

**Minutes of 3<sup>rd</sup> Meeting held on 22.04.2022 in compliance of Hon'ble NGT Order dated 21.12.2021 in the matter O.A. No. 93/2021, Mukesh Kumar Aggrawal Vs Central Pollution Control Board &Anr.-Reg.**

Hon'ble NGT vide order dated 21.12.2021 has reconstituted the Committee comprising of;

- i. Hon'ble Mr.Justice Anil Kumar Sharma, former Judge of Allahabad High Court
- ii. Member Secretary, CPCB - Member.
- iii. District Magistrate, Mathura -Member.
- iv. Member Secretary, SEIAA, UP - Member.
- v. Member Secretary, UP State PCB - Member.

In order to comply with the referenced orders of Hon'ble NGT, 3<sup>rd</sup> meeting on virtual mode, was held with the members of the re-constituted Committee on 22.04.2022 at 12:00 Hours. The meeting was chaired by Justice Anil Kumar Sharma, Former Judge of Allahabad High Court. Member Secretary CPCB sought leave as he has to attend a meeting in National Human Right Commission. Following members and other officers attended the meeting:

**Members**

- 1- Shri Ajay Kumar Sharma, Member Secretary, UPPCB/SEIAA, Lucknow
- 2- Shri Navneet Singh Chahal, District Magistrate, Mathura

**Others**

1. Shri Nazimuddin, Scientist-F, CPCB Delhi for MS CPCB
2. Shri Narender Sharma, Sc E, CPCB RD Chandigarh
3. Dr R.D. Patil, Scientist-D, Regional Directorate, CPCB, Lucknow
4. Shri Pradeep Sharma, Chief Environmetal Officer, UPPCB, Lucknow
5. Shri Manoj Kumar, Regional Officer, UPPCB Mathura

With the permission of the Chairman, the Committee deliberated on the following issues:

**1- Review of the progress of inspections conducted by district level committee and action taken on its report:**

The Member Secretary apprised the committee that;

- a- In the first action taken report submitted to the Committee it was mentioned that earlier 227 brick kilns were operational in tehsil Mant and Chhata district Mathura. However, during latest survey additional 33 more brick kilns are found by the Committee formed by the DM, Mathura vide order dated 31.12.2021 in tehsil Mant and Chhata district Mathura. So at present total 260 brick kilns are identified in that area till date.

- b- Earlier in year 2021 the SPCB has issued closure orders against 38 brick kilns found operating without valid CTO issued by SPCB under Air (Prevention and Control of Pollution) Act, 1981.
- c - On the basis of inspection reports of joint committee, the following action has been taken by the State Pollution Control Board:
- i- The State Pollution Control Board has issued closure orders u/s 31(A) of Air (Prevention and Control of Pollution) Act, 1981 against 125 brick kilns which have been identified as operating without valid consent or their sites were not as per the guidelines.
  - ii- The State Pollution Control Board has issued show cause notices u/s 31(A) of Air (Prevention and Control of Pollution) Act, 1981 against 15 brick kilns that why closure order should not be passed against them as they have been identified for not complying with the conditions imposed in the Consent to operate issued to them.
  - iii- The SPCB has issued show cause notice u/s 21(4) of Air (Prevention and Control of Pollution) Act, 1981 against 47 brick kilns that why their valid consent should not be revoked for not submitting the compliance report of the conditions imposed in their valid consent.

It was discussed that grounds/reasons for the action taken / action proposed in respect of brick kilns should be mentioned in the action taken report.

**Action : Regional Officer, UPPCB, Mathura**

**2- Compliance status of the closure orders issued by SPCB:**

The Chairman drew attention of the members/officers about the non-execution of closure orders issued by the SPCB. He informed that inspite of closure directions; most of the brick kilns are not following the closure order issued by the Board and are operating in violation thereof. The District Magistrate Mathura informed the Committee that he has constituted two teams consisting of concerned SDM of the tehsil to ensure compliance of the closure orders issued by the Board. The teams are using water canon to quench the fire in the brick kiln. He further apprised that SDMs have been instructed to strictly comply the closure directions. It has been reported by the SPCB that inspite of putting water in the brick kiln several brick kilns after some time have again started production in violation of closure order. It was emphasized that penal action should be initiated against defaulter brick kilns. The DM also stressed about the need to sensitize the local officials of the SPCB to take initiative in complying with the closure orders issued by the Board. The MS,

SPCB directed RO, Mathura to ensure strict compliance in coordination with the district administration.

The Member Secretary SPCB informed that in the given circumstances the Board would file complaints against the violators of the closure order before the designated Court u/s 37 of Air Act and also to impose the Environmental compensation against these defaulter brick kilns.

Member Secretary also submitted that earlier directions were issued by the Additional Chief Secretary, Department of Environment, Forest and Climate Change, Uttar Pradesh to all DM, SSP, SP and Police Commissioner of Uttar Pradesh vide letter no 582/81-7-2021-39 (Parya)/2014 TC-1 dated 08.07.2021 regarding effective actions against the defaulters brick kiln operating in the State. A reminder of the same had also been issued by the Member Secretary U.P. Pollution Control Board vide letter no. H72747/C-4/NGT/133/2022 dated 12.03.2022 to ensure the effective compliance of the closure orders issued by State Board against the defaulter brick kilns.

Member Secretary requested the District Magistrate, Mathura to sensitize the police administration of the district for ensuring effective compliance of the closure directions. He reiterated that SDM as well as SHO of concerned police station may be made accountable for compliance of closure order against the brick kilns.

MS SPCB directed R.O. U.P. Pollution Control Board, Mathura that the committee should identify those defaulting brick kilns and make recommendations for initiating prosecution and imposing the Environmental Compensation against each of them, on priority basis.

The Chairman of the committee stressed the need of wide publicity of the action taken against the defaulter brick kilns in the local news papers to deter the violators of the directions issued by U.P. Pollution Control Board.

The Chairman of the committee had suggested to hold a meeting of stake holders including the local administration, police, U.P. Pollution Control Board and the persons who are running the brick kilns to make aware of occupational hazards and environmental laws. The Hon'ble Supreme Court in Civil Appeal diary no.-18213/2021 NCR Brick Kiln Association Vs Central Pollution Control Board & Ors. vide order dated 8.4.2022 has directed to keep in mind the interest of the environment, and factoring both the interest of the persons who are running the brick kiln industry and the employees who would be working therein. The District Magistrate, Mathura has informed

that the representatives of Brick Kilns Associations often meet him and the local administration and they are being directed/advised to follow the Environmental laws.

**Action: SPCB, District administration, and R O, Mathura**

**3- Discussion on applicability of the notification issued by MoEF&CC vide G.S.R. 143(E) dated 22.02.2022 w.r.t. OA 93/2021:**

It was apprised that in the notification issued by MoEF&CC vide G.S.R. 143(E) dated 22.02.2022 inter alia the emission norms, siting criteria have been modified and it is applicable to the whole country. This notification has found the approval of the Hon'ble Supreme Court in aforementioned case. **The Chairman impressed upon the CPCB to apprise the Committee about the impact of this notification on the case in hand preferably within a fortnight.**

**Action: MS CPCB**

**4- Progress by CPCB in the assessment of the carrying capacity of district Mathura:**

Shri Nazimuddin, Scientist-F, CPCB Delhi apprised the committee that a draft report of carrying capacity of tehsil Mant and Chhata has been prepared by the CPCB. The issue of impact of sources of pollution in the area has to be finalised in the report. The report will be submitted in due course. It was impressed that the detailed report be submitted to the Committee at the earliest.

**Action: MS CPCB**

The meeting ended with a vote of thanks to the Chair.

(Manoj Kumar Chaurasia)  
**REGIONAL OFFICER,  
UPPCB, MATHURA.**