

Government of West Bengal
Department of Industry, Commerce & Enterprises
Mines Branch
4, Abanindra Nath Tagore Sarani (Camac Street), Kolkata-700016



ORDER

No. 78 -CI/O/MIN/GEN-MIS/16/2016(Pt.)

Dated, Kolkata, the 2nd February, 2018

1042
06/02/18

Whereas the State Government observes that mining is going on in different categories / classification of land without obtaining the conversion certificate as required under section 4(C) of the West Bengal Land Reforms Act, 1955 (hereinafter referred to as the said Act) as amended up to date;

And whereas it is felt that precautionary steps are needed before allowing mining to be commenced / operative in future leases;

ok (M/M)
Now, therefore, it is hereby ordered that no mining shall commence without obtaining conversion certificate under section 4(C) of the said Act;

Further, it is hereby also ordered that the mining that has already been commenced shall be required to apply for conversion under section 4(C) of the said Act within one month from issuance of this Order else, mining activities shall be suspended/ closed by the district authority concerned.

This order is issued in concurrence with the Land & Land Reforms and Refugee Relief & Rehabilitation Department and this will take immediate effect.

Principal Secretary to the Government of West Bengal

Pl. put up to A. Senapati
07.02.18

No. 78/3(24)-CI/O/MIN/GEN-MIS/16/2016(Pt.)

2-2-18
Dated, Kolkata, the 2nd February, 2018

Copy forwarded for information and necessary action to the:

1. District Magistrate & Collector (All)
2. ADM & DLLRO,.....(All)
3. PS to the Principal Secretary, Department of L&LR and RR&R.

Keep up in Guard File

Deputy Secretary

Government of West Bengal
Land & Land Reforms and Refugee, Relief & Rehabilitation Department

Section:-LR/A-II; Branch:- M & M
Nabanna; 325, Sarat Chatterjee Road,
P.O-Shibpur, Howrah -711 102

RECEIVED

9 JAN 2018

Contents not verified

MEMORANDUM



No. 3317 -M&M/LR/A-II/M&M-26/2010(Pt)

Date- 11.12.2017

Detailed guidelines were issued relating to regularisation of unauthorised brick fields/kilns vide this Department's Memorandum No. 2648-M&M/LR/A-II-26/2010 dated 27.10.2016. In para-E(3) of the said Memorandum, it was mentioned that these guidelines shall remain valid for a period of 1(one) year from the date of issue of the Memorandum.

Now, the validity of the guidelines for regularisation of unauthorised brick fields/kilns as contained in the said Memorandum No. 2648-M&M/LR/A-II-26/2010 dated 27.10.2016 is extended for a further period of 1(one) year from the date of expiry of the tenure of the said Memorandum, i.e., upto 26.10.2018.

This Memorandum is issued with the approval of the Cabinet vide Decision No. 17 dated 27.11.2017.

By order of the Governor,

M. Pant

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

No. 3317/1(53)-M&M

Dated:- 11.12.2017

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/ Industries Commerce & Enterprises Department.
- 2) The Commissioner,
- 3) Member Secretary, West Bengal Pollution Control Board.
- 4) The Director of Land Records & Surveys, West Bengal.
- 5) The District Magistrate & Collector, Howrah

He is requested to submit progress report on implementation on quarterly basis.

- 6) The A.D.M. and D.L.&L.R.O.,
- 7) IT Cell of the Deptt. for uploading in the Website of this Deptt.

Secretary to the
Government of West Bengal

A. put up to
A. Senapati
10.01.18

Government of West Bengal
Commerce and Industries Department
Mines Branch
4, Abanindranath Tagore Sarani
Kolkata-700016

NOTIFICATION

No.678-CI/O/MIN/GEN-RLT/02/2015 dated 27th October, 2016 - In exercise of the powers conferred by clause (g) of sub-section (1A) of section 15 of Mines and Minerals (Development and Regulation) Act, 1957(67 of 1957) and sub-rule (1) of rule 35 of the West Bengal Minor Mineral Concession Rules, 2016, the State Government hereby prescribes the rates of royalty and dead rents of below mentioned Minor Minerals as follows:-

Rates of Royalty

Sl. No.	Name of Minor Minerals	Proposed Rates
1	Riverbed Materials e.g. Boulder/Gravels/Pebbles/Shingles etc.	Rs.53 per cubic metre
2	Ordinary Sand	Rs.53 per cubic metre
3	Road metal / Stone/Sand Stone/Shale for use as building material	Rs.53 per cubic metre
4	Quartzite: for use as building material / Impure Quartz	Rs.53 per cubic metre
	For industrial use	Rs.38 per tonne
5	Kankar & Morum	Rs.36 per cubic metre
6	Laterite:	
	For use as building material	Rs.36 per cubic metre
	For use in cement industry	Rs.24 (Rupees twenty four) per tonne
	For use in chemical industry	Rs.60 (Rupees sixty) per tonne
7	Limeshell, Limestone and Lime Kankar used in Kilns	Rs.96 per tonne
8	Ordinary Clay/Fuller's Earth/Brick Earth	Rs.29 per cubic metre
9	Granite	
	Black	Rs.1560 per cubic metre
	Gray	Rs.960 per cubic metre
	Coloured	Rs.1260 per cubic metre
10	Marble	Rs.1440 per cubic metre
11	Ball Clay	Rs.46 per tonne
12	Barytes:	
	White (including snow white)	Rs.462 per tonne
	Off colour	Rs.59 per tonne
13	Calcite	Rs.57 per tonne
14	Chalk	Rs.65 per tonne
15	China Clay or Kaolin:	
	Crude	Rs.45 per tonne
	Processed	Rs.260 per tonne
16	Diaspore	Rs.270 per tonne
17	Dolomite	Rs.75 per tonne
18	Dunite / Pyroxenite	Rs.30 per tonne
19	Felsite	Rs.90 per tonne

20	Feldspar	Rs.55 per tonne
21	Fireclay	Rs.23 per tonne
22	Gypsum	Rs.103 per tonne
23	Mica	Rs.1360 per tonne
24	Ochre	Rs.24 per tonne
25	Pyrophyllite	Rs.150 per tonne
26	Quartz	Rs.50 per tonne
27	Silica Sand	Rs.45 per tonne
28	Steatite or Talc or Soal Stone:	
	Filler grade	Rs.135 per tonne
	Other than filler grade	Rs.305 per tonne
29	Other Minor Minerals	Rs.36 per cubic metre

Rates of Dead Rent

First Year	Rs.2000.00 per acre
Second year	Rs.3000.00 per acre
Third year and onwards	Rs.5000.00 per acre per annum

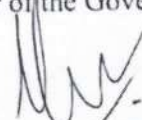
This issues with the approval of Finance Department vide U.O. No.Group-C/2016-2017/0131 dated 26.10.2016.

2. Interim Rates of Royalty and dead rent published in Gazette Notification No.597-CI/O/MIN/GEN-RLT/02/2015 dated 22.09.2016 hereby stands annulled.

3. These rates shall remain in force till further notification in this regard.

This notification shall come into force on the date of its publication in the *Official Gazette*.

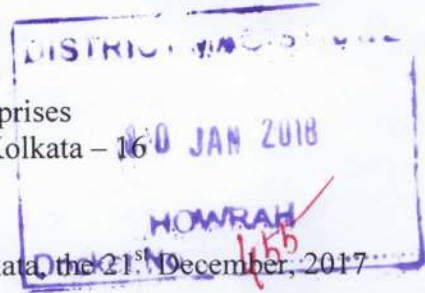
By order of the Governor



Pr. Secy. to the Govt. of West Bengal



Government of West Bengal
Department of Industry, Commerce & Enterprises
4, Abanindranath Tagore Sarani (Camac Street), Kolkata - 700 016
Mines Branch



No. 933-ICE/O/MIN/GEN-MIS/70/2017

Dated, Kolkata, the 21st December, 2017

From: The Joint Secretary
to the Government of West Bengal

To : The District Magistrates (all) *Howrah*



Sub: Action taken/Proper vigilance against illegal mining.

Ref: Letter No. 9/1/2014-M.V dated 27th September, 2017 of Ministry of Mines, GoI in respect of illegal mining. (Copy enclosed)

Madam/Sir,

Kindly refer to the captioned subject and reference above. With reference to the judgment dated 02/08/2017 of the Apex Court in the Writ Petition (Civil) No. 114/2014 in the matter of Common Cause Vs Union of India, I am directed to request you to keep proper vigilance so that no mining takes place without proper environmental clearances & forest clearance as applicable.

Encl: As stated above.

Yours faithfully,

Joint Secretary

No.933/1(1)-ICE/O/MIN/GEN-MIS/70/2017

Dated, Kolkata, the 21st December, 2017

Copy forwarded for kind information to:

1. The Under Secretary, Government of India, Ministry of Mines, Shastri Bhawan, New Delhi-110 001. This has a reference to his letter No. 9/1/2014-M.V dated 27.09.2017.

Joint Secretary

*Pl. put up to
A. Senapati
15.01.18*

*ADM (LR)
District Magistrate
HOWRAH
400
11/01/18
OC (mar)*

26/9/2017
11/10/17

5908-051
12-10-17

No.9/1/2014-M.V
Government of India
Ministry of Mines

New Delhi, Shastri Bhawan
Dated, the 27th September, 2017

To
Addl. Chief Secretaries/Principal/Joint Secretaries i/c of mining departments
All State Governments/UTs

Subject: Writ Petition (Civil) No.114/2014 - Common Cause Vs Union of India
and Others with Writ Petition (Civil) No.194/2014 - Prafulla Samantra
and Anr. Vs Union of India and Others - Judgment dated 02.08.2017
delivered by Hon'ble Supreme Court of India in

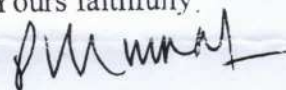
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Alternatively,
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any illegal
mines from
which funds
penalties will
have to be collected.
Pl. put up.

Sir,
The Hon'ble Supreme Court in Writ Petition (Civil) No.114/2014 - Common
Cause Vs Union of India and Others with Writ Petition (Civil) No.194/2014 - Prafulla
Samantra and Anr Vs Union of India and Others, has delivered its judgment on 2nd
August, 2017.

2. The Hon'ble Supreme Court has, *inter alia*, interpreted the scope and operation
of section 21(5) of the MMDR Act, 1957 which deals with the issue of raising minerals
without any lawful authority.

3. The State Government/Union Territory Administration is requested to take
necessary steps for strict compliance of all the directions given by the Hon'ble
Supreme Court in the said judgment dated 02.08.2017. A copy of the judgment dated
02.08.2017 is enclosed herewith. This can also be downloaded from the website of the
Supreme Court of India at www.supremecourtindia.nic.in or alternatively it can also
be downloaded from the website of the Ministry of Mines at www.mines.gov.in

Yours faithfully,



(P Vinay Kumar)

Under Secretary to the Govt. of India

Tele phone No: 011-23384070

pv.kumar70@nic.in

Encl.: as above

1177/PW/ICE
27/11/17

815/UB/ICE
18/10
2329/55(UB)
01-12-17

Samantra
pl. put up.
29/11/17



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), 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.

29/10/16
15/11/16
occuring

put up to
A. Senapati
11.12.17

- (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 be 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 4th 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.

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.

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,

Manoj Paul
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., Howrah, _____ (All)

7) _____

Manoj Paul 27/10/16
Secretary to the
Government of West Bengal

D. L. & L. R. O.
HOWRAH
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16 NOV 2016
Contents not verified

Government of West Bengal
Land & Land Reforms Department
M & M Branch
Nabanna, 6th Floor
325, Sarat Chatterjee Road, Howrah – 711 102

DISTRICT MAGISTRATE
15 NOV 2016
HOWRAH
Docket No. 13666

MEMORANDUM

No. 2649-M&M-26/2010

Dated : 27/10/2016

Whereas, bricks are an important component of the construction industry and there is a growing demand of bricks for development of infrastructure including housing;

Whereas, unplanned and unauthorised manufacture of bricks destroy top soil of agricultural land beyond reclamation and makes it un-usable for agriculture practices;

Whereas, un-planned and un-scientific brick manufacturing may have adverse impact on environment and human health;

Whereas, vide Memo No.1251-M&M dated 29/5/2015 detailed guidelines were issued relating to setting up and operation of new brick fields/kilns;

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 aspects in the matter, It is felt necessary to issue revised guidelines for operation of new brick fields/brick kilns as enumerated 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), along with requisite fee and other relevant documents for obtaining permission to establish and/or to operate brick fields/kilns.

2. The District Land & Land Reforms Officer will also receive 'Consent to Operate' (CtO) applications for the existing brick fields/kilns with arrear consent application fees.

Such applications should be accompanied by 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 proposed brick fields area / land and a sketch map showing the four boundaries with coverage in adjoining plots.
- (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.

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.
However effort shall be made to restrict the excavation of top soil for manufacture of bricks.

B. Locational Guidelines:

No new brick fields / kilns shall be allowed to be set up in the following places or areas:

1. On any land recorded and used as orchard / forest whether it is situated within the jurisdiction of the Municipality or Panchayats.
2. Within a distance of 1.0 kilometre from registered hospitals, schools, public buildings, religious places or places where inflammable substances are stored.
3. Within a radius of 1.0 kilometre in notified sensitive areas such as zoo & wild life sanctuaries, historical monuments, museums and the like.
4. Within a distance of 100 metres from both sides of the railway tracks.
5. Within a distance of 100 metres from both sides of National and State Highways.
6. Within a distance of 100 metres from both sides of main district roads, major bridges and embankments and the river bank.
7. Within a radial distance of 1.6 kilometres from mango orchards as per the order dated 4th 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.
8. Beyond a distance of 1.6 kilometres from mango orchards, new brick fields / kilns may be allowed only after ensuring the adequacy of 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).

C. Operational Guidelines:

- 1) (a) Applications received for setting up new brick fields/ kilns 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.

The Committee will ensure that a brick field/kiln is set up on a plot of land only after getting its classification changed from agriculture to non-agriculture use as per the relevant provisions of the WBLR Act, 1955 and the Rules made there-under and also in terms of the relevant provisions of the West Bengal Minor Minerals Concession Rules, 2016 and Environmental Protection laws. The District Magistrate & Collector will direct the DL & LRO to communicate the decision of the committee regarding 'Consent to Establish'(CtE) and/or the 'Consent to Operate'(CtO), as the case may be, to the applicants concerned.

- (b) This Committee will also deal with the renewal of the 'Consent to Operate ' (CtO) of the existing brick fields/kilns as per the existing norms and procedures.
- 2) It will be only after obtaining the Consent-to-Establish (CtE) from the DL&LRO concerned, the applicant can start construction work of brick field / kiln.
- 3) The operation of brick fields/kilns can start only after erecting the appropriate pollution control systems and obtaining Consent-to-Operate (CtO) from the DL&LRO of the district concerned.
- 4) All brick fields / 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 as subsequently amended by the Ministry of Environment Forests & Climate Change, Government of India.
- 5) Effort shall be made to restrict the excavation of top soil for manufacture of bricks. River silt and fly ash should be used for this purpose as far as possible.
- 6) Multi-layer green belt of 10-metre width shall be constructed along the periphery of brick fields / kilns leaving two 10-metre 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.
- 7) No brickfield/kiln shall be allowed to be set up unless a chimney of specific height and standard is installed as per norms specified by the State Pollution Control Board.

- 8) 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.
- 9) 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.
- 10) 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.

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 and No.1251-M&M dated 29/05/2015 regarding operation of brick field /brick kiln with immediate effect.

By order of the Governor,

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

No. 2649/1(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 Howrah (All)
- 6) The A.D.M. & D.L.&L.R.O., _____ (All)
- 7) _____

[Signature] 27/10/16
Secretary to the
Government of West Bengal