

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA**

Original Application No. 63/2015/EZ

Joydeep Mukherjee

VS

Pollution Control Board, Assam & Ors

CORAM: Hon'ble Mr. Justice S.P.Wangdi, Judicial Member
Hon'ble Prof. (Dr.) P. C. Mishra, Expert Member

PRESENT: Applicant : None
Respondent No. 1 : Mrs. Malabika Roy Dey, Advocate
Respondent No. 2 : Mr. Devajit Saikia, Sr. Addl. Advocate General
Mr. Santanu Bora, Advocate

Date & Remarks	Orders of the Tribunal
<p>Item No. 14 16th May, 2017.</p>	<p style="text-align: center;">Affidavit has been filed on behalf of the Govt. of Assam by Mr. Devajit Saikia, Sr. Addl. Advocate General placing on record OM No. FRM 77/2017/Pt./18 dated 12.5.2017 by which policy has been framed by the State Govt. on brick kiln industries in the State of Assam. It is submitted by Mr. Saikia that this OM shall be published in the official gazette shortly.</p> <p style="text-align: center;">Upon perusal of the OM, it appears that all relevant aspects pertaining to the brick kiln industries have been taken care of. However, we notice a deficiency in the policy inasmuch as the necessity to obtain EC for</p>

excavation of 'brick earth', the principal ingredient for manufacturing of bricks, has not been incorporated.

Mr. Saikia shall advise the State Govt. in the matter to bring an appropriate amendment to that effect.

The OA had been filed principally on the allegation that a large number of illegal brick kilns were in operation in the State of Assam. During the course of proceedings, directions had been issued upon the State Govt. and other authorities including the State PCB to take appropriate measures for ensuring that such illegal activities did not continue. The directions were duly complied with but it was noticed that unless appropriate police decision was framed by the State Govt. to regulate the operation of brick kiln industries in the State, the menace would continue making it difficult for the authorities to monitor and control such activity. Therefore, direction was issued upon the State respondents to frame a policy and as a consequence the matter has culminated in the framing of the policy which is filed today.

In view of the above nothing further survives for our

consideration in this case.

The OA stands disposed off accordingly. However, the State respondents shall ensure that the amendment as directed above is introduced in the policy guidelines expeditiously.

Let the records be consigned to the Record Room.

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Justice S.P.Wangdi, JM

16-5-2017

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Prof. (Dr.) P. C. Mishra, EM

16-5-2017

