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IPC-V(SS1)/Brick Kiln/2017

October 24, 2017

To

Deputy Commissioner,  
Mini Secretariat, Panipat  
Haryana-132103

Directions under Section 5 of the Environment (Protection) Act, 1986

**WHEREAS**, amongst others, under Section 17 of the Air (Prevention and Control of Pollution) Act, 1981, one of the functions of the Pollution Control Boards/Committees is to plan a comprehensive programme for the prevention, control or abatement of air pollution in the concerned State/UT and to secure the execution thereof; and

**WHEREAS**, the Ministry of Environment & Forests, Government of India, vide Notifications No. S. O. 157 (E) of 27.02.1996 and S. O. 730 (E) dated 10.07.2002, has delegated the powers vested under Section 5 of the Environment (Protection) Act, 1986 (29 of 1986) to the Chairman, Central Pollution Control Board, to issue directions to any industry or any local body or any other authority for violations of emission and effluent standards and rules notified under the Environment (Protection) Rules, 1986 and amendment thereof; and

**WHEREAS**, in pursuant to the Hon'ble Supreme Court's order dated December 02, 2016 in the matter of M.C. Mehta vs. Union of India regarding air quality in National Capital Region of Delhi, a Graded Response Action Plan was prepared for implementation under different Air Quality Index (AQI) categories; and

**WHEREAS**, Ministry of Environment, Forest & Climate Change notified implementation of Graded Response Action Plan through Environment Pollution (Prevention & Control) Authority vide S.O. 118 (E) dated January 12, 2017; and

**WHEREAS**, during moderate to poor AQI conditions it is required to close or stringently enforce all pollution control regulations in Brick Kilns and industries, which is to be ensured by the Chairpersons, Delhi Pollution Control Committee, State Pollution Control Boards of Haryana, Rajasthan, and Uttar Pradesh; and

**WHEREAS**, during severe AQI conditions it is required to close down operations of Brick Kilns, which is to be ensured by Chairpersons, Delhi Pollution Control Committee, State Pollution Control Boards of Haryana, Rajasthan, and Uttar Pradesh, Superintendent of Police and Deputy Commissioner of respective districts; and

**WHEREAS**, Chairman Central Pollution Control Board randomly inspected different types of Brick Kilns in the areas of Baghpat, Uttar Pradesh on 15<sup>th</sup> June, 2017. During the inspection Chairman Central Pollution Control Board observed that the Brick Kiln workers were working in highly air polluted pathetic conditions due to air borne fine dust in the kiln area, because of movement of the tractors and trucks (Conveyance Systems) on the unpaved area having 4-6 inches fine dust layer all around the Brick Kilns; and

**WHEREAS**, no provisions were found to control fine dust fugitive emissions, due to this highly air pollution and pathetic conditions prevailing all the time; and

**WHEREAS**, no significant progress was observed for compliance of conversion of Natural Draft Brick Kiln to Induced Draft Brick Kiln (zig-zag brick setting with rectangular shape of kiln); and

**WHEREAS**, Chairman, CPCB in exercise of the powers vested under the Air (Prevention and Control of Pollution) Act, 1981 issued the following directions under Section 18 (1) (b) of the Air (Prevention and Control of Pollution) Act, 1981 to all NCR states, dated 27<sup>th</sup> June, 2017 for compliance:

1. All the Brick Kilns operating without permission and valid consent, not meeting prescribed norms and siting guidelines be closed down with immediate effect.
2. Provide status on conversion of natural draft to induced draft Brick Kilns (with rectangular kiln shape and zig-zag brick setting).
3. Enforce strictly the siting criteria guideline for Brick Kilns.
4. All the moving area around the main Brick Kiln should be paved with the bricks to minimize the fugitive dust emissions from the Brick Kiln operations. This condition should be incorporate in the Consent condition while granting the consent by the UP Pollution Control Board.
5. Ensure that fine dust not to accumulate all around the Brick Kiln.

**WHEREAS**, CPCB requested HSPCB to submit the compliance status of the aforesaid directions vide letter no. IPC-V(SS1)/Brick Kiln/2017/10273, dated 08/09/2017, so far Action Taken Report has not received till date; and

**WHEREAS**, in the EPCA meeting held on 24.05.2017 regarding "Roadmap for Brick Kiln Sector in Delhi-NCR", directed that all Brick Kilns in NCR districts of three states (07 districts of UP, 13 districts of Haryana and 02 districts of Rajasthan) shall covert to zig-zag Brick Kilns with induced/ natural draft (with rectangular kiln shape) by September 30, 2017; and

**WHEREAS**, on the basis of the data collected by the CPCB during July 2017 from Haryana State Pollution Control Board regarding types and consent status of Brick Kiln operating in the NCR, indicated that there are total 1891 nos of Brick Kiln operated in the 13 NCR Districts of Haryana. Among these 200 nos of Brick Kilns are operating without consent; and

**WHEREAS**, in Panipat District of NCR, total 83 nos of Brick Kilns are being operated with valid consent as per list of Brick Kilns enclosed herewith, but most of them not providing stack monitoring facilities like Port Holes and Platforms; and

**WHEREAS**, the Hon'ble High Court of Judicature, Delhi vide its order dated 25th August, 1999 in CWP No. 2145/99 Centre for Public Interest Litigation, Delhi v/s Union of India directed that the Central Government to publish the final notification in respect of fly ash on or before 26th October, 1999; and

**WHEREAS**, in exercise of the powers conferred by sub-section (1), read with clause (v) of sub-section (2) of section 3 and section 5 of the Environment (Protection) Act, 1986 (29 of 1986); and in pursuance of the orders of the Hon'ble High Court, Delhi stated above, the Central Government has issued the following directions vide Notification of Ministry of Environment and Forest dated 14<sup>th</sup> September, 1999 and as amended upto dated 25<sup>th</sup> January, 2016 as below:

**Utilization of fly ash, bottom ash or pond ash in the manufacture of Clay Bricks:-**

- (1) No person shall within a radius of three hundred kilometers from coal or lignite based thermal power plants, manufacture clay bricks or tiles or blocks for use in construction activities without mixing at least 25 per cent of ash (fly ash, bottom ash or pond ash) with soil on weight to weight basis.
- (2) The authority for ensuring the use of specified quantity of ash as per above shall be the concerned Regional Officer of the State Pollution Control Board or the Pollution Control Committee as the case may be. In case of noncompliance, the said authority, in addition to cancellation of consent order issued to establish the brick kiln, shall move the district administration for cancellation of mining lease. The cancellation of mining lease shall be decided after due hearing. To enable the said authority to verify the actual use of ash, the thermal power plant shall maintain month wise records of ash made available to each brick kiln.
- (3) In case of non-availability of ash from thermal power plant in sufficient quantities as certified by the said power plant, the stipulation under para (1) shall be suitably modified (waived/ relaxed) by the concerned State/Union Territory Government.
- (4) Each coal or lignite based thermal power plant shall constitute a dispute settlement committee which shall include the General Manager of the thermal power plant and a representative of All India Brick and Tile Manufacture's Federation (AIBTMF). Such a committee shall ensure unhindered loading and transport of ash without any undue loss of time. Any unresolved dispute shall be dealt with by a State/Union Territory level committee to be set up by State/Union Territory Government comprising Member Secretary of the State Pollution Control Board/Pollution Control Committee, representatives of Ministry of Power in the State/Union Territory Government and a representative of AIBTMF.

**NOW THEREFORE**, in exercise of the powers delegated to the Chairman, CPCB under section 5 of the Environment (Protection) Act, 1986, the following directions are issued for compliance:

1. Brick Kilns operating without consent in your District shall close down all the processing operations with immediate effect.
2. The Brick Kilns not having stack monitoring facility like Port Hole and Platform as per CPCB Guidelines shall also close down all the processing operations with immediate effect.




3. Brick Kilns not converted to Zig-Zag kilns from fixed chimney Bulls Trench Kiln (BTK) by September 30, 2017 should not be allowed to operate.
4. District Administrations should ensure that all Brick Kilns within a radius of three hundred kilometers from coal or lignite based Thermal Power Plants, manufacture clay bricks or tiles or blocks for use in construction activities by mixing at least 25 per cent of ash (fly ash, bottom ash or pond ash) with soil on weight to weight basis.

In case of default, CPCB will be constrained to initiate appropriate action against the Unit, without giving any further notice, in accordance with provisions of the Environment (Protection) Act, 1986.

  
(S.P. Singh Parihar)  
Chairman

Copy to:

1. **The Chief Secretary,** : for information please  
**Govt. of Haryana,**  
**Chandigarh**
2. **The Chairman,** : with request to ensure closure  
**Haryana State Pollution Control Board** and submit status report within  
C-11, Sector-6, Panchkula, 15 days  
Haryana-134 109 Chandigarh
3. **The Advisor (CP Division)** : for information please  
**Ministry of Environment, Forests & Climate Change**  
Indira Paryavaran Bhavan, Jorbagh Road  
New Delhi - 110 003
4. **Regional Director,** : for follow-up please  
**Central Pollution Control Board**  
Regional Office (Lucknow)  
Ground Floor, PICUP Bhawan  
Vibhuti Khand, Gomti Nagar  
Lucknow - 226 010
5. **Divisional Head, IT Division, CPCB** : for information please

  
(A. Sudhakar)  
Member Secretary



**LIST OF BRICK KILNS OPERATED IN THE PANIPAT DISTRICT OF HARYANA**

Sr.No	Name & Address of Brick Kilns	Consent Yes/No
1	Adarsh Bhatta Co., Vill. Bhadaur, Panipat	Yes
2	Aggarwal Associates BKO, Barsat Road, Khotpura, Panipat	Yes
3	Aggarwal Bhatta Co., Vill. Dhodpur, Samalkha, Panipat	Yes
4	Ajay Bhatta Co., Vill. Kakoda, Israna, Panipat	Yes
5	Ajit Singh & Co., Vill. Atta, Samalkha, Panipat	Yes
6	Anil Bhatta Co., VPO Narayana, Teh. Samalkha, Distt. Panipat	Yes
7	Balaji Bhatta Co., Vill. Narayana, Samalkha, Panipat	Yes
8	Bharat Bhatta Co., Vill. Harthari (Budsham) Distt. Panipat	Yes
9	D.S.K. Bhatta Co., Bhadar, Tehsil Madlauda, Panipat	Yes
10	D.S.K. Bhatta Co., Vill. Badhaur, Kalkha Road, Panipat	Yes
11	Deepak Bhatta Co., Vill. Chulkana, Samalkha, Panipat	Yes
12	Deepak Goel & Brothers, Vill. Machhrauli, Samalkha, Panipat	Yes
13	Devki Bhatta Co., Vill. Karhans, Samalkha, Panipat	Yes
14	Durga Bhatta Co., Vill. Kait, Panipat	Yes
15	Gahlyan Bhatta Co., Vill. Mandi, Panipat	Yes
16	Ganesh Bhatta Co., Vill. Bawana Lakhu, Teh. Israna, Panipat	Yes
17	Garg Bhatta Co., Vill. Karhans, Samalkha, Panipat	Yes
18	Ghanghas Bhatta Co., Vill. Putthar, Teh. Israna, Panipat	Yes
19	Hanuman Bhatta Co., Vill. Behrampur, Bapoli, Panipat	Yes
20	Hanuman Bhatta Co., Vill. Mandi, Panipat	Yes
21	Hanuman Bhatta Company, Vill. Nain, Teh. Israna, Distt. Panipat	Yes
22	Hare Krishana Bhatta Co., Vill. Barahman Majra, Panipat	Yes
23	Jagdamba Bhatta Co., Vill. Behrampur, Panipat	Yes
24	Jaglan Bhatta Co., Vill. Palri, Panipat	Yes
25	Jaglan Bhatta Co., Vill. Seenk, Panipat	Yes
26	Jai Ambay Bhatta Co., Vill. Seenk, Panipat	Yes
27	Jai Bhagwan Shyam Sunder B.K.O., Vill. Mahawati, Samalkha, Panipat	Yes
28	Jai Mahavir Bhatta Co., Vill. Karhans, G.T. Road, Samalkha, Panipat	Yes
29	Jai Ram Bhatta Co., Vill. Nain, Madlauda, Panipat	Yes
30	Janta Bhatta Co., Vill. Mahendipur Thirana, Shera Road, Madlauda, Panipat	Yes
31	Kamal Bhatta Co., Vill. Manana, Samalkha, Panipat	Yes
32	Kansal Dhatta Co., Vill. Israna, Panipat	Yes
33	Kapil Bhatta Co., Vill. Kabri, Panipat	Yes
34	Khurana Enterprises, Vill. Garh Sanrai (Palheri), Panipat	Yes
35	Kishan Bhatta Co., Vill. Jondhan Kalan, Panipat	Yes
36	Kishan Bhatta Co., Vill. Palri, Panipat	Yes
37	Krishna Bhatta Co., Vill. Kakoda, Teh. Israna, Panipat	Yes
38	Laxmi Bhatta Co., Vill. Jalmana, Distt. Panipat	Yes
39	Luxmi Bhatta Co., Vill. Puthar, Tehsil Israna, Panipat	Yes
40	M.R.V. Bricks MFG Co., Vill. Palheri, Panipat	Yes
41	Maa Ambey Bhatta Co., Village-Mandi, Tehsil-Israna, Distt. Panipat.	Yes
42	Mahaluxmi Bhatta Co., Vill. Bhandari, Tehsil Madlauda, Panipat	Yes
43	Malhotra Bhatta Co., Vill. Barana, Panipat	Yes
44	Monu Bhatta Co., Vill. Kakauda, Tehsil Israna, Panipat	Yes
45	Nand Bhatta Co., Vill. Palheri, Barsat Road, Panipat	Yes
46	Natraj Bhatta Co., Vill. Chhichhrana, Panipat	Yes
47	Naveen Bhatta Co., Vill. Mandi, Tehsil Israna, Panipat	Yes
48	Om Bhatta Co., Vill. Nain, Madlauda, Panipat	Yes
49	Om Bhatta Co., Vill. Palri, Panipat	Yes
50	Parteek Bhatta Co., Vill. Palri, Israna, Panipat	Yes
51	Poonam Bhatta Co., Vill. Manana, Samalkha, Panipat	Yes
52	R.S. Bhatta Co., Vill. Atta, Samalkha, Panipat	Yes
53	Raj Bhatta Co., Vill. Atta, Samalkha, Panipat	Yes
54	Ram Bhatta Co., Shahpur - Gannaur Road, Vill. Buana Lakhu, Tehsil- Israna, Panipat	Yes
55	Ram Bhatta Co., Vill. Palri, Panipat	Yes
56	Ram Bhatta Company, Village Bahadur, Tehsil Madlauda, Panipat	Yes
57	Ram Kumar Bhatta Co., Vill. Atawla, Tehsil Madlauda, Distt. Panipat	Yes
58	Rama Bricks , Vill. Karhans. G.T. Road, Samalkha, Panipat	Yes
59	Rohtas Bhatta Co., Vill. Karhans, Samalkha, Panipat	Yes
60	S.K. Bhatta Co., Vill. Parahladpur Khalila, Samalkha, Panipat	Yes
61	Sandhu Bhatta Co., Vill. Gawalra, Samalkha, Panipat	Yes

62	Sehrawat Bhatta Co., Vill. Karhans, Samalkha, Panipat	Yes
63	Shakti Brick Industries, Vill. Machhrauli, G.T. Road, Samalkha, Panipat	Yes
64	Shanker Bhatta Co., Vill. Baroli, Refinery Road, Panipat	Yes
65	Shiv Bhatta Co., Vill. Atta, Samalkha, Panipat	Yes
66	Shiva Brick Field, Vill. Sanoli Khurd, Panipat	Yes
67	Shivam Bricks Udyog, Vill. Manana, Samalkha, Panipat	Yes
68	Shree Ram Bhatta Co., BKO, Vill. Brahamn Majra, Panipat	Yes
69	Shree Satya Sai Bhatta Co., Vill. Shahpur, Tehsil Israna, Distt. Panipat	Yes
70	Shri Gopal Bhatta, Vill. Dumiyana, Tehsil Madlauda, Distt. Panipat	Yes
71	Shri Shiv Bhatta Co., Vill. Sanoli Khurd, Panipat	Yes
72	Star Bhatta Co., Vill. Dumiana, Madlauda, Panipat	Yes
73	Sumer Dass Bhatta Co., Vill. Balana, Israna, Panipat	Yes
74	Sunder Bricks Co., Vill. Kabri, Panipat	Yes
75	Tirupati Bhatta Co., Vill. Karhans, G.T. Road, Samalkha, Panipat	Yes
76	Veer Bhatta Co., Vill. Shahpur, Distt. Panipat	Yes
77	Vijay Bhatta Co., Vill. Mandi, Panipat	Yes
78	Vikash Bhatta Co., Narayana Road, Vill. Kiwana, Samalkha, Panipat	Yes
79	Mukhija Bhatta Co., Vill. Jhattipur, Panipat	Yes
80	Kansal Bhatta Co., BKO, Vill. Ahar, Panipat	Yes
81	Om Bhatta Co., Vill. Atta, Samalkha, Panipat	Yes
82	Durga Bhatta Co., Vill. Sanoli Khurd, Panipat	Yes
83	Shiv Bhatta Co., Vill. & P. O. Shahpur, Tehsil Israna, Distt. Panipat	Yes
Note 1:	All the Brick Kilns are operated with valid consent and of Fixed Chimney Brick Kiln (BTK)	
Note 2:	Stack Monitoring Facilities has been not provided like Port Hole and Platforms as per CPCB Guidelines	