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Government of Jammu and Kashmir
J&K Pollution Control Committee
Jammu



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**Consultant (Judicial),
Hon'ble National Green Tribunal, (P.B)
New Delhi.**

No. JKPCC/NGT/130/023/147-149

Dt. 02-01-2024.

Sub: - Additional Report regarding Compliance Status of all Brick Kilns in the Union Territory of Jammu & Kashmir submitted in compliance to Hon'ble National Green Tribunal Order Dated 05-10-2023 in O.A No. 594 / 2022 titled Syed Riyaz V/s Union Territory of J&K and Ors.

Sir,

In compliance to the Hon'ble National Green Tribunal Order Dated **05-10-2023** in **OA No. 594/2022** titled **Syed Riyaz V/s UT of Jammu and Kashmir**, kindly find enclosed the Additional Report regarding Compliance Status of all Brick Kilns in the Union Territory of Jammu & Kashmir, in this regard.

The Additional Report may kindly be taken on record and placed before the Hon'ble NGT for consideration please.

Yours faithfully,

Encl: (As above)


(K. Ramesh Kumar) IFS
Member Secretary
JKPCC, Jammu.

Copy to the: -

1. Sh. G.M. Kawoosa, Additional Standing Counsel for J&K Govt. in Hon'ble NGT matters in New Delhi, for information and necessary action. This is in reference to Govt. of J&K Order No. 8495-JK(LD) of 2022 Dated 12-10-2022.
2. PA to Chairman, J&K PCC for kind information of Chairman.

Additional Report regarding Compliance Status of all Brick Kilns in the Union Territory of Jammu & Kashmir submitted in compliance to Hon'ble National Green Tribunal Order Dated 05-10-2023 in O.A No. 594 / 2022 titled Syed Riyaz V/s Union Territory of J&K and Ors.

Background: -

The Hon'ble National Green Tribunal (NGT) has pleased to pass an order dated 05-10-2023 in the O.A No. 594/2022 as under:-

“we consider it appropriate to seek information from J&K PCC regarding status of compliance with environmental norms by all brick kilns in Union Territory of Jammu & Kashmir. Accordingly, J&KPCC is directed to file additional report regarding compliance status of all brick kilns in the Union Territory of Jammu & Kashmir”

Status of Brick Kilns in the Union Territory of Jammu & Kashmir:

The operation of Brick Kilns in the UT of Jammu & Kashmir are being regulated by the J&K Pollution Control Committee as per the provisions laid out in the following legal enactments and guidelines issued by the Government of J&K from time to time.

1. Siting criteria for New Brick Kilns 2004.
2. Guidelines for regulations of Brick Kilns 2010.
3. The Jammu and Kashmir Brick Kilns (Regulation) Act 2010.
4. The Jammu and Kashmir Brick Kilns (Regulation) Rules, 2017.
5. Operational Guidelines for Brick Kilns in J&K, 2021.
6. Environment (Protection) Amendment Rules, 2022 dated 22nd February 2022.
7. Environment (Protection) Sixth Amendments Rules, 2023 dated 15th December 2023.



Besides the above, various judgements / orders issued by Hon'ble High Court of J&K from time to time have been complied to in regulation of the Brick Kilns in J&K and notable orders are as under: -

- i) Hon'ble High Court J&K Order Dated 18-10-2019 passed in PIL No. 22/2016 titled as "Court on its own motion V/s Union of India and Ors."
- ii) Hon'ble High Court J&K Order Dated 24-12-2019 passed in PIL No. 22/2016.
- iii) Hon'ble High Court J&K Order Dated 20-10-2021, passed in PIL No. 22/2016.
- iv) Hon'ble High Court J&K Order Dated 26-07-2022 passed in WP (c) No. 1117/2022.

It is therefore submitted that as per the provisions laid out in the above referred legal enactments and guidelines / siting criteria issued by the Government of J&K from time to time and judgements / orders issued by the Hon'ble High Court of J&K from time to time, the J&K Pollution Control Committee consider and accord Consent to Establish, Consent to Operate (Fresh) and Consent to Operate (Renewal) to the Brick Kilns, and license for the Brick Kilns are being issued by the concerned District Magistrates in J&K.

The summary of Status of Brick Kilns in the UT of J&K is submitted as under:

1. As per record available, a total number of 560 Brick kilns are existing in Jammu & Kashmir.
2. Out of this, 415 Brick Kilns have obtained /applied for Consent from J&K Pollution Control Committee.
3. 201 Brick Kilns have been converted to Zig-Zag Technology as on 31-12-2023.
4. Directions have been issued for closure of 125 Brick Kilns for violation during the calendar year 2023.



Compliance to the Hon'ble High Court Orders/NGT w.r.t. Brick Kilns:

1. In compliance to Hon'ble High Court of J&K orders issued from time to time, brick kilns within 08 kms radius of Srinagar Airport runway are not permitted to function from November 1st to March 31st.
2. 85 non complying Brick Kilns have been ordered to be closed by the J&K Pollution Control Committee in District Budgam and the closure orders are being implemented by the District Administration Budgam.
3. No new Brick Kilns in Budgam District are accorded Consent to Establish by J&K Pollution Control Committee till further directions from Hon'ble NGT.
4. J&K Pollution Control Committee is in the process of compiling the latest status of all Brick Kilns in UT of Jammu & Kashmir. Based on the status, following actions are contemplated over the next three months.
 - a) Directions under Air Act 1981 will be issued to shut down the operation of such Brick Kilns that do not have a valid Consent.
 - b) In 10 kms radius of Non-Attainment Cities of Jammu/Srinagar, Brick kilns without Zig-Zag Technology shall not be permitted to operate beyond February 2024.
 - c) In rest of the area (other than Non-attainment Cities) the Brick Kilns shall be directed to convert to Zig-Zag Technology by or before February 2025.

Hence the Additional report of J&K Pollution Control Committee may kindly be taken on record and placed before the Hon'ble NGT for consideration please.

