

DISTRICT: BANKURA

BEFORE THE NATIONAL GREEN TRIBUNAL,

EASTERN ZONE BENCH, KOLKATA

IN THE MATTER OF:

ORIGINAL APPLICATION NO. 15/2018/EZ

-AND-

IN THE MATTER OF:

BANSI BADAN KUNDU

..... Applicant.

-VERSUS-

THE STATE OF WEST BENGAL & Ors.

..... Respondents.

REPORT IN THE FORM OF AN AFFIDAVIT IN COMPLIANCE TO THE  
ORDER DATED 20/07/2021 ON BEHALF OF RESPONDENT NO. 06.

I, Priyadarshini S, daughter of M. Srinivasan, aged about 33  
years, by faith: Hindu, by occupation: Service, residing at Bankura, P.O,

11,000  
S.I. No. No. No. 15 SEP 2021  
Date  
BEFORE THE NOTARY  
OF BANKURA DISTRICT  
BANKURA COURT



15 SEP 2021

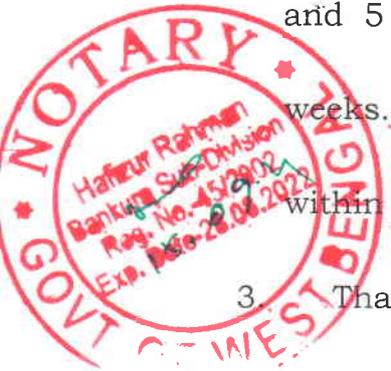
P.S & District – Bankura, PIN – 722 101, do hereby solemnly affirm and state as follows:-

1. That I am the District Land and Land Reforms Officer, Bankura and have gone through the instant Original Application and I have understood the contents and purport thereof. I am conversant with the facts and circumstances of the case and as such competent to swear this affidavit.

2. That on 20th July, 2021, this Hon'ble Tribunal was pleased to pass an order ".....We therefore, direct the Respondent Nos. 2, 3, 4 and 5 to file affidavit with a fresh inspection report within four weeks. The other Respondents shall also file their counter affidavits within four weeks."

3. That as per order of Hon'ble Tribunal an inspection was conducted by the ADM and DL and LRO, Bankura in presence of SDL & LRO, Bishnupur and BL & LRO, Bishnupur in charge to verify on the correctness of the allegations as contained in the Original Application.

4. That I humbly and most respectfully state that after completion of inspection a report has been prepared by me. The report reveals that



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the said brick field is situated at Mouza – Bishnupur Municipality, P.O & P.S – Bishnupur, District – Bankura which is about 300 ft. away from Katandhar bypass road. One primary school at Aichbari village is located at about 02 KM away on northern side of the Brick kiln. One water body is also located on other side of said bypass road at about 400 ft. away from the Brick kiln. Besides no other sensitive establishment was noticed in the close vicinity of the said Brick Field. During enquiry plantation was noticed at the periphery of the brick field. It was also reported that a fixed chimney approx. 30 MTR heights from ground level was found constructed with the brick kiln and there were also found ladder & platform with the stack of the kiln.

Copy of the inspection report is annexed herewith and marked as '**Annexure A**'.

5. That I humbly and most respectfully state that the conditions as laid down under Locational Guidelines of Memorandum No. 2648-M&M/LR/A-II-26/2010 dtd. 27/10/2016 issued by Land & Land Reforms Department (M & M Branch), Government of West Bengal regarding regularization of unauthorized brick fields / kilns have

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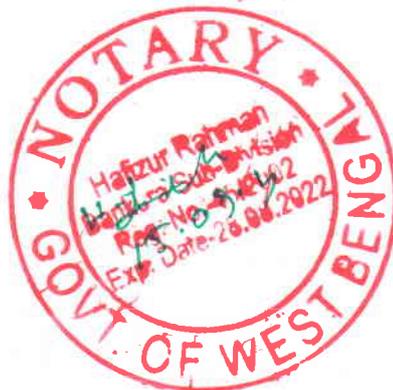
been followed by the said brick fields / kilns to a large extent. There were also found ladder and platform with the stack of the kiln as per the Emission Regulations Part – III of CPCB.

Copy of the Memorandum No. 2648-M&M/LR/A-II-26/2010 dtd. 27/10/2016 issued by Land & Land Reforms Department (M&M Branch), Government of West Bengal is annexed herewith and marked as '**Annexure B**'.

It is, therefore, most respectfully prayed that this Hon'ble Tribunal may graciously be pleased to pass such further order or orders as it deems fit and proper in the interest of justice.

  
Deponent:  
Additional District Magistrate  
&  
District Land & Land Reforms Officer  
Bankura

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Verification.

I, the above named deponent do hereby verify that the contents of the above Affidavit are true to the best of my knowledge and nothing is false and nothing material has been concealed therefrom.

Verified at Bankura, District: Bankura, by me on this 15 th day of September, 2021.



Solemnly affirmed & declared before me for identification

Mafizur Behar 15.09.21

MAFIZUR RAHMAN  
NOTARY  
GOVT. OF W.B.  
REGD. No - 45/2002  
BANKURA COURT  
D. & DIST - BANKURA

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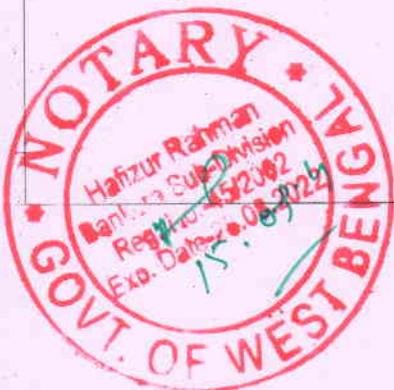
*[Signature]*  
Deponent  
Additional District Magistrate  
&  
District Land & Land Reforms Officer  
Bankura

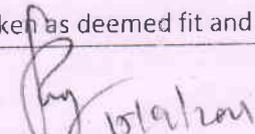
Identified by me and signed in my presence.

*[Signature]*  
Soumen Ghoshal  
Advocate  
Dist. Judge's Court, Bankura  
15/09/2021

**INSPECTION REPORT**

1	<b>Name &amp; Address of the Brick Field</b>	::	<b>M/s. Shine Bricks Industry</b> Proprietor - Sandhya Nandi (Represented by Gour Chandra Nandi) On Katandhar Bye-pass Road Mouza - Bishnupur Municipality, J.L No. - 101, P.O & P.S - Bishnupur, District - Bankura.
2	<b>Date of Inspection</b>	::	11-09-2021
3	<b>Respondent No.</b>	::	09 in O.A No. 15/2018/EZ
4	<b>Inspected by</b>	::	Priyadarshini S, ADM & DLLRO, Bankura in presence of Phalguni Satpati, SDLLRO, Bishnupur, Bankura, Sukanta Kumar Mandal, BLLRO, Bishnupur.
5	<b>Local body</b>	::	Bishnupur Municipality
6	<b>Electricity Supply Agency</b>	::	WBSEDCL
7	<b>Person met on behalf of the brick field</b>	::	Gour Chandra Nandi
8	<b>Type of Chimney provided with the Brick Kiln (Fixed/Movable)</b>	::	A Fixed chimney approx. 30 MTR height from ground level was found constructed with the brick kiln. Ladder & platform with the stack of the kiln were also found.
9	<b>If there is any Mango orchard within 1.6 KM from Kiln or not (Yes / No)</b>	::	No.
10	<b>Whether the unit was in operation or not</b>	::	<ul style="list-style-type: none"> <li>• During inspection the unit was found to be not in operation.</li> <li>• On enquiry, it was learnt that the unit is not operating since last two months.</li> </ul>
11	<b>Statutory compliances</b>	::	<ul style="list-style-type: none"> <li>• The unit has been issued Environmental Clearance certificate.</li> <li>• The unit has been given "Consent to Operate" on 19/02/2021 by West Bengal Pollution Control Board, Salt Lake City, Kolkata.</li> <li>• As per the order [Case No. 39/2014(EZ)] of the Hon'ble NGT(EZ), Bank draft amounting to Rs. 1.5 lacs has been submitted on 29/10/2015 under Respondent No. 339.</li> </ul>
12	<b>Remarks</b>	::	<ul style="list-style-type: none"> <li>• One Primary School at Aichbari village is located at about 02 KMs away on northern side of the Brick kiln.</li> <li>• Nearest hospital is Bishnupur Sub-Divisional Hospital which is located about 03 KMs away.</li> <li>• Katandhar bypass road is located at about 300ft away on southern side of the Brick kiln. One water body was noticed to be located on other side of bypass road at about 400ft away from the brick kiln.</li> <li>• No other sensitive establishment and habitations were noticed in the close vicinity.</li> <li>• Few plantations were noticed at the periphery of the brick field.</li> <li>• The representative of the unit claimed that the brick field was established in the year 1983.</li> <li>• Necessary action may be taken as deemed fit and proper.</li> </ul>



  
 Additional District Magistrate &  
 District Land and Land Reforms Officer  
 Bankura

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Government of West Bengal  
Land & Land Reforms Department  
(M & M Branch)  
Nabanna, 6<sup>th</sup> Floor  
325, Sarat Chatterjee Road, Howrah - 711 102

MEMORANDUM

No. 2648-M&M/LR/A-II-26/2010

Dated : 27/10/ 2016

Whereas, vide Memo No.1250-M&M dated 29/5/2015 detailed guidelines were issued relating to regularisation of unauthorised brick fields/kilns;

Whereas, there remains a large number of such brick fields/kilns which could not be disposed in terms of the guidelines during the validity of this G.O. till 30/09/2016;

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

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

Therefore, after careful consideration of all the aspects in the matter, it is felt necessary to issue revised guidelines for disposal of cases for regularization of such brick fields/kilns as enumerated herein below:

A. Regulatory Guidelines:

1. District Land & Land Reforms Officers are the Ex-Officio Environment Officers within their respective jurisdictions for the purpose of grant or refusal of Consent-to-Establish (CtE) and Consent-to-Operate (CtO) of the brick fields/brick kilns on behalf of the West Bengal Pollution Control Board (hereinafter referred to as the 'State Board').

Applications should be made to the District Land & Land Reforms Officer concerned in the prescribed format, which may be downloaded from the Website of the State Board ([www.wbpcb.gov.in](http://www.wbpcb.gov.in)), along with requisite fee and other relevant documents for obtaining permission to establish and/or to operate brick fields/kilns.

2. Apart from the District Land & Land Reforms Officer, the Regional Offices of the West Bengal Pollution Control Board will also receive 'Consent to Operate' applications for the existing brick fields/brick kilns with arrear CtO application fees.

Such applications should be accompanied with the following documents:-

- (a) Trade Licence issued by the appropriate authority.
- (b) Land documents including copy (s) of RoR.
- (c) Royalty and cess challans and up-to-date rent receipt of the Land & Land Reforms Department for using top soil and alluvial soil for manufacture of bricks.
- (d) For identity Proof: PAN Card/Driving Licence/ECI Card/Aadhar Card.
- (e) Photographs showing the brick fields and the chimney with other integrated pollution control systems in the presence of representatives of the bricks fields/kilns and a sketch map showing the four boundaries with coverage in adjoining plots.



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- (f) Environment clearance from an appropriate authority is to be submitted for excavation or borrowing of brick earth or ordinary earth.
- (g) Any other relevant papers and documents as may deemed fit by the applicant to substantiate his/her claim, and / or asked for being produced during process and disposal of such applications by the authorities concerned as mentioned in paragraph 1 and 2.

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

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

**B. Locational Guidelines:**

Brick fields/kilns shall not be considered for regularization in the following places or areas:

- i) If the land is recorded and used as orchard and forest whether it is situated within the jurisdiction of the Municipality or Panchayats.
- ii) Within a distance of 1.0 kilometre from registered hospitals, schools and places where inflammable substances are stored.
- iii) Within a radius of 1.0 kilometre in notified sensitive areas such as zoo & wild life sanctuaries, historical monuments, museums and the like.
- iv) Within a distance of 50 metres from both sides of the railway tracks.
- v) Within a distance of 50 metres from both sides of National and State Highways main district roads and major bridges.
- vi) Within 100 metres from the river bank. However, the District Level Screening and Scrutiny Committee shall exercise due diligence to relax the limit to a maximum of 50 metres on case to case basis depending on the conditions in the field.
- vii) Within a radial distance of 1.6 kilometres from mango orchards as per the order dated 4<sup>th</sup> April, 2003 passed by the Hon'ble Supreme Court of India in Civil Appeal No.2735 of 2003 in the matter of Bijay Krishna Bera & Ors vs Badal Chandra Mondal & Ors.
- viii) Beyond a distance of 1.6 kilometres from mango orchards, if not provided with adequate air pollution control devices and equipment (underground gravitational settling chamber and fixed type stack of height at least 30 metres from G.L. provided with port hold and ladder as per the Emission Regulations Part-III of CPCB.



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C. Operational Guidelines:

- i) All brick fields / brick kilns located within a radius of 100 kilometres from any Coal-based Thermal Power Plant should utilise at least 25% fly ash of its total raw materials required, as per the Fly Ash Utilisation Rules, 1999 and its amendments made thereafter by the Ministry of Environment, Forests & Climate Change, Government of India.
- ii) Multi-layer green belt of 10 metres width shall be constructed along the periphery of brick fields / kilns leaving two 10 metres wide gaps in the boundary for entry and exit of materials and vehicles. A 3-metre high wall shall be constructed on the sides where land is not available for green belt development in order to prevent fugitive dust emission. For installation of a brick field / kiln with green belt development, the minimum area required is 2.0 acres.
- iii) A lightning arrestor as per PWD norms or of any other standard design shall be installed for brick fields / kilns to avoid any damage to stack / chimney by lightning.
- iv) Height of Chimney shall be as prescribed by the West Bengal Pollution Control Board.
- v) While digging the earth for making bricks in the area as marked for the same, the straight cutting of earth should be avoided; instead cutting should be done with a slope of 1:3, so that solid erosion of the agricultural land can be minimized.
- vi) Good house-keeping practices such as proper disposal of coal ash, provision for double wall around the kiln, proper layout, brick lined passage, use of a properly graded coal, proper firing practices, protection from noise pollution and other environmental measures should be adopted by all brick field / kiln owners.

D. Sunderban area: Special attention will be given on prevention of unauthorized brick fields/kilns in Sunderban areas.

E. Committee for regularization of unauthorized brick fields/kilns:

1) (a) Applications received for regularization shall be examined and scrutinized by a District Level Screening and Scrutiny Committee consisting of the :

- i) District Magistrate & Collector of the district
- ii) District Land & Land Reforms Officer of the district,
- iii) Regional Officer of the West Bengal Pollution Control Board of the district;
- iv) Deputy Director, Agriculture (Administration)/Agriculture Officer connected with soil conservation and
- v) Executive Engineer, Irrigation & Waterways of the district.

(b) For this purpose, District Magistrate & District Collector on behalf of the Screening & Scrutiny Committee will get the actual status of brick fields/kilns physically enquired, to ascertain the compliance of the above regulatory, locational and operational guidelines and to ascertain whether the land used by the brick fields/kilns are any longer fit for agriculture or it is so degraded and exploited that it cannot be reclaimed for agriculture in future. On receipt of the enquiry reports based on field enquiry and with due diligence having regard to the relevant provisions of the West Bengal Minor Minerals Concession Rules, 2016, West Bengal Land & Land Reforms Act 1955 and the existing environment laws, the Screening and Scrutiny Committee will take necessary decision regarding regularisation of unauthorised brick fields/kilns and dispose of the applications. The District Magistrate & District Collector will direct the DL&LRO to communicate the decision regarding regularisation of unauthorised brick fields/kilns to the applicants concerned.

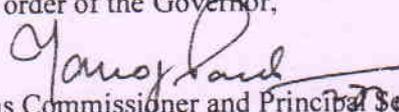
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2 FD - invitee member -

2. The Government will also constitute a State Level Committee to oversee the regularization of unauthorised brick fields/kilns.
3. These guidelines for regularization of unauthorized brick fields/kilns shall remain valid for a further period of one(1) year from the date of issue of the order.

This order issues in supersession of all earlier orders/memorandums of this Department vide Nos. 9503(16)-M&M, dated 30.10.1986, 4840(16)-M&M, dated 20.06.1986, 6100(18)-M&M, dated 25.07.1986 & 2739(18)-L. Ref., dated 29.09.2000 & No.1250-M&M dated 29/05/2015 regarding regularisation of brick fields / kilns with immediate effect.

By order of the Governor,

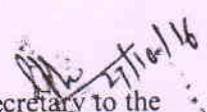
  
Land Reforms Commissioner and Principal Secretary  
to the Government of West Bengal

No. 2648/1(50)-M&M

Dated : 27/10/ 2016

Copy forwarded for information and necessary action to :-

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

  
Secretary to the  
Government of West Bengal



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