

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.**

(BY VIDEO CONFERENCING)

Original Application No.594/2022

Syed Riyaz ...Applicant

Versus

Union Territory of J&K & Ors ...Respondent

Date of hearing: 14.07.2023

**CORAM: HON'BLE MR. JUSTICE SHEO KUMAR SINGH, CHAIRPERSON
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Applicant:

Respondent: Mr. K. Ramesh Kumar, Member Secretary, J&KPCC
Mr. Akshay Labroo, Deputy Commissioner, Budgam

ORDER

1. The grievance in the application is regarding unauthorized operation of near about 200 brick kilns in District Budgam, Union Territory Jammu & Kashmir in violation of environmental norms. The applicant has submitted that brick kilns are working without NoC/renewal of license. The brick kilns are using unscientific chimney system which causes clouds of smoke and scattered dust particles and causes serious health hazards to local residents. The concerned authorities are not taking any action.

2. Matter was taken up by this Tribunal on 19.09.2022 and State PCB was directed to submit the factual and action taken report.

3. The report was submitted, with the fact that:

"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 JKPC

*(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 kilns have been summarized in a tabulated form as **Annexure**.*

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 26-072022 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 kilns were found operating without consent to operate from JKPC.*
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 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 kilns 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 kilns are located.

8. *The committee during inspection also observed that most of the brick kilns 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 kilns are located.*

4. The conclusion of the report is that the kilns are operative without consent order from the State PCB. It is reported that some of the brick kiln have been closed but still are in operation but steps have been taken by the State PCB in accordance with rules.

5. State PCB is directed to take action in accordance with rules and ensure that brick kilns must be brought within the ambit of the consent conditions and brick kiln which are in operation without the consent of State Pollution Control Board, must be taken seriously and action be initiated in accordance with the law. However, orders of the High Court be complied with as applicable. We also direct that, no new brick kiln or expansion of existing unit be permitted till J & K PCB ensures compliance and availability of carrying capacity to maintain ambient air quality norms.

6. Further report be filed within two months. List this matter on 5th October, 2023.

Sheo Kumar Singh, CP

Dr. A. Senthil Vel, EM

July 14, 2023
Original Application No.594/2022
HB