

**BEFORE THE NATIONAL GREEN TRIBUNAL (NGT),
PRINCIPAL BENCH, NEW DELHI
OA NO. 262 OF 2020**

IN THE MATTER OF:

Hakam Singh & anr.

...Applicant

Versus

State Of Rajasthan & Ors.

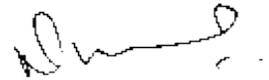
...Respondents

INDEX

S.NO.	PARTICULARS	PAGE NO.
1.	ADDITIONAL COMPLIANCE REPORT ON BEHALF OF RAJASTHAN STATE POLLUTION CONTROL BOARD (OF THE ORDER DATED 10.11.2021)	
2.	<u>Annexure 11</u> The Copy of the RSPCB office order dated 01.04.2022	
3.	<u>Annexure 12 (Colly)</u> The Photo copy of the office order dated 22.03.2022 & 30.03.2022.	

RESPONDENT

THROUGH



(NISHANT AWANA)

for NMA Law Chambers

Advocates

For RSPCB

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NEW DELHI

DATED: 11.04.2022

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH AT NEW DELHI
ORIGINAL APPLICATION NO. 262 OF 2020
[Earlier O.A. No. 37 of 2019 (CZ)]

IN THE MATTER OF:

Hakam Singh & Another

...Applicant(s)

Versus

State of Rajasthan & Others

...Respondent(s)

ADDITIONAL COMPLIANCE REPORT ON BEHALF OF
RAJASTHAN STATE POLLUTION CONTROL BOARD (OF THE
ORDER DATED 10.11.2021)

1. By an Order dated 10.11.2021 passed by this Hon'ble Tribunal, this Hon'ble Tribunal, *inter alia*, directed the Rajasthan State Pollution Control Board (hereinafter referred to as "**the Board**") as follows:-
 - i. to ascertain the adverse impact of operation of illegally operating brick kiln units in Sri Ganganagar District, Rajasthan, particularly after the Order dated 11.02.2021 passed by this Hon'ble Tribunal;
 - ii. to report about the guidelines relating to siting criteria;
 - iii. to close the illegally operating brick kiln units and make them accountable for past violations on the principle of 'polluter pays';
 - iv. to pass appropriate orders due to non-availability of safe infrastructure facility by the brick kilns operating units, keeping in mind the 'precautionary' principle of environmental laws;
 - v. to submit an action taken report about the signatory Mr. Amit Soni, Regional Officer, Rajasthan State Pollution Control Board, Hanumangarh to the earlier report dated 30.10.2021; and


अमित सोनी
क्षेत्र अधिकारी, राजस्थान

- vi. to forthwith take remedial actions to enforce the environmental rule of law.
2. That in compliance of the direction passed by this Hon'ble Tribunal, the State Board has filed the compliance report dated 11.03.2022.
3. That in point 3.6 and 6.3 of the compliance report dated 11.03.2022, the State Board makes following additional submissions, which are as follows:-
- A) **Point 3.6-** The State Board in reference to MoEF&CC notification dated 22.02.2022 has issued office order dated 01.04.2022 regarding sitting criteria for brick kilns and has also withdrawn earlier office order dated 17.02.2022 in this regard. The photo copy of the RSPCB office order dated 01.04.2022 is annexed herewith and marked as **Annexure-11**.
- B) **Point 6.3-** In compliance of the directions passed by this Hon'ble Tribunal the joint team comprising of officials of RSPCB and CPCB have been constituted. The State Board vide office order dated 22.03.2022 & 30.03.2022 has constituted 06 teams to carry out source emission monitoring of Brick Kilns at Hanumangarh alongwith CPCB team. The joint team will submit its report before the Hon'ble Tribunal. The photo copy of the office orders dated 22.03.2022 & 30.03.2022 are annexed herewith and marked as **Annexure-12 (Collectively)**.

The additional compliance report is submitted accordingly for the perusal and further directions of this Hon'ble Tribunal.

Prepared and submitted by:



Rajender Kumar Bora
Senior Environment Engineer,
Rajasthan State Pollution Control Board,
Jaipur, (Rajasthan)



3 Annex-11

Rajasthan State Pollution Control Board
Headquarter, 4, Institutional Area, JhalanaDoongri, Jaipur-302004
Phone :0141-5159699,5159604 e-mail : member-secretary @rspb. nic. in
Toll Free Helpline No. : 18001806127 Ext. 7

Office Order

State Board had issued guideline for abatement of pollution in Brick Kiln units on 17/02/2022 which were kept on hold vide order dated 07/03/2022(copy enclosed) as Ministry of Environment, Forest & Climate Change, New Delhi has issued fresh notification on 22/02/2022 for the siting criteria and environmental standards to be adopted for the Brick kiln units. In continuation of office order dated 07/03/2022 and in reference to MoEF notification dated 22/02/2022, following additional directions are issued to be complied with-

1. Brick kiln units may be established on a piece of land duly converted by the revenue authority for the purpose of establishment of brick kiln units, under relevant provisions of Rajasthan Land Revenue (Conversion of agricultural land for non-agricultural purposes in rural areas) Rules, 2007 and subsequent amendment rules, 2016 or on a piece of land allotted by competent authority of State Government for establishment of brick kiln units.
2. Brick Kiln units may also be established on Khatedari land for which conversion is not required under Rule 6 of the Rajasthan Land Revenue (Conversion of agricultural land for non-agricultural purposes in rural areas) Rules, 2007 and subsequent amendment.
3. All new Brick Kiln units shall submit/obtain distance certificate in the prescribed format(Model format enclosed) issued by the competent authority of State Government not below the rank of Tehsildar as per distance criteria laid down in the MoEF notification dated 22/02/2022.

In view of above, the guideline issued for abatement of pollution for Brick Kiln units dated 17/02/2022 stands withdrawn.

This order is issued with the approval of competent authority

(Anand Mohan)

Member Secretary

Date -01/04/2022 Copy

No.F.14/Tech-Gen(149)/RSPCB/MUID/1-30
to the followings for information and necessary action.

1. P.S.to Chairperson,RSPCB,Jaipur
2. Sr.PA to Member Secretary,RSPCB,Jaipur
3. The CEE/CSO,RSPCB,Jaipur
4. The Regional Officers, Regional Offices, Alwar / Balotra / Bansawara / Bhilwara / Bharatpur / Bhiwadi /Bikaner/ Bundi/ Chittorgarh/ Hanumangarh/ Jaisalmer/ Jhalawar/ Jhunjhnu/Jaipur(S)/Jaipur(North)/Jodhpur/Kishangarh/Kota/Nagour/Pali/Rajsamand/ Sawai Madhopur/Sikar/Sirohi/Udaipur.
5. GIC(IT) with direction to upload it on RSPCB website.

Member Secretary

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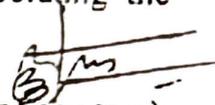
GIC
AEE

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Rajasthan State Pollution Control Board
 Headquarter, 4, Institutional Area, JhalanaDoongri, Jaipur-302004
 Phone :0141-5159699,5159604 e-mail : member-secretary@rpcb.nic.in
 Toll Free Helpline No. : 18001806127 Ext. 7

Office Order

State Board has issued guideline for abatement of pollution in Brick Kiln units on 17/02/2022. However, Ministry of Environment, Forest & Climate Change, New Delhi has issued fresh notification on 22/02/2022 for the sitting criteria and environmental standards to be adopted for the Brick kiln units (copy enclosed). Hence the guideline issued by State Board shall be kept in hold till new/revised guideline will be issued by State Board incorporating the provisions laid down in the notification dated 22/02/2022 issued by MoEF & CC.

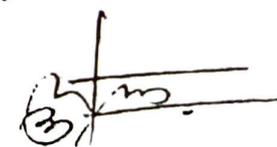

 (Member Secretary)
 RSPCB, Jaipur

No.F.14/Tech-Gen(149)/RSPCB/MUID/3393-3434

Date - 7-3-22

Copy to the followings for information and necessary action.

1. P.S. to Chairperson, RSPCB, Jaipur
2. Sr.PA to Member Secretary, RSPCB, Jaipur
3. The CEE/CAO/CSO, RSPCB, Jaipur
4. Group In-charge, CD & Legal, PDF/CPP & Hazardous Waste Cell/Liquid Waste & E-Waste Cell/Textile/Mines & SCMG-DS/OGM & Estt./HBC/Training Project & IEC/Planning/BMW, ECC & Plastic Waste/ MUID, Solid Waste, PCV, Complaints, Greivences, VIP & EC compliances, RTI, RSPCB, Jaipur
5. The Regional Officers, Regional Offices, Alwar / Balotra / Bansawara / Bhihvara / Bharatpur / Bhiwadi / Bikaner/ Bundi/ Chittorgarh/ Hanumangarh/ Jaisalmer/ Jhalawar/ Jhunjhnu/Jaipur(S)/Jaipur(North)/Jodhpur/Kishungarh/Kota/Nagour/Pali/Rajsamand/ Sawai Madhopur/Sikar/Sirohi/Udaipur.
6. GIC(IT) with direction to uploud it on RSPCB website.


 Member Secretary


 आर.के.बोडा
 अधिकारी, पर्यावरण अभियन्ता

5

मॉडल प्रमाण पत्र

ईट-भट्टों की आबादी एवं अन्य स्त्रोतों से दूरी सत्यापित करने हेतु वांछित
प्रमाण-पत्र

प्रमाणित किया जाता है कि मैसर्स.....

.....जो कि खसरा संख्या/प्लॉट नम्बर.....ग्राम/क्षेत्र.....

.....तहसील.....जिला.....में

स्थित है एवं ईट-भट्टा प्रकार का उद्योग है, के स्थल से 0.8 किलोमीटर की परिधि के अन्दर कोई आबादी क्षेत्र एवं फल उद्यान क्षेत्र स्थित नहीं हैं। यह भी प्रमाणित किया जाता है कि उक्त प्रस्तावित स्थल से 1.0 किलोमीटर की परिधि के अंदर कोई अन्य ईट-भट्टा स्थापित/संचालित नहीं है।

यह प्रमाण-पत्र आज दिनांक.....को मेरे हस्ताक्षर एवं सील से जारी किया गया ।

उपखण्ड अधिकारी/तहसीलदार

हस्ताक्षर मय सील



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Rajasthan State Pollution Control Board

Headquarter 4, Institutional Area, Jhalana Doongari, Jaipur 302004

Phone: 0141- 2711263, 2716802, email: member-secretary@rpcb.nic.in

RSPCB Helpline No. : 0141-2716877

Annex-12

F.11(447)/RSPCB/Correspondence with RO Sikar/ 4457-4474
Office Order

Date: 22/03/2022

In compliance to directions issued by the Hon'ble NGT in the matter of OA 262/2020 "Hakam Singh & Anr Vs State of Rajasthan & Ors, and CPCB Letter no. RD/BPL/OA262_2020(PB)/2021-22/201 dated 17.12.2021, following 06 teams of Board Officials are hereby constituted to carry out source emission monitoring of Brick Kilns at Hanumangarh:

Teams	Name & designation of the Officer	Logistics and Instruments to be Provided by
Team 1	Sh Ankit Swami, JSO, RO, Jodhpur Shri Niranjani Atal, JSO, RO, Pali	RO, Jodhpur will provide Vehicle along with 01 Stack Monitoring Kit with all accessories, 01 Flue Gas Analyser
Team 2	Sh Anil Bairwa, SO, RO, Bhiwadi Sh Dayaram, JSO, RO Sikar	RO, Bhiwadi will provide Vehicle along with 01 Stack Monitoring Kit with all accessories, 01 Flue Gas Analyser
Team 3	Sh Chetan Kumar Arya, JSO, Sh Praduman Singh, JSO, Central Lab, Jaipur	Central Laboratory, Jaipur will provide Vehicle along with 02 Stack Monitoring Kit with all accessories, 01 Flue Gas Analyser 02 Generator Set
Team 4	Sh Bhupendra Sharma, JSO, RO, Kota Sh Surya Pratap Meena, JSO, RO, Chittorgarh	RO, Kota will provide Vehicle along with 01 Stack Monitoring Kit with all accessories, 01 Flue Gas Analyser
Team 5	Sh Ashwini Beniwal, JSO, RO, Alwar Shri Anurag Sharma JSO, RO, Pali	RO, Alwar will provide Vehicle along with 01 Stack Monitoring Kit with all accessories, 01 Flue Gas Analyser
Team 5	Dr Udit Soni, JSO, RO, Udaipur, Shri Suraj Meena, JSO, RO, Bikaner	RO, Udaipur will provide Vehicle along with 01 Stack Monitoring Kit with all accessories, 01 Flue Gas Analyser

All the concerned RO's are directed to depute above persons for the source monitoring along with Logistics/required instruments/Chemicals/Solutions as mentioned above. All teams will report to Regional Office, Hanumangarh by 27.03.2022 and start working on 28.03.2022 onwards till completion of work and shall not leave the Headquarter (RO Hanumangarh) without permission of undersigned. Regional Officer, RSPCB, Hanumangarh/Bikaner and Laboratory In-charge Bikaner are directed to make necessary arrangements (i.e. electricity, DG Sets, solutions, fourth class, etc.) for the teams.

Sh Deepak Ojha, SO, Central Laboratory and Sh. Bhupendra Soni, SO, RO Bikaner will co-ordinate the monitoring teams as per the requirement and all the analysis work will be conducted by Regional Laboratory, Bikaner.

This bears approval of competent authority.


Anand Mohan
Member Secretary


(Anand Mohan)
Member Secretary

F.11(447)/RSPCB/Correspondence with RO Sikar/

Date:

Copy forwarded to the following for information and necessary action:

1. P.S. to Chairperson, RSPCB, Jaipur.
2. Sr. P.A. to Member Secretary, RSPCB, Jaipur.

Rajasthan State Pollution Control Board

Headquarter 4, Institutional Area, Jhalana Doongari, Jaipur 302004

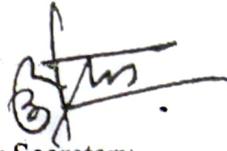
Phone: 0141- 2711263, 2716802, email: member-secretary@rpcb.nic.in

RSPCB Helpline No. : 0141-2716877

The CEE/CSO/ HOO, RSPCB, Jaipur.
CAO, RSPCB, Jaipur with direction to provide advance payment for monitoring teams as per rules.
Sh. P Jagan, Regional Director, CPCB, Bhopal.
Regional Officer, Regional Office Alwar/Bhiwadi/Bikaner/Chittorgarh/ Kota/Hanumangarh / Jodhpur/ Pali/
Sikar/Udaipur.
GIC (IT), with directions to upload on the State Boards website.



आर.के.पेज
परिष्कृत पर्यावरण अभियन्ता



Member Secretary





Rajasthan State Pollution Control Board

Headquarter 4, Institutional Area, Jhalana Doongari, Jaipur 302004

Phone: 0141- 2711263, 2716802, email: member-secretary@rpcb.nic.in

RSPCB Helpline No. : 0141-2716877

F.11(447)/RSPCB/Correspondence with RO Sikar/

Date:

Office Order

In continuation of office order F.11(447)/RSPCB/Correspondence with RO Sikar/4457-4474 dated 22.03.2022 Sh Ankit Swami, JSO, RO, Jodhpur is hereby exempted from (Team no 01) for the monitoring of Brick kilns at Hanumangarh. Shri Dara Singh Shyoran, JSO, Regional Office, Pali will join team no. 01 and report to Regional Office, Hanumangarh by 27.03.2022 and for this vehicle will also be provided by Regional Office, Pali for the monitoring programme. Sh. Mahesh Kumar Malav, JSO, Regional Office, Jaipur (South), Sh. Ankit Kumar Sharma, JSO, Regional Office, Bharatpur, Sh. Vikas Singh, JSO, Regional Office, Bhilwara and Sh Ram Kishore Kumawat, JSO, Regional Office, Chittorgarh will be in reserve and shall be working as per monitoring requirement.

This bears approval of competent authority.

(Anand Mohan)
Member Secretary

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F.11(447)/RSPCB/Correspondence with RO Sikar/ 4592 - 4606

Date: 30/03/2022

Copy forwarded to the following for information and necessary action:

1. P.S. to Chairperson, RSPCB, Jaipur.
2. Sr. P.A. to Member Secretary, RSPCB, Jaipur.
3. The CEE/CSO/ HOO, RSPCB, Jaipur.
4. CAO, RSPCB, Jaipur with direction to provide advance payment for monitoring teams as per rules.
5. Sh. P Jagan, Regional Director, CPCB, Bhopal.
6. Regional Officer, Regional Office Bharatpur/Bhilwara/Chittorgarh/Bikaner/Hanumangarh/Jaipur (south)/Jodhpur/ Pali.

Member Secretary

su


Anand Mohan
वरिष्ठ पर्यावरण अभियन्ता