

Government of Jammu and Kashmir
J&K Pollution Control Committee
Jammu

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Consultant (Judicial),
Hon'ble National Green Tribunal, (P.B)
New Delhi.

No. JKPCC/NGT/131/022 /11-13.

Dt. 19-04-2023.

Sub: - Action Taken Report in case of Hon'ble NGT in OA No. 594/2022 Order Dated 19-09-2022 and 11-01-2023 titled Syed Riyaz V/s UT of Jammu and Kashmir.

Sir,

In compliance to the Hon'ble National Green Tribunal Order Dated 19-09-2022 and 11-01-2023 in OA No. 594/2022 titled Syed Riyaz V/s UT of Jammu and Kashmir, kindly find enclosed herewith the Response and Action Taken Report of J&K Pollution Control Committee, in this regard.

The Action Taken Report may kindly be taken on record and placed before the Hon'ble NGT for consideration please.

Encl: (As above)

Yours faithfully,

(K. Ramesh Kumar) IFS
Member Secretary
JKPCC, Jammu.

Copy to the: -

1. Sh. G.M. Kawoosa, Additional Standing Counsel for J&K Govt. in Hon'ble NGT matters in New Delhi, for information and necessary action. This is in reference to Govt. of J&K Order No. 8495-JK(LD) of 2022 Dated 12-10-2022.
2. PA to Chairman, J&K PCC for kind information of Chairman.

Response and Action Taken Report of J&K Pollution Control Committee to the averments made in the O.A No. 594 / 2022 titled Syed Riyaz V/s Union Territory of J&K in compliance to Hon'ble National Green Tribunal Order Dated September 19, 2022 and order dated January 11, 2023 and with regard to the observations / Suggestions of the Joint Committee.

Background: -

The Hon'ble National Green Tribunal (NGT) has pleased to pass an order dated 19th September, 2022 in the O.A No. 594/2022 which is reproduced as under:

- (a) *"Prima facie, the averments made in the application raise questions relating to environment arising out of the implementation of the enactments specified in Schedule I to the National Green Tribunal Act, 2010. In view of the averments made in the application, we consider it appropriate that a Joint Committee be constituted to verify the factual position. Accordingly, we constitute a Joint Committee comprising of State PCB, Food and Civil Supplies Department, Union Territory of Jammu & Kashmir and Deputy Commissioner, Budgam, Union Territory of Jammu and Kashmir and direct the same to meet within two weeks, undertake visits to the sites, look into the grievances of the applicant, associate the applicant and representatives of the concerned project proponents, verify the factual position and submit its report within one month by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF. The State PCB will be the nodal agency for coordination and compliance."*
- (b) *"In case the Joint Committee observes any violation of consent conditions/environmental norms, then it shall forward a copy of its report to: -*



- (i) *The concerned Project Proponents to enable them to comply with the recommendations in the report of the Joint Committee or file objections against the observations/recommendations contained in the same and file their response before this Tribunal as desired within one month from the date of receipt of a copy of the report of the Joint Committee by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF; and*
- (ii) *the PCB and Deputy Commissioner, Budgam, Union Territory of Jammu and Kashmir to enable them to take appropriate remedial action, in accordance with Statutory provisions mandating them to take remedial action for prevention, control and abatement of environmental pollution/degradation and for protection and improvement of environment, by giving notice to/hearing the concerned project proponents and following due process of law and they shall submit their action taken reports separately within one month from the date of receipt of a copy of the report of the Joint Committee by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF."*
- (c) *"In view of the averments made we also consider it appropriate to have response of (1) Union Territory of Jammu and Kashmir through Chief Secretary, Government of J & K (2) State PCB, (3) Deputy Commissioner, Budgam, Union Territory of Jammu and Kashmir who stand impleaded as respondents No. 1 to 3. Notice of the application be issued to the respondents requiring them to file their response/ reply to the averments made in the application besides their response/objections to the observations made in the report of Joint Committee within two month at*



judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF."

In compliance to the Hon'ble NGT order dated 19th September, 2022, the Joint Committee constituted in this regard has submitted its report vide no. DCB/Relief/NGT/23/1719 dated 07-01-2023, and the report has been submitted / filed to the Hon'ble NGT through email on 09th January, 2023. (Report appended as **Annexure 'A'**). The Observations / Recommendations of the Joint Committee is reproduced as under:

1. The Committee after its inspection of the brick kiln sites issued notices to the project proponents / brick kiln owners for complying all the environmental norms / laws.
2. Only those brick kilns shall be allowed to operate and function which will comply all applicable environmental notifications, guidelines and consent conditions and use viable eco-friendly technology as recommended by the Ministry of Environment, Forests and Climate Change.
3. The Committee is of the view that the J&K Pollution Control Committee shall provide full guidance and assistance to the project proponents for installation of the latest eco-friendly technology.

Response / Action Taken Report of J&K Pollution Control Committee to the averments made by the applicant in O.A 594/2022 titled Syed Riyaz V/s U.T of J&K and to the Observations / Suggestions of the Joint Committee.

- (a) The operation of Brick Kilns in the UT of Jammu & Kashmir are being regulated by the J&K Pollution Control Committee as per the provisions laid out in the following legal enactments and guidelines issued by the Government of J&K from time to time.
1. Siting criteria for New Brick Kilns 2004 (Appended as **Annexure B**).
 2. Guidelines for regulations of Brick Kilns 2010 (Appended as **Annexure C**).



3. The Jammu and Kashmir Brick Kilns (Regulation) Act 2010 (Appended as **Annexure D**).
4. The Jammu and Kashmir Brick Kilns (Regulation) Rules, 2011 (Appended as **Annexure E**).
5. Operational Guidelines for Brick Kilns in J&K, 2021 (Appended as **Annexure F**).
6. Environment (Protection) Amendment Rules, 2022 (Appended as **Annexure G**).

Besides the above, various judgements / orders issued by Hon'ble High Court of J&K from time to time have been complied to in regulation of the Brick Kilns in J&K and notable orders are as under: -

- i) Hon'ble High Court J&K Order Dated 18-10-2019 passed in PIL No. 22/2016 titled as "Court on its own motion V/s Union of India and Ors." (Copy appended as **Annexure H**).
- ii) Hon'ble High Court J&K Order Dated 24-12-2019 passed in PIL No. 22/2016 (Copy appended as **Annexure I**).
- iii) Hon'ble High Court J&K Order Dated 20-10-2021, passed in PIL No. 22/2016 (Copy appended as **Annexure J**).
- iv) Hon'ble High Court J&K Order Dated 26-07-2022 passed in WP (c) No. 1117/2022 (Copy appended as **Annexure K**).

It is therefore submitted that as per the provisions laid out in the above referred legal enactments and guidelines / siting criteria issued by the Government of J&K from time to time and judgements / orders issued by the Hon'ble High Court of J&K from time to time, the J&K Pollution Control Committee consider and accord Consent to Establish, Consent to Operate (Fresh) and Consent to Operate (Renewal) to the Brick Kilns, and license for the Brick Kilns are being issued by the concerned District Magistrates in J&K. The Status of 213 Brick Kilns in Budgam District has been submitted by the Joint Committee constituted in this regard.



(b) Out of the 213 Brick Kilns located in Budgam District, the status of consents issued by J&K Pollution Control Committee to Brick Kilns in Budgam District as on 13-04-2023 is as under : (only the cases which fulfil the guidelines / Siting criteria of Brick Kilns).

Consent to Operate / Renewal granted	= 77
Consent to Establish (New) granted	= 04
Consent cases rejected	= 05

The consents have been issued in consonance to the Environment (Protection) Amendment Rules (2022) issued vide G.S.R 143 (E) dated 22nd February, 2022 “that the existing Brick Kilns which are not following zig-zag technology or vertical shaft or use of Piped Natural Gas (PNG) as fuel in brick making shall be converted to zig-zag technology or vertical shaft or use PNG as fuel in brick making within a period of 22nd February 2024, and subject to adherence to all other terms and conditions stipulated in the G.S.R 143 (E) dated 22nd February 2022, issued by Ministry of Environment, Forest and Climate Change, Govt. of India, and also in compliance to the Hon’ble High Court of J&K order dated 20-10-2021 in PIL No. 22/2016 and order dated 26-07-2022 in WP (C) No. 1117/2022.

Apart from the above consent cases some other consent cases of Brick Kilns are under processing at various levels of J&K Pollution Control Committee.

c) With regard to the averments made by the applicant that “Hon’ble High Court of J&K in response of a PIL also directed the Government of Jammu and Kashmir for stopping the operation of Brick Kilns in the radius of 08 kilometres of Srinagar International Airport for the reason that smoke clouds by Brick Kilns may become dangerous for operating



Airlines here but the Administration doesn't bother to made the directions of Hon'ble court implemented", it is submitted that :

"the Hon'ble High Court J&K vide order dated 18th October 2019 has ordered that, "No Brick Kiln is permitted to operate within 08 kms from the centre of the run way of the Srinagar Airport" (Copy enclosed as **Annexure H**) and the Hon'ble High Court, J&K vide order dated 24-12-2019 (Copy enclosed as **Annexure I**) has directed that, "the Order Dated 18th October 2019 is modified and it is directed that the respondent nos 1 to 4 shall ensure that no Brick Kiln is permitted to operate their furnace or undertake any activity whereby smoke is generated in any manner whatsoever, within 08 kms from the centre of the run way of the Srinagar Airport. It is clarified that the Brick Kiln owners may undertake such other activities as are necessary for their business other than the smoke generation activity" which were complied by the 74 brick kilns located within the 08 kms radius of Srinagar Airport run way.

However, the Hon'ble High Court, J&K vide order Dated 20-10-2021 in PIL No. 22/2016 has directed that, (Copy enclosed as **Annexure J**)

"the brick kiln owners may be permitted to operate their brick kilns within the prohibited area provided they possess a valid license which stands renewed for the relevant period subject to their functioning and undertaking on affidavit that they shall use furnace which will not cause smoke Hazard such as oil fired / electrical furnaces or those which run on fuel which do not exist smoke and further that they would not operate their Brick Kiln during the winter season from 1st November every year to 31st March next year".

It is therefore submitted that only in compliance to the directions issued by the Hon'ble High Court, J&K Dated 20-10-2021, the Brick Kilns are



being allowed to operate within 08 kms radius of Srinagar Airport run way after the accord of consent from J&K Pollution Control Committee.

- d) Taking cognizance to the suggestions of the Joint Committee constituted for the purpose of verifying the factual position / Status of Brick Kilns in Budgam District, the Regional Director Pollution Control Committee has issued Ninety Six (96) number of notices against the Brick Kiln owners who have not renewed the Consent to Operate from the Pollution Control Committee which is also a step taken in consonance with the notices issued by the Joint Committee to all the 213 Brick Kilns in Budgam District, for the purpose of adhering to the environmental norms in this regard. It is submitted that, as on 31-03-2023, 46 brick kilns which are not complying to the environmental norms are ordered for closure by the J&K Pollution Control Committee (The list of brick kilns ordered for closure is appended as **Annexure L**).
- e) With regard to the suggestion of the Joint Committee that J&K Pollution Control Committee shall provide the full guidance and assistance to project proponents for installation of the latest eco-friendly technology, it is submitted that, J&K Pollution Control Committee has conducted awareness workshop / meeting with the Brick Kiln owners / Brick Kiln owners Association in Srinagar w.r.t zig-zag technology and is committed to continue to provide full guidance to the Brick Kiln owners in this regard.
- f) It is submitted and reiterated that the J&K Pollution Control Committee shall allow only the Brick Kilns which will comply and adhere to the guidelines / Siting criteria for Brick kilns stipulated by Government of J&K from time to time and to the terms and conditions stipulated in the notification G.S.R 143 (E) Dated 22nd February 2022, issued by Govt.



of India and all the other brick kilns shall not be permitted to operate and shall be closed after following all due procedures in this regard.

Hence the report of the J&K Pollution Control Committee is submitted for record.

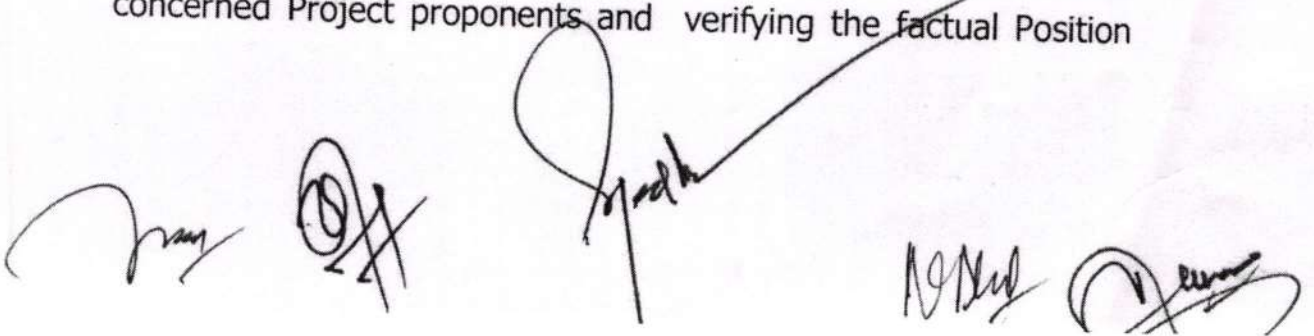
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Action taken report in light of the directions issued by the Hon'ble National Green Tribunal (PB), New Dehli in O. A No. 594/2022 in the matter of Syed Riyaz Ahmad V/s Union Territory of J & K.

- 1) The Hon'ble National Green Tribunal (PB) was pleased to pass Order Dated 19 Sept 2022 in the aforesaid Original application and has directed the authorities to file their responses / Reply to the averments made in application. The Operative/relevant Part of the said order is as under:-

"..... Accordingly, we constitute a Joint Committee comprising of State PCB, Food & Civil Supplies Department, Union Territory of Jammu & Kashmir and Deputy Commissioner, Budgam, Union Territory of Jammu and Kashmir and direct the same to meet within two weeks, undertake visits to the sites, look into the grievances of the applicant, associate the applicant and representatives of the concerned project proponents, verify the factual position and submit its report within one month"

- 2) In compliance of the directions of the Hon'ble National Green Tribunal and the Committee constituted by J&K Pollution Control Committee J&K vide No.: JKPCC/NGT/22/864-869 Dated: 13-10-2022, the office of the Deputy Commissioner vide Order No.: DCB/Relief/CJC-NGT(7048762)/22-23/360-70 Dated:-02-10-2022 also constituted the Joint Sub Committee for conducting inspection of the Brick kilns and also look into the Grievances of the applicant, associate the applicant and a representatives of the concerned Project proponents and verifying the factual Position



of all the Brick Kilns of District Budgam. The applicant was also informed to be the part of the sitting of the Joint committee, but the said applicant showed his inability as he was outside the station and had assured that he will send his representative but failed to send the same due to unknown reasons.

The Committee constituted consists of the following Officers: -

- A.) Assistant Commissioner Revenue Budgam.
- B.) Sub Divisional Magistrate Chadoora / Beerwah / Khanshaib.
- C.) District Mineral Officer Budgam.
- D.) District Officer, Pollution Control Committee Budgam
- E.) Assistant Director, Food & Supplies, Budgam.

4) In compliance to above, the joint Sub Committee visited the Brick Killens operating within the territorial jurisdiction of District Budgam on 5th, 17th and 20th December 2022. During the inspection, the project proponents were asked to present documents including license, consent to operate from JKPCC (Jammu Kashmir Pollution Control Committee) and other relevant documents regarding establishment and operation of Brick kilns. On the basis of the said inspection, factual details vis-à-vis establishment and operation of the brick killens have been summarized in a tabulated form as **Annexure "A"**.

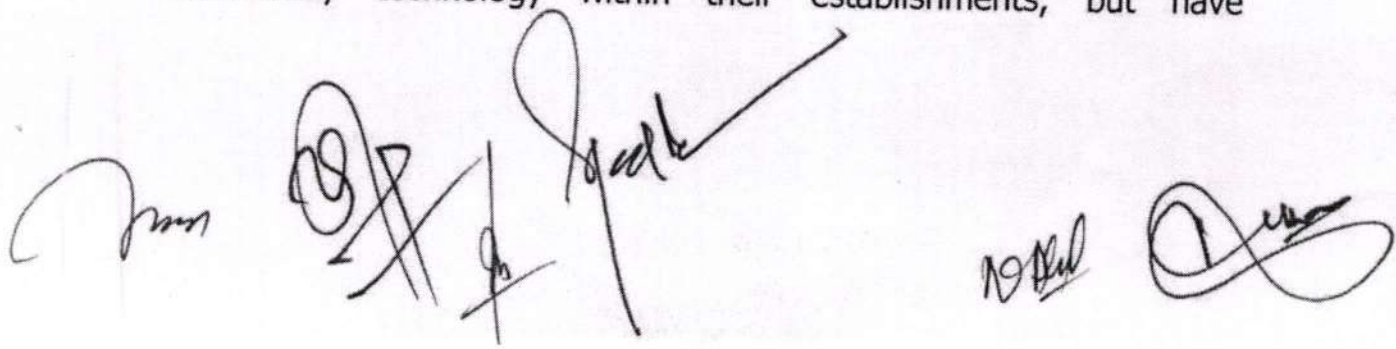
5) The Joint Committee after visiting the Brick Kilns across the district observed that the two categories of brick kilns are functional within the District Budgam 1.) Brick kilns existing within the radius of 8Km of International Airport, Srinagar 2.) Brick kilns existing outside the 8 Kilometer radius from international Airport Srinagar.

The matter regarding the functioning of Brick Kilns within the radius of 08 Kilometers from the center of Srinagar international Airport was pending before the Hon'ble High Court Srinagar in the WPC No.1116/2022 and Hon'ble High Court vide its order Dated 26-07-2022 directed the project proponents to introduce the modern smoke free technology and also it was directed by the Hon'ble High Court that such Brick Kilns which fall within the radius of 08 Kmr from center of International Airport Srinagar shall remain closed every year from the month of November to 31st March

Further, it is submitted that J&K Hon'ble High Court in the above quoted order has provided time frame for the existing Brick Kilns for adaptation of Zig Zag Technology as per the Notification Dated 22nd Feb 2022 issued by the Ministry Of Environment, Forest and Climate Change wherein it is provided that 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 within the prescribed period provided in the said notification.

6) That the Joint Sub Committee further observed that the Brick Kilns which fall outside the 08 Kilometer Radius of International Air Port Srinagar are either functioning without licenses or Licenses have expired and have not been renewed till date. Most of the brick killens were found operating without consent to operate from JKPCC.

8) That the Joint Sub Committee during the spot inspection also observed that the project proponents are ready to install the latest ecofriendly technology within their establishments, but have

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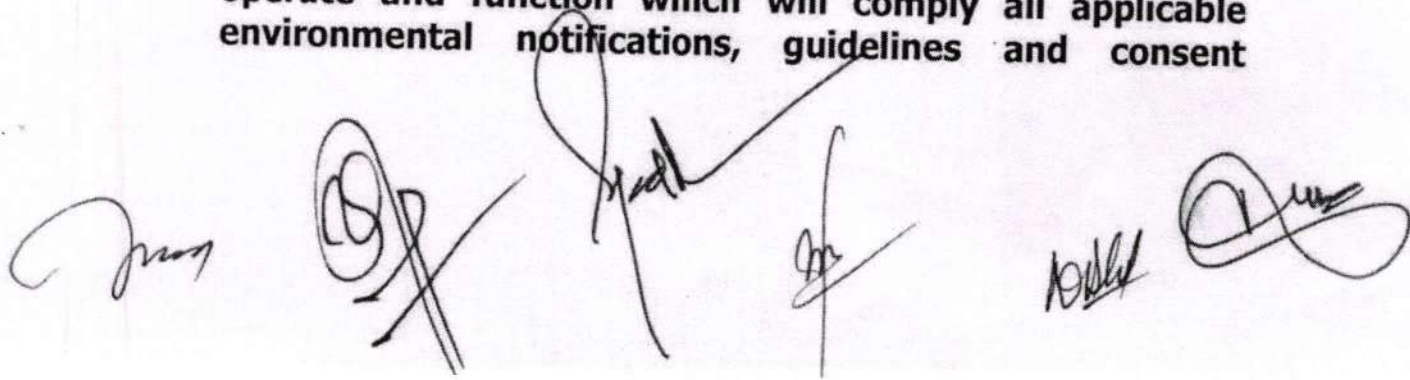
requested that the State Pollution Control Committee shall provide the guidance and assistance regarding the installation of the said environment viable technology.

7) Furthermore, the committee also observed that various Brick Kilns have been demolished by the district administration which were either functioning illegally without the requisite documents or were violating the terms and conditions within the District Budgam. Further the committee observed that some of the Brick Kilns which are functioning illegally have filled various writ petitions before the Hon'ble J&K High Court and the Hon'ble Court has ordered status quo in various such cases which impede the administration from taking any concrete penal action against the Violators.

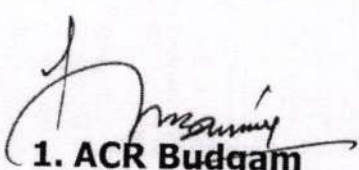

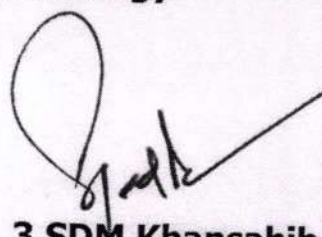
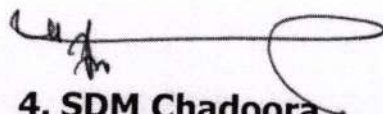
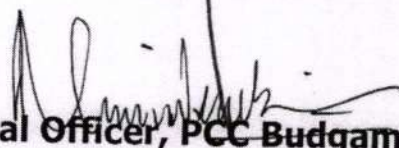
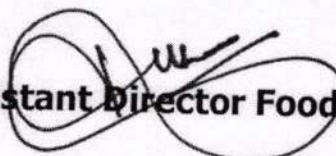
The committee during inspection also observed that most of the brick kilins established and functional throughout the district are violating the different environmental laws/consent conditions thereby have various negative effects not only on human health, but also on the agricultural production of the areas where such brick kilins are located.

8) The committee after its inspection of the brick killin sites issued notices to the project proponents/brick killin owners for complying all the environmental norms/laws and filing of objections before the Hon'ble National Green Tribunal against the observations/recommendations made herein above.

In view of the above, committee is of the view and recommend that only those brick kilins shall be allowed to operate and function which will comply all applicable environmental notifications, guidelines and consent



conditions and use viable eco- friendly technology as recommended by the Ministry of Environment, Forest and Climate Change. Further, the committee is of the view that the J&K Pollution Control Committee shall provide full guidance & assistance to the project proponents for installation of the latest eco-friendly technology.


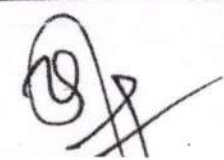
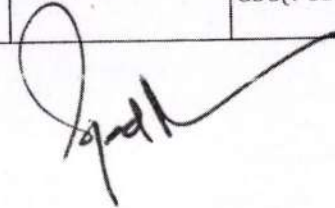

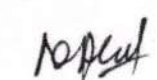
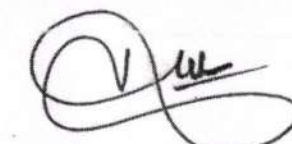
-  1. ACR Budgam
-  2. SDM Beerwah
-  3. SDM Khansahib
-  4. SDM Chadoora
-  5. Divisional Officer, PCC Budgam
-  6. Assistant Director Food, Budgam

Subject:- Status of Brick Kilns of District Budgam

S.no	District	Name of the Unit /location	Location	Tehsil	Status of Chimney/Technology Adopted	Consent Status	License Status	Remarks w.r.t /Closure/legal action taken if any
1	Budgam	M/s. Gousia Brick kiln	Checki-Dewan.	Berwah	Fixed chimney with GSC(FCBTK)	CTO(F) vide consent No.1530 of 2011 Date.24.10.11. up to oct.2012.	Licensed but not renewed	Applied for renewal
2	Budgam	M/s.Amar B/K	Charangam Beerwaha	Berwah	Fixed chimney with GSC(FCBTK)	PCC/digital/22062749 182 of 2022 dated:- 20.9.2022 valid sep. 2023	Licensed but not renewed	
3	Budgam	M/s. Khan Brick kiln	Gondipora Beerwah	Berwah	High draught Technology adopted.	PCC/digital/22062370 320 of 2022 dated:- 21.6.2022 valid May 2023	Licensed but not renewed	
4	Budgam	M/s.Village Brick kiln	Sanzipora khanda		Fixed chimney with GSC(FCBTK)	Without consent	Licensed but not renewed	
5	Budgam	M/s.Green Land B/K	Summerbugh Lasjan	BK Pora	Fixed chimney with GSC(FCBTK)	CTO(R) vide consent No.891 of 2013 Dated.24-10-2013 valid Sep.2015.	Licensed but not renewed	
6	Budgam	M/s.Muheet B/K	Ichgam Budgam	Budgam	Fixed chimney with GSC(FCBTK)	CTO(R) vide consent No.919 of 2011 valid up to July 2013	Licensed but not renewed	
7	Budgam	M/s.Imperial B/K	Gariend Budgam	Budgam	Fixed chimney with GSC(FCBTK)		Licensed but not renewed	
8	Budgam	M/S. K.B.Brick kiln	Narwara Gundipora	Berwah	Fixed chimney with GSC(FCBTK)	PCC/digital/22062421 650 of 2022 dt.13.6.2022 valid up to April.2023.	Licensed but not renewed	
9	Budgam	M/s. Chinar B/K	Pallar Budgam	Budgam	Fixed chimney with GSC(FCBTK)	No Consent Record available.	Licensed but not renewed	

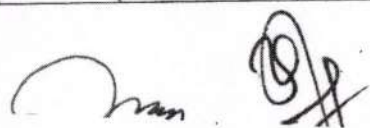
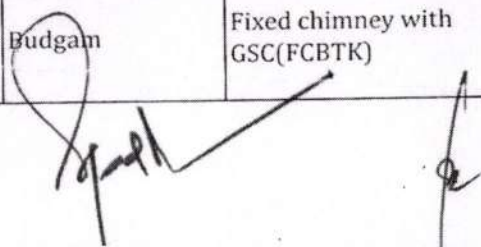
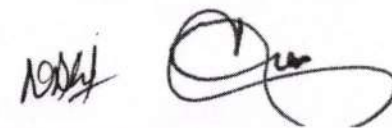
10	Budgam	M/s.Ess Emm B/K	Putli Bagh	Budgam	Fixed chimney with GSC(FCBTK)	PCC/digital/22062728 283 of 2022 dated:- 10.10.2022 valid up to oct.2023.	Licensed but not renewed	
11	Budgam	M/s.Global B/K	Dadina shoolipora Budgam	Budgam	Fixed chimney with GSC(FCBTK)	CTO(F) vide consent No.753 of 2012 Dated.15-5-2012 valid up to May 2014	Licensed but not renewed	
12	Budgam	M/s.Gem B/K	Chattergam	BK Pora	Fixed chimney with GSC(FCBTK)	CTO(R) vide consent No.396 of 2013 Dated.1-6-13 valid October,2014	Licensed but not renewed	
13	Budgam	M/s.Kohinoor B/K	Gudsathoo Budgam	Budgam	Fixed chimney with GSC(FCBTK)	without consent	Licensed but not renewed	
14	Budgam	M/.Magid B/K	Panzan chadoora	chadoora	Fixed chimney with GSC(FCBTK)	CTO® no:-1859 of 2013 dated:-26.3.2013 valid up to March 2015	Licensed but not renewed	Closure format submitted
15	Budgam	M/s. Baba Hyder B/K	Hushroo Chadoora	chadoora	Fixed chimney with GSC(FCBTK)	CTO(F) vide consent No.333 of 2012 Dated 12-03-12 valid up to March 2014	Licensed but not renewed	
16	Budgam	M/S.New Shalimar B/K	Kathir Gund chadoora	chadoora	Fixed chimney with GSC(FCBTK)	CTO(R) vide consent NO.772 of 12 dated.17.5.12 valid up to March 2014	Licensed but not renewed	
17	Budgam	M/s.Bismah B/K	Kathir Gund	chadoora	Fixed chimney with GSC(FCBTK)	with out consent	Licensed but not renewed	Closure format submitted
18	Budgam	M/s.Aftab B/K	SummerBugh Lasjan	BK Pora	Fixed chimney with GSC(FCBTK)	CTO(F) vide consent No.568 of 2012 Dated.12.4.12 valid up to April 2014.	Licensed but not renewed	Applied for renewal

19	Budgam	M/s. Shan B/K.	Gudsathsoo Budgam	Budgam	Fixed chimney with GSC(FCBTK)	CTO(R) vide consent No.429 of 2011 dated 6.6.2011 valid up to March 2013	Licensed but not renewed	
20	Budgam	M/s. Firdous B/K	Qazipora chadoora	chadoora	Fixed chimney with GSC(FCBTK)	CTO(F) vide consent No.531 of 2011 dated 23-06-11 valid up to June 2012	Licensed but not renewed	
21	Budgam	M/s. M L A B/K	Chand pora Budgam	Budgam	Fixed chimney with GSC(FCBTK)	PCC/digital/22062275 274 of 2022 dated:- 10.10.2022 valid up to oct.2023	Licensed but not renewed	
22	Budgam	M/s. Alamdar B/k	Chitroo Danger pora	Budgam	Fixed chimney with GSC(FCBTK)	CTO(F) vide consent No.781 of 21012 dated 18-05-2012 valid up to March 2014	Licensed but not renewed	
23	Budgam	M/s. New Golden B/K	Panzan Chadoora	chadoora	Fixed chimney with GSC(FCBTK)	CTO(R) vide consent No.1131 of 2013 dated 31-12-13 valid up to March 2014	Licensed but not renewed	Closure format submitted
24	Budgam	M/s. M .CO B/K	Diffpora WWaterwani Budgam	Budgam	Fixed chimney with GSC(FCBTK)	CTO(R) vide consent No.856 of 2013 dated 23-10-13 valid up to June 2014	Licensed but not renewed	
25	Budgam	M/s. Dar Brick factory	Khanda Magary pora	BK Pora	Fixed chimney with GSC(FCBTK)	CTO(R) vide consent No.789 of 2012 dated.19.5.12 valid up to May 2014	Licensed but not renewed	
26	Budgam	M/s. Red Rose B/K	Ichkoot	Budgam	Fixed chimney with GSC(FCBTK)	with out consent	Licensed but not renewed	Closure format submitted
27	Budgam	M/s. Kashani B/K.	Ichkoot Budgam	Budgam	High draught Technology adopted.	with out consent	Licensed but not renewed	Closure format submitted
28	Budgam	M/s. Muneer B/K	Water wani Budgam	Budgam	Fixed chimney with GSC(FCBTK)	CTO(R) vide consent No.994 of 2012 dated 18.7.12 valid up to July 2014	Licensed but not renewed	


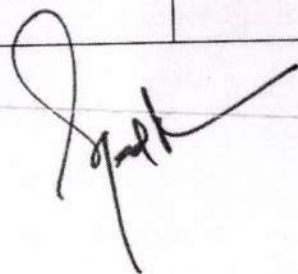
29	Budgam	M/s.VIP Standard B/K	Water wani	Budgam	Fixed chimney with GSC(FCBTK)	CTO(R) vide consent No.1397 of 2014 Dated.24.2.14 valid up to March 2015	Licensed but not renewed	Applied for renewal
30	Budgam	M/s.New Shahzad B/K.	Hushroo chadoora	chadoora	Fixed chimney with GSC(FCBTK)	CTO(R) vide consent No.02 of 2013 dated.1-4-2013 valid up to Oct.2014	Licensed but not renewed	Closure format submitted
31	Budgam	M/S .Parisa B/K	Parisabad Budgam	Budgam	Fixed chimney with GSC(FCBTK)	No consent Record.	Licensed but not renewed	
32	Budgam	M/s.Farooq Brick kiln	SummerBugh	BK Pora	Fixed chimney with GSC(FCBTK)	PCC/digital/22062565 990 of 2022 dated:- 13.10.2022 valid up to sep. 2023	Licensed but not renewed	
33	Budgam	M/S.Bismillah B/k	Parisabad Budgam	Budgam	High draught Technology adopted.	with out consent	Licensed but not renewed	
34	Budgam	M/s. Bloora B/K.	Parisabad Budgam	Budgam	Fixed chimney with GSC(FCBTK)	with out consent	Licensed but not renewed	
35	Budgam	M/s.R.B.C Brick kiln	Utligam Berwaha	Berwah	Fixed chimney with GSC(FCBTK)	CTO(R) vide consent No.1575 of 2014 dated.25.3.14 valid up to March 2015	Licensed but not renewed	
36	Budgam	M/s.Ubaid Brick kiln	Rakhshalina Budgam	BK Pora	Fixed chimney with GSC(FCBTK)	with out consent	Licensed but not renewed	
37	Budgam	M/s. Sada Bahar B/K.	Bonhama Berwaha	Berwah	Fixed chimney with GSC(FCBTK)	PCC/digital/22062810 460 of 2022 dated:- 29.11.2022 valid up to oct.2023	Licensed but not renewed	
38	Budgam	M/s. Irfan B/K	Ichgam Budgam	Budgam	Fixed chimney with GSC(FCBTK)	with out consent	Licensed but not renewed	Closure format submitted
39	Budgam	M/s.Red Rose B/k	Panzan chadoora	chadoora	Fixed chimney with GSC(FCBTK)	CTO(R) vide consent No.227 of 2012 dated.16-2-12 valid up to November 2013	Licensed but not renewed	Closure format submitted

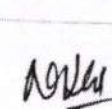
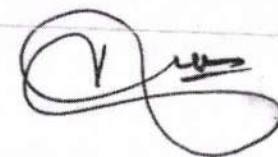
40	Budgam	M/s, New Gulfam B/K	Sharat pora Bat pora	Budgam	Fixed chimney with GSC(FCBTK)	PCC/digital/22062421 650 of 2022 dated:- 13.6.2022 valid up to May. 2023	Licensed but not renewed	
41	Budgam	M/s. Maqbool B/k	Chilyech chadoora	chadoora	Fixed chimney with GSC(FCBTK)	CTO(R) vide consent No.849 of 2013 dated.21-10-13 valid up to Sep. 2015	Licensed but not renewed	
42	Budgam	M/s.Dar Brick kiln	Yarikalan chadoora	chadoora	Fixed chimney with GSC(FCBTK)	CTO(F) vide consent No.368 of 2011 dated.30.5.2011 valid up to May 2012	Licensed but not renewed	Closure format submitted
43	Budgam	M/s. Gousia Associate	Gariend Budgam	Budgam	High draught Technology adopted.	PCC/digital/22062179 301 of 2022 dt.23.5.2022 valid(MaY.2024)	Licensed but not renewed	
44	Budgam	M/s. United Brick kiln	Utligam Bud.	Berwah	Fixed chimney with GSC(FCBTK)	Principal approval in 2013.	Licensed but not renewed	
45	Budgam	M/s.Parvaiz B/k	Ichgam Budgam	Budgam	Fixed chimney with GSC(FCBTK)	CTO(R) vide consent No.758 of 2012 dated.15-05-12 valid up to JUNE 2014	Licensed but not renewed	Closure format submitted
46	Budgam	M/s.Bhat Brick kiln	Hushroo Budgam	chadoora	Fixed chimney with GSC(FCBTK)	CTO(R) vide No.65 of 2012 dated.14-01-2012 valid up to August 2013.	Licensed but not renewed	
47	Budgam	M/s.Bismillah a Brick Manufacture	Ichgam Budgam	Budgam	Fixed chimney with GSC(FCBTK)	CTE(F) vide Consent No.1730 of 2008 dated 15.3.08 valid up to 2009	Licensed but not renewed	Closure format submitted
48	Budgam	M/s.Firdous Brick kiln	Mahawar Budgam	Budgam	Fixed chimney with GSC(FCBTK)	Principal approval in the year 2011.	Licensed but not renewed	
49	Budgam	M/s.Baba Brick kiln	PutliBagh Budgam	Budgam	Fixed chimney with GSC(FCBTK)	PCC/digital/22062727 752 of 2022 dated:- 20.12.2022 valid up to Dec.2023	Licensed but not renewed	

50	Budgam	M/s.Ayat Brick kiln	Chandpora Budgam	Budgam	High draught Technology adopted.	PCC/digital/22042847 249 of 2022 dated:- 19.12.2022 valid up to oct. 2023	Licensed but not renewed	
51	Budgam	M/s.B.H.R Brick kiln	Check wanihama Budgam	Berwah	Fixed chimney with GSC(FCBTK)	CTO(F) vide consent No.916 of 2013 dated 25-10-2013 valid up to 2014	Licensed but not renewed	
52	Budgam	M/s.Gousia B/K.	Chitroo Gudsathoo Budgam	Budgam	Fixed chimney with GSC(FCBTK)	Issued Principal approval on 22-4-2013	Licensed but not renewed	
53	Budgam	M/s.Amin Brick kiln	Ichgam Budgam	Budgam	Fixed chimney with GSC(FCBTK)	CTO (R) vide consent No.1511 of 2011 dated.23-3-2011 valid up to March 2013	Licensed but not renewed	Closure format submitted
54	Budgam	M/s.New Myco Brick kiln	Yariosathoo khansahiab	Khabshaib	Fixed chimney with GSC(FCBTK)	CTO (F) vide consent No.984 of 2012 dated.7- 7-2012 valid up to July 2014	Licensed but not renewed	
55	Budgam	M/s. Gulfam Brick kiln	Chandpora Budgam	Budgam	Fixed chimney with GSC(FCBTK)	CTO (R) vide consent No.1390 of 2012 dated.19.10.12 valid up to Jan.2014	Licensed but not renewed	
56	Budgam	M/s.Jameela BiBi Brick kiln	Behrampora chadoora	chadoora	Fixed chimney with GSC(FCBTK)	Principal approval issued in the year 2015	Licensed but not renewed	
57	Budgam	M/s. Royal Brick kiln	Check Dewan Beerwaha	Berwah	Fixed chimney with GSC(FCBTK)	with out consent	Licensed but not renewed	
58	Budgam	M/s.Tawakal Brick kiln	Razwan Budgam	Budgam	Fixed chimney with GSC(FCBTK)	principle Approval	Licensed but not renewed	Closure format submitted
59	Budgam	M/s. Universal Brick kiln	Putli Bagh Budgam	Budgam	Fixed chimney with GSC(FCBTK)	PCC/digital/22062292 252 of 2022 dated:- 22.12.2022 valid up to Dec.2023	Licensed but not renewed	

60	Budgam	M/s.New Arfat Brick kiln	Quangopora Hushroo Budgam	chadoora	Fixed chimney with GSC(FCBTK)	with out consent	Licensed but not renewed	Closure format submitted
61	Budgam	M/S. Dar Brick kiln	Chattergam Chadoora	chadoora	Fixed chimney with GSC(FCBTK)	Principal approval issued in the year 13-05-2014	Licensed but not renewed	
62	Budgam	M/s.Sofi Brick kiln	Chandpora Budgam	chadoora	Fixed chimney with GSC(FCBTK)	CTO(R) vide consent No.342 of 2014 dated 28-05-2014 valid up to March 2016.	Licensed but not renewed	Applied for renewal
63	Budgam	M/s. Kyyber Brick kiln	SummerBugh Lasjan Budgam	BK Pora	Fixed chimney with GSC(FCBTK)	CTO (R) vide consent No.1492 of 2011 dated 22-10-2011 vaild up to Jan.2013	Licensed but not renewed	Applied for renewal
64	Budgam	M/s. Bismillaha Brick kin	Parisabad Budgam	Budgam	High draught Technology adopted.	with out consent	Licensed but not renewed	
65	Budgam	M/s. Shaheen Brick kiln	Labertal Budgam	Budgam	Fixed chimney with GSC(FCBTK)	CTO(R) vide consent order No.384 of 2012 dated. 19-03-2012 valid up to Nov.2013	Licensed but not renewed	Applied for Consent.
66	Budgam	M/s. Shaan Brick kiln	Kanir chadoora	chadoora	Fixed chimney with GSC(FCBTK)	CTO(F) vide consent order No.809 of 2013 dated,8-10 2013 valid up to May 15	Licensed but not renewed	
67	Budgam	M/s. Jeelan Brick kiln	Chitroo Dangerpora	Budgam	Fixed chimney with GSC(FCBTK)	CTO(R) vide consent Order No.858 of 2013 dated 23-10 2013 valid up to Sep.2015.	Licensed but not renewed	Closure format submitted



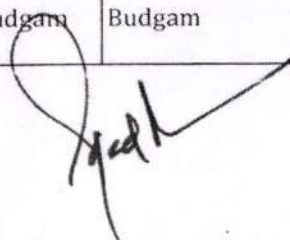




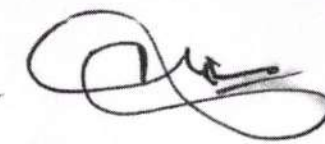
68	Budgam	M/s. Al-Rahat Brick kiln	Chitroo Dangerpora	Budgam	Fixed chimney with GSC(FCBTK)	CTO (F) vide consent Order No.267 of 2008 dated 17.7.2008 valid up to 2009	Licensed but not renewed	Closure format submitted
69	Budgam	M/s. Musa Brick kiln	Khanda sanzipora	BK Pora	Fixed chimney with GSC(FCBTK)	with out consent	Licensed but not renewed	
70	Budgam	M/s. Umer Brick kiln	Chandpora Budgam	Budgam	Fixed chimney with GSC(FCBTK)	CTO (R) vide consent order No.373 of 2012 dated. 16.3.12 valid up to Jan.14.	Licensed but not renewed	
71	Budgam	M/s.Modern Brick kiln	Bunhama Beerwaha	Berwah	High draught Technology adopted.	PCC/digital /22062286421 of 2022 dated:- 13.10.2022 valid up to july 2023.	Licensed but not renewed	
72	Budgam	M/s. Zabarwan Brick kiln	Wahabpora Budgam	Budgam	Fixed chimney with GSC(FCBTK)	PCC/digital/22062459 952 of 2022 dated:- 13.10.2022 valid up to oct.2023.	Licensed but not renewed	
73	Budgam	M/s. Zydaan Brick kiln	Dadina Budgam	Budgam	Fixed chimney with GSC(FCBTK)	CTO (F) vide consent No.1791 of 2012 dated.13.3.13 valid up to March 2014	Licensed but not renewed	
74	Budgam	M/s. Aqsa Brick kiln	Labertal Budgam	Budgam	Fixed chimney with GSC.	with out consent	Licensed but not renewed	
75	Budgam	M/s.Gulshan Brick kiln	Dansura Beerwaha	Berwah	High draught Technology adopted.	PCC/digital/22062758 887 of 2022 dated:- 10.10.2022 valid up to oct.2023	Licensed but not renewed	
76	Budgam	M/s. Bismillaha Brick kiln	Rakhshalina Lasjan	BK Pora	Fixed chimney with GSC(FCBTK)	Principal approval issued on 05-04- 2013.	Licensed but not renewed	
77	Budgam	M/s. New Gousia Brick kiln.	Mirgund Budgam	Budgam	Fixed chimney with GSC(FCBTK)	CTO (R) vide consent No.551 of 2012 dated.11.4.12 valid up to March 2014	Licensed but not renewed	

78	Budgam	M/s. Friends Brick kiln	Charangam Budgam	Berwah	Fixed chimney with GSC(FCBTK)	PCC/digital/22062358 503 of 2022 dated:- 29.11.2022 vali up to Nov.2023	Licensed but not renewed	
79	Budgam	M/s. New chinar Brick kiln	Chattergam Budgam	BK Pora	Fixed chimney with GSC(FCBTK)	CTO(R) vide consent No.805 of 2012 dated. 21.5.12 valid up to October 2013	Licensed but not renewed	
80	Budgam	M/s. Shah & Shah Brick kiln	Wahab pora Budgam	Budgam	Fixed chimney with GSC(FCBTK)	Principal approval issued on 2-06-2012	Licensed but not renewed	
81	Budgam	M/s.Rehbar Brick kiln	Shalina	BK Pora	Fixed chimney with GSC(FCBTK)	no:- 345 of 2014 dated: 28.5.2014 valid up to March 2016	Licensed but not renewed	
82	Budgam	M/s.Sky Brick kiln	Utligam Budgam	Berwah	Fixed chimney with GSC(FCBTK)	PCC/digital/22062737 531 of 2022 dt.13.6.2022 valid up March.2024	Licensed but not renewed	
83	Budgam	M/s.Mohd.Sidi q Nath B/K	Shalina Budgam	BK Pora	Fixed chimney with GSC(FCBTK)	PCC/digital/22062473 236 of 2022 dt.2.6.2022 valid up to May.2024.	Licensed but not renewed	
84	Budgam	M/s. New Royal B/K	Aalipora Chadoora	chadoora	Fixed chimney with GSC(FCBTK)	with out consent	Licensed but not renewed	Closure format submitted
85	Budgam	M/s. Sayara Brick kiln	Garind Budgam	Budgam	Fixed chimney with GSC(FCBTK)	Principle approval in the year 2014	Licensed but not renewed	
86	Budgam	M/s. Gowhar Brick kiln	Gudsathu Budgam	Budgam	Fixed chimney with GSC(FCBTK)	CTO(R) vide consent order No.48 of 2008 dated 24.10.08 valid up to Dec,2008	Licensed but not renewed	Closure format submitted
87	Budgam	s	Gudsathu Budgam	Budgam	Fixed chimney with GSC(FCBTK)	CTO (R) vide consent order No.1337 of 2011 dated 11-10-2011 valid up to 3/13	Licensed but not renewed	

88	Budgam	M/s. Qureshi Brick kiln	Kanir Chadoora	chadoora	Fixed chimney with GSC(FCBTK)	CTE (F) vide consent order No.329 of 2008 Dated. 12-09-2008 valid up to Dec,2008	Licensed but not renewed	
89	Budgam	M/s. Burhan Brick Kiln	Waterwani Budgam	Budgam	Fixed chimney with GSC(FCBTK)	CTO(R) vide consent order No.1331 of 2012 dated 16-10-12 valid up to November 2013	Licensed but not renewed	
90	Budgam	M/s. Luxury Brick kiln	Najan Beerwah Budgam	Berwah	Fixed chimney with GSC(FCBTK)	with out consent	Licensed but not renewed	
91	Budgam	M/s. Javid Brick kiln	Charangam Budgam	Berwah	Fixed chimney with GSC(FCBTK)	PCC/digital/22062278 708 of 2022 dated:- 23.8.2022 valid up to April 2023	Licensed but not renewed	
92	Budgam	M/s. Chinar Brick kiln	Chattergam Budgam	chadoora	Fixed chimney with GSC(FCBTK)	CTO (R) vide consent order No.1707 of 2013 dated.21-02-2013 valid up to April 2014	Licensed but not renewed	Legal Notice issued
93	Budgam	M/s.Shah-I- Hamadan Brick kiln	Nandvan pora Budgam	Budgam	Fixed chimney with GSC(FCBTK)	CTO(R) vide consent order No. 1500 of 2011 dated. 23-3-2011 valid up to March 2012	Licensed but not renewed	
94	Budgam	M/s. Sofi Brick kiln	SummerBugh Lasjan	BK Pora	Fixed chimney with GSC(FCBTK)	CTO (F) vide consent order No.651 of 2012 dated,24-4-12 valid up to April 2014.	Licensed but not renewed	
95	Budgam	M/s. Haroon Brick kiln	Bugam Batpora Budgam	chadoora	Fixed chimney with GSC(FCBTK)	CTO (R) vide consent order No.1478 of 2011 dated 21-10-2011 valid up to November ,2013/-	Licensed but not renewed	

96	Budgam	M/s.Rehmat Brick kiln	Labartal Budgam	Budgam	Fixed chimney with GSC(FCBTK)	CTO (F) vide consent order No.1381 of 2012 dated.19-10 -12 valid up to Oct,2014	Licensed but not renewed	
97	Budgam	M/s.New Gul Brick kiln	Gariend Budgam	Budgam	Fixed chimney with GSC(FCBTK)	PCC/digital/22042322 912 of 2022 dated:- 3.10.2022 valid up to Oct.2023	Licensed but not renewed	
98	Budgam	M/s.Haroon Brick kiln	Labertal	Budgam	Fixed chimney with GSC(FCBTK)	CTO(F) vide consent order No.1321 of 2011,dated.1/2/11 valid up to Feb.12	Licensed but not renewed	Applied for Consent.
99	Budgam	M/s.TA TA Brick kiln	Labertal	Budgam	Fixed chimney with GSC(FCBTK)	CTO(R) vide consent No.764 of 2011 dated.10-8-11 valid up to March 2013	Licensed but not renewed	
100	Budgam	M/s. High Land Brick kiln	Gopal saif Budgam		Fixed chimney with GSC(FCBTK)	with out consent	Licensed but not renewed	
101	Budgam	M/s.New Alamdar Brick kiln	Gudsathoo Budgam	Budgam	Fixed chimney with GSC(FCBTK)	CTO (F) vide No.648 of 2011 dated 18.7.11 valid up to July 2012	Licensed but not renewed	
102	Budgam	M/s. Mir Brick kiln	Dadina Budgam	Budgam	Fixed chimney with GSC(FCBTK)	with out consent	W/O License	
103	Budgam	M/s.Nisar Ahmad sheikh Brick kiln	Bugam Batpora Budgam	chadoora	Fixed chimney with GSC(FCBTK)	CTO (R) vide consent order No.210 of 2013 dated 25-4-13 valid up to April 2014	Licensed but not renewed	
104	Budgam	M/s.Ghulam Rasool Mir Brick kiln	Punch Gund Budgam	Berwah	Fixed chimney with GSC(FCBTK)	Principal approval issued in the year 2017	Licensed but not renewed	
105	Budgam	M/s. Mohd yousf wani Brick kiln	Ichgam Budgam	Budgam	Fixed chimney with GSC(FCBTK)	Principal approval issued in the year 2014	Licensed but not renewed	Closure format submitted

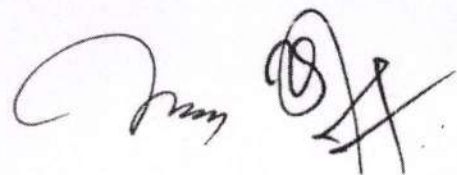
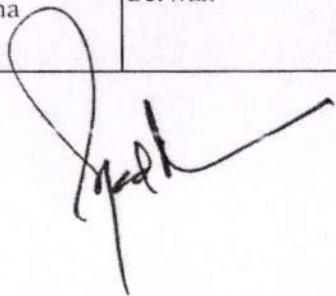



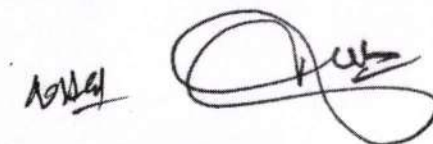
106	Budgam	M/s. Shalimar Brick kiln	Paymus sangam Budgam	Berwah	Fixed chimney with GSC(FCBTK)	CTO(R) vide consent No.411 of 2011 dated.4-6-11 valid up to March 2012	Licensed but not renewed	
107	Budgam	M/s.Alamdar Brick kiln	Bahrampora		Fixed chimney with GSC(FCBTK)	with out consent	Licensed but not renewed	
108	Budgam	M/s. Sheikh Brick kiln	Sonpah Beerwaha	Berwah	High draught Technology adopted.	PCC/digital/22062758 590 of 2022 dated:- 28.9.2022. valid up to Sep.2023.	Licensed but not renewed	
109	Budgam	M/s.Sofi Brothers Brick kiln	Labertal Budgam	Budgam	Fixed chimney with GSC(FCBTK)	PCC/digital/22062229 1789 of 2022 dated:- 26.9.2022 valid up to March 2023	Licensed but not renewed	
110	Budgam	M/s. Khyber Brick kiln	Yarikalan Chadoora	chadoora	Fixed chimney with GSC(FCBTK)	with out consent	Licensed but not renewed	
111	Budgam	M/s.Magid Traders Brick kiln	Panzan chadoora	chadoora	Fixed chimney with GSC(FCBTK)	CTO (R) vide consent No.579 of 2013 dated.17-7-13 valid up to March 2015	Licensed but not renewed	
112	Budgam	M/s.Jehlum Structures	Ompora Budgam		Fixed chimney with GSC(FCBTK)	CTO (R) vide consent No.681 of 2011 dated 21-07-2011 valid up to Sep.2013	Licensed but not renewed	
113	Budgam	M/s.New Bhat Brick kiln	Kathir Gund Chadoora	-	Fixed chimney with GSC(FCBTK)	CTO (R) vide consent No.1595 of 2014 dated.26-3-14 valid up to March 2015	Licensed but not renewed	Closure format submitted
114	Budgam	M/s. Shahnawaz Brick kiln	Labertal Budgam	Budgam	Fixed chimney with GSC(FCBTK)	CTO (F) vide Consent No. 140 of 2014 Dated.21-04-2014 valid up to MARCH 2015.	Licensed but not renewed	Applied for Consent.
115	Budgam	M/s.Mumtaz Brick kiln	Hushroo Chadoora	chadoora	Fixed chimney with GSC(FCBTK)	CTO (R) vide consent No.850 of 2013 dated,21-10-13 valid up to JUNE 2015	Licensed but not renewed	

116	Budgam	M/s.New Bhat Brick kiln	Kakanmaran Budgam	Budgam	Fixed chimney with GSC(FCBTK)	PCC/digital/22062300366 of 2022 dated:- 20.12.2022 valid up to Dec.2023	Licensed but not renewed	
117	Budgam	M/s.Alamdar Brick kiln	Panzan chadoora	chadoora	Fixed chimney with GSC(FCBTK)	CTO (R) vide consent order No.417 of 2012 dated 22-03-2012 valid up to November 2013	Licensed but not renewed	
118	Budgam	M/s. Gul Brick kiln	Rakhshalina Lasjan	BK Pora	Fixed chimney with GSC(FCBTK)	CTO (R) vide consent No.806 of 2012 dated.22-5-2012 valid up to Jan.2014	Licensed but not renewed	
119	Budgam	M/s. Nida Brick kiln	Ichgam Budgam	Budgam	High draught Technology adopted.	CTO (R) vide consent No.389 of 2011 dated 20-06-2011 valid up to Feb.2012	Licensed but not renewed	Closure format submitted
120	Budgam	M/s. New Dar Brick kiln	Razwan Budgam	Budgam	Fixed chimney with GSC(FCBTK)	CTO (R) vide consent No.531 of 2012 dated 9-04-12 valid up to June 2012	Licensed but not renewed	Closure format submitted
121	Budgam	M/s.Mandoo Brick kiln	Chandpora Budgam	Budgam	Fixed chimney with GSC(FCBTK)	PCC/digital/22062966118 of 2022 dated:- 3.10.2022 valid up to March 2023	Licensed but not renewed	
122	Budgam	M/s.Madina Brick kiln	NowBugh Chadoora	chadoora	Fixed chimney with GSC(FCBTK)	Principal issued in the year 2017	Licensed but not renewed	Closure format submitted
123	Budgam	M/s. Myco Brick kiln	Mulnaroo khansahiab	Khabshaib	Fixed chimney with GSC(FCBTK)	CTO (F) vide consent No.306 of 2013 dated 13.5.14 valid up to APRIL.2015	Licensed but not renewed	
124	Budgam	M/s.Zaffran Brick kiln	Labertal Budgam	Budgam	Fixed chimney with GSC(FCBTK)	with out consent	W/O LICENSE	
125	Budgam	M/s.Shazad Brick kiln	Ichgam Budgam,Gudsatho	Budgam	High draught Technology adopted.	CTO (R) vide consent No.62 of 2011 dated.13.4.2011 valid up to MARCH.2012	Licensed but not renewed	Closure format submitted

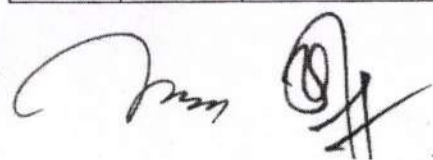
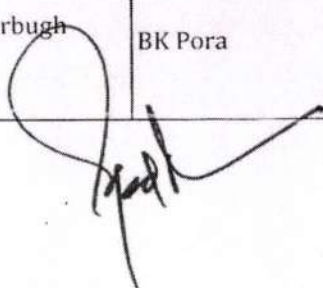
126	Budgam	M/s. Sheikh-UI-Allam	kathir gund	chadoora	Fixed chimney with GSC(FCBTK)	CTO (R) vide consent No.1372 of 2011 dated 13-10-2011 valid up to Oct.2013	Licensed but not renewed	Closure format submitted
127	Budgam	M/s. Suraj Brick kiln	Latipora Chandpora		High draught Technology adopted.	CTO (R) vide consent No.866 of 2013 dated 23-10-2013 valid up to MAY 2015	Licensed but not renewed	Applied for renewal
128	Budgam	M/s. Roshan B/K	NowBugh Chadoora	chadoora	Fixed chimney with GSC(FCBTK)	PCC/digital/22042053 536 of 2022 dated:- 8.2.2022 valid up to Feb.2023	Licensed but not renewed	
129	Budgam	M/s. New Ruby Brick kiln	Chattergam Budgam	chadoora	Fixed chimney with GSC(FCBTK)	CTO (R) vide consent No.1356 of 2012 dated.17-10-12 valid up to Oct.2014	Licensed but not renewed	
130	Budgam	M/s.Ab.Gani Nath B/K.	Shalina Budgam	BK Pora	Fixed chimney with GSC(FCBTK)	PCC/digital/22062464 097 of 2022 dated:- 10.10.2022 valid up to Oct.2023	Licensed but not renewed	
131	Budgam	M/s. Al- Habib Brick kiln	Chand pora	Budgam	High draught Technology adopted.	PCC/digital/22062787 672 of 2022 dt.29.11.2022 valid oct.2023	Licensed but not renewed	
132	Budgam	M/s. Lucky Brick kiln	Chandpora Budgam	Budgam	High draught Technology adopted.	PCC/digital/22062783 072 of 2022 dated:- 19.12.2022 valid up to Nov.2023	Licensed but not renewed	
133	Budgam	M/s. S.G.F Brick kiln	Baghi shakoore shah Budgam		Fixed chimney with GSC(FCBTK)	CTO (R) vide consent order No.753 of 2011 dated.8-8-2011 valid up to APRIL 2012	Licensed but not renewed	
134	Budgam	M/s.Gulzar Brick kiln	Charangam Budgam	Breenwah	Fixed chimney with GSC(FCBTK)	PCC/digital/22062370 160 of 2022 dated:- 3.10.2022 valid up to Oct.2023	Licensed but not renewed	

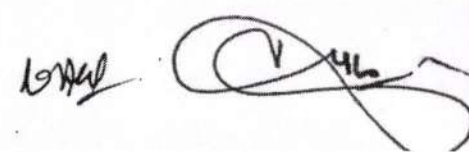
135	Budgam	M/s. Aijaz Brick kiln	Ichgam Budgam	Budgam	Fixed chimney with GSC(FCBTK)	CTO (R) vide consent order No.157 of 2013 dated.20-4-2013 valid up to MARCH 2015.	Licensed but not renewed	
136	Budgam	M/s. Kuwait Brick kiln	Summerbugh	BK Pora	Fixed chimney with GSC(FCBTK)	CTO(R) vide consent No.548 of 2009.	Licensed but not renewed	Closure format submitted
137	Budgam	M/s. Master Brick kiln	Panzan Chadoora	chadoora	High draught Technology adopted.	CTO (R) vide consent order No.418 of 2011 dated.6-6-2011 valid up March 2013.	Licensed but not renewed	Closure format submitted
138	Budgam	M/s.Golden Brick kiln	Bandgam Magam	Magam	Fixed chimney with GSC(FCBTK)	Principal approval on 2013.	Licensed but not renewed	
139	Budgam	M/s. Yaseen Brick kiln	Mirgund Budgam	Budgam	Fixed chimney with GSC(FCBTK)	CTO (F) vide consent order No. 1336 of 2012 dated.16-10-12 valid up up to Oct.2014	Licensed but not renewed	
140	Budgam	M/s. F.B.M Brick kiln	Ichgam Budgam	Budgam	Fixed chimney with GSC(FCBTK)	with out consent	Licensed but not renewed	Closure format submitted
141	Budgam	M/s.National Brick kiln	Chand pora Budgam	Budgam	High draught Technology adopted.	SPCB/digital/2206228 7578 of 2022 dt.18.5.2022 valid March.2023	Licensed but not renewed	
142	Budgam	M/s. Al-Barket Brick kiln	Ranipora Budgam		Fixed chimney with GSC(FCBTK)	CTO (R) vide consent order No.860 of 2010 dated.21-10-2010 valid up to Oct.2011.	Licensed but not renewed	
143	Budgam	M/s. Hill Top Brick kiln	Bonhama Beerwaha	Berwah	Fixed chimney with GSC(FCBTK)	CTO (F) vide consent No. 822 of 2012 dated. 23-05-2012 valid up to May 2013.	Licensed but not renewed	Applied for Consent.

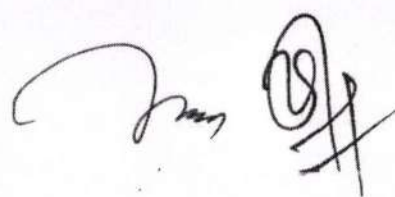
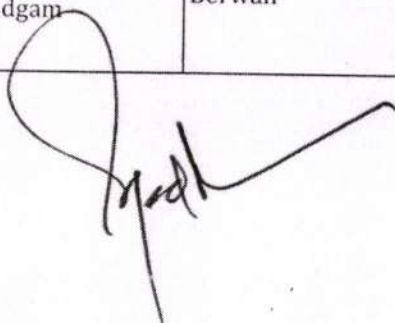


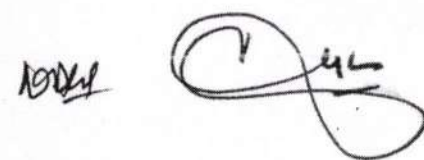
144	Budgam	M/s. Pushoo Brick kiln	Shoolipora Budgam	Budgam	Fixed chimney with GSC(FCBTK)	CTO (F) vide consent No. 540 of 2012 dated.9-04-2012 valid up to April 2013	Licensed but not renewed	
145	Budgam	M/s. Royal Brick kiln	Dooniwarie Chadoora	chadoora	Fixed chimney with GSC(FCBTK)	CTO (R) vide consent No. 1150 of 2012 dated 27-8-2012 valid up to September 2014	Licensed but not renewed	Brick kiln dismantalled
146	Budgam	M/s. Mughal Brick kiln	Nassruah pora Waterwani Budgam	Budgam	Fixed chimney with GSC(FCBTK)	with out consent	W/O LICENSE	
147	Budgam	M/s. Kashmir Brick Kiln	PutliBagh Budgam	Budgam	High draught Technology adopted.	PCC/digital/22062643 539 of 2022 dated:- 22.11.2022 valid up to Nov.2023	Licensed but not renewed	
148	Budgam	M/s. Star BDB Brick kiln	Chandpora Budgam	Budgam	High draught Technology adopted.	PCC/digital/22043073 657 of 2022 dated:- 19.12.2022 valid up to Dec.2023	Licensed but not renewed	
149	Budgam	M/s. Chinar Brick kiln	Chattergam Budgam	BK Pora	Fixed chimney with GSC(FCBTK)	CTO (F) vide No. 1413 of 2014 dated 28-02- 14 valid up to MARCH 2015	Licensed but not renewed	Legal Notice issued
150	Budgam	M/s. Chinar Brick kiln	Summerbugh chadoora Budgam	BK Pora	Fixed chimney with GSC(FCBTK)	PCC/digital/22063105 697 of 2022 dated:- 16.12.2022 valid up to Dec.2023	Licensed but not renewed	
151	Budgam	M/s. Magary Brick kiln	Sonpah Beerwah Budgam	Berwah	High draught Technology adopted.	with out consent	Licensed but not renewed	application rejected
152	Budgam	M/s. Haji Ghulam Mohd.Malik Brick kiln	Summerbugh Lasjan	BK Pora	Fixed chimney with GSC(FCBTK)	CTO (R) vide consent No. 1352 of 2014 dated. 18-2-2014 valid up to MARCH 2015	Licensed but not renewed	Clsoure format submitted



153	Budgam	M/s. High Land Brick kiln	Chelcheh Dadarmari Bagh Budgam	Khabshaib	Fixed chimney with GSC(FCBTK)	W/O Consent,Budgam	Licensed but not renewed	
154	Budgam	M/s.Tariq Brick kiln	Parneiv Budgam	Khabshaib	Fixed chimney with GSC(FCBTK)	CTO (R) vide consent order No. 112 of 2014 dated.17-04-2014 valid up to October 2015.	Licensed but not renewed	
155	Budgam	M/s, Aga Syed Mohd.Hussain Brick kiln	Heewader Budgam	chadoora	Fixed chimney with GSC(FCBTK)	CTO (F) vide consent No. 81 of 2006 dated. 15-02-2006 valid up to March 2006.	Licensed but not renewed	
156	Budgam	M/s. Ab.Hamid Nath Brick kiln	Parnoo Budgam	Khabshaib	Fixed chimney with GSC(FCBTK)	CTO (R) vide consent No. 113 of 2014 dated. 17-04-2014 valid up to JULY.2015	Licensed but not renewed	
157	Budgam	M/s. Sheikh-ul-Allam Brick kiln	Nandvan pora Budgam	Budgam	Fixed chimney with GSC(FCBTK)	CTO (R) vide consent No. 767 of 2012 dated. 16-05-2012 valid up to MAY. 2014	Licensed but not renewed	
158	Budgam	M/s. Ghulam Ahmad Ganie Brick kiln	Chattergam Budgam	chadoora	Fixed chimney with GSC(FCBTK)	CTO (R) vide consent No. 1343 of 2014 dated. 15-2-2014 valid up to MARCH.2014	Licensed but not renewed	
159	Budgam	M/s. Bismillaha Brick Choice	Poonch Gund Budgam	Berwah	Fixed chimney with GSC(FCBTK)	CTO (R) vide consent No. 429 of 2012 dated. 24-03-2012 valid up to MARCH 2014.	Licensed but not renewed	





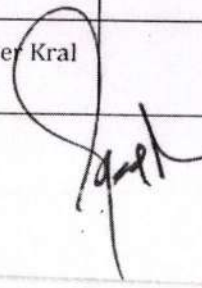



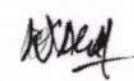
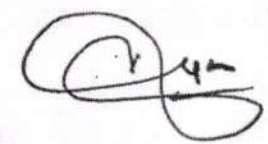
160	Budgam	M/s. Ghulam Ahmad Parray Brick kiln	Pnazan Budgam	chadoora	Fixed chimney with GSC(FCBTK)	CTO (R) vide consent No. 1339 of 2011 dated. 11-10-2011 valid MARCH 2013	Licensed but not renewed	Closure format submitted
161	Budgam	M/s. Shah & Shah Brick kiln.	Kathirgund Budgam	chadoora	Fixed chimney with GSC(FCBTK)	CTO F) vide consent No. 934 of 2013 dated. 26-10-2013 .valid up October 2015.	Licensed but not renewed	
162	Budgam	M/s. New Shaheen Brick kiln	Batapora chandpora	chadoora	Fixed chimney with GSC(FCBTK)	PCC/digital/22042290 287 of 2022 dated:- 23.8.2022 valid up to july 2023.	Licensed but not renewed	
163	Budgam	M/s. S.B.C Brick kiln	Utligam Beerwah	Beerwah	Fixed chimney with GSC(FCBTK)	PCC/digital/22042311 918 of 2022 dated:- 29.11.2022 valid up to Nov.2023	Licensed but not renewed	
164	Budgam	M/s. Tripple S Brick Kiln	Utligam Beerwaha	-do-	High draught Technology adopted.	PCC/digital/22062328 288 of 2022 dated:- 8.9.2022 valid up to nov.2023.	Licensed but not renewed	
165	Budgam	M/s. Al-Hilal Brick kiln	Yari kalan Kathir Chadoora	chadoora	Fixed chimney with GSC(FCBTK)	CTO (R) vide consent order No. 285 of 2010 dated. 25-05-2010 valid up to APRIL 2011.	Licensed but not renewed	Closure format submitted
166	Budgam	M/s. S.B.Brick kiln	Utligam Beerwaha Budgam	Beerwaha	High draught Technology adopted.	Spch/digital/2206231 1632 of 2022 dt.23.8.2022 valid up to Oct.2023.	Licensed but not renewed	
167	Budgam	M/s. Friends Brick kiln	Wagam chadoora	chadoora	Fixed chimney with GSC(FCBTK)	CTO (R) vide consent No. 1249 of 2012 dated. 24-9-2012 valid up to Sep.2014.	Licensed but not renewed	

168	Budgam	M/s. Nishat 7 star Brick kiln	Beerwaha Budgam	Beerwaha	Fixed chimney with GSC(FCBTK)	CTO (R) vide consent No. 1850 of 2013 dated. 26-03-2013 valid up to JUNE.2014.	Licensed but not renewed	
169	Budgam	M/s. Tariq Brick	Chattergam chadoora	chadoora	Fixed chimney with GSC(FCBTK)	CTO (R) vide consent order No. 1342 of 2014 dated. 15-02-2014 valid up to MARCH 2015.	Licensed but not renewed	
170	Budgam	M/s. New Amin Brick Kiln. Gopal saif pati Bagh	Dev Bagh Panzan chadoora	- do -	Fixed chimney with GSC(FCBTK)	W/O Consent	Licensed but not renewed	
171	Budgam	M/s. Nazir Brick kiln	Choon Budgam	Budgam	Fixed chimney with GSC(FCBTK)	W/O Consent	Licensed but not renewed	Closure format submitted
172	Budgam	M/s. Iqra Brick kiln	Aaripanthan	Beerwah	Fixed chimney with GSC(FCBTK)	PCC/digital/22062331 088 of 2022 dated:- 14.3.2022 valid up to March 2023.	Licensed but not renewed	
173	Budgam	M/s. Bismillah a B/k,	Poonch gund Budgam	Beerwah	Fixed chimney with GSC(FCBTK)	Consent no.850 of 2012 dt.4.6.2012 valid up to March.2014	Licensed but not renewed	
174	Budgam	M/s. Bashir B/K,	Quangipora Budgam		Fixed chimney with GSC(FCBTK)	Principle approval issued in 2014.	Licensed but not renewed	
175	Budgam	M/s. Samco B/K	Gudsathoo Budgam		Fixed chimney with GSC(FCBTK)	with out consent	W/O License	Closure Order No.52 of 2018 dt.10-09-2018
176	Budgam	M/s. Mohd. Am in B/K	Heewader Budgam	Budgam	Fixed chimney with GSC(FCBTK)	with out consent	Licensed but not renewed	Closure Order No.52 of 2018 dt.10-09-2018
177	Budgam	M/s. Dar Brick kiln	NowBugh Chadoora	Chadoora	Fixed chimney with GSC(FCBTK)	with out consent	Licensed but not renewed	Closure Order No.52 of 2018 dt.10-09-2018

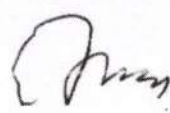



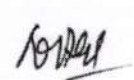
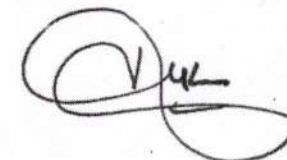
179	Budgam	M/s.Zee Shan B/k	NowBugh Chadoora	Chadoora	Fixed chimney with GSC(FCBTK)	Closure order Revoke	W/O License	Applied for Consent.
180	Budgam	M/s.Brick No.711 Brick kiln	NowBugh Chadoora	Chadoora	Fixed chimney with GSC(FCBTK)	with out consent	W/O License	Closure Order No.52 of 2018 dt.10-09-2018
181	Budgam	M/s.Brick No.131 Brick kiln	NowBugh Chadoora	Chadoora	Fixed chimney with GSC(FCBTK)	with out consent	W/O License	Closure Order No.52 of 2018 dt.10-09-2018
182	Budgam	M/s.Brick No.D65 Brick kiln	NowBugh Chadoora	Chadoora	Fixed chimney with GSC(FCBTK)	with out consent	W/O License	Closure Order No.52 of 2018 dt.10-09-2018
183	Budgam	M/s.Max Brick kiln	NowBugh Chadoora	Chadoora	Fixed chimney with GSC(FCBTK)	with out consent	W/O License	Closure Order No.52 of 2018 dt.10-09-2018
184	Budgam	M/s.Nagraad B/K.777	NowBugh Chadoora	Chadoora	Fixed chimney with GSC(FCBTK)	with out consent	W/O License	Closure Order No.52 of 2018 dt.10-09-2018
185	Budgam	M/s.Parvaiz Ahmad Ganie Brick kiln	NowBugh Chadoora	Chadoora	Fixed chimney with GSC(FCBTK)	with out consent	W/O License	Closure Order No.52 of 2018 dt.10-09-2018
186	Budgam	M/s. Brick No.D11 Brick kiln	NowBugh Chadoora	Chadoora	Fixed chimney with GSC(FCBTK)	with out consent	W/O License	Closure Order No.52 of 2018 dt.10-09-2018
187	Budgam	M/s.Koka Brick kiln k11	Kultreh Chadoora	Chadoora	Fixed chimney with GSC(FCBTK)	with out consent	W/O License	Closure Order No.52 of 2018 dt.10-09-2018
188	Budgam	M/s. Modern Brick kiln 17 T	Kultreh Chadoora	Chadoora	Fixed chimney with GSC(FCBTK)	Closure order Revoke	W/O License	Applied for Consent.
189	Budgam	M/s. Brick No.37 D Brick kiln	Kultreh Chadoora	Chadoora	Fixed chimney with GSC(FCBTK)	with out consent	W/O License	Closure Order No.52 of 2018 dt.10-09-2018
190	Budgam	M/s. Bhat B/K,171	NowBugh Chadoora	Chadoora	Fixed chimney with GSC(FCBTK)	with out consent	W/O License	Closure Order No.52 of 2018 dt.10-09-2018
191	Budgam	M/s.Brick No.191 B/K,	Baghi Hyder Kral check		Fixed chimney with GSC(FCBTK)	with out consent	W/O License	Closure Order No.52 of 2018 dt.10-09-2018

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192	Budgam	M/s.Brick No.71 D Brick kiln	Baghi Hyder Kral check		Fixed chimney with GSC(FCBTK)	with out consent	W/O License	Closure Order No.52 of 2018 dt.10-09-2018
193	Budgam	M/S.Mehdi B/K	Chattergam B.K Pora	BK Pora	Fixed chimney with GSC(FCBTK)	with out consent	W/O License	Closure Order No.52 of 2018 dt.10-09-2018
194	Budgam	M/s.Nath B/K	Chattergam B.K Pora	BK Pora	Fixed chimney with GSC(FCBTK)	with out consent	Licensed but not renewed	Closure Order No.52 of 2018 dt.10-09-2018
195	Budgam	M/s.Habib.B/K.	Summerbugh Budgam	BK Pora	Fixed chimney with GSC(FCBTK)	with out consent	Licensed but not renewed	Closure Order No.52 of 2018 dt.10-09-2018
196	Budgam	M/s.Sharjah Brick kiln	Rakhshalina	BK Pora	Fixed chimney with GSC(FCBTK)	with out consent	Licensed but not renewed	Closure Order No.52 of 2018 dt.10-09-2018
197	Budgam	M/s.Shah-I-Hamadan Brick kiln	Baghji Shakoor Shah		Fixed chimney with GSC(FCBTK)	with out consent	W/O License	Closure Order No.52 of 2018 dt.10-09-2018
198	Budgam	M/s.Zahoor B/k	Shalina	BK Pora	Fixed chimney with GSC(FCBTK)	with out consent	W/O License	Closure Order No.52 of 2018 dt.10-09-2018
199	Budgam	M/s.Aftab B/K	Summerbugh	BK Pora	Fixed chimney with GSC(FCBTK)	with out consent	Licensed but not renewed	Applied for Consent.
200	Budgam	M/s. Farooq Ah.Sheikh B/K	Sonpah Beerwaha	Beerwaha	Fixed chimney with GSC(FCBTK) <i>High d Loughat Tech.</i>	PCC/digital/22042759 324 of 2022 dated:- 15.12.2022 valid up to Dec.2023	Licensed but not renewed	
201	Budgam	M/s. Bismillah B/K	Rakhshalina	BK Pora	Fixed chimney with GSC(FCBTK)	with out consent	Licensed but not renewed	Closure format submitted
202	Budgam	M/s.Rehbar Brick kiln	Rakhshalina Lasjan	BK Pora	Fixed chimney with GSC(FCBTK)	with out consent	Licensed but not renewed	Applied for Consent.
203	Budgam	M/s.Mehak B/K	Shalina chadoora	BK Pora	Fixed chimney with GSC(FCBTK)	with out consent	Licensed but not renewed	Closure format submitted
204	Budgam	M/s. Farooq Ah.Dar B/K	Summerbugh	BK Pora	Fixed chimney with GSC(FCBTK)	with out consent	Licensed but not renewed	Closure format submitted

205	Budgam	M/s.A.M.Brick kiln.	Shoolipora Budgam	Budgam	High draught Technology adopted.	PCC/digital/22012514 473 of 2022 dated:- 25.5.2022 valid up to may 2023	w/o License	Site changed report submitted for withdrawal of Consent.
206	Budgam	Mushtaq Brick Kiln	Mamgund Beerwah	Berwah	High draught Technology adopted.	With out consent	W/o License	Closure format submitted
207	Budgam	Alamdard Brick Kiln	Saratpora Beerwah	Berwah	High draught Technology adopted.	With out consent	Licensed but not renewed	Closure format submitted
208	Budgam	Shalimar B.K	Bandgam Magam	Magam	Fixed chimney with GSC(FCBTK)	With out consent	Licensed but not renewed	Closure format submitted
209	Budgam	United Brick Kiln	Utiligam Beerwah	Berwah	Fixed chimney with GSC(FCBTK)	with out consent	W/o License	
210	Budgam	Hydrop Brick Kiln	Mulshulla Beerwah	Berwah	Fixed chimney with GSC(FCBTK)	with out consent	W/o License	
211	Budgam	Adil Brick Kiln	Mulshulla Beerwah	Berwah	Fixed chimney with GSC(FCBTK)	with out consent	W/o License	
212	Budgam	Max Brick Kiln	Bopat Berwah	Berwah	Fixed chimney with GSC(FCBTK)	with out consent	W/o License	
213	Budgam	Bismillah Brick Kiln	Hardu Batpora Budgam	Budgam	Fixed chimney with GSC(FCBTK)	with out consent	W/o License	

J&K STATE POLLUTION CONTROL BOARD

Raibagh Srinagar.

REVISED SITING CRITERIA FOR NEW BRICK KILNS:

Brick kiln can be allowed to operate within the limits / distances shown against each mentioned areas.

National High Way in Plain Areas	750 ft
Sub Mountainous area	500 ft
State Highway and District Roads:	500 ft
Plain area	300 ft
Sub Mountainous area	2. Km
Municipal Limits of Srinagar & Jammu cities	1. Km
Major District Head Quarter	1/2 Km
Nearest Residential area/ Abadi	1. Km
Nearest Tourist Resort/ Complex	500 ft
Forest Land	1. Km
Controlled area	1/2 Km
Approved Water Supply of 20 Kilo Liters.	3/4 Km
Hospital/Nursing Home/ Health centre	1. Km
Notified Bird or other Sanctuary/ National Park	1/2 Km
Orchards / Abi-Awal / Saffron fields	1 Km
Educational or similar Institution	

Important:-

- (I) Installation of Pollution Control Devices / adoption of other Pollution Control measures and meeting of standards prescribed under Environment Protection Act/ Rules especially Notification (GSR No-176 (E) dt 2/04/96) as amended from time to time shall be mandatory.
- (II) The siting criteria shall remain in vogue for a period of 5 years from its publication and thereafter stringent criteria shall be adopted.
- (III) 20 or more houses within the radius of 1/2 Km shall constitute residential area for the purposes of this siting criteria. The distance shall always be considered from the main process point i.e Stack/ Chimney.
- (IV) Land use of more than 10 Kanals shall only be considered as Orchard/ Saffron field/ Aabi Awal.

In addition to the Criteria / guidelines for Brick Kilns prescribed above, the following criteria will be adopted where Brick Kilns are operational in clusters:-

- a) A green belt consisting of 3 rows of trees (out of which 1 row of broad leaved trees and 2 rows of medium leaved trees) will be provided all around the cluster.
- b) Only 1 approach from National highway / Scheduled road will be provided to the cluster.

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J&K STATE POLLUTION CONTROL BOARD

Parivesh Bhawan, Gladni, Transport Nagar, Narwal, Jammu- 180006

Tele/FAX : 0191-2476925

Sub:- Guidelines for regulation of Brick Kilns

Pending issuance of Acts/Rules to regulate the operation of Brick Kilns in the State by the Govt. of J&K conveyed to the Board vide Industries Deptt. No. IND/DIC-117/2009 dated 15.06.2009 and keeping in view the onset of this important seasonal activity and need to regulate the establishment/operation of the Brick Kilns in conformity to the laws governing environmental protection and public health during this intervening period, following guidelines in supersession to all the earlier orders in this regard are hereby issued for strict compliance and adherence by all concerned with immediate effects.

The J&K SPCB shall grant Consent to establish/operate in accordance with Section 25/26 and 21 of the Water (Prevention and Control of Pollution) Act 1974, and Air (Prevention and Control of Pollution) Act 1981, respectively to a Brick Kiln on fulfilment of sub-joined conditions.

A. For Brick kilns operating prior to 01.01.2010 with requisite Pollution Control Device (Fixed chimney with 30 m or more height and gravitational settling chamber/s)

Brick Kilns falling under this category shall be regulated as under:-

1. Confirmation of adequate stack height and robustness of chimney, gravitational settling chambers, port hole and platform with ladder to facilitate stack monitoring test to meet the emission standards for $SPM < 750 \text{ mg/m}^3$. The required stack height shall be as under:-

S.No	Production capacity of Brick Kiln	Required stack (chimney) height
1	Upto 30000 Bricks/day	30 m
2	>30000 Bricks/day	33 m

2. The siting criteria for the location of the brick kiln shall be as given below:-

S.No	Siting Parameters	Brick Kilns with fixed stack as on date
01	Distance from National/State highway/District road	45 m
02	Municipal limits of Jammu, Srinagar and other local Cities.	200 m
03	Nearest Residential area/Abadi/Health Care Establishments/Educational Institution and Controlled area	150 m
04	Forest land	150 m
05	Approved water scheme of 20 KLD or a spring/lake and other water bodies whose water is used for drinking purposes	500 m
06	National Park/Protected Areas/ Tourist Spot (Complex/Resorts)	1 km
07	Orchards/ Abi-awal/ Saffron fields	50 m

Note :-

- i) Residential Area/abadi :- 20 or more authorised revenue recorded houses within radius of 150m shall constitute residential area.
- ii) Controlled area :- An area under permanent occupation of Defence/Belt Forces.
- iii) Health Care Establishment :- Means primary health centre or above of Health and Medical Education Deptt. or recognised private HCE with minimum of 10 beds.
- iv) Approved water supply :- The approved water supply of more than 20 KLD where system for treatment of water for drinking purposes is involved in open OR a spring/lake used for drinking purposes. Tubewells/Overhead tanks/covered reservoirs/rivers are not covered under this.
- v) Educational Institution :- Govt. primary school or above or Govt. recognised private school.
- vi) Orchards/Abi-awal/Saffron fields :- Land use of more than 10 kanals shall only be considered as Orchards/Saffron fields/Abi-awal. Un-irrigated land should not be covered under this.
- vii) All the parameters should be measured from center of the stack and distance measured should reflect arial distance.

3. The Brick Kiln owner shall develop green belt consisting of 3 rows of evergreen broadleaved trees around the periphery of the Brick Kiln.
4. The application for Consent is supported by a valid license to operate brick Kiln from the Competent Authority under law. In the absence of valid license for the consent period applied; a copy of valid brick kiln license for previous period and receipt of fresh fee deposited with the competent authority.
5. The applicant shall submit a valid Self Monitoring Report (SMR) from recognized laboratory showing all the parameters for stack and ambient air quality within one month of start of operation of the brick kiln.

B. For fresh brick Kiln cases

Fresh Brick Kilns shall be regulated subject to the fulfilment of following requirements:-

1. Confirmation of adequate stack height and robustness of chimney, gravitational settling chamber/s, port hole and platform with ladder to facilitate stack monitoring test to meet the emission standards for $SPM < 750 \text{ mg/m}^3$. The required stack height shall be as under:-

S.No	Production capacity of Brick Kiln	Required stack (chimney) height
1	Upto 30000 Bricks/day	30 m
2	>30000 Bricks/day	33 m

2. The siting criteria for the location of the brick kiln shall be as given below:-

S.No	Siting Parameters	Brick Kilns with fixed stack as on date
01	Distance from National/State highway/District road	100 m
02	Municipal limits of Jammu, Srinagar and other local Cities.	1 km
03	Nearest Residential area/Abadi/Health	500 m

03/10 10:20

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P. 01

	Care Establishments/Educational Institution and Controlled area	
04	Forest land	150 m
05	Approved water scheme of 20 KLD or a spring/lake and other water bodies whose water is used for drinking purposes	1 km
06	National Park/Protected Areas/ Tourist Spot(Complex/Resorts)	1 km
07	Orchards/ Abi-awal/ Saffron fields	500 m

3. The Brick Kiln owner shall develop green belt consisting of 3 rows of evergreen broadleaved trees around the periphery of the Brick Kiln.
4. The application for Consent is supported by a valid license to operate brick Kiln from the Competent Authority under law. In the absence of valid license for the consent period applied, a copy of valid brick kiln license for previous period and receipt of fresh fee deposited with the competent authority.
5. The applicant shall submit a valid Self Monitoring Report (SMR) from recognized laboratory showing all the parameters for stack and ambient air quality within one month of start of operation of the brick kiln.

C. Documents required to be attached with the application for Consent to Establish/Operate or Renewal thereof:-

I) Consent to operate fresh direct cases.

- i) Detail Project Report /CA certificate of investment in land, plant and immovable machinery.
- ii) Land Papers
- iii) Site Plan
- iv) Brick Kiln license issued by Competent Authority under Law.
- v) Consent fee.

II) Fresh cases

- i) Detail Project Report.
- ii) Land Papers
- iii) Site Plan
- iv) Brick Kiln license issued by Competent Authority under Law.
- v) Consent fee.

III) Renewal cases

- i) Brick Kiln license issued by Competent Authority under Law.
- ii) Self Monitoring Report from recognised Lab.
- iii) Consent fee.

'By Order'

[Signature]
Member Secretary
31/3

No. : SPCB/PS/MS/10/BK/2813-20

Dated : 31.03.2010

Copy to :-

EXTRAORDINARY

REGD. NO. JK-33



**THE
JAMMU AND KASHMIR GOVERNMENT GAZETTE**

Vol. 123] Srinagar, Mon., the 25th Oct., 2010/3rd Kart., 1932. [No. 30-1

Separate paging is given to this part in order that it may be filed as a separate compilation.

PART III

Laws, Regulations and Rules passed thereunder.

**GOVERNMENT OF JAMMU AND KASHMIR
CIVIL SECRETARIAT—DEPARTMENT OF LAW,
JUSTICE AND PARLIAMENTARY AFFAIRS**

Srinagar, the 25th October, 2010.

The following Act as passed by the Jammu and Kashmir State Legislature received the assent of the Governor on 23rd October, 2010 and is hereby published for general information.

**THE JAMMU AND KASHMIR BRICK KILNS
(REGULATION) ACT, 2010.**

(Act No. XVII of 2010)

[23rd October, 2010.]

An Act to regulate and control the establishment of Brick Kilns in the State and to provide for matters connected therewith or incidental thereto.

2 The J&K Govt. Gazette, 25th Oct., 2010/3rd Kart., 1932. [No. 30-1

Be it enacted by the Jammu and Kashmir State Legislature in the Sixty-first Year of the Republic of India as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Jammu and Kashmir Brick Kilns (Regulation) Act, 2010.

(2) It extends to the whole of the State of Jammu and Kashmir.

(3) It shall come into force on the date of its publication in the Govt. Gazette.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

- (a) “Act” means the Jammu and Kashmir Brick Kilns (Regulation) Act, 2010 ;
- (b) “agricultural lands” mean the land which is occupied or has been let for agricultural purposes or for purposes subservient to agriculture or for pasture and includes land used for or denoted to cultivation of fruit trees ;
- (c) “brick” means any piece of burnt clay having geometrical shape fired in a kiln ;
- (d) “consumer” means a person permitted to acquire bricks under this Act for private or public consumption and not for sale ;
- (e) “dealer” means a person carrying on the business of selling bricks ;
- (f) “defunct kiln” means—
 - (i) a kiln in existence at the commencement of this Act but in which brick manufacturing operation have not been carried on or are not carried on, for a continuous period of one year prior to such commencement ; and
 - (ii) a kiln whether established before or after such commencement in which brick manufacturing operations are not carried on for a continuous period of one year at any time after the commencement of this Act ;

- (g) "existing kiln" means a kiln carrying on manufacturing operations at the commencement of this Act and includes a kiln in existence at such commencement which is not carrying on brick manufacturing operations but in which bricks manufacturing operations have been carried on at any time within a period of one year prior to such commencement :

Provided that if in such kiln brick manufacturing operations are not carried on within a period of one year after the commencement of this Act, such kiln shall, on the expiry of the said period of one year cease to be an existing kiln and be deemed to be a defunct kiln ;

- (h) "Government" means the Government of the State of Jammu and Kashmir ;
- (i) "kiln" means a structure used for firing bricks ;
- (j) "licensing authority" means an officer appointed as such under section 5 ;
- (k) "manufacturer" means a person engaged in the production or manufacturing of bricks in a kiln ;
- (l) "new brick kiln" means a kiln other than an existing kiln or a defunct kiln ; and
- (m) "prescribed" means prescribed by rules made under this Act.

3. *Restrictions on establishment of brick kilns.*—(1) No person shall, after the commencement of this Act, establish any new brick kiln except under and in accordance with a licence granted under this Act.

(2) No owner of a kiln shall, after the commencement of this Act, continue brick manufacturing operations except under and in accordance with a licence granted under this Act :

Provided that nothing in this sub-section shall apply to an existing kiln for such period as may be specified in this behalf by the Government by a notified order.

4 The J&K Govt. Gazette, 25th Oct., 2010/3rd Kart., 1932. [No. 30-1]

(3) No owner of a brick kiln,—

- (a) in respect of which a licence has been granted under section 6, shall carry on brick manufacturing operation in that kiln after the licence has ceased to be valid ;
- (b) in respect of which the licence has been revoked or suspended under section 10, shall carry on brick manufacturing operations in that kiln after the revocation or, as the case may be, during the period for which the licence has been suspended ;
- (c) shall without the previous permission of the licencing authority, change the location of kiln in respect of which a licence has been granted under section 6 ;
- (d) shall effect any expansion of the kiln except with the previous permission of the licensing authority where such expansion is not in accordance with terms and conditions of the licence granted under this Act.

*Explanation :—*For the purpose of clause (a) of this sub-section, the period of validity of a licence shall not be deemed to have expired, if an application for its renewal is pending before the licensing authority.

4. *Establishment of brick kiln.*—No brick kilns shall be established on any land which—

- (a) is agricultural land ;
- (b) is fit for cultivation of any agricultural produce ;
- (c) has not been declared as Banjri-Kadim in the Revenue records ; or
- (d) is within the demarcated forest area of the State under the Jammu and Kashmir Forest Act, 1987.

5. *Appointment of Licensing Authority.*—The Government may, by notification in the Government Gazette,—

- (a) appoint such officers of the Government as it thinks fit to be the licensing authorities for the purposes of this Act ; and

- (b) define the limits within which such a licensing authority shall exercise the powers conferred on a licensing authority by or under this Act.

6. *Grant of licence.*—(1) Any person desiring to establish a brick kiln in an area of the State conforming to the conditions laid in section 4, shall make an application to the licensing authority of the area for grant of licence for the establishment of a new brick kiln and for commencing brick manufacturing operations thereon.

(2) Any owner of a defunct kiln desiring to recommence the brick manufacturing operations shall make a like application to the licensing authority of the area for grant of a licence for recommencing the brick manufacturing operations in such kiln.

(3) An owner of an existing kiln shall within thirty days from the commencement of the Act make an application to the licensing authority of the area for the grant of a licence for continuing brick manufacturing operations in that kiln.

(4) Every application under sub-section (1) and sub-section (2) shall be made in the prescribed form and shall contain the particulars regarding the location of brick kiln, the size and type thereof and such other particulars as may be prescribed. It shall invariably be accompanied by the following documents :—

- I. site plan and Revenue extract duly attested by concerned Tehsildar indicating the title, location, status and type of land ;
- II. no-objection certificates from—
 - (i) Deputy Commissioner concerned ;
 - (ii) State Pollution Control Board ;
 - (iii) Divisional Forest Officer concerned ;
 - (iv) Wildlife Warden concerned ;

6 The J&K Govt. Gazette, 25th Oct., 2010/3rd Kart., 1932. [No. 30-1

- (v) Director, Geology and Mining ;
- (vi) District Agriculture Officer concerned ;
- (vii) Block Medical Officer concerned ;
- (viii) Tehsil Education Officer concerned ;
- (ix) The Executive Engineer (PWD/R&B) concerned ; and
- (x) Tehsildar concerned.

(5) If, on receipt of an application for grant of licence, the licensing authority is of the opinion that it is necessary so to do for ensuring adequate supply of bricks, it may, subject to the provisions of sub-section (6),—

- (a) grant the licence specifying therein the period within which the kiln is to be established or, as the case may be, the kiln is to recommence brick manufacturing operations ;
- (b) in the case of the existing kiln grant of licence for continuous brick manufacturing operations in that kiln,

on such conditions (including such conditions as to the improvements to existing machinery, replacement of existing machinery and use of such improved methods of brick manufacturing as may be necessary to eliminate air and water pollution) as may be prescribed.

(6) Before granting licence under sub-section (5), the licencing authority shall make or shall cause to be made a full and complete investigation in the prescribed manner in respect of the application having due regard to the following, namely :—

- (a) the suitability of the locality wherein the proposed kiln is to be established ;
- (b) the number of kilns operating in the area ;
- (c) whether such kiln is not detrimental to the health of general public, habitations, water resources, fauna and flora in close proximity ;
- (d) whether such kiln is proposed to be set up on land which is or was put to agricultural use, save as that the existing brick kilns, if set

No. 30-1] The J&K Govt. Gazette, 25th Oct., 2010/3rd Kart., 1932. 7

up on such land, though categorized as "Banjar Kadim", should be relocated within a period of five years and punitive action shall be taken for non-compliance as per the rules to be framed under this Act ;

- (e) the setting up of brick kilns should be allowed on the areas considered suitable for the purpose without any detrimental effect to the agricultural/productive land ; and
- (f) such other particulars conditions as may be prescribed.

(7) A licence granted under this section shall be valid for a period of two years from the date of its issue and may be renewed for a period of two years at a time subject to obtaining of Royalty Clearance Certificate from the Geology and Mining Department.

(8) In granting licence under this section the licensing authority shall give preference to a defunct kiln over a new brick kiln provided it fulfills the criteria laid down under the Act and the rules made thereunder.

7. *Registration*.—Every person in whose favour a licence for brick kiln has been issued shall seek registration of his brick kiln from the Industries and Commerce Department before he sets up the brick kiln.

8. *Fee for licence*.—(1) The fee for grant of licence shall be rupees thirty thousand. The renewal fee for such licence shall be rupees ten thousand per annum ;

Provided that the Government may, by a notification in the Government Gazette, revise the licence fee and the renewal fee from time to time.

(2) After the licence has been granted, the licencing authority shall forward a copy of licence to the following departments :—

- (a) Industries and Commerce Department ;
- (b) Consumer Affairs and Public Distribution Department ;
- (c) Commercial Taxes Department ;
- (d) Geology and Mining Department ;

8 The J&K Govt. Gazette, 25th Oct., 2010/3rd Kart., 1932. [No. 30-1

- (e) District Development Commissioner ; and
- (f) Pollution Control Board.

9. *Protection of environment.*—Every holder of Brick Kiln licence shall abide by the pollution control laws in force and shall take all precautions, adopt such measures and install such devices as prescribed for protection of environment and control of pollution as may be directed by the concerned authority. Air pollution due to dust, exhaust emissions or fumes shall be controlled and kept within permissible limits specified under the relevant laws in vogue from time to time.

10. *Revocation or suspension of licence.*—(1) If the licensing authority is satisfied, either on a reference made to him in this behalf or otherwise that,—

- (a) a licence granted under section 6 has been obtained by misrepresentation as to an essential fact ; or
- (b) the holder of a licence has without reasonable cause, failed to comply with the conditions subject to which the licence has been granted ; or
- (c) the holder of the licence has suspended the manufacture and production of bricks without any reasonable cause in order to create artificial scarcity ;
- (d) the holder of a licence has contravened any of the provisions of this Act or the rules made thereunder ;
- (e) the holder of a licence has been prosecuted and convicted under section 21 of this Act,

then, without prejudice to any other penalty to which the holder of the licence may be liable under this Act, the licensing authority may, after giving the holder of the licence an opportunity of showing cause, revoke or suspend the licence or forfeit the sum, if any, or any portion thereof deposited as security for the due performance of the conditions subject to which the licence has been granted and may also black list the owner of a brick kiln debarring him from issuance of a licence for a period up to ten years.

11. *Payment of royalty.*—Every kiln owner who is holding a valid licence shall extract and consume the clay for manufacture of bricks after obtaining a proper permit on payment of such royalty as may be prescribed to the Geology and Mining Department subject to revision after every two years. Non-payment of royalty shall make the licensee liable for recovery of royalty, fine, penalty and even cancellation of licence by the competent authority.

12. *Power of inspection.*—The licensing authority or, any other person authorized by the Government in this behalf shall have the right,—

- (i) to enter and inspect any brick kiln ;
- (ii) to seize or order the production of any document, books, register or records in the possession of owner or any person having control of or employed in connection with any brick kiln if he has reason to believe that contravention of the provisions of this Act or the rules made thereunder has been or is being or is about to be committed ;
- (iii) to stop and inspect any vehicle or cart in which bricks are being carried for sale, supply or storage or for any other purpose ; and
- (iv) to seize bricks found in the premises of any person or any vehicle or cart in respect of which he has reasons to believe that contravention of the provisions of this Act or the rules made thereunder has been or is being or is about to be, committed.

Explanation:—The provisions of sections 102 and 103 of the Code of Criminal Procedure, Samvat 1989 relating to search and seizure shall apply to search and seizure under this section.

13. *Fixation of price.*—The Government may, from time to time, by notification in the Govt. Gazette, fix the maximum price of bricks for the whole State or for different areas thereof and different prices may be fixed for different kinds of bricks having regard to the weight, size and compressive strength of bricks and also the ratio of half (broken) bricks per thousand.

14. *Quality of bricks.*—The bricks manufactured by the licenced kiln owner shall conform to the standards set for such product by the Indian Bureau of Standards or any other agency authorized in this behalf and any variations shall constitute an offence punishable under section 21 of this Act.

10 The J&K Govt. Gazette, 25th Oct., 2010/3rd Kart., 1932. [No. 30-1

15. *Restrictions on sale by manufacturer and dealers.*—(1) No manufacturer or dealer shall sell or offer for sale or otherwise dispose off, to any person bricks for a price or at a rate exceeding the maximum fixed under section 13.

(2) Where bricks are sold, offered for sale or otherwise disposed off in contravention of sub-section (1), by a manufacturer or dealer or through any person employed by him or acting on his behalf, such person and also unless they prove that they exercised due diligence to prevent such contravention, the manufacturer or dealer, as the case may be, and any person having the charge on behalf of the manufacturer or dealer of the place where such contravention occurred, shall be liable to punishment provided by section 21, whether or not they were present when the contravention occurred.

16. *Sale bill.*—Every consignment of bricks whether carried by vehicles, carts or any other mode or stored/delivered shall invariably be accompanied by a valid sale bill as prescribed under law in force on the subject indicating the quality, price and tax charged and the consignment not accompanied by such document shall be liable to seizure and the kiln owner shall be subject to prosecution under law.

17. *Maintenance of accounts.*—Every licensee shall maintain an accurate account of all the purchases of raw material, quantity, sale of bricks and other expenses incurred and such records shall be open to inspection to the licencing authority or any other officer authorized in this behalf by the Government or the Licencing Authority.

18. *Refusal to sell.*—No manufacturer or dealer shall refuse to sell bricks to any person if he is holding stock for such sale. Such refusal by the manufacturer or dealer shall constitute an offence under the Hoarding and Profiteering Prevention Ordinance, Samvat 2000 and any other law in force on the subject.

19. *Delegation of powers.*—The Government may, by notification in the Government Gazette, direct that the powers exercisable by it under section 13 shall, subject to such conditions, if any, as may be specified in the direction, be exercisable also by such officer or authority subordinate to it, as may be notified.

20. *Appeals.*—(1) Any person aggrieved by a decision of the licensing authority may, within a period of thirty days from the date on which the

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decision is communicated to him, prefer an appeal to Appellate Authority as may be appointed by the Government in this behalf ; provided that the Appellate Authority may entertain the appeal after the expiry of the said period of thirty days but not later than sixty days if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(2) On receipt of any appeal under sub-section (1), the Appellate Authority shall, after giving the appellant an opportunity of being heard, dispose of the appeal as expeditiously as possible.

21. *Penalties.*—(1) If any person contravenes or abets contravention of any of the provisions of this Act or the rules made thereunder, he shall be punished with imprisonment for a term which may extend to two years or with fine which may extend to fifty thousand rupees, or with both.

(2) If the person punishable under sub-section (1) is a company or other body corporate, every Director, Manager, Secretary, other Officer or Agent, thereof shall, unless he proves that the contravention took place without his knowledge and that he exercised all due diligence to prevent such contravention, be deemed to be guilty of such contravention.

22. *Cognizance of offence.*—No court shall take cognizance of any offence punishable under this Act except on a report in writing of the facts constituting such offence made by licensing authority or any person duly authorized by the Government in this behalf.

23. *Licensing authority to be public servant.*—The licensing authority and every person duly authorized to discharge any duties imposed on him by or under this Act shall be deemed to be a public servant within the meaning of section 21 of the State Ranbir Penal Code.

24. *Power to exempt.*—The Government may, by general or special order, exempt any area from the operation of any or all provisions of this Act and may, modify or vary rescind any such order.

25. *Protection of action taken under the Act.*—No suit, prosecution or other legal proceeding shall lie against any officer or authority for anything which is in good faith done or intended to be done in pursuance of this Act or any rule or order made thereunder. No suit or other legal proceedings shall lie against the Government for any damage caused or likely to be caused by anything, which is in good faith done or intended to be done in pursuance of this Act, or any rule or order made thereunder.

12 The J&K Govt. Gazette, 25th Oct., 2010/3rd Kart., 1932. [No. 30-1

26. *Power to make rules.*—(1) The Government may, by notification in the Government Gazette, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

- (a) the form of application for grant of licence under section 6 and the particulars it may contain ;
- (b) the manner in which an investigation is to be made in respect of an application for a licence and matters to be taken into account in granting or refusing a licence ;
- (c) the form of application for renewal of licence and the particulars it may contain ;
- (d) the form of licence which may be granted ;
- (e) the conditions subject to which the licence may be granted or renewed ;
- (f) the royalty to be paid by a Brick Kiln owner under section 11 ;
- (g) the form and manner in which appeals may be filed under section 20 and the procedure to be followed by Appellate Authority in disposing of appeals ; and
- (h) any other matter which has to be prescribed under this Act.

27. *Power to give directions.*—The Government may, from time to time, give directions to the licensing authority for carrying out the purposes of this Act and the rules made thereunder.

28. *Repeal and saving.*—(1) If immediately before the commencement of this Act, there is in force in the State any law, rule or order relating to the matter regulated under this Act that law, rule or order as the case may be, shall stand repealed.

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(2) Notwithstanding such repeal, nothing in this Act shall affect validity, effect or consequence of anything done or suffered to be done under the said law, rule or order before the date on which the provisions of this Act come into force.

(Sd.) MOHAMMAD ASHRAF MIR,

Additional Secretary to Government,
Department of Law, Justice and
Parliamentary Affairs.

EXTRAORDINARY

REGD. NO. JK—33



THE
JAMMU & KASHMIR GOVERNMENT GAZETTE

Vol. 129] Srinagar, Sat., the 23rd July, 2016/1st Srav., 1938. [No. 16-4

Separate paging is given to this part in order that it may be filed as a
separate compilation.

PART III

Laws, Regulations and Rules passed thereunder.

GOVERNMENT OF JAMMU AND KASHMIR
CIVIL SECRETARIAT—DEPARTMENT OF LAW, JUSTICE
AND PARLIAMENTARY AFFAIRS

Srinagar, the 23rd July, 2016.

The following Act as passed by the Jammu and Kashmir State
Legislature received the assent of the Governor on 23rd July, 2016
and is hereby published for general information :—

THE JAMMU AND KASHMIR BRICK KILNS (REGULATION)
(AMENDMENT) ACT, 2016.

(Act No. X of 2016)

[23rd July, 2016.]

An Act to amend the Jammu and Kashmir Brick Kilns
(Regulation) Act, 2010.

2 The J&K Govt. Gazette, 23rd July, 2016/1st Srav., 1938. [No. 16-4

Be it enacted by the Jammu and Kashmir State Legislature in the Sixty-seventh Year of the Republic of India as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Jammu and Kashmir Brick Kilns (Regulation) (Amendment) Act, 2016.

(2) It shall come into force from the date of its publication in the Government Gazette.

2. *Amendment of section 3, Act XVII of 2010.*—In section 3 of Jammu and Kashmir Brick Kilns (Regulation) Act, 2010 (hereinafter referred to as the 'Principal Act'), after sub-section (3), the following sub-section shall be added, namely :—

“(4) No person shall establish a brick kiln or apply for renewal unless he/she,—

- (a) produces transfer of land use rights certificate from Revenue Department ;
- (b) produces environment clearance certificate from the Department of Environment and Remote Sensing ;
- (c) has an adequate mud stock as raw material for such brick kiln on an uneven, unproductive land to be certified by the Director, Agriculture.

3. *Amendment of section 6, Act XVII of 2010.*—In section 6 of the 'Principal Act', in sub-section (6), in clause (d) for the words, “five years”, the words, “seven years” shall be substituted.

(Sd.) ACHAL SETHI,

Additional Secretary to Government,
Department of Law, Justice and Parliamentary Affairs.

**Government of Jammu and Kashmir
Civil Secretariat- Consumer Affairs & Public
Distribution Department.**

Notification
Srinagar, the 18th May, 2011

SRO 152 In exercise of the powers conferred by section 26 of the Jammu and Kashmir Brick Kilns (Regulation) Act 2010 (Act No. XVII of 2010), the Government hereby makes the following rules; namely:-

1. Short title and Commencement : (1) These rules may be called the Jammu and Kashmir Brick Kilns (Regulation) Rules, 2011.
(2) They shall extend to whole of the State of Jammu and Kashmir.
(3) These rules shall come into force from the date of their publication in the Government Gazette.

2. Definitions: In these rules unless the context otherwise requires:-

- (a) 'Act' means the Jammu and Kashmir Brick Kilns (Regulation) Act 2010,
- (b) 'Appellate Authority' means an Authority appointed by the Government by notification under section 20 of the Act.
- (c) 'Form' means form appended to these rules.
- (d) All words and expressions used in these rules but not defined shall have the same meanings as is assigned to them in the Act.

3. Save as hereinafter provided, no manufacturer or dealer shall manufacture or sell or offer to store for sale or have in his possession for the purposes of sale or for disposal in any other manner of deposit with or consign to any person for the purposes of sale or for storage for sale, bricks except under and in accordance with the conditions of a license granted under these rules.

Provided that nothing in the rules shall apply to the existing Brick Kilns for a period of five years from the date of notification subject to general or special directions given from time to time, by the Licensing Authority to improve the existing machinery and for use of improved methods to eliminate air and water pollution.

4. Application for grant of Licence.-(1) An application for grant of Licence under section 6 of the Act shall be made to the Licensing Authority in Form 'A'.

- (2) On receipt of the application under sub rule (1), the Licensing Authority or any officer authorized by him subject to the general or special instructions notified by the Government, from time to time, in this behalf shall;
 - (a) seek the comments/recommendations of the Block Medical Officer or the Chief Medical Officer of the area so as to determine, if the site of the kiln is not detrimental to the health of the general public or to the crops, orchards or nurseries in close proximity and whether the sanitary arrangements proposed to be made at the kiln site are adequate.
 - (b) make on the spot inspection of the land on which the kiln is proposed to be established in order to ascertain that it is not in the close vicinity to any inhabited area religious place, educational institution or any area which is likely to be inhabited and direct the applicant to :-
 - (c) obtain a certificate from the concerned Executive Engineer to the effect that the proposed site of brick kiln is not at a distance of less than 100 meters from any public road.
 - (d) obtain a certificate from Deputy Controller Legal Metrology to authenticate the specifications of the mould.
 - (e) given an undertaking for not using any clay from prohibited Agriculture land for manufacturing purpose.
 - (f) obtain N.O.C from State Pollution Control Board.
- (3) Where the application is allowed, the Licensing Authority shall issue the licence in Form 'B' on payment of fee provided in section 8 of the Act and subject to the conditions mentioned in the said licence. In case the application is rejected, the Licensing Authority may inform the applicant about the grounds of rejection. The decision to issue or reject a licence shall be taken within 3 months of the submission of requisite N.O.C's

5. Application for renewal of licence.-(1) The licensee shall make an application for renewal of licence to the Licensing Authority in Form 'C' at-least one month before the expiry of validity of the license.

- (2) The Licensing Authority shall, before renewing the licence, ensure:-
 - (a) that the licensee has not alienated in whole or in part, his ownership of the brick kiln;
 - (b) that the licensee has not sold the bricks at a higher rate or price than that of rates fixed by the Authority from time to time;

- (c) that the licensee has not without reasonable cause, failed to comply with any of the terms and conditions of the licence or any directions lawfully given by the Licensing Authority or has not contravened any of the provisions of the Act or rules made there-under;
 - (d) that Royalty prescribed by the Geology and Mining Department from time to time has been paid; and
 - (e) that the licensee is not in arrears of any amount of prescribed Tax/Duty and or electric charges/triff.
- (3) If the licensing Authority is satisfied that the applicant has not contravened any of the provisions of the Act or these rules it shall renew the licence on payment of the fee provided under section 8 of the Act. Where the Licensing Authority refuses to renew the licence, it shall before issuing such order, give the applicant an opportunity of being heard.

6. Specifications of Bricks: (1) The bricks shall conform to the standards fixed by the Indian Bureau of Standards.

- (2) The size specifications of the bricks shall be fixed by Divisional Commissioners of respective Divisions.

7. Disposal of stocks: Every manufacturer or dealer whose licence has been suspended or revoked or who has failed to get his licence renewed in time shall dispose of his stocks of bricks within such time and in such manner as may be specified by the Licensing Authority.

8. Display of licence: Every manufacturer shall display his licence at the place where he carries on his business or manufactures the bricks.

9. Fee for duplicate licence.-If a licence is lost, destroyed, torn, defaced or mutilated, the licensee shall, through an application forthwith inform the Licensing Authority, who may on payment of Rs. 1000/- as the fee, issue a duplicate licence.

10. Appeals: (1) An appeal under section 20 of the Act against an order passed by the licensing Authority, may be filed by the applicant in the manner specified herein below:-

- (2) (a) Every Appeal filed shall:-
- (i) be in writing;
 - (ii) specify the name and address of the appellant and date of the order appealed against;
 - (iii) specify the date on which the order appealed against was communicated to the appellant;
 - (iv) contain a statement of facts of the case and ground relied upon by the appellant in support of the appeal;
 - (v) state the relief applied for; and
- (b) Every such appeal shall be accompanied by:-
- (i) an authenticated copy of the order against which appeal is made; and
 - (ii) any other document relating to the appeal.
- (3) Every appeal shall be submitted to the Appellate Authority in person- by the appellant himself/ herself or by his authorized agent. When the appeal is, presented by an agent, it shall be accompanied by a 'letter of authority', written on a simple paper, appointing him as such agent.
- (4) On receipt of the appeal, the Appellate Authority shall endorse thereon the date of its presentation and the name of the appellant or his duly authorized agent presenting it, as the case may be.
- (5) As soon as the appeal, is filed, the Appellate Authority shall peruse the same and if it considers that there are sufficient grounds for proceeding ahead in the matter, it may give notice in **Form 'D'** to the appellant and the Licensing Authority, with the direction to the appellant present all the relevant record in support of the appeal.
- (6) Where the material record is insufficient to enable the appellate authority to come to a definite decision, it may take additional evidence and call for such further relevant material from the appellant or the licensing authority as it deems fit. Such material shall form part of the record only after the party other than the one from whom such record has been received, has been given an opportunity to peruse the same.
- (7) Where, on the date fixed for hearing or any date to which the hearing of the appeal may be adjourned the appellant or his duly authorized agent does not appear, when the appeal is called for the hearing, the appeal shall be liable to be dismissed.

- (8) The order passed by the Appellate Authority on the appeal shall be in writing, bearing his seal and signature and shall state the grounds of acceptance or rejections of the appeal.
- (9) A copy of the order passed in appeal shall be supplied by the Appellate Authority, free of cost, to the appellant and copy thereof shall also be sent to the Licensing Authority.

By order of the Government of Jammu and Kashmir

Sd/-

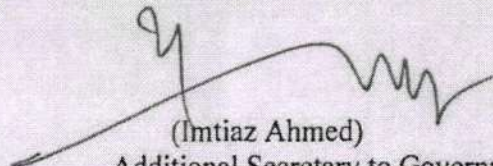
Commissioner/ Secretary to Government,
Consumer Affairs and Public Distribution Department

No: CAPD/Food/24/2009

Dated: 18-05-2011

Copy to the:-

1. All Principal Secretary to Government. _____
2. All Commr./Secretaries to Government. _____
3. All Divisional Commissioner Jammu/Kashmir.
4. Chairman, J&K State Pollution Control Board.
5. All Secretaries to Government. _____
6. All Deputy Commissioner. _____
7. Director, CAPD Jammu/Kashmir.
8. Director, Industries and Commerce Jammu/Kashmir.
9. Director Geology and Mining Jammu/Kashmir.
10. Special Assistant to Hon'ble Minister for CA&PD.
11. Special Assistant to Hon'ble MOS CAPD.
12. Pvt. Secretary to Commr./Secretary to Government, CAPD.
13. Concerned file.


(Imtiaz Ahmed)
Additional Secretary to Government
Consumer Affairs & P.D Department

FORMS
FORM 'A'

**APPLICATION FOR LICENCE UNDER SECTION 6 OF THE
JAMMU AND KASHMIR BRICK KILNS (REGULATION)
ACT, 2010.**

To

The Licensing Authority,

.....
.....

Sir,

We/ I hereby apply for the grant of licence to establish:

- (a) New Brick Kilns.
- (b) Recommence the brick manufacturing operation
- (c) Operate the existing brick kiln.

1. Name and type of Brick Kiln
2. Name and address of actual kiln owner
3. Name of lessee, if any specifying if the kiln has been leased out
.....
4. Name, parentage and address of the applicant in block letters)
(specifying whether he falls in category 2 or 3 above)
5. Name and style of the proposed Brick kiln
6. Location of the kiln
 - (a) Name of the Village
 - (b) Tehsil District
 - (c) Title of the land
 - (d) Kind of the soil
 - (e) Khasra No
 - (f) Area of the land
 - (g) Distance from Abadi Deh, Religious place, Educational
Institution, Health institution
.....

Continued....

7. Site plan of Kiln
8. Premises other than kiln (if any) where bricks are stocked or business is carried on
.....
9. N.O. C's from as prescribed in sec 6(4) of the Act.
 - (a) State Pollution Control Board;
 - (b) Divisional Forest Officer concerned;
 - (c) Wild life Warden concerned;
 - (d) Director Geology Mining
 - (e) District Agriculture officer concerned;
 - (f) Chief Medical Officer concerned;
 - (g) The Executive Engineer (PWD/R&B) concerned; and
 - (h) Tehsildar concerned clearly recording that establishment of brick kiln at the proposed site does not violate the provisions of the Act relating to land use.
10. I / We hereby declare that all the particulars given in the application are correct to the best of my knowledge and nothing has been concealed thereof. An Affidavit in support of the averments made herein above is enclosed.

Dated:

Yours faithfully,

(Sign. of the applicant).

Name _____

Adress _____

Note: In the case of firm, its name with the names of all persons having any interest in the business should be given in paragraph (2) along with a copy of partnership deed duly registered in the court of law.

FORM "B"

Photograph.

LICENCE UNDER SECTION 6 OF THE JAMMU AND KASHMIR
BRICK KILNS (REGULATION) ACT, 2010.

Licence No:

Village Tehsil District
.....

Name of Prop. Parentage
 is licensed to manufacture, sell and supply
 bricks at (Here mention the address of the place
 of business) subject to the conditions of this licence.

The licence shall be valid for a period of two year from date of issue,
 unless suspended or revoked prior to that date.

Date

Seal Licensing Authority.

RENEWAL ENDORSEMENT

Date of renewal	Date of Expiry	Signature of Licensing Authority	Remarks.
1	2	3	4

CONDITIONS OF LICENCE

1. The holder of the licence shall display the licence in conspicuous place on the premises in which he carries on his business.
2. Maintain a register giving an account of sales in the following form:-
 - (1) Date
 - (2) Opening balance of bricks
 - (3) No of bricks manufactured during the day
 - (4) Total of columns (2) and (3)
 - (5) No. of bricks sold or otherwise disposed of during the day.
 - (6) Balance in hand on the last day of month.
 - (7) Remarks.
3. Submit to the licensing authority monthly return of stock of bricks in following form by 7th of the month following the month to which it relates:-
 - (i) Month;
 - (ii) Opening balance (Stock in hand on the commencement of month);
 - (iii) Number of bricks manufactured during the month; and
 - (iv) Balance in hand on the last day of the month.
4. Maintain any other register or record or supply information that the licensing authority may by general or special order require him to supply.
5. Permit the licensing authority or any other person authorized by him,
 - (a) To inspect the premises in which bricks are manufactured, kept or stored and the vehicle or animals in which they are transported;
 - (b) To take samples of the different kinds of bricks free of charge;
 - (c) To inspect any records which the holder is required by the conditions of his licence to keep.
6. They shall keep the approved samples at the trading premises.
7. Bill must be issued for every sale.
8. Shall in no case change the location of Brick Kiln without the prior permission of Licensing Authority.
9. Shall fix a 2x2 m permanent black coloured board conspicuously at the trading premises indicating information in contrast colour to be read legibly:-
 - (a) Name of Brick Kiln along with name of Prop.
 - (b) Opening Stock of Bricks class-wise.
 - (c) Sale Price of Bricks class-wise.
 - (d) Displaying the address and phone number of Licensing Authority for the information of consumers in case of any grievance.

FORM "C"APPLICATION FOR RENEWAL OF LICENCE UNDER SECTION
6 (7) OF THE JAMMU AND KASHAMIR BRICK KILNS
(Regulation) Act, 2010.

To

The Licensing Authority,

.....

Sir,

My/ Our Brick kiln Licence No: expires on
..... It is requested that the licence may kindly be
renewed for a period as admissible under rules. . The licence in
original is also enclosed.

An amount of Rs.has been deposited into
Treasury vide Try. Vr. No: dated
at Try..... is also enclosed in original for
renewal.

NOCs from the following departments is also enclosed:-

- i. Pollution Control Board.
- ii. Geology and Mining Department
- iii. Commercial Taxes Department.
- iv. Power Development Department.

Yours faithfully,

Signature of the Applicant(s)

Name _____

Address _____

FORM "D"

Notice under rule 9 to the Jammu and Kashmir Brick Kilns (Regulation) Rules, 2011.

(Name and Designation of the appellate Authority)

.....

In the matter of appeal No 19 filed under rule 8 of the
Jammu and Kashmir Brick Kilns (Regulation) Rules, 2011, by
Shri..... S/O
R/O

Whereas, you have filed before this Authority a Memorandum of
Appeal against the order dated..... passed
by the licensing authority; and

Whereas, under sub-rule (5) of rule 8 of the Jammu and Kashmir Brick
Kiln (Regulation) Rules, 2011 this authority is required to give to the
parties an opportunity of being heard.

Now, therefore, please take notice that this authority has fixed
as date of hearing of the aforesaid appeal. The hearing shall take place
at on that date in the office of the
..... You are hereby called upon to appear
this authority at the appointed time and date and place, either in person
or through a duly authorized agent, and explain your cause. Please take
notice that failure on your part to appear on the day of hearing either in
person or through a duly authorized agent, without showing sufficient
cause to satisfaction of this authority will make your appeal liable to be
dismissed or decided ex -parte.

Shri
Designation.....
Appellate Authority

Dated:



Winter office: November-April
Parivesh Bhawan, Gladhi,
Transport Nagar, Narwal,
Jammu. (J&K) 180006.
Ph./Fax. 0191-2476925

Government of Jammu and Kashmir
J&K Pollution Control Committee
Jammu

Summer Office: May-October
Sheikh-ul-Alam Campus,
Behind Govt. Silk Factory,
Rajbagh, Srinagar (J&K) 190008
Ph./Fax. 0194-2311165.

Email: membersecretaryjkspcb@gmail.com

CIRCULAR No. // 7 -JKPCC of 2021

D A T E D :- / 5 -07-2021

Subject :- Operational Guidelines for Brick Kilns in J&K.

Government of Jammu and Kashmir vide S.O. 138 dt.19.04.2021 issued by Department of Mining Govt. of J&K, notified that the **clause (vii) of Rule 2** of the Jammu and Kashmir Minor Mineral Concession, Storage, Transportation of Minerals and Prevention of illegal Mining **Rules, 2016, (SRO 105 dt. 31-03-2016)** shall be substituted by the following, namely:-

- (vii) **"Brick earth"** means earth used for making bricks and shall include all types of earths used for construction of dams, canals, roads, rail embankments and other identical purposes.

Provided that the extraction of brick earth in any area up to 02 (two) hectares and up to a depth of 02 (two) meters for making bricks in Brick Kilns shall be declared as non-mining activity."

2(A) Consent to Operate :

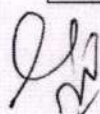
In light of above, the **Consent to Operate (Fresh) / Consent to Operate (Renewal)** under **Air (Prevention and Control of Pollution) Act, 1981 and Water (Prevention and Control of Pollution) Act, 1974** for Brick Kiln(s) shall be processed by the JK Pollution Control Committee through on line portal (www.jkocmms.nic.in) for which the project proponent has to submit the following:-

- Copy of previous Consent to **Establish/Operate (Fresh)**.
- Copy of Brick Kiln Licence issued by competent authority in vogue.
- Applicable consent fee through online mode.
- Google imagery / KMZ file of the unit along with geo-tagged boundaries of the area from where brick earth is being / to be excavated.
- Revenue papers of land from where brick earth is being / has to be extracted as raw material for bricks.
- Photographs of the PCDs / PCMs with date and duly labeled with name of Brick Kiln.

Following conditions shall be complied by Brick Kiln owners before seeking Consent to Operate (Fresh / Renewal):

- a) The unit holder has to comply with general terms and conditions of the Water (Prevention & Control of Pollution) Act, 1974 and the Air (Prevention & Control of Pollution) Act, 1981 and ensure activity specific compliance of environmental standards as per the Environment (Protection) Act, 1986 and amendments made thereof. The unit holder shall adopt all safeguards to protect the environment by adopting the following :-
- Complete metaling and paving of roads with bricks within the premises of brick kiln.
 - A permanent system in place for **regular sprinkling of water on roads** within and on the periphery, to control fugitive dust emissions.
 - Installation of requisite **Emission Control Devices** as prescribed for brick kiln.
 - Measures to prevent accumulation of fine dust all around the brick kiln.
- b) Unit Holder must have planted the fast growing broad leaved **trees in three rows around the unit** at a gap of **3 meters from plant to plant with 2 meters gap in between rows** in a staggered manner in periphery of brick kiln to develop green / shelter belt, and as per the directions of **Hon'ble High Court order dt. 20-4-2018 in PIL No. 16/2017 titled Nadeem Rafiq V/s Govt. of J&K & Ors.**
- c) Unit Holder must display the name of Brick Kiln, license number and Consent to Operate order number in big legible bold letters on the **stack at height of 15 m**, the same should be visible from a distance of **50 m from the stack**.
- d) Unit holder must display details on a **display board (6' x 4')** at the entry of the unit, reflecting name and address of brick kiln, license number, Consent Order number and details of **Emission Control Devices and Pollution Control Measures** and fuel used, written in big legible bold letters.
- e) Unit Holder must adopt **clean fuel** for baking of bricks **and under no circumstances, the use of waste plastic or used tyre as a fuel shall be allowed**. The fuel must always be stored under proper shed / coverage to prevent any escape of Particulate Matter.
- f) Brick Kilns shall have requisite **Pollution Control Device i.e Fixed Chimney with height given below or more height and gravitational settling Chambers with port hole, platform and ladder** arrangement for monitoring of emissions, further ensuring that emissions standard prescribed for **SPM < 750 mg/m³** are maintained at all the time.

S. No.	Production capacity of Brick kiln	Required stack (Chimney) height
i)	Upto 30000 Bricks / day	30 m
ii)	> 30000 Bricks / day	33 m



2 (B) Consent to Establish for New Brick Kilns :

Consent to Establish (Fresh) under *Air (Prevention and Control of Pollution) Act, 1981* and *Water (Prevention and Control of Pollution) Act, 1974* for Brick Kiln(s) shall be processed by the JK Pollution Control Committee through on line portal (www.jkocmms.nic.in) for the new brick kilns for which the project proponent has to submit the following:-

- Detailed Project Report containing all required proposed Pollution Control Devices / Pollution Control Measures.
- Applicable consent fee through online mode.
- Google imagery / KMZ file of the area where brick kiln has to be established along with geo-tagged boundaries of the area from where brick earth has to be excavated.
- Site Plan.
- Revenue papers of land where brick kiln is to be established and earth has to be extracted as raw material for bricks.

3. Siting Criteria :

The siting criteria for the brick kilns already under operation shall be applicable as per guidelines issued vide no. SPCB/PS/MS/10/BK/2813-20 dt. 31.03.2010 with abstract given below, with addition of fresh siting criteria for brick kilns to be established after **July 2021**:-

<i>Brick Kilns operating with Consent to Establish / Operate prior to 01.01.2010</i>			<i>For Brick kilns operating with consent to establish / operate after 01/01/2010 upto July 2021</i>	<i>Siting criteria for establishment of new brick kilns after July 2021</i>
S. No.	Siting Parameters*	Brick kilns with permanent fixed stack as on date.	Brick kilns with permanent fixed stack as on date	With permanent fixed stack
i)	Distance from national / State highway / District road	45 m	100 m	100 m
ii)	Municipal limits of Jammu, Srinagar and other local Cities	200 m	1 km	2 km
iii)	Nearest Residential Area / Abadi / Health Care Establishments / Educational Institution and Controlled area	150 m	500 m	1 km
iv)	Forest land	150 m	150 m	1 km
v)	Approved water scheme of 20 KLD or a spring/lake and other water bodies whose waster is used for drinking purposes	500 m	1 km	1 km
vi)	National Park / Protected Areas / Tourist Spot (Complex/Resorts)	1 km	1 km	1 km
vii)	Orchards / Abi-awal / Saffron fields	50 m	500 m	1 km

Definitions* :

- **Residential Area / abadi:-** 20 or more revenue recorded houses within radius of 150 m / 500 m / 1km, respectively shall constitute residential area.
 - **Controlled area:-** An area under permanent occupation of Defence / Belt Forces.
 - **Health Care Establishment:-** Means Primary Health Centre or above establishment/s of Health and Medical Education Department or recognized private HCF with minimum of 10 beds.
 - **Approved water supply:-** The approved water supply of more than 20 KLD where system for treatment of water for drinking purposes is involved in open or a spring/lake used for drinking purposes. Tube-wells/Overhead tanks / covered reservoirs/rivers are not covered under this.
 - **Educational Institution:-** Govt. Primary school or above or Govt. recognized private school.
 - **Orchard / Abi-awal / Saffron fields:-** Land use of more than 10 kanals shall only be considered as Orchard / Saffron field / Abi-awal, Un-irrigated land should not be covered under this.
 - All distances referred in siting criteria shall be aerial / crow fly distances.
 - All the parameters should be measured from center of the stack and distance measured should reflect aerial distance.
4. No brick kilns shall be allowed within 8 km radius of Srinagar Airport as per the directions of Hon'ble High Court dt. 24-12-2019.
 5. No brick kiln shall be allowed to operate within notified **Eco-sensitive Zone** as per directions for ESZ by Hon'ble Supreme Court of India and the Govt. Notifications.
 6. Brick kiln owner should submit the Revenue papers of area from where brick earth is to be excavated duly certified by competent Revenue authority that total area of land is less than **2 ha** with maximum allowed depth of **2 meters** for excavation.
 7. Brick Kiln owner should also submit the detailed earth excavation plan for the area from where earth is to be excavated with complete re-habitation plan for the excavated area, using organic waste and the top soil stored before excavation.
 8. Brick Kiln owner should shift preferably to any clean technology with stack of required height as per standards to achieve the permissible standards as revised by Govt. from time to time.
 9. New brick kiln shall be allowed to be established at a minimum distance of **1.0 km** from any existing and operating brick kiln to avoid clustering of kilns in an area.

As approved by the Competent Authority.

Encl:- SO 138 dt. 19th April 2021.

No:- PCB/T/C/Circular/BK/2021/ **697-705**
Dated:- **15**-07-2021

(B. M. Sharma)
Member Secretary
JK PCC, Jammu.

Copy for information and necessary action to the:-

- i) Regional Director, Pollution Control Committee Jammu / Kashmir.
- ii) Sh. M. M. Shah (Legal Advisor), JKPCC, Jammu / Srinagar.
- iii) Dr. Bilques Ara I/c Scientist 'C', JKPCC, Srinagar.
- iv) Sh. A. K. Gupta, Asstt. Environmental Engineer, JKPCC, Jammu
- v) Sh. _____, Divisional Officers, JKPCC _____ Jammu / Kashmir.
- vi) PA to Chairman for information of the Chairman, JKPCC Jammu.
- vii) I/c website JKPCC Jammu for uploading on the website.
- viii) Office file.

**GOVERNMENT OF JAMMU AND KASHMIR
DEPARTMENT OF MINING
Civil Secretariat, Jammu**

Notification

Jammu, 19th of April 2021

S.O. 138.-In exercise of the powers conferred by section 15 read with section 23C of the Mines & Minerals (Development & Regulation) Act, 1957 (Central Act No.67 of 1957), the Government hereby directs that the clause (vii) of rule 2 of the Jammu and Kashmir Minor Mineral Concession, Storage, Transportation of Minerals and Prevention of Illegal Mining Rules, 2016; shall be substituted by the following; namely:-

“(vii) **“Brick earth”** means earth used for making bricks and shall include all types of earths used for construction of dams, canals, roads, rail embankments and other identical purposes:

Provided that the extraction of brick earth in an area up to 02 (two) hectares and up to a depth of 02 (two) meters for making bricks in Brick Kilns shall be declared as non-mining activity.”

By order of the Government of Jammu and Kashmir.

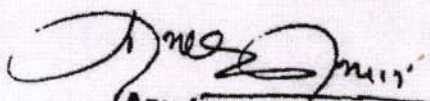
Sd/-

(Manoj Kumar Dwivedi) IAS,
Commissioner/Secretary to the Government

No: MNG/Crusher/15/2021

Dated: 19.04.2021

1. All Financial Commissioners.
2. Director General of Police, J&K.
3. Principal Secretary to the Lieutenant Governor.
4. All Principal Secretaries to the Government.
5. Principal Resident Commissioner, J&K Government, New Delhi.
6. Chief Electoral Officer, J&K.
7. All Commissioner/Secretaries to the Government.
8. Joint Secretary (J&K), Ministry of Home Affairs, Government of India.
9. Divisional Commissioner, Jammu/Kashmir.
10. Director General, J&K Institute of Management, Public Administration and Rural Development.
11. Chairman, J&K Special Tribunal.
12. All Heads of Departments/Managing Directors.
13. All Deputy Commissioners.
14. Director, Information, J&K.
15. Secretary, J&K Public Service Commission.
16. Director Estates, J&K.
17. Director, Archives, Archaeology and Museums, J&K.
18. Director, Geology and Mining, J&K.
19. Director, Panchayati Raj, J&K.
20. Secretary, J&K Services Selection Board.
21. General Manager, Government Press, Jammu/ Srinagar.
22. Private Secretary to the Hon'ble Lieutenant Governor.
23. Private Secretary to the Chief Secretary.
24. Private Secretary to Commissioner/Secretary to the Government, Mining Department/GAD.
25. Incharge Website, Mining/GAD.
26. Government Order file/Stock file.


(Aamir A. Rather), 19.04
Under Secretary to the Government

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 ³
		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 :

1. 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.
2. 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.
3. 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.
4. 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.
5. Particulate Matter (PM) results shall be normalized at 4% CO₂ as below:
PM (normalized) = (PM (measured) x 4%) / (% of CO₂ measured in stack), no normalization in case CO₂ measured ≥ 4%. Stack height (in metre) shall also be calculated by formula $H=14Q^{0.3}$ (where Q is SO₂ 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 04th October, 2021.

IN THE HIGH COURT OF JAMMU AND KASHMIR
ALSrinagar

PIL No. 22/2016

Court on its own motion

Through: None

---Petitioner/Appellant(s)

V/s

State of JK & Ors.

---Respondent(s)

Through: Mr Tahir Majid Shamsi, ASGI for 1 and 3.
Mr. Anil Bhan. Adv. for 2
Mr B. A. Dar. Sr. AAG for 4.

CORAM:

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE RASHID ALI DAR, JUDGE

ORDER

18.10.2019

1. We are informed by Mr. Anil Bhan, learned counsel appearing for respondent No. 2 that M/s Nipman Foundation has conducted the disability access audit of the Jammu Airport, however, the report is awaited. Mr. Bhan, has also informed this Court that initially M/s Nipman Foundation has informed the Airport Authority that it would conduct the disability access audit of the Airports at Srinagar and Leh, but has submitted that because of the weather conditions, they would conduct the disability access audit in March 2020.
2. Let the Airport Authority communicate with M/s Nipman Foundation and inform them that the airports remain functional even during the winter months and there would be no justifiable reasons for postponing the disability access audit for this long period of over five months which would result in delaying measures being taken to make these airports accessible. Mr. Bhan submits that one opportunity may be given to discuss the matter with the said organization once again.
- CM No. 5912/2019
3. This application has been filed by respondent No. 3 for taking on record the reply to CM No. 2794/2019.
4. For the reasons stated, the reply is taken on record.

[Signature]
JAMMU AND KASHMIR
HIGHER JUDICIAL OFFICE
SRINAGAR

C.M. NO. 2/94/2019

5. Reply has been filed.
6. Our attention is drawn by Mr Tahir Majid Shamsi, learned ASGI to the order dated 6th October 2017 wherein the Court in para 8 has recorded that the operators of brick kiln have already indicated that they would voluntarily shut down their brick kilns from 15th November 2017 till 31st March 2018. The Court had also noted that the possibility of re-location would also be considered in view of the technical requirements given by the Indian Air Force of not having a brick kiln within an 8 km radius from the central point of the runway.
7. Our attention is drawn to the reply filed by the Indian Air Force to this application. Amongst the reasons, it is stated that the smoke released by the kilns is a serious hazardous to health. The Indian Air Force has pointed out that on account of smog/smoke emitting from the brick kilns, low visibility conditions are caused which leads to cancellation/delay of flights and amongst other adversities.
8. Reference is also made to the stipulations contained in para 7 (d) of Chapter 17 of LAP 3309 (Manual of Air Traffic Service). In support of the submissions that brick kiln are continuing to operate in violation of the above conditions, the Air Force has placed photographs on record.
9. In this background, the respondent Nos. 1 and 2 shall ensure that no brick kiln is permitted to operate within 8 km from the centre of the run way of the Srinagar Airport. #

List on 24th December 2019.

10. Copy of this order be supplied to learned counsel for the parties under the seal and signatures of Joint Registrar-cum-Bench Secretary.

SJL
(RASHID ALI DAR)
JUDGE

WLG
(GITA MITTAL)
CHIEF JUSTICE

Srinagar
18.10.2019
Atul

no: 416/140

Date: 24-10-19

Copy to Mr. B.A. Durrani, AAG.
HAJAN

Serial No. 9
Advance List

IN THE HIGH COURT OF JAMMU AND KASHMIR
At SRINAGAR

PIL No. 22/2016

Court on its own motion

---Petitioner/Appellant(s)

Through: Mr. Syed Musaib, learned amicus curiae
Mr. Ateeb Kanth, Adv. in CM No. 6835/2019
Mr. M. M. Dar, Adv. in CM No. 2794/2019

V/s

State of JK & Ors.

---Respondent(s)

Through: Ms. Rehana Qayoom, Adv. vice Mr Tahir Majid
Shamsi, ASGI for 1 and 3.
Mr. Anil Bhan, Adv. for 2
Mr B. A. Dar, Sr. AAG for 4

CORAM:

HON'BLE THE CHIEF JUSTICE
HON'BLE MRS. JUSTICE SINDHU SHARMA, JUDGE

ORDER
24.12.2019

1. It is submitted that the date for conducting disability audit could not be finalized by M/s Nipman Foundation. It is submitted by Mr. Anil Bhan, learned counsel appearing for respondent No. 2 that the matter would be taken up in right earnest and it shall be ensured that the disability audit is completed before the next date of hearing.

Let the same be so done.

CM No. 2794/2019.

2. Reply has been filed by Mr. Shamsi, learned ASGI appearing for respondent No. 3.

3. Given the nature of the prayer made in the application which is regarding rehabilitation and consideration for compensation of brick kilns which have to be closed down permanently, it is necessary for the Government of UT of J&K to take a view in this matter.

4. Let a copy of this application be furnished to Mr. B.A.Dar, learned Sr. AAG who shall ensure that the matter is examined at the highest level and reply be filed before us before the next date of hearing.

CM No. 6835/2019

5. Let a copy of this application be furnished to learned counsel appearing for respondent Nos. 1, 2 and 4 who shall file a response thereto positively before the next date of hearing.
6. It is submitted by Mr. Ateeb Kanth, that insofar as the complete prohibition imposed on the brick kiln to operate by the order dated 18th October 2019 is concerned, the same is causing grave hardship to the brick kiln owners. It is submitted that the objection to the working of the owners of the brick kiln near the Airport is premised on account of smoke which is generated by the running of the furnaces.
7. Mr. Kanth submits that no prejudice would be caused and there would be no hindrance to flying operations from the Airport if the brick kiln owners are permitted to procure the raw materials and carry out their functions other than running the furnaces or undertaking any other action which would generate smoke.

This appears to be a fair request.

8. In view of the above, the order dated 18th October 2019 is modified and it is directed that the respondent Nos. 1 to 4 shall ensure that no brick kiln is permitted to operate their furnace or undertake any activity whereby smoke is generated in any manner whatsoever, within 8 Kms. from the centre of the runway of the Srinagar Airport. It is clarified that the brick kiln owners may undertake such other activities as are necessary for their business other than the smoke generating activities.
9. The respondents shall ensure strict compliance of this order.
10. The respondent No. 4 shall take immediate action to ensure that no un-registered brick kiln owners is permitted to undertake any kind of activity whatsoever.

List on 26th February 2020.

Copy of this order be supplied to learned counsel for the parties under the seal and signatures of Bench Secretary.

(SINDHU SHARMA)
JUDGE

(GITA MITTAL)
CHIEF JUSTICE

Srinagar
24.12.2019
Altaf



Sr. No.11

**IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR**

CJ Court

PIL No.22/2016

Court on its own motion

...Petitioner(s)/Appellants.

Through: Mr. Syed Musaib, Amicus Curiae.
Mr. R. A. Jan, Sr. Advocate, with Aswad Attar, Advocate,
for applicants in CM No.2506/2020.
Mr. G. A. Lone, Advocate, for applicants in CM
No.4731/201.
Mr. Tawheed Ahmadm, Advocate, for applicants in CM
No.1733/2021.

Vs.

State of J&K and others.

....Respondent(s)

Through: Mr. B. A. Dar, Sr. AAG.
Mr. T. M. Shamsi, ASGI.
Mr. Vishal Bharti, ASGI.

CORAM:**HON'BLE THE CHIEF JUSTICE****HON'BLE MR. JUSTICE SANJAY DHAR, JUDGE****ORDER****20.10.2021**

01. Heard learned counsel for the parties.
02. One of the judges of this Court noticed that the Airports Authority of India has prima facie failed to take notice of hardships faced by the tourists/ travelers by air to Kashmir and back as appropriate remedial measures have not been taken for upgrading the lighting system or the landing gadgets at the Srinagar Airport.

03. Hon'ble the Chief Justice vide order dated 14th December, 2016 directed the matter to be treated as a Public Interest Litigation initiated by the court on its own motion. The Union of India through Ministry of Civil Aviation, New Delhi, Airports Authority of India through its Chairman and Air Commodore, Indian Airports, Air Force Station, Srinagar, were directed to be arrayed as respondents in the aforesaid PIL.

04. In pursuance to the directions of the Court Air Commodore, Air Force, submitted a compliance report stating that the Air Force Authority of India has provided navigational aids, like Instrument Landing System (ILS) etc, to the Sriangar Airport but in the absence of the Approach Lighting System (ALS) which is an integral part of ILS, the system is not in full use. It was suggested that for the purposes of ALS there is a requirement of minimum 900 meters of land whereas the Srinagar Airport has only about 300 meters of land for the purpose. The Court, accordingly, directing the parties to indicate which is the latest and the most modern ILS technology which is being installed in various airports throughout the country and to inform what is required to be done for its purpose of installation. The Airport Authority of India in response informed the court that CAT III B is the most modern ILS technology which is being generally used in other Airports in the country and that the Indian Air Force has approved for the use of CAT II at the Srinagar Airport.

05. Subsequent to the above exercise undertaken by the court and the authorities, the most advanced system suitable for the Srinagar Airport was

approved and installed for runway 31 and runway 13 was directed to have an ILS Category II installed with the ALS.

06. In upgrading the system at the Srinagar Airport, it was noticed that smoke from brick kilns located ahead of runway 31 is one of the factors for the low visibility during the months from October to March. Accordingly, directions were issued to the Divisional Commissioner, Kashmir, and the Deputy Commissioner, Budgam, to take appropriate steps for relocation of the said brick kilns.

07. It was also informed to the court that in view of the technical requirement of the Air Force no brick kiln can operate within 8 kilometers radius from the central point of the runway and, therefore, the direction for relocation of the brick kilns was reiterated. Later on in accordance with the stipulations contained in Para 7(c) of Chapter 17 of IAP 3309 (Manual of Air Traffic Service) Specific directions were issued by this Court on 18.10.2019 to ensure that no brick kiln is permitted to operate within 8 Kilometers from the centre of the runway of the Srinagar Airport.

08. Subsequently, on an application CM No.6835 of 2019, vide order dated 24.12.2019, the aforesaid order was modified as it amounted to a complete ban on operating the brick kilns in the vicinity of the airport and directions were issued that no brick kiln would be permitted to operate their furnace or undertake any activity whereby smoke is generated in any manner whatsoever within 8 kilometers from the centre of the runway of the Srinagar Airport and the brick kiln owners were permitted to run their business otherwise than by using smoke generating activities.

09. A perusal of the order sheet as well as the action taken reports filed from time to time by the respondents would establish that the Srinagar Airport has been upgraded to a maximum level and all systems necessary have been installed as approved by the Air Force. It may be noted that Srinagar Airport is not a civilian airport but a defence airport and, therefore, its up-gradation and development is dependent upon the requirement of the defence forces and the civilian activity on the airport cannot be allowed to interfere with or obstruct the defence activity at the airport.

10. It is also important to note that the system at the Srinagar Airport has been upgraded to the extent that the authorities are even planning to operate International Air Service from it by the next week.

11. In view of the above, as far as the up-gradation of the Srinagar Airport is concerned, though by some orders, the scope of the PIL was sought to be enlarged so as to cover the Jammu and Leh airports also nonetheless its main focus remained upon the Srinagar Airport that has been achieved to a larger extent. Thus, there remain no further requirement for this court to continue to monitor the upgradation of the Srinagar Airport and the same is left for the authorities to do the needful as necessary in accordance with the requirement and the policy decision.

12. The only aspect of concern which remains to be dealt with is the obstruction or the hazard caused by the smoke emitted from the brick kilns located in the vicinity of the Srinagar Airport.

13. In this connection three applications have been moved; one by few brick kiln owners, namely, Gem Brick Kiln and others i.e. CM No.4731/2021 praying for the recall of the orders dated 18.10.2019 and 24.12.2019 whereby directions were issued prohibiting brick kilns from operation within 8 kilometers from the centre of the runway of the airport. The other application has been filed by Kashmir Brick Manufacturers Association i.e., CM No.2506/2020. It also prays that the orders dated 18.10.2019 and 24.12.2019 aforesaid be either recalled/ vacated/ modified inasmuch as these orders put a blanket ban on the operation of the brick kilns within 8 kilometers from the centre of the runway of the Srinagar Airport which infringes upon their right to trade and business guaranteed under Article 19(1)(g) of the Constitution of India. The third application is filed by Jehlum Structurals Pvt. Co. Ltd Mechanized Brick Kiln i.e., CMP No.1733/2021 wherein a prayer has been made that it should be allowed to operate the brick kiln at least for four months during the months of June, July, August and September when there is hardly any problem of any visibility at the Airport.

14. All the Brick Kiln owners are ready and willing to give undertaking before the authorities concerned so as to abide by the conditions prescribed in para 7(c) of Chapter 17 of IAP 3309 (Manual of Air Traffic Service). It has also been stated that most of the brick kilns are not located within the 8 kilometers prohibited radius and that no exercise in this regard so as to find out their exact distance from the airport has been undertaken but even then they are not being allowed to run the brick kiln. Moreover, some of them

have expressed intention to use zig zag technology for running the brick kilns which is a new technology in use throughout the country which do not cause any problem of smoke and that many of them are using imported coal which also do not emit smoke causing any visibility problem.

15. Clause 7(c) of Chapter 17 of IAP 3309 (Manual of Air Traffic Service) provides that factory chimneys shall not be permitted to be constructed within 8 kilometers of ARP unless the owners gives a written undertaking to use oil fired/ electrical furnaces or any other fuel which will not cause smoke hazard.

16. For the sake of convenience Clause 7(c) of Chapter 17 of IAP 3309 (Manual of Air Traffic Service) is reproduced hereinbelow:

“(c) Factory Chimneys proposed to be constructed within a radius of 8 Kms of ARP shall not be permitted unless owners give a written undertaking that oil fired/ electrical furnaces or any other fuel which ill not cause smoke hazard, only will be used.”

17. It may be noted that apart from the above, the brick kiln owners have to obtain a licence for running the brick kiln from a competent authority after obtaining necessary objections from the various departments. No brick kiln can be allowed to run until and unless there is a valid licence.

18. The brick kiln owners are also prepared to give an undertaking that they will not operate the brick kilns in the winter months starting from 1st of November every year till 31st of March next year.

19. In view of the aforesaid facts and circumstances, all the above three applications stands disposed of with the following directions:

- (a) That the brick kiln owners may be permitted to operate their brick kilns within the prohibited area provided they possess a valid licence which stand renewed for the relevant period subject to their furnishing an undertaking on affidavit that they shall use furnaces which will not cause smoke hazard such as oil fired/ electrical furnaces or those which are run on fuel which do not emit smoke and further that they would not operate their brick kiln during the winter season from 1st November every year to 31st March next year.
- (b) It will be open for the authorities to keep a constant vigil upon the brick kilns so as they may not violate the terms and conditions of the licence or the undertaking failing which appropriate legal action shall immediately be taken against them.

20. With the aforesaid directions, we do not deem necessary to continue with the PIL any further and direct it to be consigned to records with liberty to the authorities to take up individual cases of violation of the terms and licence and the undertaking by the brick kiln owners separately and with liberty to the public at large to get the matter reopened if the authorities fail to upgrade and update the Srinagar Airport as may be necessary in future.

21. In context with the above PIL, a separate PIL Atul Spolia v. Union Territory of J&K and others, was filed at Jammu but since it related to

operation of brick kiln near the airport it was directed to be treated as a Civil Miscellaneous Application in the aforesaid PIL. Accordingly, it was numbered as CM No.3466/2021 and by an order on record of the above PIL response from the respondents was invited and respondent no.8-brick kiln owner was directed not to run the brick kiln if his permission/ licence has already expired and has not been renewed.

22. The aforesaid petition on closer scrutiny is altogether different for the reason it relates to a brick kiln situate in District Kathua in the Jammu province and is in no way connected with the Srinagar Airport. The petitioner therein wants direction for the closure of the brick kiln which cannot be granted without hearing the respondents. Accordingly, the aforesaid Civil Miscellaneous application is directed to be separated from this PIL and be treated as a writ petition and be registered accordingly before the Jammu Wing of the High Court and be listed accordingly on 30th November, 2021. In the meantime, the respondents may file their response.

23. The Registry shall place photo copies of orders dated 03.08.2021 and 03.09.2021 on record of CM No.3466/2021.

24. The present PIL No.22/2016 be consigned to records.

(SANJAY DHAR)
JUDGE

(PANKAJ MITHAL)
CHIEF JUSTICE

Srinagar
20.10.2021
Abdul Qayoom, PS

IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR
WP (C) No. 1117/2022

Kashmir Brick Kiln Owners and ...Appellant/Petitioner(s)
Manufacturers Assoc. and Ors.

Through: Mr. R. A. Jan, Sr. Advocate with
Mr. Aswad Attar, Advocate

Vs.

UT of JK and Ors.

...Respondent(s)

Through: Mr. F. A. Bhat, AAG

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE JAVED IQBAL WANI, JUDGE

ORDER

Per Javed Iqbal J'

1. Extra-ordinary writ jurisdiction under Article 226 of the Constitution of this court is being invoked by the petitioners herein in the instant petition for seeking multiple reliefs/writs besides a writ of certiorari for quashment of communications/orders addressed by respondent No. 7 to respondent No. 2 dated 11-05-2022, 23-03-2022, 24-03-2022, 26-03-2022, 28-03-2022, 11-05-2022, 16-05-2022 and 17-05-2022 whereunder renewal of consent for resuming Brick Kiln operations to the petitioners has been declined/refused. Besides a writ of mandamus is also sought by the petitioners against respondents 5 to 8 for commanding them to re-visit and re-consider the online applications submitted by them for renewal of the consents already granted to the petitioners for running and operating their respective Brick Kilns.
2. The facts under the shade and cover of which the petitioners claim the reliefs aforesaid as stated in the petition would reveal that the petitioners had established respective Brick Kilns under different

names and styles for brick manufacturing operations falling within the radius of 8 Kms from the center of run-way of the Srinagar International Airport initially being operated under and in terms of J&K Brick Kilns (Regulations) Act of 1990 repealed by J&K Brick Kiln (Regulations) Act of 2010 and on the strength of consents granted thereof under Air Pollution Control Act, 1981 and Environment Protection Rules of 2022.

3. It is being stated that brick manufacturing operations undertaken by the petitioners units got stopped by the authorities in the year 2019 in execution of an order of this court dated 18th October, 2019 and 24th December, 2019 passed in PIL No. 22/2016 titled as "*Court on its own Motion vs. Union of India and Ors.*" and that the petitioners through their association aggrieved thereof approached this court through the medium of an application being CM No. 2506/2020 seeking recalling/vacation/modification of the said orders, whereupon the Hon'ble Division Bench on consideration of the said application of the petitioner's association and objections submitted by the authorities passed order dated 20th October, 2021 *inter-alia* providing while disposing of the said application as under: -

- (a) *That the brick kiln owners may be permitted to operate their brick kilns within the prohibited area provided they possess a valid licence which stand renewed for the relevant period subject to their furnishing an undertaking on affidavit that they shall use furnaces which will not cause smoke hazard such as oil fired/electrical furnaces or those which are run on fuel which do not emit smoke and further that they would not operate their brick kiln during the winter season from 1st November every year to 31st March next year.*
- (b) *It will be open for the authorities to keep a constant vigil upon the brick kilns so as they may not violate the terms and conditions of the licence or the undertaking failing which*

appropriate legal action shall immediately be taken against them.

4. The aforesaid PIL is stated to have been closed upon passing the aforesaid order.
5. It is being next stated by the petitioners that the authorities/respondents in essence permitted the petitioners to operate the Brick Kilns existing within radius of 8 Kms from the center of run-way of the Srinagar Airport subject to the conditions; (a) valid licence renewed for the relevant period and (b) furnishing of an undertaking that they shall use furnaces which will not cause smoke hazard.
6. The petitioners state to have addressed communication dated 5th November, 2021 to respondents 5 and 6 signifying their willingness to install zig-zag technology being the best available technology in Brick manufacturing operations.
7. It is being next stated by the petitioners that the respondents 4 to 8 while addressing various communications to the petitioners delayed the consideration of their cases compelling them to submit one more representation through their association on 21st February, 2022 requesting therein for accord of renewal of consent. In response to the said representation, the respondent No. 8 is stated to have asked the petitioners vide communication dated 9th March, 2022 to abide by the Environment Protection Rules of 2022, which rules are stated to provide minimum of one year itself to the existing Brick Kilns for switching over to zig-zag technology itself and that the respondents 5 to 8, as such, were under an obligation to have the consents of the petitioners renewed.
8. It is being next stated that despite the aforesaid statutory provisions contained in the rules of 2022, the respondents 5 to 8 issued yet

another communication dated 24th March, 2022 directing the petitioners again to follow the Environmental Protection Rules of 2022. The said communication is stated to have been responded to by the petitioners bringing into notice of the respondents 5 to 8 the real intent, import and purport of the Judgment of the Division Bench passed in PIL supra dated 20th October, 2021 besides affording of one year for switching over to zig-zag technology provided under Environment Protection Rules of 2022 and sought, as such, renewal of their respective consents. The respondents however, under a gross misappreciation of the Judgment of court dated 20th October, 2021 supra issued impugned communications/orders dated 23-02-2022 rejecting the applications submitted by the petitioners for renewal of their already granted consents for operating their respective Brick Kilns existing within radius of 08 Kms from the center of run-way of the Srinagar Airport.

9. The impugned orders/communications are being assailed by the petitioner's *inter-alia* on the grounds that the same are totally arbitrary and non-est in law besides being cryptic, non-speaking and against the mandate of the Judgment dated 20th October, 2021 passed in PIL supra inasmuch as against the express mandate of statutory Environment Protection Rules of 2022 in particular Rule 2 and 3 thereof.
10. **Per contra**, objections to the petition have been filed by the respondents 5 to 8 wherein the petition is being opposed and resisted on the premise that the petitioners have started Brick manufacturing operations in breach of the Judgment dated 20th October, 2021 passed by this court and that the online applications submitted by the petitioners for grant of renewal of consent had been processed and found deficient in submission of undertaking required to be submitted

by the petitioners that they shall use furnaces which will not emit smoke or which will run on a fuel and that further the Airport Authority of India/Indian Air Force vide communication dated 24th March, 2022 addressed to the President, Brick Kiln Association did not permit continuation of Brick manufacturing operations by the Brick Kilns owners including the petitioners falling within 8 Kms from the run-way of the Srinagar Airport. The applications of the petitioners for renewal of their consent are stated to have been considered and thus found to be devoid of any merit as also in violation of the Judgment of this court dated 20th October, 2021 after the petitioners were called upon in terms of a notice dated 16-06-2022 to furnish their response within five days so that the matter is considered afresh and a decision is taken thereon and a response is stated to have been submitted by one Zahoor Ahmad claiming to be the President of the Brick Kilns Owners Association which response is stated to have not been providing any substantial ground for reconsideration of the cases of the petitioners.

Heard learned counsel for the parties and perused the record

11. Before proceeding to address to the issues involved in the petition, it would be appropriate and advantageous to refer to the Judgment/order of this court dated 20th October, 2021 passed in PIL No. 22/2016. Paras 14 to 20 being relevant and germane are extracted and reproduced hereunder: -

14. "All the Brick Kiln owners are ready and willing to give undertaking before the authorities concerned so as to abide by the conditions prescribed in para 7(c) of Chapter 17 of IAP 3309 (Manual of Air Traffic Service). It has also been stated that most of the brick kilns are not located within the 8 kilometers prohibited radius and that no exercise in this regard so as to find out their exact distance from the airport has been undertaken but even then, they are not being allowed to run the brick kiln.

Moreover, some of them PIL No.22/2016 6 have expressed intention to use zig zag technology for running the brick kilns which is a new technology in use throughout the country which do not cause any problem of smoke and that many of them are using imported coal which also do not emit smoke causing any visibility problem.

15. Clause 7(c) of Chapter 17 of IAP 3309 (Manual of Air Traffic Service) provides that factory chimneys shall not be permitted to be constructed within 8 kilometers of ARP unless the owners give a written undertaking to use oil fired/ electrical furnaces or any other fuel which will not cause smoke hazard.

16. For the sake of convenience Clause 7(c) of Chapter 17 of IAP 3309 (Manual of Air Traffic Service) is reproduced hereinbelow:

"(c) Factory Chimneys proposed to be constructed within a radius of 8 Kms of ARP shall not be permitted unless owners give a written undertaking that oil fired/ electrical furnaces or any other fuel which will not cause smoke hazard, only will be used."

17. It may be noted that apart from the above, the brick kiln owners have to obtain a licence for running the brick kiln from a competent authority after obtaining necessary objections from the various departments. No brick kiln can be allowed to run until and unless there is a valid licence.
18. The brick kiln owners are also prepared to give an undertaking that they will not operate the brick kilns in the winter months starting from 1st of November every year till 31st of March next year.
19. In view of the aforesaid facts and circumstances, all the above three applications stand disposed of with the following directions:

(a) That the brick kiln owners may be permitted to operate their brick kilns within the prohibited area provided they possess a valid licence which stand renewed for the relevant period subject to their furnishing an undertaking on affidavit that they shall use furnaces which will not cause smoke hazard such as oil fired/ electrical furnaces or those which are run on fuel which do not emit smoke and further that they would not operate their brick kiln during the winter season from 1st November every year to 31st March next year.

(b) It will be open for the authorities to keep a constant vigil upon the brick kilns so as they may not violate the terms and conditions of the licence or the undertaking failing which

appropriate legal action shall immediately be taken against them.

20. With the aforesaid directions, we do not deem necessary to continue with the PIL any further and direct it to be consigned to records with liberty to the authorities to take up individual cases of violation of the terms and licence and the undertaking by the brick kiln owners separately and with liberty to the public at large to get the matter reopened if the authorities fail to upgrade and update the Srinagar Airport as may be necessary in future."

12. As emerges from a plain reading of the aforesaid Judgment/order the Brick Kilns owners have been permitted to run and operate their Brick manufacturing operations within the prohibited area provided they possess a valid licence and subject to the furnishing of an undertaking on affidavit that they shall use furnaces which will not cause smoke hazard, such as oil fired/electrical furnaces or those which are run on fuel which do not emit smoke and that they would not operate their Brick Kilns during the winter season from 1st November every year to 31st March next year. It is also revealed that the aforesaid direction has been passed after this court considered the submission of the Brick Kilns owners that they are ready and willing to give an undertaking before the authorities concerned to abide by the conditions prescribed in para 7 (c) of Chapter 17 (Manual of Air Traffic Service) and further the said Brick Kilns owners had expressed intention to use zig-zag technology for Brick Kilns operations which do not cause any problem of smoke and also that the Brick Kilns owners shall obtain a licence for running their Brick Kilns from a competent authority.

13. Perusal of the record tends to show that the petitioners are holding licenses issued to them under J&K Brick Kilns (Regulation) Act of 2010 having been renewed from time to time and lastly in the year 2018.

14. Perusal of the record would further reveal that consent has also been accorded in their favour by the J&K State Pollution Control Board being time specific and renewed lastly in some cases in 2011, 2013, 2014, 2015. The cases of the petitioners admittedly are not of no licence or no consent but of no non-renewal of the licence and consent.

15. Be that as it may, the case of the petitioners for renewal of their consent has been declined by the respondents in terms of impugned orders/communications on the premise that the Brick Kilns are existing within 8 Kms from the center of the run-way of the Srinagar Airport so the application cannot be proceeded further until there is a change of technology by the Brick Kiln as per the Hon'ble High Court directions.

16. Seemingly, the respondents have not appropriately considered the cases of the petitioners in this regard correct perspective and spirit of the Judgment/order passed by this court which only required the petitioners to furnish undertaking on an affidavit that they shall use smoke free technology for undertaking Brick manufacturing operations, which they have had to switch over in due course of time keeping in view the time frame provided under Environmental Protection Rules of 2022 whereunder period of one year to the existing Brick Kilns for switching over to zig-zag technology is provided and the said one year in the case of petitioners have had to commence from the date of passing Judgment/order dated 20th October, 2021. Thus, the respondents ought not to have refused and declined the renewal of the consent on the said ground.

17. However, we refrain from expressing any opinion on the merits of the individual cases of the petitioners in this behalf lest it may cause prejudice to either of the parties and deem it appropriate to remit the matter back to the respondent authorities for reconsidering the cases of

the petitioners in line and tune with the Judgment/order passed on 20th October, 2021 supra.

18. Accordingly, the petition is taken up for final disposal with the consent of the appearing counsel for the parties at this stage and is disposed of with a direction to the respondent authorities to re-visit and re-consider the cases of the petitioners in accordance with law and having regard to the purport and spirit of the Judgment/order of this court dated 20th October, 2021 passed in PIL No. 22/2016 titled as “Court on its own motion vs. State of JK and Ors.” expeditiously preferably within a period of four weeks from the date of passing of this order.

19. **Disposed of.**

(JAVED IQBAL WANI)
JUDGE

(PANKAJ MITHAL)
CHIEF JUSTICE

SRINAGAR

26.07.2022

Sakeena

Closure orders issued to Brick Kilns of District Budgam

File No.	S. No.	District	Name of the Unit with Location	Closure Order No. & Date
7106619	1	Budgam	M/s Bimillah Brick Kiln Rakshalina Budgam	116 JKPCC of 2023 Dt. 31-01-2023
7106619	2	Budgam	M/s ARC Brick Kiln Lasjan Budgam	117 JKPCC of 2023 Dt. 31-01-2023
7106619	3	Budgam	Closure of M/s Kohinoor Brick Kiln, Lasjan Budgam	118 JKPCC of 2023 Dt. 31-01-2023
7106619	4	Budgam	Closure of M/s Kuwait Brick Kiln, summerbugh lasjan Budgam	119 JKPCC of 2023 Dt. 31-01-2023
7106619	5	Budgam	Closure of M/s Gh. Mohammad Malik Brick Kiln Summerbugh Lasjan Budgam	120 JKPCC of 2023 Dt. 31-01-2023
7106619	6	Budgam	Closure of M/s mehak Brick Kiln, Seerbagh Rakshalina Budgam	121 JKPCC of 2023 Dt. 31-01-2023
7106619	7	Budgam	Closure of M/s Farooq Ahmad Dar Brick Kiln, Summerbugh Lasjan Budgam	122 JKPCC of 2023 Dt. 31-01-2023
7106619	8	Budgam	Closure of M/s J.B. Brick Kiln Summerbugh Lasjan Budgam	123 JKPCC of 2023 Dt. 31-01-2023
7104156	9	Budgam	Closure of M/s Master Brick Kiln Panzan Chadoora Budgam	124 JKPCC of 2023 Dt. 01-02-2023
7104156	10	Budgam	Closure of Ghulam Ahmad Parrey Brick Kiln Panzan Chadoora Budgam	125 JKPCC of 2023 Dt. 01-02-2023
7104156	11	Budgam	Closure of Majid Traders Brick Kiln, Panzan Chadoora Budgam	126 JKPCC of 2023 Dt. 01-02-2023
7104156	12	Budgam	Closure of M/s New Golden Brick Kiln Panzan Chadoora Budgam	127 JKPCC of 2023 Dt. 01-02-2023
7104156	13	Budgam	Closure of M/s Alamdar Brick Kiln, Panzan Budgam.	128 JKPCC of 2023 Dt. 01-02-2023
7104156	14	Budgam	Closure of Red Rose Brick Kiln Guroopora Panzan Budgam	129 JKPCC of 2023 Dt. 01-02-2023
7104156	15	Budgam	Closure of M/s New Arfat Brick Kiln, Quenjipora Budgam	130 JKPCC of 2023 Dt. 01-02-2023
7104156	16	Budgam	Closure of M/s New Shahzad Brick Kiln Chitroo Dangerpora Budgam	131 JKPCC of 2023 Dt. 01-02-2023
7104156	17	Budgam	Closure of M/s Dar Brick Kiln, Yari Nallah Kathir Gund Budgam	132 JKPCC of 2023 Dt. 01-02-2023
7104156	18	Budgam	Closure of M/s Al-Hilal Brick Kiln, kathir Gund Budgam	133 JKPCC of 2023 Dt. 01-02-2023
7104156	19	Budgam	Closure of M/s Bisma Brick Kiln, kathir Gund Budgam	134 JKPCC of 2023 Dt. 01-02-2023
7104156	20	Budgam	Closure of M/s Sheikh ul Alam Brick Kiln, Gund Budgam	135 JKPCC of 2023 Dt. 01-02-2023
7104156	21	Budgam	Closure of New Brick Kiln, Choon Budgam	136 JKPCC of 2023 Dt. 01-02-2023
7104156	22	Budgam	Closure of M/s Nazir Brick Kiln Choon Budgam	137 JKPCC of 2023 Dt. 01-02-2023
7104156	23	Budgam	Closure of M/s Alamdar Brick Kiln, Saratpora Budgam	138 JKPCC of 2023 Dt. 01-02-2023

7104156	24	Budgam	Closure of M/s Modern Brick Kiln, Nowbugh, Chadoora Budgam	139 JKPCC of 2023 Dt. 01-02-2023
7104156	25	Budgam	Closure of M/s Nahroo Brick Kiln Nowbugh, Chadoora Budgam	140 JKPCC of 2023 Dt. 01-02-2023
7104156	26	Budgam	Closure of M/s Parviz Ahmad Ganie Brick Kiln, Nowbugh Chadoora Budgam	141 JKPCC of 2023 Dt. 01-02-2023
7104156	27	Budgam	Closure of M/s New Bhat Brick Kiln, Kathir Gund Chadoora Budgam	142 JKPCC of 2023 Dt. 01-02-2023
7104156	28	Budgam	Closure of M/s New Royal Brick Kiln., Aatipora Chadoora Budgam	143 JKPCC of 2023 Dt. 01-02-2023
7104156	29	Budgam	Closure of M/s Al Rehat Brick Kiln, Chitroo Gundsathoo Budgam	144 JKPCC of 2023 Dt. 01-02-2023
7104156	30	Budgam	Closure of M/s Gowhar Brick Kiln, Chitroo Gundsathoo Budgam	145 JKPCC of 2023 Dt. 01-02-2023
7104156	31	Budgam	Closure of M/s Jeelan Brick Kiln Gundsathoo Budgam	146 JKPCC of 2023 Dt. 01-02-2023
7104156	32	Budgam	Closure of M/s Kashani Brick Kiln, Ichkot, Ichgam Budgam	147 JKPCC of 2023 Dt. 01-02-2023
7104156	33	Budgam	Closure of M/s Nida Brick Kiln, Ichkot Ichgam Budgam	148 JKPCC of 2023 Dt. 01-02-2023
7104156	34	Budgam	Closure of M/s Irfan Brick Kiln Ichkot Ichgam Budgam	149 JKPCC of 2023 Dt. 01-02-2023
7104156	35	Budgam	Closure of M/s Bismillah Brick Kiln, Chattergam Budgam	150 JKPCC of 2023 Dt. 01-02-2023
7104156	36	Budgam	Closure of M/s Amin Brick Kiln, Ichkot, Ichgam Budgam	151 JKPCC of 2023 Dt. 01-02-2023
7104156	37	Budgam	Closure of M/s New Dar Brick Kiln, Pazwan Budgam	152 JKPCC of 2023 Dt. 01-02-2023
7104156	38	Budgam	Closure of M/s Parvi Brick Kiln, Ichkot, Ichgam Budgam	153 JKPCC of 2023 Dt. 01-02-2023
7104156	39	Budgam	Closure of M/s F.b. Brick Kiln, Gundsathoo Budgam	154 JKPCC of 2023 Dt. 01-02-2023
7104156	40	Budgam	Closure of M/s Shahzad Brick Kiln, Gundsathoo Budgam	155 JKPCC of 2023 Dt. 01-02-2023
7104156	41	Budgam	Closure of M/s Wani Brick Kiln, Gundsathoo Budgam	156 JKPCC of 2023 Dt. 01-02-2023
7104156	42	Budgam	Closure of M/s Tawakal Brick Kiln, Choon Budgam	157 JKPCC of 2023 Dt. 01-02-2023
7115512	43	Budgam	Closure of M/s Kashmir Brick Kiln, Mangund Beerwah Budgam	164 JKPCC of 2023 dt. 03-02-2023
7115768	44	Budgam	Closure of M/s Madina Brick Kiln, Noorbagh Budgam	165 JKPCC of 2023 dt. 03-02-2023
7115768	45	Budgam	Closure of M/s Hydrop Brick Kiln, Mulbulla, Beerwah Budgam	166 JKPCC of 2023 dt. 03-02-2023
7115768	46	Budgam	Closure of M/s Mushtaq Brick Kiln, Mangund, Beerwah budgam	167 JKPCC of 2023 dt. 03-02-2023