

Government of Punjab
Department of Science, Technology and Environment

Subject: Directions u/s 5 of the Environment (Protection) Act, 1986 for usage of Paddy Straw Pellets as fuel by the Brick Kilns in the State of Punjab.

Draft Notification

No. _____

Dated _____

In order to protect and improve the environment and for prevention of hazards to human beings, other living creatures, plants and property and maintaining or restoring the wholesomeness of water and to preserve the quality of air, the Parliament of India has enacted the Water(Prevention and Control of Pollution) Act, 1974, the Air (Prevention & Control of Pollution) Act, 1981, the Environment (Protection) Act, 1986 and certain Rules under the provisions of the Environment (Protection) Act, 1986 and all these Laws are collectively and severally referred to as the Environmental Laws;

Whereas, Article 48(A) of the Constitution of India provides that the State shall endeavour to protect and improve the environment;

and whereas, in order to address the problem of air pollution, the Government of Punjab in consultation with the Punjab Pollution Control Board has declared the whole of the State of Punjab as 'Air Pollution Control Area' under Section 19(1) of the Air (Prevention and Control of Pollution) Act, 1981 vide notification no. SO21/CA14/81/S-19/88 dated 02.03.1988;

and whereas, the Government of Punjab in consultation with the Punjab Pollution Control Board and in coordination with various other departments is taking all such measures which are required for the reduction and control of air/environmental pollution in the State including the regulation and usage of such fuels which may have the potential to cause adverse impact on the quality of air and environment in the State;

and whereas, the subject matter of air pollution in National Capital Region, Delhi due to the causes of stubble burning in the States of Punjab, Haryana, Uttar Pradesh, Delhi is under continuous and constant consideration of the Supreme Court of India in Writ Petition (Civil) No. 13029 of 1985 titled as M.C Mehta vs Union of India and others, and Writ

Petition (Civil) No. 1135 of 2020 titled as Aditya Dubey vs Union of India and others wherein directions for scientific usage of Paddy Straw are being issued from time to time ;

and whereas, the generation of huge quantity of paddy straw during the paddy harvesting season in the State of Punjab is a matter of concern due to its limited scientific usage;

and whereas, the Ministry of Environment Forest and Climate Change, Government of India vide notification no. G.S.R. 143 (E) dated 22.02.2022 has revised the emission standards for brick kilns and parameters have been made stringent @ 250 mg/Nm³ for particulate matter (PM) from the earlier permissible limit of 750 mg/Nm³ ;

and whereas, with the twin objectives to make the scientific usage of Paddy Straw more prevalent and to investigate the emission levels with the usage of paddy straw as fuel in the brick kilns, on the directions of the State Government, the Punjab State Council for Science and Technology (PSCST) in collaboration with the Punjab Pollution Control Board (PPCB) has conducted a study to establish the usage of paddy straw pellets as replacement of coal in induced draft brick kilns with zig zag setting and the study has successfully revealed that paddy straw pellets can partially replace coal as fuel in the brick kilns without any structural modification and the usage of paddy straw pellets as fuel has resulted in compliance to meet the stringent standard of emissions notified by the Ministry of Environment, Forest and Climate Change vide notification dated 22.02.2022;

and whereas, apart from meeting with the stringent standards of emission as notified by the MOEF&CC vide notification dated 22.02.2022, the usage of paddy straw pellets as fuel in the brick kilns has further resulted in reduction of Sulphur Dioxide (SO₂) and emissions, which will resultantly improve and protect the environment from pollution arising from the operation of brick kilns in the State;

and whereas, in order to protect the environment from pollution arising from the usage of coal which contains higher Sulphur content, it is imperative to reduce the usage of coal and encourage the usage of paddy straw pellets as fuel in the brick kilns so that the environmental pollution is prevented and controlled ;

and whereas, the State Government, with the delegated powers from the Central Government, is empowered under the provisions of the Environment (Protection) Act, 1986 to

take all such measures as it deems necessary or expedient for the purpose of protecting and improving the quality of environment and preventing, controlling and abating environmental pollution ;

and whereas, the State Government with the delegated power from the Central Government is further empowered to carry out planning and execution of programmes for the prevention, control and abatement of environmental pollution under the provisions of the Environment (Protection) Act, 1986;

and whereas, the State Government in exercise of its powers and performance of its functions (as delegated by the Central Government in the Ministry of Environment and Forests Under/Section 23 of the Environment (Protection) Act, 1986 vide notification no. S.O. 327(E) dated 10.04.2001 under the Environment (Protection) Act, 1986 is empowered under Section 5 to issue directions in writing to any person, officer or any authority and such person, officer or authority shall be bound to comply with such directions ;

and whereas, for the avoidance of doubts, it has been explained and declared under Section 5 of the Environment (Protection) Act, 1986 that the power to issue directions u/s 5 includes the power to direct the closure, prohibition or regulation of any industry, operation or process or stoppage or regulation of the supply of electricity or water or any other service;

and whereas, in order to achieve the four fold objectives namely to reduce the usage and dependence on coal as fuel in the brick kilns; to manage and encourage the scientific usage of paddy straw in the form of paddy straw pellets as fuel in the brick kilns ; to make endeavor to achieve the stringent standards of emission @ 250 mg/Nm³ for particulate matter (PM) in the brick kiln industry and to implement the planning for the prevention, control and abatement of environmental pollution, it is imperative that suitable directions are issued to the Brick kiln industry in the State ;

and whereas, in the initial phase, it has been decided that brick kilns in the State shall replace atleast 20% coal with paddy straw pellets as fuel;

and whereas, it has been further decided by the Government that a reasonable period of six months for the implementation of the above directive and planning shall be

given to all the stakeholders to adopt and accustom to the situation in a more professional manner;

and whereas, after consideration and detailed deliberations, the Government is satisfied that the planning and objectives aforementioned cannot be achieved except with the issuance of suitable directions under Section 5 of the Environment (Protection) Act, 1986;

Therefore, after consideration all the facts and circumstances of the case including the technical and scientific aspects, the Government of Punjab has decided to regulate the mandatory usage of paddy straw pellets as fuel in the brick kiln industry of the State by issuing the following directions under Section 5 of the Environment (Protection) Act, 1986:

1. That all the brick kilns in the State of Punjab shall replace at least 20% coal with paddy straw pellets with effect from 01.01.2023.
2. That the Punjab Pollution Control Board being the prescribed authority under the Air (Prevention and Control of Pollution) Act, 1981 and the Department of Food, Civil Supplies and Consumer Affairs being the Licensing authority shall create awareness and mobilize the brick kilns to mandatorily replace at least 20% coal with paddy straw based pellets as fuel.
3. That the Department of Science, Technology and Environment through the Punjab State Council for Science and Technology shall provide and extend necessary technical assistance for implementation of the action plan aforementioned.
4. That the Deputy Commissioners shall monitor the progress of the activities performed under the aforementioned action plan at the District Level.

In case of failure to comply with the directions aforementioned, action in accordance with the provisions of the Environment (Protection) Act, 1986 shall be taken against the violators.

Before the above draft notification is confirmed and the necessary directions as mentioned above are issued by invoking provisions of Section 5 of the Environment (Protection) Act, 1986, the comments and views of the brick kiln industry, associations and other stakeholders including the general public are hereby invited, within 30 days from the date of issuance of Public Notice in the newspapers. The comments and views aforementioned must reach the office of the Executive Director, Punjab State Council for Science and Technology, MGSIPA complex, Sector-26, Chandigarh-160019 by 21.07.2022

upto 05:00 PM. The comments and views so received by the Department will be duly considered before the issuance of the final notification. Take notice that in case no comments or views are received by the due date and time, the draft notification aforementioned shall be confirmed.

(Rahul Tiwari, IAS)
Secretary to Government of Punjab
Department of Science, Technology
& Environment