

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

No. 527-M&M 26 2010(Pt)

Date : 02.03.2016

CORRIGENDUM

WHEREAS many district offices and others have made references regarding confusion arising out of the use of the term "operation of new/existing brickfields" in line 8 of page-1 or wherever it occurs, in the guidelines issued for operation of new brickfields vide Memorandum No. 1251-M&M/LR/A-II/26/2010 dated 29.05.2015 of this department

WHEREAS, Memorandum No. 1251-M&M/LR/A-II/26/2010 dated 29.05.2015 is essentially meant for operation of new brickfields only.

NOW, therefore, the Governor is pleased to clarify that the term "operation of new/existing brickfields" shall be read as "operation of new brickfields only" in the Memorandum No. 1251-M&M/LR/A-II/26/2010 dated 29.05.2015 of this Department.

By order of the Governor


Sd/- Manoj Pant
LRC & Principal Secretary to the
Government of West Bengal

No. 527/1(47)-M&M

Dated : 02. 03. 2016

Copy forwarded for information and necessary action to :-

- 1) The Pr. Secretary to the Government of West Bengal, Commerce & Industries Department.
- 2) The Pr. Secretary to the Government of West Bengal, Environment Department.
- 3) The Commissioner, _____ Division.
- 4) The D.L.R.&S., West Bengal, 35, Gopalnagar Road, Alipore, Kolkata -700 027.
- 5) The Member Secretary, West Bengal Pollution Control Board.
- 6) The Special Officer (Law) and Ex. Officio Joint Secretary of this Department.
- 7) The D.M. & Collector, _____ (All)
- 8) The A.D.M. and D.L.&L.R.O., _____ (All)
- 9) _____


Secretary to the
Government of West Bengal

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

No. 529(39)-M&M/26-2010(Pt)

Date : 02.03.2016

From : The Deputy Secretary to the Government of West Bengal.

To : 1) The Director of Land Records & Surveys, West Bengal

2) The District Magistrate & Collector,
_____ (All)

3) The ADM and DL&LRO,
_____ (All)

Sub : Proceedings of the meeting taken by the LRC & Principal Secretary
on issues relating to regularisation of unauthorised brick fields.

Sir/Madam,

I am directed to forward herewith a copy of proceedings of the meeting taken by the LRC & Principal Secretary on issues relating to regularisation of unauthorised brick fields on 1st March, 2016 at 3.00 p.m. at his office chamber for information and taking necessary action.

Yours faithfully,

Saha

Deputy Secretary to the
Government of West Bengal

Proceedings of the meeting taken by the LRC & Principal Secretary with the DLR&S, DL&LROs, to discuss issues relating to regularisation of unauthorised brick fields at his office chamber on 1st March, 2016 at 3.00 p.m.

Officers present: Vide annexure-I

In the meeting the following points made in the representation submitted by the Bengal Bricks Owners' Association in its letter No. BBFOA/ 2/155/2015-16 dated 05.02.2016 followed by an e.mail dated 29.02.2016 and also the issues flagged by District land & Land Reforms Officers were discussed :-

- i. It has pointed out that the Memorandum No. 1251-M&M dated 29.05.2015 is meant for operation of new brick fields and No. 1250-M&M dated 29.05.2015 is meant for regularisation of unauthorised brick fields set up after 1st September, 2000. But in Memo. No. 1251-M&M there is mention that the guidelines are for operation of new/existing brick fields. The use of term existing has created confusion.
- ii. It has suggested for dispensing with the locational guidelines as contained in Memo. No. 1250-M&M in respect of regularisation of existing unauthorised brick fields which were established long back i.e. well before 01.09.2000.
- iii. Whether the brick fields which have started operation well before 01.09.2000, with "consent to operate" and are using river silt without causing any change to the agriculture land or the present use of land or have already got their land converted to IT-KHOLA, are also required to take permission for conversion of land.
- iv. It is alleged by Brick Field Owners' Association that some districts are not receiving applications from the brick fields for regularisation. Besides, these brick fields are facing difficulty in getting statutory/non-statutory clearances from the PWD, I&W Department and Environment Department and others without which the district committee is not taking any action.
- v. It is suggested by it that the brick fields which were set up before 01.09.2000 and have also made payment of penalty amount imposed by NGT should be kept out of the purview of the Memo. No. 1250-M&M.
- vi. Whether the guidelines contained the Memo. No. 1250 will also be applicable to the brick fields which were set up before 01.09.2000 but are operating without "consent to operate".
- vii. It was pointed out by the DL&LROs that most of the unauthorised brick fields have sought time for creation of multi-layered green belt of 10 mtr. construction of 3 mtr. high wall as laid down in the guidelines issued in Memo. No. 1250-M&M dated 29.05.2015, on the ground that it needs sufficient time to build up green belt by way of planting trees or construction of 3 mtr. high wall. Besides that, the plantation can only be undertaken during the monsoons.

2. After detailed discussions on the issues the following decisions were taken

- i. A corrigendum is to be issued to clarify that the term "operation of new/existing brick fields" in line 8 of page no. 1 or wherever it occurs, in the Memo. No. 1250-M&M dated 29.05.2015, should be replaced by "operation of new/existing brick fields" vide Memo. No. 1250-M&M dated 29.05.2015.

Proceedings of the meeting taken by the LRC & Principal Secretary with the
DLR&S, DL&LROs, to discuss issues relating to regularisation of
unauthorised brick fields at his office chamber
on 1st March, 2016 at 3.00 p.m.

Officers present: Vide annexure-I

In the meeting the following points made in the representation submitted by the Bengal Bricks Owners' Association in its letter No. BBFOA/ 2/155/2015-16 dated 05.02.2016 followed by an e.mail dated 29.02.2016 and also the issues flagged by District land & Land Reforms Officers were discussed :-

- i. It has pointed out that the Memorandum No. 1251-M&M dated 29.05.2015 is meant for operation of new brick fields and No. 1250-M&M dated 29.05.2015 is meant for regularisation of unauthorised brick fields set up after 1st September, 2000. But in Memo. No. 1251-M&M there is mention that the guidelines are for operation of *new/existing* brick fields. The use of term *existing* has created confusion.
- ii. It has suggested for dispensing with the locational guidelines as contained in Memo. No. 1250-M&M in respect of regularisation of existing unauthorised brick fields which were established long back i.e. well before 01.09.2000.
- iii. Whether the brick fields which have started operation well before 01.09.2000, with "consent to operate" and are using river silt without causing any change to the agriculture land or the present use of land or have already got their land converted to *IT-KHOLA*, are also required to take permission for conversion of land.
- iv. It is alleged by Brick Field Owners' Association that some districts are not receiving applications from the brick fields for regularisation. Besides, these brick fields are facing difficulty in getting statutory/non-statutory clearances from the PWD, I&W Department and Environment Department and others without which the district committee is not taking any action.
- v. It is suggested by it that the brick fields which were set up before 01.09.2000 and have also made payment of penalty amount imposed by NGT should be kept out of the purview of the Memo. No. 1250-M&M.
- vi. Whether the guidelines contained the Memo. No. 1250 will also be applicable to the brick fields which were set up before 01.09.2000 but are operating without "consent to operate".
- vii. It was pointed out by the DL&LROs that most of the unauthorised brick fields have sought time for creation of multi-layered green belt of 10 mtr. or construction of 3 mtr. high wall as laid down in the guidelines issued vide Memo. No. 1250-M&M dated 29.05.2015, on the ground that it needs sufficient time to build up green belt by way of planting trees or for construction of 3 mtr. high wall. Besides that, the plantation can only be undertaken during the monsoons.

2. After detailed discussions on the issues the following decisions were taken :-

- i. A corrigendum is to be issued to clarify that the term "operation of new/existing brick fields" in line 8 of page no. 1 or wherever it occurs, in the

- ii. Locational guidelines cannot be dispensed with under normal circumstances. If there is a specific reference made by the district level empowered Screening & Scrutiny Committee ~~in the same~~ under special/unavoidable circumstances, such recommendation will have to be placed for consideration and approval of the State Cabinet.
- iii. There is no further need of conversion in such a case where land has already been lawfully converted to IT KHOLA by the brick fields concerned. However, permission for use of river silt has to be taken and payment of royalty for the same has to be made to the appropriate authority.
- iv. District Magistrates and Collectors are requested to set up a Single Window Clearance System in order to facilitate and help expeditious disposal of the applications received from the Brick Field Owners in terms of the guidelines as issued vide Memo No 1250-M&M or No. 1251-M&M, both dated 29.05.2016, as the case may be. While Single Window Clearance System is put in place to help and facilitate, responsibility to obtain "consent to operate" rests on the concerned owners/business entity and therefore, Brick Field Owners are advised to directly take up with the concerned departments/organisations for necessary clearances/No Objection Certificates and on receipt of the same, submit the completed application to District Magistrate & Collectors, for consideration by the Screening & Scrutiny Committee, which shall dispose of the applications within 30 days from the date of receipt.
- v. Guidelines contained in Memo. No. 1250-M&M dated 29.05.2015 should equally be applicable to such brick fields which were set up before the cut-off date of 01.09.2000, but operating without "consent to operate". Brick fields which were set up before 01.09.2000 and have also made payment of penalty amount imposed by the Hon'ble NGT shall have to obtain "consent to operate" in terms of the guidelines. In case there are any other specific orders of the Hon'ble NGT or any other Court of Law, the said order shall be binding on all and any action in terms of the guidelines if required to be taken, the same shall be done with express leave of the Hon'ble Court of Law.
- vi. As regards, allowing time for construction of a multi-layered green belt of 10mtr. or 3 mtr. high wall around the brick fields, the brickfield owners may be issued provisional "consent to operate" for 45 days subject to the condition that they will create either a multi-layered green belt of 10 mtr. or 3 mtr. high wall within the said time line, provided other conditions given in the guidelines are entirely fulfilled and complied with. In default the provisional consent to operate shall be withdrawn after the expiry of the grace time of 45 days.

There being no other points for discussion the meeting ended with thanks to and from the chair.


LRC & Principal Secretary