




RAJASTHAN STATE POLLUTION CONTROL BOARD

4, Institutional Area, Jhalana Doongari JAIPUR-302 004

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OFFICE ORDER

State Board is in receipt of number of representations regarding considerable hardship being faced by Kumhars (Potters) who have been traditionally involved in manufacturing earthen pots, toys, bricks, kawelus etc. by Ava- Kajawa method. Further, Hon'ble National Green Tribunal, through its various orders has also directed the State Government for framing policy for such marginalized community. Accordingly, after due approval of the State Government, "Guidelines for Manufacturing of Earthen Pots, Bricks and other items through the Traditional process of Ava - Kajawa by Kumhars (Potters) of Rajasthan" are being issued for necessary action and compliance of all the concerned.


(K.C.A. Arun Prasad)


Member Secretary

F14/Tech/ (Gen-17)/RSPCB/MUID/ 337

Date 12/07/16

Copy to the following for information & necessary action_

1. Secretary to Hon'ble Chief Minister, Government of Rajasthan, Jaipur
2. PS to Hon'ble Minister, Forest & Environment, Government of Rajasthan, Jaipur
3. PS to Addl. Chief Secretary(Industries), Government of Rajasthan, Jaipur
4. PS to Addl. Chief Secretary, Department of Environment, Government of Rajasthan, Jaipur
5. Principal Secretary (Panchyati Raj) Government of Rajasthan, Jaipur
6. Principal Secretary (LSG), Government of Rajasthan, Jaipur
7. Principal Secretary(Revenue), Government of Rajasthan, Jaipur
8. PS to Chairperson, RSPCB, Jaipur
9. All District Collectors
10. Regional Officer, RSPCB, Alwar, Balotra, Bhilwara, Bharatpur, Bikaner, Bhiwadi, Chittorgarh, Jaipur (N)/(S), Jodhpur, Kishangarh, Kota, Pali, Sikar and Udaipur.
11. Group Incharge, Admn/Textile/HSW/CPM/HOP/Mines/SGMG&CD/Legal Cell/Cess/MUID/EC/Plastic/PDF/PAAC/VTR/MSW/BMW/Project/IT,RSPCB, Jaipur.
12. Rashtriya Kumhars Maha Sabha, Pradesh Shakha, Rajasthan, 1-GA-8, Teacher's Colony, Keshavpura, Kota.
13. Hadoti Prajapati (Kumhars) Sangarsh Samiti, Kota, Plot No.19 Malviya Nagar, Bundi (Kota).
14. OIC (IT), RSPCB, Jaipur to arrange to upload the guidelines on the State Board website.
15. Master file.


Member Secretary

**Guidelines for Manufacturing of Earthen
Pots, Bricks and other items through the
Traditional process of Ava - Kajawa by
Kumhars (Potters) of Rajasthan**



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Rajasthan State Pollution Control Board

1. INTRODUCTION

In rural areas of Rajasthan Kumhars (Potters) have been perusing their traditional occupation of manufacturing of earthen pots, bricks, kawelus etc. This community prepares these items through traditional process of "Ava - Kajawa" i.e. open non-continuous Bhattas without using any form of chimney. Basic raw materials used by these Kumhars in this process include topsoil, coal, paddy husk, fly ash and to some extent locally available agro wastes.

Under provisions of Rule 9(2) of the Rajasthan Land Revenue (Conversion of Agricultural Land for Non-Agricultural Purposes in Rural Areas) Rules, 2007, as amended vide notification dated 11.05.2016, application for conversion is not required where a tenant is desirous of establishing small kiln (Kajawa) on a piece of land held by him up to an area not exceeding one acre and this land is deemed to have been converted for such small kiln (Kajawa).

Further, on proposal of Government of Rajasthan, Government of India has exempted the extraction of ordinary clay or sand, manually, by the Kumhars to prepare earthen pots, lamp, toys etc, as per their customs.

Rajasthan Land Revenue (Allotment of Land for Establishment of Brick Kilns) Rules, 1987 also has specific provisions for allotment of land for establishment of Kajwa with certain conditions. As per the provisions of the Rules, the land classified as barani or unirrigated shall be available for allotment for the establishment of brick kilns provided that where the application is only for establishment of Kajwa (small brick kiln) on unoccupied Government land falling in the catchment area of a talab, nadi or embankment of a river or pasture, land on an area not exceeding 5/8 of an acre, the collector may after making such enquiry as he deems necessary and in the case of pasture land in consultation with Gram Panchyat, allot land for establishment of Kajwa for a period not exceeding one year on payment of rent at the rate of 50% of the rate prescribed in rule 8 of the Rules.

2. OBJECTIVES FOR THE PRESENT GUIDELINES

State Board is in receipt of number of representations regarding considerable hardship being faced by Kumhars who have been traditionally involved in manufacturing of earthen pots, toys, bricks, Kawelus etc. by Ava-Kajawa method for generations. Further, Hon'ble

National Green Tribunal, vide its orders dated 21/04/2014, 13/11/2014 & 30/03/2015 has also directed the State Government for framing a policy for such marginalized community that usages traditional Bhatti without chimneys.

It is in this context, that the present guidelines are issued by State Board with the approval of the Government of Rajasthan so as to ameliorate the hardship being caused to the people of Kumhar community.

3. LOCATION CRITERIA

Kumhars involved in the traditional occupation of manufacturing of earthen pots, bricks, kawelus etc. through "Ava-Kajawa" process may establish their small kilns (Kajawa) in such a way that it does not cause nuisance to the nearby habitation and wildlife.

Accordingly, the following broad siting guidelines may be followed:

- a. Distance from village abadi: one kilometer
- b. Distance from notified Wildlife Sanctuary/National Park: one kilometer
- c. Distance from National/State High ways: 100 m
- d. Other Roads: 50 m

4. REQUIREMENT FOR MINING LEASE LICENCE

As per requirement and definition under Clause 3 (vii) of Rule 58 of the Rajasthan Minor Mineral Concession Rules, 1986, no rent, royalty or fee is charged for excavation of clay used by these Kumhars for manufacturing of earthen ware pots, bricks, kawelus etc. through process of "Ava- Kajawa". Therefore, lease deed is not executed for such excavation of clay.

5. CATEGORIZATION

Department of Environment, Government of Rajasthan vide notification dated 26.05.2016 has categorized the process of "Ava - Kajawa" under "White" category. Based on the location of the unit with respect to coal/lignite based thermal power plant, exemption under the white category has been granted to the following:

- Production of earthen pots, bricks (using fly ash), kawelu etc. having maximum capacity of three lac numbers per year, manufactured through Ava-Kajawa process located within a radius of 300 kms from any coal/lignite based thermal power plant

- Production of earthen pots, bricks, kawelu etc. having maximum capacity of three lac numbers per Year, manufactured through Ava-Kajawa process located beyond a radius of 300 kms. from any coal/lignite based thermal power plant

Therefore, the aforesaid categories of units will not be required to obtain consent under provisions of Air (Prevention and Control of Pollution) Act, 1981 & Water (Prevention and Control of Pollution) Act, 1974 from the State Board. Only, intimation in this regard will have to be given to the State Board.

6. OTHER REQUIREMENTS

- The Kumhars traditionally involved in occupation of manufacturing of earthen pots, bricks, kawelus etc. through "Ava-Kajawa" process and working within radius of 300 km from any Coal/ Lignite based Thermal Power Plant shall utilize Fly Ash in prescribed proportion, as mentioned in the Fly Ash Notification, 1999 and amendments issued till date. Further, Coal/ Lignite based Thermal Power Plants and rice mills located within radius of 300 Km from such Ava-Kajawa will supply fly ash free of cost to these Kuhmars.
- All efforts shall be made to adopt cleaner technology, ultimately resulting in minimal pollution load.
- Green belt shall be developed around premises of land in two rows. For this purpose, vacant area between the boundary wall and the kiln shall be used.
- In order to distinguish between the traditional manufacturing being carried out by the Kumhars and the regular kilns and to protect their livelihoods, the capacity of such traditional manufacture shall not exceed beyond 300000 no. of products per annum per unit.
- That provisions of these guidelines shall not absolve Kumhars from making such compliances as required under any other statutory obligations prescribed under any other law or directions of courts or any other instrument for the time being in force.

7. PROPOSED FACILITATION FOR THE KUMHARS:

- Concerned district administration may allot Government land for excavation of soil and for making clay bricks as per the provisions of the Rajasthan Land Revenue (Allotment of Land for Establishment of Brick Kilns) Rules, 1987.
- Panchyaiti Raj Department/ Department of Local Bodies may identify earmarked areas

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for selling their products.

- c. Revenue Department/ Panchayati Raj Department may register traditional Khumars for their proper identification so that the proposed guideline may be made applicable to them.
- d. District Collector/ Revenue Department may look into the possibility of getting facility for group insurance of Awa-Kajawa units to compensate the kumhars in case of natural calamity.
- e. Industries Department may formulate a scheme for granting facility for granting loans to kumhars for establishment of such units.

For further information, please contact the undersigned.

Copy sent to the following authorities for their information and necessary action:

- 1. Secretary to Government of Rajasthan, Jaipur
- 2. Chief Secretary, Government of Rajasthan, Jaipur
- 3. Joint Chief Secretary, Industries, Government of Rajasthan, Jaipur
- 4. Joint Chief Secretary, Department of Environment, Government of Rajasthan, Jaipur
- 5. Principal Secretary (Panchayati Raj) Government of Rajasthan, Jaipur
- 6. Joint Chief Secretary (SC), Government of Rajasthan, Jaipur
- 7. Principal Secretary (Revenue), Government of Rajasthan, Jaipur
- 8. Joint Secretary, RSPCB, Jaipur
- 9. All District Pollution Control Officers
- 10. General Officer, RSPCB, Awa, Bikaner, Jaisalmer, Jodhpur, Jaipur, Kota, Pali, Sikar and Udaipur
- 11. Joint Secretary, Awa, Jaipur (NCS), Jaipur, Jaipur, Kota, Pali, Sikar and Udaipur
- 12. Joint Secretary, Awa, Jaipur (NCS), Jaipur, Jaipur, Kota, Pali, Sikar and Udaipur
- 13. Joint Secretary, Awa, Jaipur (NCS), Jaipur, Jaipur, Kota, Pali, Sikar and Udaipur
- 14. Joint Secretary, Awa, Jaipur (NCS), Jaipur, Jaipur, Kota, Pali, Sikar and Udaipur
- 15. Joint Secretary, Awa, Jaipur (NCS), Jaipur, Jaipur, Kota, Pali, Sikar and Udaipur