

**Government of West Bengal**  
Land & Land Reforms Department  
Writers' Buildings  
Land Reforms Branch.

No. 2739(18)-L.Ref.

Dated, Calcutta the 29<sup>th</sup> Sept., 2000.

From : The Joint Secretary to the Govt. of West Bengal.

To : The District Land & Land Reforms Officer,

**Sub : Matters pertaining to regularisation of unauthorised brick fields.**

The problem of operation of unauthorised brick fields has been engaging the attention of the Government over the last several year. In the past, the problem led this Department to issue a number of circulars prohibiting operation of brick fields on agricultural land. But despite all provisions in the relevant Rules and executive instructions preventing unauthorised brick fields from being established, such brick fields are found to have come up and many of them continue to operate. Such brick fields frequently destroy the top soil of agricultural land irretrievably. As a matter of fact, some of such brick fields that have been in operation for a considerable period and thereby have already damaged the top soil to such an extent that the concerned parcels of land are no longer useable for agricultural purpose, unless great efforts are made to render them fit for agriculture again. The State Government has been considering the pros and cons of various ways and means of protecting the overall interests of the State while simultaneously balancing the broad environmental considerations vis-a-verse is operation of the brick fields described above.

2. After giving care-ful consideration to all aspects of the matter, the undersigned is directed by order of the Governor to state that the Governor has been pleased to decide to regularise the following two types of brick fields that have remained unauthorised so far-
  - (1) the brick fields which have been operating since 1985 and afterwards and which are all located on agricultural land but due to continuous mining of earth and fixing of kiln and chulla on such lands , such land are no longer useable for agriculture and can not be reclaimed for agricultural use in foreseeable future and
  - (2) the brick fields which have been operating on low grade agricultural land like Danga, Baluchar, etc.

3. The undersigned is further directed to state that before any such brick fields is regularised the following conditions must be first satisfied:-

- (1) If the brickfield is located on any land that is marked as agricultural land in the ROR, the prime requirement for possible regularization is to establish the usability of the land for the purpose of agriculture through a field inspection. This stipulation holds good irrespective of the exact classification of the agricultural land as might be mentioned in the ROR (i.e. Shali / Baid / Kanali etc.)

If a field inspection reveals that a plot of land, originally shown as agricultural land in the ROR, has actually been rendered unfit for agriculture, because of, inter alia, continuous operation of a brickfield on that land and further that the same plot cannot be reclaimed for agriculture in the foreseeable future, then the Revenue officer, having jurisdiction over the land in question and having the requisite legal authority, should change the classification of the land in question from agricultural to non-agricultural through an appropriate proceeding under the WBLR Act.

- (2) No brickfield, under any circumstances whatsoever, should be allowed to operate on orchard or forest land even where such land is not used at any given point of time, as orchard or forest. In other words, no brickfield operating on a piece of land marked as orchard or forest in the ROR, should be regularised, and no change in the classification of land should be brought about by the Revenue Officer to accommodate any brickfield.
- (3) The brick fields shall use silt / earth from only specified places, wherever the I&W Department / Zilla Parishad / CPT are in a position to earmark such places. The concerned DLLRO / SDLLRO shall indicate clearly those earmarked places to the brick fields(s).
- (4) The brick field must produce a 'No Objection Certificate' from the West Bengal Pollution Control Board ( or any officer in the district who have been authorised by the letter to issue such a certificate after due examination of all environmental-related fact(s).
- (5) The brick field must produce a certificate from the concerned Panchayat Samity having jurisdiction over the area to the effect that the surrounding agricultural /

irrigation potential will not be adversely affected and the local human habitation will not be unduly disturbed because of existence operation of the brick field.

- (6) The brickfield must produce a certificate from the concerned Public Works Department authorities / I&W Department authorities / power generating and / or distributing authorities / Zilla Parishad to the effect that the existence / operation of the brickfield will not cause any damage to any public road, particularly any highway or ODR, any bridge or culvert, any embankment or any other public utility where the brickfield is located within a distance of 250 meters from the public road, bridge, culvert, embankment, other public utility.
  - (7) No brick field that encroaches into any canal or any channel or any other drainage or irrigation system, either natural or man-made, or diverts, or prevents free flow of water from these canals, channels, etc., or causes congestion of water in any way, will be regularized, whether any brick field so encroaches upon or divers or prevents free flow of water or causes congestion in any manner shall be established any spot inspection and wherever necessary, in consultation with the concerned field level authorities in the State Government available in the district.
  - (8) A feasibility report from the concerned Mining Officer of the Mines and Minerals Directorate under the Commerce & Industries Department of the State Government should be obtained.
  - (9) The brick field must pay all arrear price of brick earth / cess / taxes etc. within a cut off date to be indicated by the concerned Revenue Officer.
  - (10) In terms of Government of India's guidelines issued vide Notification No. S.O. 763(E) dated 14.09.1999 under E.A. Act. 1986, the use of 25% fly ash by weight has been advised for manufacturing of bricks within 50 km radius of local based Thermal Power Project mainly for environmental reason. Accordingly, it is instructed that no brickfield within 50 km radius of coal based TPP should be regularized unless the brick field uses 25% of fly ash by weight for manufacturing bricks.
  - (11) No brickfield within is operated on tribal land by non-tribal manufacturer with or without Power of Attorney shall be regularized.
4. The undersigned is also directed to state that if a brickfield complies with the necessary

requirements, the DL&LRO will send the file to the DLR&S who being satisfied that the requirements as applicable have been met will communicate clearance for issue of quarry permits.

5. The above guidelines will also apply to sand and marum quarries with the exception that no conversion of land from agri to non-agri will be necessary for such quarries.
6. The undersigned is therefore, directed to request him to take necessary steps for regularization of unauthorised brick fields in his district in accordance with the above guidelines. Action against the rest which will remain unauthorized, should be taken under the relevant provisions of the Mines and Minerals ( Regulation and Development) Act 1957 and the West Bengal Minor Mineral Rules 1973 as amended upto data, unless there is any order from any Court of law which allows the brick field(s) to continue to operate. In the latter cases, all details of the court cases and the orders in this behalf are to be reported to the Land and Land Reforms Department separately.

Sd/- P. Bandhyopadhyaya.  
Joint Secretary to the  
Government of West Bengal.

No. 2739(18)/1(23)-L.Ref.

Dated, 29.09.2000.

Copy forwarded for information and necessary action to :

- 1) The Secretary to the Govt. of West Bengal, Commerce and Industries Department.
- 2) The Commissioner, .....Division,
- 3) The District Magistrate & Collector.

Sd/- P. Bandhyopadhyaya.  
Joint Secretary to the  
Government of West Bengal.

**Government of West Bengal**  
Land & Land Reforms Department  
Writers' Buildings  
Land Reforms A-II Branch.

No. 935(18)-M & M  
LR/AII/M&M-13/99

Dated, the 2<sup>nd</sup> February, 2001.

**C O R R I G E N D U M**

To  
The District Land & Land Reforms Officer,  
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Ind continuation of this Deptt. Memo. No. 2739(18)-L.Ref. Dt. 29.09.2000, the following changes are to be made as stated below:-

- 1) Please insert the line in Sub-para (1) of Para-2 of the Memo. " all the brick fields which have come up on or before 01.09.200" in place of "the brick fields ..... and after wards"
- 2) Please read as" a distance of 45 meters from ..... " in Sub Para 6 of Para 3 of the Memo. in place of " ..... 250 meters ....."
- 3) Please read the line as " with or without power of attorney / Partnership Deed / Any other instrument registered or unregistered" in Sub para 11 of Para 3 of the Memo in place of "with or without power of attorney".

Sd/- S. Banerjee  
Deputy Secretary  
Land & Land Reforms Department  
West Bengal.

Memo. No. 935/1(23)-L.Ref.

Dated, the 2<sup>nd</sup> February, 2001.

Copy forwarded for information and necessary action to :

- 1) The Secretary, C & I Department.
- 2) The Commissioner,  
..... Division.
- 3) The D.L.R. & S., & Jt. L.R.C., West Bengal, 35, Gopal Nagar Road, Alipur,  
Kolkata - 700 027.
- 4) The District Magistrate & Collector.

Sd/- S. Banerjee  
Deputy Secretary  
Land & Land Reforms Department  
West Bengal.