

BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH

O.A. No. 289/2022

In the matter of:-

Amandeep Singh & Ors

Applicants

Versus

State of Punjab

Respondent

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Date 15.02.2023

Filed by

Applicant

Amandeep Singh

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**Objections to the report filed by the Joint committee dated 27/07/2022 in the matter of Amandeep Singh versus State of Punjab O.A. 289/2022.**

Hon'ble Sir,

It is respectfully submits as under:-

1. That the present Original Application has been filed by the Applicant Amandeep Singh along with others by way of Complaint before this Hon'ble Tribunal.
2. That the Applicant has highlighted that there are 18 brick kilns running in District Pathankot at various villages as mentioned in the Complaint. The said brick kilns are operating in utter violation of terms and conditions imposed by the Govt of Punjab under the Punjab Control of Bricks Supplies, Price and Distribution Control Order, 1998.
3. That the Applicant further highlighted that these brick Kilns are running within 12-15 km area and thus are harmful because they contribute to the worsening of air quality and also cause a potential health hazard for the public.

4. That the Applicant further pointed out that these brick kiln owners are illegally running their units on agricultural land without getting the nature of land changed and these all are Brick kilns mentioned in the complaint used the hundreds acre of the land for illegally stored raw material/dump soil in heap quantity and create big mountains of the stored raw material/dumped soil and change the geographical locations of the area and due to illegal stored raw material the top soil of the area is degradation.
5. That the Applicant further pointed out that these brick kilns are using the coal as fuel for making bricks and the smoke and air pollution caused by these kilns are harmful to the nearby areas.
6. Accordingly the Hon'ble Tribunal took cognisance of the matter and vide order dated 29/04/2022 has directed the constitution of Joint Committee consisting of State PCB and Deputy Commissioner, Pathankot to verify the factual position and look into the grievances of the applicants and factual and action taken report.
7. In compliance of this order the Joint committee submitted its report dated 27/07/2022, whereby the Joint Committee has stated that it has discussed various aspects of the grievance and records of the Brick Kilns mentioned in the complaint.
8. That the Hon'ble Tribunal was pleased to order the setup of joint committee in order to check the factual position and further to verify the violation of environmental norms if any being committed by all the above mentioned 18 brick kilns. That a joint committee was constituted in compliance to the order dated 29/04/2022 wherein the joint committee has submitted the report which is all and all mockery committed by them. The observation made by the joint committee that the 17 brick kilns are non-operating due to rainy season is not completely correct because in month of October the said units were in operation.

9. It is worthwhile to mention here that the sole purpose of constituting the joint committee consisting of State PCB and Deputy Commissioner., Pathankot was to check whether the emissions from these brick kilns are causing Air Pollution and serious health hazards to the local residents or not? However in this regard the report submitted by the joint committee is totally silent, the report submitted by the joint committee is an endeavour made by the joint committee to give undue advantage to the owners of the brick kilns. All the 18 brick kilns which have been established in the aforementioned villages, are not far away from each other and have been built in utter contraventions of the rule 800 meters away from each other and in this regard too the report of joint committee is silent.
10. That after lodging of this complaint the concerned authorities had issued one new N.O.C of the Brick Kiln under the name and style of M/S New Vijay Brick Kiln, Village- Bhawani, Tehsil & district- Pathankot wherein the concerned authorities have violated/flouted the rules as framed by the concerned authorities and the aforementioned brick kiln has been established in the utter contravention of the Rule no. 7 of the Environment (Protection) Amendment Rules, 2022 which read as under:- **“Brick Kiln should be established at a minimum distance of One Kilometer from an existing brick kiln to avoid clustering of kilns in an area”** that the already established brick kiln under the name and style of M/S Vijay Brick Supply co. Village- bhawani is 300-350 meter away from the newly commenced/operational brick kiln namely M/S New Vijay Brick Kiln, Village- Bhawani, Tehsil & district- Pathankot and also one other Brick Kiln is under construction in the Village of Shaheedpur, Tehsil & District- Pathankot utter contravention of the Environment (Protection) Amendment Rules, 2022 regarding brick kilns and other rules framed by the concerned authorities.
11. That, however, Joint committee has dealt with only two aspects relating to brick kilns operating in that area. They are
- a) Consent to Operate (CTO)

b) License for production and sale of bricks from the Department of Food & Civil Supplies.

And the Committee has found that these two aspects/criteria have been fulfilled by all 18 brick kilns and thus The Joint Committee has in this manner virtually given a clean chit by reporting that the Brick kiln units are operating as per law, which is improper and unwarranted.

12. That The Applicant takes strong objection to such an approach taken by the Joint Committee which has ignored/overlooked the other relevant aspects of the environmental norms. The Applicant submits that Approach of the Joint Committee has been complacent and lackadaisical.

13. That The Applicant objects to the report submitted by the Joint committee in the on the following counts:

A) The 18 brick kilns units as mentioned in the 1st column in the table appended in the report have been assessed on parameter of respective CTOs which have validity till 2024 for most of the units, as provided in the 2<sup>nd</sup> column. However report is silent as to when the Consent to Establish (CTE) has been granted by the State PCB to these units.

B) The next column in the table appended in the report gives the license number and the year of its grant to the brick kiln units. From the given license no's it is clear that these units are operating since 1998. It is thus clear that the units were operating since 1998 without Consent to establish at least till the filing of the present complaint by the Applicant.

C) That wherever the CTE/CTO has been granted, The Joint Committee ought to have assessed whether such brick

kilns are complying with the terms and conditions as mentioned in the respective CTE/CTO.

- D) That as per the sitting criteria for brick kilns provided by MoEFCC notification dated 22nd February 2022; brick kilns should be established at a minimum distance of 0.8 kilometres from habitation and fruit orchards. In light of these guidelines it is submitted that the Joint Committee report has not measured the distance of individual brick kiln unit from the nearest habitations and nearby orchards. The said notification is annexed as **Annexure A/1**
- E) That as per other siting criteria in the said notification by MoEFCC, 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. It is submitted that in light of this criteria the Joint Committee ought to have measured the distance of one brick kiln unit from other nearby units.
- F) Further the same notification also prescribes the construction of permanent facility (port hole and platform) as per the norms or design laid down by the Central Pollution Control Board for monitoring of emissions. However the Joint Committee has not reported on that aspect.
- G) The Joint Committee has further not reported on the guideline that Brick kilns shall follow process emission/fugitive dust emission control guidelines as prescribed by concerned State Pollution Control Boards/Pollution Control Committees.
- H) That for the purpose of brick making the permission from mining department is mandatory and even otherwise said


requirement is also prescribed by the afore stated guidelines. However there is no reporting on this aspect by the Joint Committee.

- 1) The Joint Committee has reported that the 17 brick kiln were not in operation at the time of inspection due to rainy season. Without prejudice to this, it is submitted that almost all units were in operation in the month of October 2022 and for this reason the brick kilns are to be inspected again for the air emissions while the units are in operation. The closure of unit at the time of inspection is no excuse to skip the reporting on the parameters of air and dust pollution. Some photographs of the brick kilns when in operation are annexed as **Annexure A/2**

14. In light of the above objections and submissions it submitted that Joint Committee has not assessed the brick kiln units on necessary and relevant parameters of environment norms and its violations. And the report appears to be prepared in a casual manner and not in the true spirit of assessment of environmental violations.

It is thus prayed that the Joint Committee be directed to review its report while considering the objections as stated herein above and also prayed that mandate of the Joint Committee be extended to include the representatives from Central Pollution Control Board as well.

New Delhi  
Dated. 15.02.2023

  
....Applicant  
Amandeep Singh

15/2/2023



केन्द्रीय प्रदूषण नियंत्रण बोर्ड  
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  
CG-DL-E-22022022-233662

असाधारण  
EXTRAORDINARY

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

प्राधिकार से प्रकाशित  
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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/एनएम <sup>3</sup>
		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 ऊँचाई (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 पाइप्ड 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 पाइप्ड 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 केंद्रीय 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 पाइप्ड प्राकृतिक गैस, कोयला, ईंधन लकड़ी और/या कृषि अपशिष्टों का उपयोग करेंगे। पेट कोक, टायरो/प्लास्टिक/खतरनाक अपशिष्टों के उपयोग की अनुमति ईट भट्टों को नहीं दी जाएगी।
4. उत्सर्जन की निगरानी के लिए केंद्रीय 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% CO<sub>2</sub> पर प्रसामान्य किए जाएंगे जो निम्नलिखित हैं:  
पीएम (सामान्य) = (पीएम(मापित) X 4%) / (चिमनी में मापित CO<sub>2</sub> का %, मापित CO<sub>2</sub> के मामले में  $\geq 4\%$  कोई प्रसामान्यीकरण नहीं। चिमनी की ऊँचाई (मीटर में) भी  $H = 14 Q^{0.3}$  सूत्र (जहां Q kg/hr में SO<sub>2</sub> 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।"

[फ़ा. सं. न्यू-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 <sup>3</sup>
		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% CO<sub>2</sub> 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 SO<sub>2</sub> 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 04<sup>th</sup> October, 2021.

ANNEXURE  
A/2

15/2/2023



