

By Registered Post



**BIHAR STATE POLLUTION CONTROL BOARD**

Parivesh Bhawan, Plot No. NSB-02,

Patliputra Industrial Area, Patna – 800 010

E-mail-bspccb@yahoo.com, Website <http://bspccb.bih.nic.in>

Ref. No.:

Patna, dated:-

**From:**

Dr. Ashok Kumar Ghosh,  
Chairman.

**To**

Md. Rafiq Alam,  
M/s. RBN Bricks,  
Vill-Bhatabri, Block-Bahadurganj,  
Dist.-Kishanganj-855101

**Direction for Closure under section 31A of the Air (Prevention & Control of Pollution) Act, 1981.**

1. **WHEREAS**, the State Government has declared the entire State of Bihar as "Air-Pollution-Control-Area" under the provisions of section 19 of the Air (Prevention and Control of Pollution) Act, 1981.
2. **WHEREAS**, you were required to obtain previous 'Consent-to-Establish' (CTE) and 'Consent-to-Operate' (CTO) from the State Board under section 21 of the Air (Prevention and Control of Pollution) Act, 1981 before establishing and operating your industrial plant.
3. **WHEREAS**, all the bricks kilns in the State of Bihar were directed to convert themselves from old technology to cleaner technology (e.g. zig-zag) latest by 31.08.2019 and for which, wide publicity was given in the local newspapers to create awareness.
4. **WHEREAS**, Hon'ble Patna High Court, Patna also, vide Their order dated 04.12.2018, passed in CWJC No. 15962 of 2018, directed all the pre-existing units, uniformly without any distinction, to change to cleaner technology latest by 31.08.2019. To make the things more clear and emphatic, the Hon'ble Court made it clear that such time was more than sufficient and was basically in public interest and for safeguarding further pollution to the atmosphere. The Hon'ble Court also recorded the findings that petitioners (brick kiln owners) had specifically undertaken that they would shift to cleaner technology by 31.08.2019.
5. **WHEREAS**, it has come to knowledge of the Board that you are operating your kiln in the same old polluting way without converting to cleaner technology like zig-zag, etc.
6. **WHEREAS**, from the aforesaid facts and findings, it is amply clear that you have come under operation in violation of the Board's direction and also ignored the direction/ observation of the Hon'ble Court.

7. **WHEREAS**, in view of the already very poor air quality situation in the State, there is every likelihood that operation of your kiln will further aggravate the situation, causing grave injury to the environment, in general, and life around, in particular.
8. **WHEREAS**, your recalcitrant approach towards the mandatory compliance of law and defiance of the authority of the State Board, constituted under the Water (Prevention and Control of Pollution) Act, 1974, warrants stringent and deterrent action against you in favour of environmental protection.
9. **WHEREAS**, for the aforesaid facts and reasons, you were served with a Proposed Direction under Section 31 of the Air (Prevention & Control of Pollution) Act, 1981, vide this Board's Letter No. 1319, dated 25.02.2020, granting you an opportunity to submit your reply within 15 days as to why your brick kiln unit should not be closed; complaint case under the suitable provisions of the Air (Prevention & Control of Pollution) Act, 1981; The Environment (Protection) Act, 1986 and the Indian Penal Code, 1860, should not be filed ; and
10. **WHEREAS**, this Board has received no response against the Proposed Direction dated 25.02.2020 issued by the Board.

I, therefore, in exercise of the powers conferred by section 31A of the Air (Prevention & Control of Pollution) Act, 1981, confirm the Proposed Direction against you in the **following term:**

***Close your brick kiln with immediate effect for the aforesaid reason***

**AND**

In the event of non-compliance of these directions, the Board will have no option but to file complaint against you under section 37 of the Air (Prevention and Control of Pollution) Act, 1981 before the competent court of law.

Sd/-  
(Ashok Kumar Ghosh)  
Chairman

**Memo No:-**

**Dated:-**

**Copy to:** The District Magistrate, Kishanganj, requesting him to enforce the compliance of the direction which will be in consonance with the provisions of section 31A of the Air (Prevention and Control of Pollution) Act, 1981.

Sd/-  
(Ashok Kumar Ghosh)  
Chairman

**Memo No:-** 25/6

**Dated:-** 03-06-20

**Copy to:** R.O., Purnea/ Legal Cell for information and necessary action.

(Ashok Kumar Ghosh)  
Chairman