



## **Brick Field and Relevant Concern**

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Brick is a very important contents of constructions in Bangladesh. Bricks are used in many ways; in construction of housing, in other structure development of different sectors which includes road, establishments of different institutions for education, health and other purposes. Day by day, the traditional method of production of bricks as well as present day demand of technology oriented modern method poses critical situation for the persons involved in this sector as Brick Kiln /owner operator, controlling /monitoring authority, lively hood of a large segment of peoples. The impact of Brick fields has a great extend to lives of crore of Peoples obviously. How this situation faced and controlled by the government and institutions may be termed as long journey in Bangladesh from inception of its independence are the theme of this article. In this theme I have tried to identify those with an inquisitive mind.

Earlier, before any enactment regarding Brick and Brick fields Act, Union Parishad headed by the Chairman was the authority to control burning bricks. The legal requirement for establishing a brick-kiln was only to obtain a no objection certificates from Union Parishads (UP) which is the lowest tier of local government. Union Parishad was routinely granted said no objection certificate upon payment of a small fee. Environmental issues were not concerned, and no restriction was imposed for the establishment of bricks. brick fields were established anywhere according to owner's choice.

The Brick Bruning (Control) Act 1989 enacted with an object to control the burning the bricks only. Local representatives as well as political/influential persons of the locality were controlling the brick kilns operation.

After enactment in the year 1989 by The Brick Burn (Control) Act, has shifted the controlling power upon the Upazila Parishad Chairperson. The Upazila Parishad is the second lowest tier of the Local Government. The UP Chairperson was given inspection authority, and his permission was required for a five-year license. The law also banned burning wood, including date trees. In 1992, the law was amended by the Brick Burn (Control) (Amendment) Act, 1992 (An Act No 22 of 1992) again. As per section 3 of amended Act giving licensing and inspection power to the Deputy Commissioner (DC) in the relevant one of 64 districts who are non-elected but top executive authority in the respective districts. So, the Deputy Commissioner of respective districts replaced the Upazila Chairperson. The punishment for burning wood was specified as six month's imprisonment, a ten thousand taka fine, or both. In 2001 by the Brick Burn (Control) (Amendment) Act (Act No.17 of 2001) the law was again amended to make the license valid for three years. In addition, brick kilns were prohibited within 3 kilometers of any residential area (minimum 50 families), government structures, municipality, city corporation, Upazila sadar, forest areas (minimum 50 trees) and lands acquired by the government. No allegations were cognizable by the concerned court other than the written allegation made by the Deputy Commissioner or

representative of the Deputy Commissioner of Forest or Officers under Department of Environment (whose status not below the Assistant forest Conserver/ equivalent Status) or Upozila Chairman. It could be noted that brick and brick kilns were the absolute domain of District Administrations. In the meantime, Bangladesh Environmental Conservation Act,1995 and subsequent revised Acts and Rules banned Brick Fields without Clearance Certificate. But that provision has not been enforced because of not inclusion in the Brick Burning (Control) Act. It is pertinent to mentioned that license for burning bricks was enough to run business of brick in the country no environmental clearance is required up to enactment of 2013 (The Bricks Manufacture and Establishment of the Bricks Field (Control) Act,2013).

The establishment of brick kilns and production of bricks creates a number of hazards in many ways, which has been identified by different reports, news, article are published thereto. In this regards some data involving bricks and brick kilns compiled by the researchers of Housing and Building Research Institutes is mentionable - Firebrick manufacturing plants are responsible for huge land loss and environmental degradation. Every year for construction purpose almost about 40% of natural nonrenewable resources extracted in the industrialized country consuming almost 70% of total electricity and 12% of potable water supplied. The construction activities are producing 45% to 65% of the waste disposed of in landfills. Additionally, they are responsible for a massive amount of harmful emissions, accounting for 30% of greenhouse gases, due to their operation, and an additional 18% induced indirectly by material exploitation and transportation. Also Building construction consumes 40% of the raw stone, gravel, and sand used worldwide annually, and 25% of the raw timber. From the environmental impact perspective, the building sector has a significant effect on the entire environment [5]. About 17.2 billion bricks are made in Bangladesh every year for housing [6]. Around 240 tons of coal is used for making one million bricks. Each year only in Dhaka region about 23,300 tons of particulate matter, 1.8 million tons of carbon dioxide, 302,000 tons of carbon monoxide also other substances emitted from brick kiln which is extremely harmful to human health [8]. Topsoil that is most important for agriculture is the main raw material of the burnt clay brick. Every year a huge amount of agricultural land lost due to the production of the firebrick. .The Brick Burning (Control) Act,1989 could not dealt with such type of challenges originating from bricks.

“The Brick Burning (Control) Act,1989 had its inadequacies to dictate terms in first place, and besides, the lacuna in the enforcement of some of the compliance issues made things worse”.

Enacting act is must needed to deal with this new environmental challenges. The act was originally enacted in 2013 with the objective of establishing control over brick manufacturing and brick kiln establishments for the interest of conservation and development of the environment and biodiversity in Bangladesh. This Act came into force from 1st July 2014, and permits two years' time limit to convert the brick kilns into modern technology and relocate thereof. This law apparently addresses the essential issues associated with brick manufacturing to check widespread environmental pollution as well as save arable land and forest. The Brick Manufacturing and Brick Field Establishment (Control)Act2013 has brought hard procedures for brick production that among others provides for trial of offences under the penal code. The law prohibits establishment of brick kilns in residential, protected, commercial and agricultural locations and in forests, sanctuaries, wetland and ecologically critical areas. In this law categorically emphasis to get Environmental Clearance Certificate first then obtaining license from the Deputy Commissioner of respective District for establishing Brick Kiln. By this enactment, two authorities; First - Department of Environment and Second-the Deputy Commissioner have come into control brick kilns issues. In this act though prohibited places are mentioned for establishing Brick Kilns, but

no area specified for establishment of Brick Kilns. This act imposes restrictions in respect of using raw material (section 5 control and reduce of using soil) and control using coal, prohibiting of firewood's. This act was amended by ordinance-2018 and subsequently by the Bricks Manufacturing and Establishment of Brick Field (Control) (Amendment) Act-2019 (Act no.1 of 2019). Actually, no brick fields will be operated in strict compliance with the provisions of the law. Prohibition or restrictive provisions of the law has left no space for establishing brick kilns.

“The Act imposes prohibition on establishment of brick kilns within the boundaries of several areas, like residential, preserved or commercial area; City Corporation, Municipality or Upazila headquarters; public or privately owned forests, sanctuary, gardens or wetlands; agricultural land; Ecologically Critical Area (ECA); and areas adjacent to these areas.

Though provisions for specified amount of land and number of brick fields establishment as per proposed technology and production ability will be fixed by publishing gazette notification but those are yet to published.

The Brick Manufacturing and Brick Field Establishment (Control) (Amended in 2019) Act 2013, imposes punishment in different period and different ranges of fine for committing offences as provided under sections 4, 5, 6, 7 and 8 for operating brick fields without license, not manufacturing 50% of hollow bricks in order to controlling use of soil, using fire woods, using excessive amount of sulfur, ash, mercury or other likewise containing coal and manufacturing bricks at prohibited and without approved area respectively. Practically this provision does not help to established modern technology-based environment friendly manufacturing the bricks in brick kilns whole of country. Rather this act is used as a tool for earning money for government and its officials in some cases. It has been claimed that the authority concern realized compensations from responsible persons / association for damaging environment by applying Polluter's Pay Principle. But no visible program or activities has been found regarding compensating or repairing the damages in the environment caused by those persons /association. Matters of environmental conservation, controlling and mitigating of environmental pollution remained neglected.

In a Public Interest Litigation of Human Rights and Peace for Bangladesh (HRPB) known as “Air Pollution in Dhaka City Case” brick fields identified as worst air polluter. The Hon'ble High Court Division gave nine directives upon government authorities including Department of Environment amongst others to mitigate air pollution. The Hon'ble Court repeatedly ordered the Deputy Commissioners of Dhaka and its adjacent districts (Gazipur, Narayanganj, Manikganj, Munshiganj, Narsingdi) and Department of Environment to shut down the illegal brick fields. The DoE authority categorically raised the point of the Deputy Commissioner as licensing authority under the Act-2013, lack of workforce, dependency to other agencies/departments such as BRTA, RAB, Police, Fire Brigade, WASA and Local Administration for logistic support are the main cause for non-accomplishment of the directive.

In this context World Bank noting regarding Brick Industry in Bangladesh mentionable. It revealed that there is a large demand for bricks in Bangladesh because the country doesn't have stone aggregate. However, most brick-kilns use traditional, coal-burning technology that is a major contributor of hazardous air pollution in urban centers, and the largest stationary source of CO<sub>2</sub> emissions nationwide. Various reforms and alternative practices have been introduced or proposed to reduce this pollution, including environmental regulation, relocation, shifting to more environmentally friendly technologies and processes.

In the said note of World Bank identified some problems including Governance and Institutional issues, analyzed the causes and made several suggestions. Imposing strict restrictions by law created corruption opportunities. Brick field owners are the main contributor of respective DC's Local Resource (LR) Fund. Since regulatory body are more than one, their agenda differs on implementation of law; the operation of harmful brick kilns cannot be stopped. It should bear in mind not only controlled the bricks manufacturing procedure but also arrange fair, smooth permanent ecofriendly cost-effective planning for brick field owners and their workforce.

It is evident from the brick fields related cases that the Brick Manufacturing and Brick Field Establishment (Control) Act 2013 could not implemented properly enormous reasons implanted in our socio political views, behavior as well as economic sources of the stakeholder. A huge number of Some reasons have articulated amongst those herein below;

- a. Local political and influential persons are involved in this sector.
- b. A number rural workforce or laborers livelihood have connected in this sector.
- c. Since Brick kilns is not recognized as industry no incentives are provided by Government. The owner of Brick field owners trying to realize their investments by any means.
- d. Local authorities (Union Parishads or Upazilas Parishads, Pourashava) have not sponsored environmental ethics.
- e. Monitoring activities are not effective enough due to lack of workforce and their logistic support. Moreover, Data of this sector are not carried uniformity of respective locality. Confusing information provided by the authorities does not reflect the reality in almost every occasions.
- f. The brick kilns owner takes resort of higher court by obtaining injunction or stay order against the decisions of regulatory authorities i.e. The Deputy Commissioner of respective districts or Department of Environment in respect to refusal order to license or clearance certificate. Huge case logs of brick fields which are not possible to dispose of for the shortest period create opportunities to continue without legal mandate.
- g. The regulatory authorities also take shelter from Hon'ble Court's order of stay or injunction to reluctant to enforce their statutory duties.
- h. There is no fear in the mind of law violators due to weak management of the regulatory authorities. The authorities concerned are more interested in realizing the fine in lieu of lodgment of cases against the law breacher. No doubt fine is very nominal in comparing the investment and profits from brick fields.
- i. It is popular narratives circulated widely that if fine is realized then illegal bricks got mandate to continue.
- j. Biased attitudes through circular are also a vital source of aspiration for illegal brickfields owners.
- k. Though the environment has been recognized as constitutional responsibilities of the government but get less importance compared to attention in development damaging ecology and environment still to date.
- l. The decision maker enacted pro environmental policy, Law, and rules but all who implemented those, are not trained, comfortable or intended to comply.

Several organizations like HRPB, BELA etc. or people come ahead to protect the environment with Public Interested Litigation against brick and bricks Kiln and Hon'ble Higher Courts also having positive view to deal with those issues. The Environment protection movement or Hon'ble Court's positive view is open up our eyes or draw our attention to dangerous consequences or

impact of Brick or Brick fields of our surrounding. Those are not enough to protect the environment from the clutch of Bricks producer in bricks Kilns but also to active participation or mind set of mass peoples through appropriate arrangements for alternative cost-effective bricks and the decision implemented by honest, skilled workforces of all stakeholders. Then The Brick Manufacturing and Brick Field Establishment (Control) Act 2013 will be a success for an eco-friendly bricks industry.

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