11.2009 or as amended from time to time. The brick unit shall install permanent stack and the height of the stack must be atleast 30 meters. **Brick Kilns with moving chimney shall not be allowed.**
- (iii) The brick kiln shall be provided with port hole, platform, ladder etc. for purpose of monitoring and sampling. The port hole shall be made at a height of 2/3rd of the total height of the stack
- (iv) The emission sample shall be collected when the brick kiln is fully fired and in operation.

5. Other Requirements:

- (i) Green belt development shall be done all along the periphery of the brick field with local trees and bamboo etc.
- (ii) The brick unit shall use crushed coal for better burning efficiency.
- (iii) The brick unit shall install and operate adequate pollution control measures such as gravity chamber, water sprayers etc. at strategic locations.
- (iv) The brick unit shall use local agricultural wastes residues as a substitute to coal.
- (v) Fly ash shall be used in brick moulding in compliance of the notification (as amended) issued under the provision of Environment (Protection) Act, 1986 to manufacture soil-fly ash bricks. The non-hazardous industrial wastes such as stone dust, rice husk, ash, red mud etc. should be encouraged for mixing with soil in brick moulding.
- (vi) In the event of closing down of the brick field, the site shall be completely reclaimed before abandoning.

6. Application:

The Pollution Control Board, Assam shall issue detailed guidelines for application of these Rules.



No. PCBA/BONG/T-1352/24-25/222

Dated Guwahati, the 5th Aug, 2024

CONSENT TO ESTABLISH

'CONSENT TO ESTABLISH' (CTE), under Section 25 of the Water (Prevention and Control of Pollution) Act, 1974, and Section 21 of the Air (Prevention and Control of Pollution) Act, 1981, as amended, and Rules framed there under, is granted to:

- i) Name of the unit : M/s JAI Brick Industry.
ii) Name of the Occupier / Applicant and Designation : Mijanur Rahman, Proprietor.
iii) Address of the unit : Vill- Baguriguri, P.O- Malibari Pather Bazar, Boko, South Bank, Kamrup (R), Assam-783129
iv) Project cost : Rs. 75 (In lakhs)
v) Type of Project/Category : Bricks Manufacturing Unit (Orange Category)
vi) Details of Product :

Sl. No.	Product	Quantity
1	Clay Bricks	75,00,000 Nos./ season

TERMS AND CONDITIONS:

1. The applicant shall adopt only zig-zag technology or vertical shaft for the production of brick as per the notification issued by MoEF&CC, GOI vide G.S.R.143(E), dtd.22.02.2022.
2. This Consent to Establish (CTE) has been accorded based on the particulars furnished by the applicant vide **Application ID: 2844183** and subject to addition of further or more conditions, if so warranted by subsequent developments. The CTE will automatically become invalid, if any change or alteration or deviation made in actual practice.
3. 'Consent to Establish' will be valid till the date of commissioning of the unit or seven (7) years whichever is earlier.
4. The CTE may be modified, suspended in whole or in part or withdrawn by the Board during its term for cause including, but not limited to the following:-
 - a) Violation of any Terms and Conditions of this CTE;
 - b) Obtaining the CTE by misrepresentation or failure to disclose fully all relevant facts;
 - c) If any genuine complaint received.
5. The unit shall obtain prior 'Consent to Establish' from the Board for any further expansion, alteration, modification, or modernization of the project.
6. The project authority shall install a Display Board as per the Board's notification no. PCBA/LGL-95/2021/Notification/01 dtd.11.11.2021 (Appendix-A).
7. The project proponent shall develop a greenbelt/plantation area with native trees covering atleast 33% of the total plot area.
8. Proper housekeeping has to be maintained. The unit shall not burn any waste within premises.
9. The project authority shall obtain 'Consent to Operate' from the Board before starting the unit.

Contd...p/2

10. As per the provisions of the Water (Prevention and Control of Pollution) Act, 1974 as amended and the Air (Prevention and Control of Pollution) Act, 1981, as amended, any Officer, empowered by the Board on its behalf shall have without interruption, the right at any reasonable time to enter the unit for inspection, collection of sample for analysis and may call for any information as deemed necessary. Denial of this right will cause withdrawal of the CTE.

Specific Conditions:

A) Air Aspects:

1. Type of Fuel (used) : Coal
2. The unit shall strictly comply with the guidelines issued by MoEF&CC, GOI vide G.S.R.143(E), dtd.22.02.2022, as mentioned herein under:

Brick Kilns	Particulate matter in stack emission	250 mg/Nm ³
	Minimum stack height (Vertical Shaft Brick Kilns)	14m (atleast 7.5m from loading platform)
	-Kiln capacity less than 30,000 bricks per day	14m (atleast 7.5m from loading platform)
	-Kiln capacity equal or more than 30,000 bricks per day	14m (atleast 7.5m from loading platform)
Brick Kilns	Minimum stack height (Other than Vertical Shaft Brick Kilns)	24 m
	-Kiln capacity less than 30,000 bricks per day	27 m
	-Kiln capacity equal or more than 30,000 bricks per day	27 m

- i) All brick kilns shall use only approved fuel such as Piped Natural Gas, coal, firewood and/or agricultural residues. Use of pet coke, tyres, plastic, hazardous waste shall not be allowed in brick kilns.
 - ii) Brick kilns shall construct permanent facility (port hole and platform) as per the norms or design laid by the CPCB for monitoring of emissions.
 - iii) Particulate Matter (PM) results shall be normalized at 4% CO₂ as below:
 - iv) $PM \text{ (normalized)} = PM \text{ (measured)} \times 4\% / (\% \text{ of } CO_2 \text{ measured in stack})$, no normalization in case CO₂ measured $\geq 4\%$. Stack height (in meter) shall also be calculated by formula $H=14Q^{0.5}$ (where Q is SO₂ emission rate in kg/hr), and maximum of two shall apply.
 - v) Brick kilns shall follow process emission/fugitive dust emission control guidelines as prescribed by Pollution Control Board, Assam time to time.
 - vi) The ash generated in the brick kiln shall be fully utilized in-house in brick making.
 - vii) All necessary approvals from the concerned authorities including mining department shall be obtained for extracting the soil to be used for brick making in the brick kiln.
 - viii) The brick kiln owner shall ensure that the road utilized for transporting raw materials or bricks are paved roads.
 - ix) Vehicles shall be covered during transportation of raw materials/bricks.
3. Coal shall be stored in shed.
 4. The unit shall comply with ambient noise level standard, as notified by MoEF & CC, GOI vide GSR 7, dated Dec.22, 1998 as mentioned herein under;

Limit in dB (A) Leq	
Day Time (6:00 AM - 10:00 PM)	Night Time (10:00 PM - 6:00 AM)
75	70

5. The unit shall ensure that fugitive emissions from its activities are controlled in and around the factory premises by adequate sprinkling of water.
6. The unit shall install permanent monitoring platform with proper monitoring facilities as per CPCB Guidelines for Emission Regulation Part-III (Appendix-B).

B) Water Aspects:

1. Source of Water : Ground water.
2. Details of water consumption and effluent generation:-

Sl. No.	Name	Quantity
1	Raw water Consumption	8.0 KLD
2	Effluent Generation	0.5 KLD

Contd...p/3



3. Permission shall be obtained from the Central Ground Water Authority (CGWA) for the extraction of ground water, if applicable.
4. i) Storm water within the battery limits of a unit shall be channelized through separate drain/pipe passing through sedimentation tank.
- ii) For storm water discharge, the unit shall comply with general effluent discharge parameters standard, notified by MoEF & CC, GOI vide G.S.R. 422 (E); dated 31.12.1993 (Appendix-C).

C) Solid Waste Aspects:

1. Adequate facility shall be created for collection, storage, transportation, treatment and disposal of solid waste generated from the unit.
2. Adequate system shall be adopted on reduction of waste generation and enhancement of re-utilization and recycling of waste materials.
3. Solid waste generated in the unit shall be disposed of as per the provisions of Solid Waste Management Rules, 2016.

The unit shall submit compliance report of the mandated conditions by April 15th every year to Member Secretary, PCBA as well as to Regional Office, South Bank till the completion of the project. The Board will have the liberty to withdraw the CTE, if adequate pollution control and safety measures are not implemented by the unit.

M. Bardalai
(M. Bardalai)

M. Bardalai
Senior Environmental Engineer

Memo No. PCBA/BONG/T-1352/24-25/222-A
1342

Dated Guwahati, the Aug, 2024

Copy to:

1. M/s JAI Brick Industry, Vill- Baguriguri, P.O- Malibari Pather Bazar, Boko, South Bank, Kamrup (R), Assam-783129- for information and compliance of conditions.

M. Bardalai
(M. Bardalai)

M. Bardalai
Senior Environmental Engineer



Pollution Control Board, Assam
Bamunimaidam, Guwahati-21



NOTIFICATION

No. PCBA/LGL-95/2021/Notification/01

Dated Guwahati, the 11th Nov, 2021

In exercise of the powers conferred under Section-5 of the Environment (Protection) Act, 1986 as amended till date and keeping in view the need of public interest towards dissemination of vital information regarding Consent/Authorization of this Board, all industries are hereby directed to install a Display Board of minimum size 5'x4', near the main entrance gate.

The format of the display board is given below:

Name and Address of the Unit : M/s.	
Description of Consent/Authorization	Details
Consent to Establish (CTE)	No.: Date of Issue:
Consent to Operate (CTO)	No.: Date of validity:
Authorization under Hazardous & Other waste (Management & Transboundary Movement) Rules, 2016 (if applicable)	No.: Date of Issue: Date of validity:

Member Secretary

Dated Guwahati, the 11th Nov, 2021

Memo No. PCBA/LGL-95/2021/Notification/01-A

Copy to:

1. The Commissioner & Secretary to the Govt. of Assam, Department of Environment & Forest, Dispur for kind information.
2. P.A. to the Chairman, PCBA for kind appraisal of the Hon'ble Chairman.
3. The All Regional Heads, PCBA for information & necessary action.
4. M/S APS Advertising Pvt. Ltd, Guwahati-1. They are requested to publish the "NOTICE" in "the Assam Tribune" and "Dainandin Barta" on 12.11.2021.
5. Notice Board, Head Office / Website (www.pcbassam.org), PCBA.

Member Secretary



Location of sampling port as per CPCB's Emission Regulation Guideline Part III

2.5.0 Location of Sampling Port

To ensure laminar flow the sampling ports shall be located at atleast 8 times chimney diameter down stream and 2 times up stream from any flow disturbance. For a rectangular cross section the equivalent diameter (D_e) shall be calculated from the following equation to determine up stream, down stream distances.

$$D_e = \frac{2LW}{L+W}$$

Where L = Length in m, W = width in m.

Sometimes it may so happen for existing chimneys that sufficient physical chimney height is not available for desired sampling location in such cases additional traverse points shall be taken as given under 2.4.0.

The sampling port should be preferably provided on the delivery side of duct or chimney and not on the suction side.

M. Sankar

Senior Environmental Engineer
Pollution Control Board, Assam
(Department of Environment and Forest,
Govt. of Assam)
Bamunimaidam, Guwahati-21



¹[SCHEDULE – VI]
(See rule 3A)

GENERAL STANDARDS FOR DISCHARGE OF ENVIRONMENTAL
POLLUTANTS PART-A : EFFLUENTS

S. No.	Parameter	Standards			
		Inland surface water	Public Sewers	Land for irrigation	Marine coastal areas
1	2	3			
		(a)	(b)	(c)	(d)
1.	Colour and odour	See 6 of Annexure-I	--	See 6 of Annexure -I	See 6 of Annexure-I
2.	Suspended solids mg/l, Max.	100	600	200	(a) For process waste water- 100 (b) For cooling water effluent 10 percent above total suspended matter of influent.
3.	Particulate size of suspended solids.	Shall pass 850 micron IS Sieve	--	--	(a) Floatable solids, max. 3 mm. (b) Settleable solids, max. 850 microns.
² 4.	***	*	--	***	--
5.	pH Value	5.5 to 9.0	5.5 to 9.0	5.5 to 9.0	5.5 to 9.0
6.	Temperature	shall not exceed 5°C above the receiving water temperature	--	--	shall not exceed 5°C above the receiving water temperature

¹ Schedule VI inserted by Rule 2(d) of the Environment (Protection) Second Amendment Rules, 1993 notified vide G.S.R. 422(E) dated 19.05.1993, published in the Gazette No. 174 dated 19.05.1993.

² Omitted by Rule 2(d)(i) of the Environment (Protection) Third Amendment Rules, 1993 vide Notification No.G.S.R.801(E), dated 31.12.1993.

MS

S. No.	Parameter	Standards			
		Inland surface water	Public Sewers	Land for irrigation	Marine coastal areas
1	2	3			
		(a)	(b)	(c)	(d)
7.	Oil and grease mg/l Max.	10	20	10	20
8.	Total residual chlorin mg/l Max.	1.0	--	--	1.0
9.	Ammonical nitrogen (as N), mg/l Max.	50	50	--	50
10.	Total Kjeldahl Nitrogen (as NH ₃) mg/l, Max.	100	--	--	100
11.	Free ammonia (as NH ₃) mg/l, Max.	5.0	--	--	5.0
12.	Biochemical Oxygen demand ¹ [3 days at 27°C] mg/l max.	30	350	100	100
13.	Chemical Oxygen Demand, mg/l, max.	250	--	--	250
14.	Arsenic (as As), mg/l, max.	0.2	0.2	0.2	0.2
15.	Mercury (as-Hg), mg/l, Max.	0.01	0.01	--	0.01
16.	Lead (as Pb) mg/l, Max.	0.1	1.0	--	2.0
17.	Cadmium (as Cd) mg/l, Max.	2.0	1.0	--	2.0
18.	Hexavalent Chromium (as Cr+6), mg/l max.	0.1	2.0	--	1.0

¹ Substituted by Rule 2 of the Environment (Protection) Amendment Rules, 1996 notified by G.S.R.176, dated 2.4.1996 may be read as BOD (3 days at 27°C) wherever BOD 5 days 20°C occurred.

The Environment (Protection) Rules, 1986



S. No.	Parameter	Standards			
		Inland surface water	Public Sewers	Land for irrigation	Marine coastal areas
1	2	3			
		(a)	(b)	(c)	(d)
19.	Total chromium (as Cr.) mg/l, Max.	2.0	2.0	--	2.0
20.	Copper (as Cu) mg/l, Max.	3.0	3.0	--	3.0
21.	Zinc (As Zn.) mg/l, Max.	5.0	15	--	15
22.	Selenium (as Se.) mg/l, Max.	0.05	0.05	--	0.05
23.	Nickel (as Ni) mg/l, Max.	3.0	3.0	--	5.0
¹ 24.	***	*	*	*	*
¹ 25.	***	*	*	*	*
¹ 26.	***	*	*	*	*
27.	Cyanide (as CN) mg/l Max.	0.2	2.0	0.2	0.2
¹ 28.	***	*	*	*	*
29.	Fluoride (as F) mg/l Max.	2.0	15	--	15
30.	Dissolved Phosphates (as P), mg/l Max.	5.0	--	--	--
² 31.	***	*	*	*	*
32.	Sulphide (as S) mg/l Max.	2.0	--	--	5.0
33.	Phenoile compounds (as C ₆ H ₅ OH) mg/l, Max.	1.0	5.0	--	5.0

¹ Omitted by Rule 2(d)(i) of the Environment (Protection) Third Amendment Rules, 1993 vide Notification No.G.S.R.801(E), dated 31.12.1993.

S. No.	Parameter	Standards			
		Inland surface water	Public Sewers	Land for irrigation	Marine coastal areas
1	2	3			
		(a)	(b)	(c)	(d)
34.	Radioactive materials :				
	(a) Alpha emitter micro curie/ml.	10^{-7}	10^{-7}	10^{-8}	10^{-7}
	(b) Beta emitter micro curie/ml.	10^{-6}	10^{-6}	10^{-7}	10^{-6}
35.	Bio-assay test	90% survival of fish after 96 hours in 100% effluent	90% survival of fish after 96 hours in 100% effluent	90% survival of fish after 96 hours in 100% effluent	90% survival of fish after 96 hours in 100% effluent
36.	Manganese (as Mn)	2 mg/l	2 mg/l	--	2 mg/l
37.	Iron (as Fe)	3 mg/l	3 mg/l	--	3 mg/l
38.	Vanadium (as V)	0.2 mg/l	0.2 mg/l	--	0.2 mg/l
39.	Nitrate Nitrogen	10 mg/l	--	--	20 mg/l
¹ 40.	***	*	*	*	*

M. Sankar

Senior Environmental Engineer
Pollution Control Board, Assam
(Department of Environment and Forest,
Govt. of Assam)
Bamunimaidam, Guwahati-21

¹ Omitted by Rule 2(d)(i) of the Environment (Protection) Third Amendment Rules, 1993 vide Notification No. G.S.R. 801(E) dated 31.12.1993



Pollution Control Board:: Assam
Bamunimaidan; Guwahati-21
(Department of Environment & Forests:: Government of Assam)
Phone: 0361-2652774 & 2550258; Fax: 0361-2550259
Website: www.pcbassam.org



No. TECH-14012/19/2025-CCA-PCBA

Dated Guwahati, the 03rd April, 2025

To,

The Joint Secretary to the Govt. of Assam
Environment and Forest Department
Dispur, Guwahati-06.

Sub: Allegation received from Sri Dulal Bora vide No. D.B.053-1-25(D) regarding
cancelation of permission of Brick Kiln Industry in Vill.: Boitamari in Kamrup (R).
Ref: Ecf No. E-623375/3 dtd. 01.03.2025.

Sir,

With reference to the subject and letter under reference, as cited above, please find herewith the Enquiry Report on JAI Enterprise, Vill.: Batiamari, P.O.: Malibari Pathar Bazar, Dist.: Kamrup, Assam-781136 which is self-explanatory. However, it is pertinent to inform that Consent to Establish issued to the unit earlier has already been withdrawn.

Yours sincerely,

Signed by
Gokul Bhuyan
Date: 03-04-2025 17:22:30
~~Member Secretary~~

Memo No. TECH-14012/19/2025-CCA-PCBA

Dated Guwahati, the 03rd April, 2025

Copy to:

1. Sri Dulal Bora, S/o Late Deben Bora, Rajib Gandhi Path, Kainadhara Tiniali, Khanapara, Guwahati- 781022 for information.
2. P.A. to the Chairman for kind appraisal of the Hon'ble Chairman, PCBA.

(E-signed)
Member Secretary

Enquiry Report on M/s JAI Enterprise

An enquiry was carried out on CTE granted to M/s JAI Enterprise (CTE No. PCBA/SBCH/T-433/2024-25/97 dtd. 30.09.2024), Jakir Hussain, Partner located at Vill.: Batiamari, P.O.: Malibari Pathar Bazar, Dist.: Kamrup, Assam-781136 as per Office Order No. ESTT-36/19/2025-HRA-PCBA/4 dtd. 17.03.2025 and No. ESTT-36/19/2025-HRA-PCBA / 7 dtd. 28.03.2025.

The Consent to Establish (CTE) was accorded to the unit only for regularizing the unit since it was seen that the unit had already carried on with construction work of the unit before the CTE was granted by the Board. For this matter, CTE penalty of 100% was levied on the unit.

The applicant submitted the CTE application along with an Affidavit based on which the Board had granted the said CTE.

The affidavit submitted by M/s JAI Enterprise stated that:

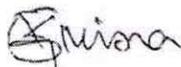
- a. "The distance of the site from the nearest house and or fruit orchards is 300 metres".
- b. "The distance of the site from the nearest brick kiln is 1 Km and the name of the nearest brick kiln is BSI Brick Industry".
- c. "The distance of the site from the worship places, public building, schools and hospitals is 6 Km and school 500 metre".

However, in response to a public complaint received against the said unit, verification of various siting criteria was carried out by the officials of this Board. And found that the distances mentioned in the Affidavit are not true and hence not as per the required criteria for establishment of such type of industry. The Affidavit was found to be containing some false information which misled the Officials of the Board.

In view of the above, the CTE order No. PCBA/SBCH/T-433/2024-25/97 dtd. 30.09.2024 issued to M/s JAI Enterprise has been withdrawn vide No. TECH-14014/2/2024-CCA-PCBA I/1813/2025 dtd. 12/03/2025 on the following grounds:

- i) **As per Sl. No. 4 (b) of the said CTE order dtd. 30.09.2024 - Obtaining the CTE by misrepresentation or failure to disclose fully all relevant facts;**
- ii) **As per Sl. No. 4 (c) of the said CTE order dtd. 30.09.2024 - Genuine complaint received.**

The above report is compiled on the available records with the office and report of Regional Office, South Bank Kamrup.



(G.K. Misra)
Chief Env. Scientist



(M.M. Bora)
Addl. Chief Env. Engineer



Pollution Control Board, Assam

(Department of Environment & Forests, Government of Assam)

অসম প্ৰদূষণ নিয়ন্ত্ৰণ পৰিষদ

(অসম চৰকাৰৰ বন আৰু পৰিৱেশ বিভাগ)

NABL Accredited Testing Laboratory : Certificate No. TC-11384



LIFE

Lifestyle for Environment

No. PCBA/G-232/25-26/24

Dated Guwahati, the 11th June, 2025

To,

Sri Dulal Bora,
S/o Late Deben Bora
House No. 118
Rajib Gandhi Path
Kainadhara Tiniali
Khanapara, Guwahati-781022
Dist- Kamrup (M) (Assam)
E-Mail: associatesdbpa@gmail.com

Sub: Information sought under RTI Act, 2005.

Ref: Your RTI No.-D.B.-7292/25/(D) dtd. 10th April, 2025 transfered from Environment, Forest & Climate Change Department, Govt. of Assam.

Sir,

In inviting reference to the above stated RTI application, the information available is furnished below:-

Reply to Query No. 1) Attached as Appendix-I
Reply to Query No. 2) Attached as Appendix-II
Reply to Query No. 3) Not applicable

With Regards,

Saukai

SPIO cum Manager (HR&Admin.)
PCBA, Head Office

Dated Guwahati, the 11th June, 2025

Encl. As stated.

Memo No. PCBA/G-232/25-26/24-A

Copy to:

1. Joint Secretary to the Govt. of Assam, Environment, Forest & Climate Change Department,
E-Mail : environmentforestassam@gmail.com
2. Member Secretary, PCBA for favour of kind information.
3. P.A. to the Chairman for kind appraisal of the Hon'ble Chairman.

SPIO cum Manager (HR&Admin.)
PCBA, Head Office

Head Office : Bamunimaidam, Guwahati - 781021, Assam : India.

Phone : 0361-2652774 & 2550258; Website : www.pcbassam.org; E-mail : membersecretary@pcbassam.org
Regional Offices at : Dibrugarh, Golaghat, Sivasagar, Tezpur, Guwahati, Kamrup, Bongaigaon, Nagaon, Silchar,
Tinsukia & South-Bank (Chaygaon).



Pollution Control Board, Assam

(Department of Environment & Forests, Government of Assam)

অসম প্রদূষণ নিয়ন্ত্রণ পৰিষদ

(অসম চৰকাৰৰ বন আৰু পৰিৱেশ বিভাগ)

NABL Accredited Testing Laboratory : Certificate No. TC-11384



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RTI-12/10/2025-CCA-PCBA

Dated Guwahati, the 17th May, 2025

ORDER

APPENDIX - I

A committee is hereby constituted to enquire the matter related to the allegation received from Sri Dulal Bora vide No.D.B.057-2-25(D) with the following Officials of the Board:

1. Dr. Gautam Krishna Mishra, Chief Environmental Scientist.
2. Er. M.M.Bora, Addl. Chief Environmental Engineer and
3. Sri Kulen Talukdar, Sr. Env. Engineer

The Committee shall submit report within 10 days from the date of issue of this order.

Digitally signed by
Gokul Bhuyan
Date: 17-05-2025
17:43:41

Member Secretary

Dated Guwahati, the 17th May, 2025

Memo. RTI-12/10/2025-CCA-PCBA-A

Copy to:

1. Dr.Gautam Krishna Mishra, Chief Environmental Scientist. A copy of the letter as stated in the order is enclosed.
2. Er.M.M.Bora, Addl. Chief Environmental Engineer. A copy of the letter as stated in the order is enclosed.
3. Sri Kulen Talukdar, Sr. Env. Engineer. A copy of the letter as stated in the order is enclosed.
4. P.A to the Chairman, PCBA for kind appraisal of the Hon'ble Chairman.
5. Office order file for record.

e-signed
Member Secretary

HeadOffice: Bamunimaidam, Guwahati-781021, Assam: India.

Phone: 0361-2652774 & 2550258; Website: www.pcbassam.org; E-mail: membersecretary@pcbassam.org

Regional Offices at: Dibrugarh, Golaghat, Sivasagar, Tezpur, Guwahati, Kamrup, Bongaigaon, Nagaon & Silchar.

APPENDIX - II**Report of the Enquiry Committee formed vide Office order No. RTI-12/10/2025-CCA-PCBA dtd. 17/05/2025**

The Allegation letter No. D.B 057-2-25(D) dt. 03/03/2025 was perused by the Board. Accordingly an enquiry committee was formed vide office order No. RTI-12/10/2025-CCA-PCBA dtd. 17/05/2025 and following steps were undertaken:

- a) A site inspection was conducted by the Enquiry Committee on 24/05/2025 of the concerned unit i.e M/s JAI Brick Industry located at Vill: Bogoriguri, Batiamari, Circle-Chamaria, Kamrup and inspection report was submitted on 26/05/2025.
- b) The related documents submitted by the applicant along with the information, report and documents submitted by the Regional Office- South Bank in connection with the Consent to Establish (CTE) application of M/s JAI Brick Industry were also examined.

Following observations are made:-

- i) The Notarized Affidavit submitted by applicant Mizanur Rahman stated that the nearest Brick Kiln is at a distance of 0.9 Kms (900 meters) approx and the nearest house/ fruit orchard is 0.3 Km (300 meters).
- ii) As per inspection report of Regional Office- South Bank, distances are as follows: "North: Vacant land village road at 830 meter and residential house, South: Vacant land and a few residential houses at 250 meter and village road at 345 meter, East: Vacant land and village road at 450 meter and West: Vacant land and village road at 230 meter and vacant land"
- iii) Public hearing was conducted and the public had consented to the establishment of the unit.
- iv) The Regional Authority, South Bank, PCBA forwarded the application to Head Office for grant of Consent to Establish (CTE) without any adverse remark.
- v) As per inspection report submitted by the Enquiry committee consisting of Sri Gautam Krishna Misra, CES and Sri Kulen Talukdar, SEE it is stated that:-
 "Distance of public residence in west side of brick unit is 100 meters (approx) and other side it will be more than 300 meters"
 "The distance of the nearest brick M/s BSI from M/s JAI Brick is 570 meters (approx)"
 "Distance of Religious place (mosque) from the M/s JAI Brick unit is 150 meters (approx)"
 "Distance of Batiamari L.P School from the M/s JAI Brick unit is 310 meters (approx)"
 "Whole area surrounding of the said M/s JAI Brick at Vill: Bogoriguri is covered with well growing paddy cultivation"

From the above, it is tantamount that the report submitted by Regional Office- South Bank, PCBA did not reflect the true locational details of the Brick kiln.

However, it is observed that the Consent to Establish (CTE) was granted by the Zonal Authority headed by Engineer Mousumi Bardalai, Addl Chief Env. Engineer, based on :-

- a) The reports of Regional Office- South Bank, PCBA and the documents submitted by the applicant including affidavit regarding the locations of nearest brick unit and village, along with NOC from Gaon Pradhan Bogoriguri village, Secretary and President 53 no. Bogoriguri Gram Panchayat, Public Hearing minutes .

Contd...p/2

-2-

b) Notarized Affidavit submitted by applicant Mizanur Rahman, owner of M/s JAI Brick Industry.

As per The Notaries Act, 1952, a Notarized Affidavit is considered as a legal document and considered to be true. But as per the fact finding inspection report submitted by Enquiry Committee comprising of Sri Gautam Krishna Misra, Chief Environmental Scientist and Sri Kulen Talukdar, Senior Environmental Engineer, the Regional Office- South Bank, PCBA failed to submit factual report of the Brick unit. Also, the applicant of the Brick unit Mizanur Rahman submitted a misleading affidavit. The above mentioned facts led to granting of Consent to Establish by Zonal Authority of Zone-IV, PCBA.

In view of the above facts and circumstances, the Enquiry Committee hereby concludes that :-

- i) Since the said brick unit did not satisfy the MoEF&CC Notification No GSR 143 (E) dtd. 22/02/2022 and furnished false information, the CTE order may be withdrawn as per clause no. 4(b) 'Obtaining the CTE by misrepresentation or failure to disclose fully all relevant facts' which is stated in the CTE order granted vide order No. PCBA/BONG/T-1352/24-25/222 dtd 5th August, 2024 to M/s JAI Brick Industry, which is based on Section 38 (g) of Air Act, 1981. Therefore the unit is punishable for making a false statement which may attract penal action against the unit. In view of this, the unit may be 'Show caused' or Board may withdraw the CTE.
- ii) The Regional Office- South Bank had forwarded misleading information to the Zonal Authority. Therefore Regional Office- South Bank may be warned to forward only verified and true locational details along with proper technical facts of any unit and also not to mislead the Board in future.



Dr. G.K Misra

Chief Env. Scientist



Er. M.M. Bora

Addl. Chief Env. Engineer



Er. Kulen Talukdar

Senior Env. Engineer