

Item No. 03

**BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI  
(Through Video Conferencing)**

Original Application No. 32/2019/EZ  
With  
I.A. No. 79/2019 & I.A. No. 80/2019

Subhas Datta

Applicant(s)

Versus

State of West Bengal & Ors.

Respondent(s)

Date of hearing: 18.12.2019

**CORAM : HON'BLE MR. JUSTICE S. P. WANGDI, JUDICIAL MEMBER  
HON'BLE DR. SATYAWAN SINGH GARBYAL, EXPERT MEMBER**

For Applicant(s): Subhas Datta, in person  
For Respondent (s): Mr. Gora Chand Roy Choudhury, Advocate  
for R-8  
Mr. Surendra Kumar, Advocate for CPCB  
Mr. Bikkas Kargupta, Advocate for R 2 to 6  
Mr. Ashok Kumar Banerjee, Senior  
Advocate for Bidhan Nagar Municipal  
Corporation

**ORDER**

1. Supplementary affidavit filed on behalf of the Bidhan Nagar Municipal Corporation is taken on record.
2. As per the affidavit, the Bidhan Nagar Municipal Corporation has stopped dumping municipal waste at molar Bheri. It is however, stated that besides, Bidhan Nagar Municipal Corporation, two other urban local bodies, namely, Nabadiganta Industrial Township Authority (NDITA) and Newton Kolkata Development Authority (NKDA) also dispose of waste at that

- place. Although we are informed orally that these two urban local bodies also have stopped dumping waste, it is not stated as to where the current wastes are being dumped or disposed of.
3. We are informed that the Bidhan Nagar Municipal Corporation has taken permission to do so at the said dump site. This in our view would not be in the interest of the environment considering that the said dumping site requires to be remediated so far as legacy waste is concerned. Regarding this the Chief Secretary of the State as well as Secretary Environment Department have also been apprised and direction issued for undertaking biomining with the objective to reclaim the area in accordance with the Solid Waste Management Rules and applying the modal adopted by Pirana, Ahmedabad, Gujarat and Indore, Madhya Pradesh.
  4. It is, therefore, will be in the larger public interest if the current waste is disposed of by the three ULBs strictly in accordance with the Solid Waste Management Rules, 2016 to be disposed off scientifically elsewhere.
  5. Let the actions proposed by the Municipal Corporation be taken expeditiously in a time bound manner. In this regard action plan along with timelines as directed by order dated 25.11.2019 be prepared and submitted before the next date.
  6. It has been informed on behalf of the Municipal Corporation that environmental compensation of Rs.2 crore and performance guarantee of Rs. 50 Lakhs have been deposited.
  7. So far as, the main issue pertaining to the East Kolkata Wetlands is concerned, report had been submitted by committee

constituted vide order dated 8.7.2019. These recommendations have been set out in the order dated 25.11.2019. Since, the recommendations have been prepared by experts from the MoEF, CPCB, Department of State Fisheries Development Corporation who is a member of the EKWMA and the West Bengal Pollution Control Board, we do not find any reason as to why we should not accept those. It is, therefore, ordered so accordingly.

8. The recommendations thus require to be acted upon by the authorities as referred to in the report. As these require to be monitored on a regular basis for its effective implementation, we hereby constitute a Monitoring Committee headed by the Chief Secretary, Government of West Bengal, with the following as Members;

- 1) The Principal Secretary, Department of Environment, Government of West Bengal.
- 2) Senior Officer of the Regional Office of the MoEF&CC.
- 3) Senior Scientist/Officer of the CPCB (Chairman, CPCB is an ex-officio member of the National Wetland Committee under the rules).
- 4) Senior Member, East Kolkata Wetland Management Authority.
- 5) District Magistrates, South & North 24 Parganas.
- 6) Senior Scientist/Officer, West Bengal Pollution Control Board.
- 7) The Principal Secretary, Department of Environment, shall be the nodal agency.

9. The Chief Secretary shall convene a meeting of the committee within one month from hence to chalk out a plan of action for execution of the works in terms of the recommendations of the committee referred to earlier and for monitoring of such activities. A compliance report on this shall be filed by the Chief Secretary before next date with a copy on the applicant.

10. List the matter on 10<sup>th</sup> of February.

**I.A. No. 79/2019 & I.A No. 80/2019**

No order need to be passed in these IAs in view of the above order.

Accordingly, I.A. No. 79/2019 & I.A No. 80/2019 stand disposed of.

S.P. Wangdi, JM

Dr. S.S. Garbyal, EM

18<sup>th</sup> December, 2019  
Original Application No. 32/2019/EZ With  
I.A. No. 79/2019 & I.A. No. 80/2019  
PK

Item No. 05

**BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI  
(Through Video Conferencing)**

Original Application No. 32/2019 (EZ)

Subhas Datta

Applicant

Versus

State of West Bengal & Ors.

Respondent(s)

Date of hearing: 25.11.2019

**CORAM : HON'BLE MR. JUSTICE S. P. WANGDI, JUDICIAL MEMBER  
HON'BLE MR. SAIBAL DASGUPTA, JUDICIAL MEMBER**

Applicant(s) : Mr. Subhas Datta (in person)

Respondent(s): Ms. Madhumita Bhattacharjee, Advocate for  
Bidhanagar Municipal Corporation.  
Mr. Bikas Kargupta, Advocate for Respondent No. 2-5.  
Mr. Gora Chand Roy Choudhury, Advocate for  
Respondent No. 08.  
Mr. Surendra Kumar, Advocate for CPCB.

**ORDER**

1. This Original Application brings to the fore serious environmental degradation in relation to the East Kolkata Wetlands which is a Ramsar site protected by the East Kolkata Wetland (Conservation and Management) Act, 2006 and the Central Wetlands Rules, 2017 (earlier 2010). Cases of large number of constructions having sprung up within the wetland area, dumping of solid waste, setting up of illegal plastic processing units and leather industry have been pointed out. Amongst the allegations, is also the dumping of solid waste at Mollar Bheri by the Bidhannagar Municipal Corporation.
2. At the first instance, having regard to the urgency, the interim prayer made by the Applicant for putting up protective fencing around the

Mollar Bheri was taken up directing the Bidhannagar Municipal Corporation to take immediate steps.

3. A committee comprising of (1) Senior Officer of the Regional Office of the MoEF&CC; (2) Senior Scientist/Officer of the CPCB (Chairman, CPCB is an ex-officio member of the National Wetland Committee under the rules); (3) Senior Member, East Kolkata Wetland Management Authority; (4) District Magistrates, South & North 24 Parganas and (5) Senior Scientist/Officer, West Bengal Pollution Control Board had been constituted with the East Kolkata Wetland Authority (EKWA) as the nodal agency for coordination in order to consider various aspects pointed out by the Applicant. It is pertinent to note that a specific direction had been issued for completion of the fencing work around the dumping area within 15.06.2019. Reference in this regard may be made to order dated 27.05.2019.
4. The report filed by the Committee in terms of the aforesaid direction contained the following observations and recommendations:

**"1. Solid waste dumping at Mollar Bheri**

*The meeting of the committee was held on 24.06.2019 at 11:00 h in the office of Bidhannagar Municipal Corporation, Salt Lake, Kolkata - 700 106. During the meeting following committee members were present:*

1. Dr. P. Suresh Babu, Scientist C, Regional Office of MoEF & CC - Chairman
2. Dr. Rita Saha, Scientist D, Eastern Regional Directorate, CPCB - Member
3. Managing Director, West Bengal State Fisheries Development Corporation, Member, EKWMA - Member
4. Representatives of District Magistrate, North 24 Parganas
5. Representatives of District Magistrate, South 24 Parganas
6. Shri Debashis Sarkar, Sr. Environmental Engineer, WBPCB - Convener

*The Chief Technical Officer of East Kolkata Wetland Management Authority, was present in the meeting along with other officials. Officers of Bidhannagar Municipal Corporation were also present during the meeting. Initially Chief Technical Officer, East Kolkata Wetland Management Authority and Dr. P. Suresh Babu, Scientist C, MoEF & CC and Chairman of the committee briefly describe the order of the Hon'ble National Green Tribunal and purpose of the meeting. The committee members along with other officials visited the municipal*

solid waste (MSW) dumpsite of Bidhannagar Municipal Corporation i.e. Mollar Bheri located within the East Kolkata Wetland (EKW).

**Observations:**

- a. Dumping of Municipal Solid Waste was going on in the site at the time of visit. Bidhan Nagar Municipal Corporation has made fencing using wooden log but not covered the entire periphery and some portion of the log is broken and there is spillage from the dump site to the nearby Bheri of EKW. Leachate from the dump is directly draining into the EKW area.
- b. The area of Mollar Bheri comes under the North-24-Parganas District.
- c. Bidhannagar Municipal Corporation submitted only a copy of the DPR for the fencing work of the MSW site at Mollarbheri vide their letter dated 04.09.2019.
- d. The photographs regarding the present situation of the solid waste dumping site at Mollar Bheri are enclosed as Annexure-II for ready reference.
- e. Bidhannagar Municipal Corporation has informed that, neither demarcation/restriction in the area for solid waste dumping was planned nor permission from EKWMA has obtained.
- f. The encroachment towards the water bodies of EKW as per the satellite images in the year 2005 and 2019 are as follows:

**Recommendations**

- As East Kolkata Wetland is a Ramsar Site, Bidhannagar Municipal Corporation shall stop further dumping of solid waste at the Mollar Bheri site and required to find the alternative / new site for MSW facility with relevant documents.
- Bidhannagar Municipal Corporation shall categorically follow the guidelines of legacy waste (Old MSW) as prepared by Central Pollution Control Board as per the directions of Hon'ble NGT Order dated 16.01.2019 in the matter of OA No. 606/2018. This may include adoption of bio-mining for existing MSW disposal site.
- The adjoining water bodies to Mollar Bherri is acting as low cost waste water treatment facilities for Kolkata city. In this context Bidhannagar Municipal Corporation shall take necessary steps to stop spillage of solid waste materials to the adjoining water bodies.
- Demarcation of dumpsite shall be immediately done by the Bidhannagar Municipal Corporation in consultation with the District Land Authority and EKWMA.

**2. Illegal Construction in the Entire East Kolkata Wetland Area**

The second meeting of the Committee was held on 18.07.2019 at 11:00 AM in the Conference Room of Paribesh Bhawan, Bidhannagar,

Kolkata - 700 106. The committee has visited the EKW area after the meeting and the observations are as follows:

**Observations:**

- a. The East Kolkata Wetlands (EKW) spread over an area of 12,500 hectare (Ha). It is comprised of nearly 254 sewage fed fisheries distributed across the districts of South and North 24 Parganas covering a total of 37 Mouzas (30 full and 7 part). The list of mouzas are as follows:

<b>Sl.No.</b>	<b>Mouza</b>	<b>Sl.No.</b>	<b>Mouza</b>
1.	Atghara	20.	Karimpur
2.	Beonta	21.	Kharki
3.	Bhagabanpur	22.	Kheyadaha
4.	Boinchtala	23.	Khodahati
5.	Chak Kolar Khal	24.	Kochpukur
6.	Chowbaga	25.	Kulberia
7.	DakshinDhapamanpur	26.	Kumarpukuria
8.	Deara	27.	Mukundapur
9.	Dhalenda	28.	Nayabad
10.	Dhapa	29.	Nonadanga
11.	Dhapa Manpur	30.	Pachim Chowbaga
12.	Dharmatala Pachria	31.	Pratapnagar
13.	Garal	32.	Ranabhutia
14.	Goalpota	33.	Samukpota
15.	Hadia	34.	Tardaha
16.	Hatgachha	35.	Tardaha
17.	Jagatipota	36.	Kapashati
18.	Kalikapur	37.	Thakdari
19.	Kantipota		Tihuria

- b. District Magistrate of 24 Parganas (North) provided land revenue records of EKW area under their jurisdiction on 03.07.2019 as per the minutes of the meeting dated 24.06.2019.
- c. East Kolkata Wetland Management Authority has provided a list regarding 357 nos. of complaints / FIRs lodged in the concerned Police Stations against violations under EKW(C&M) Act, 2006 (Annexure - III).
- d. District Magistrate of 24 Parganas (South) provided land revenue records of EKW area under their jurisdiction on vide letter no 817/EN/GEN/ENV dated 23.07.2019 (Annexure - IV) and informed that EKWMA pertaining to South 24 Parganas District, no change of classification in the land records have been made during the last five years. Few cases of illegal filling of land has been identified against which enquiry report has been sent to the appropriate authority.
- e. East Kolkata Wetland Authority has provided the latest Satellite Map in the JPEG format and the detailed demarcation is also marked (Annexure-V). Subsequently, KML file of the mouza boundaries and the entire boundary has been provided.
- f. Detailed discussion in the consecutive meeting has reflected that unauthorized encroachment in the EKW site has been served with FIR in the nearby Police Station by EKW Authority.



- g. During inspection, it has been observed that, structure of neon-signed erected for the purpose of advertisement on the land of East Kolkata Wetland which is beyond the law.
- h. As per the allegations in the petition, several illegal conversions have been taken place in the EKW area. Detailed information regarding the observations made while comparing the satellite imaginary of the wetlands for last 15 years (2005 and 2019) prior to the date of inspection as well as the current one has been enclosed as Annexure-VI.
- i. Substantial portion of water bodies/agricultural land has been converted into residential land by filling the soil and constructions were carried out since 2005.

**Recommendations:**

- Immediate action by setting a task force for cases of violations of Rules/Act relating to EKW with Superintendent of Police (SP) and In-charge of the concerned police station areas for filing charge sheet against FIR and expedite investigation within the EKW area.
- Hon'ble NGT may direct concerned authorities to intervene the matter on encroachment and impose suitable action.
- East Kolkata Wetlands acts as a regulator of water regime, water recharging, air quality purifier which is important and has great ecological significance which is completely threatened with an extant ecosystem. Immediate action to preserve and maintain ecological balance of the wetlands needs deep intervention by the Authority. EKW Management Authority may be instructed to prepare an integrated wise use management plan for EKW area.

**3. Plastic reprocessing units along the Basanti High Way Road side areas**

The third meeting of the Committee was held on 16.08.2019 at 11:00 AM in the Conference Room of Paribesh Bhawan, Bidhannagar, Kolkata - 700 106. Subsequently, the committee has visited the plastic recycling/processing units, leather shaving burning units etc., along the Basanti high way road side areas of EKW after the meeting and the observations are as follows:

**Observations:**

- a. Large number of unauthorized plastic recycling/processing units, leather shaving burning units etc., were observed along the Basanti high way road sides during visit by the committee which are falling under EKW area. It is also gathered that, most of the area under the control of Kolkata Municipal Corporation (KMC).

**Recommendations**

- Hon'ble NGT may direct the Police Authority and KMC Authority for taking necessary actions against the unauthorized plastic recyclers, leather shaving burning units etc., which are under operation within EKW area."

5. The Bidhannagar Municipal Corporation has also filed a report which is taken on record today but we find it to be unsatisfactory, as it does not contain any tangible action taken in terms of the order dated 27.05.2019 as regards the matter relating to solid waste being dumped by the Bidhannagar Municipal Corporation at Mollar Bheri. According to the report the municipal corporation has only plans to process waste in decentralized manner through installation of organic waste converters and bio-methanation apart from establishing a centralized processing facility on a 20 acre land. The main concern as regards the old waste has not been addressed in the manner that would satisfy the provisions of the Solid Waste (Management) Rules, 2016. We had earlier indicated to the State as well as the Municipal Corporation that they should adopt the Indore model or the Pirana (Ahmedabad) model for dealing with the legacy waste considering its cost effectiveness and efficiency. Appointment of a consultant to deal with such matter would only result in delay and heavy cost to the exchequer apart from the continuing environmental degradation. The step would also overcome the delay inherent in the process of appointing concessionaires and the attendant expenditure. We may also observe that experience has shown that taking resort to such measure would also not result in satisfactory execution of works.
6. Keeping the above facts and circumstances in view, we direct the Bidhannagar Municipal Corporation to prepare an action plan along with time lines in terms of the recommendations of the Committee reproduced above and submit the same within 15 days from hence.

7. Considering the immense delay caused and the attendant pollution and environmental degradation, we impose an interim environmental compensation of ₹2 Crores upon the Bidhannagar Municipal Corporation. This shall be deposited to the satisfaction of the CPCB within a period of 15 days from hence.
8. Apart from the above, the municipal corporation shall also deposit a performance guarantee of ₹50 Lakhs also to the satisfaction of the CPCB within the same period.
9. List on 18.12.2019.

S.P. Wangdi, JM

Mr. Saibal Dasgupta, EM

25<sup>th</sup> November, 2019  
O.A. No. 32/2019 (EZ)  
avt

Item No. 10

**BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI  
(Through Video Conferencing)**

Original Application No. 32/2019 (EZ)

Subhas Datta

Applicant

Versus

State of West Bengal & Ors.

Respondent(s)

Date of hearing: 21.10.2019

**CORAM : HON'BLE MR. JUSTICE S. P. WANGDI, JUDICIAL MEMBER  
HON'BLE DR. SATYAWAN SINGH GARBYAL, EXPERT MEMBER**

Applicant(s) : In person  
Respondent(s) : Mr. Bikas Kargupta, Advocate for  
Respondent no. 1-6  
: Mr. Surendra Kumar, Advocate for CPCB

**ORDER**

1. Unfortunately, the video conference system is not working as a consequence of which we are unable to connect with the NGT Eastern Zonal Bench at Kolkata. Therefore, matters being heard through the video conference cannot be taken up today.
2. A report had been called for from the Bidhannagar Municipal Corporation to take action in terms of the order dated 27.05.2019. The Municipal Corporation and the other Authorities have repeatedly defaulted in compliance of the direction of which today's is the fourth time.

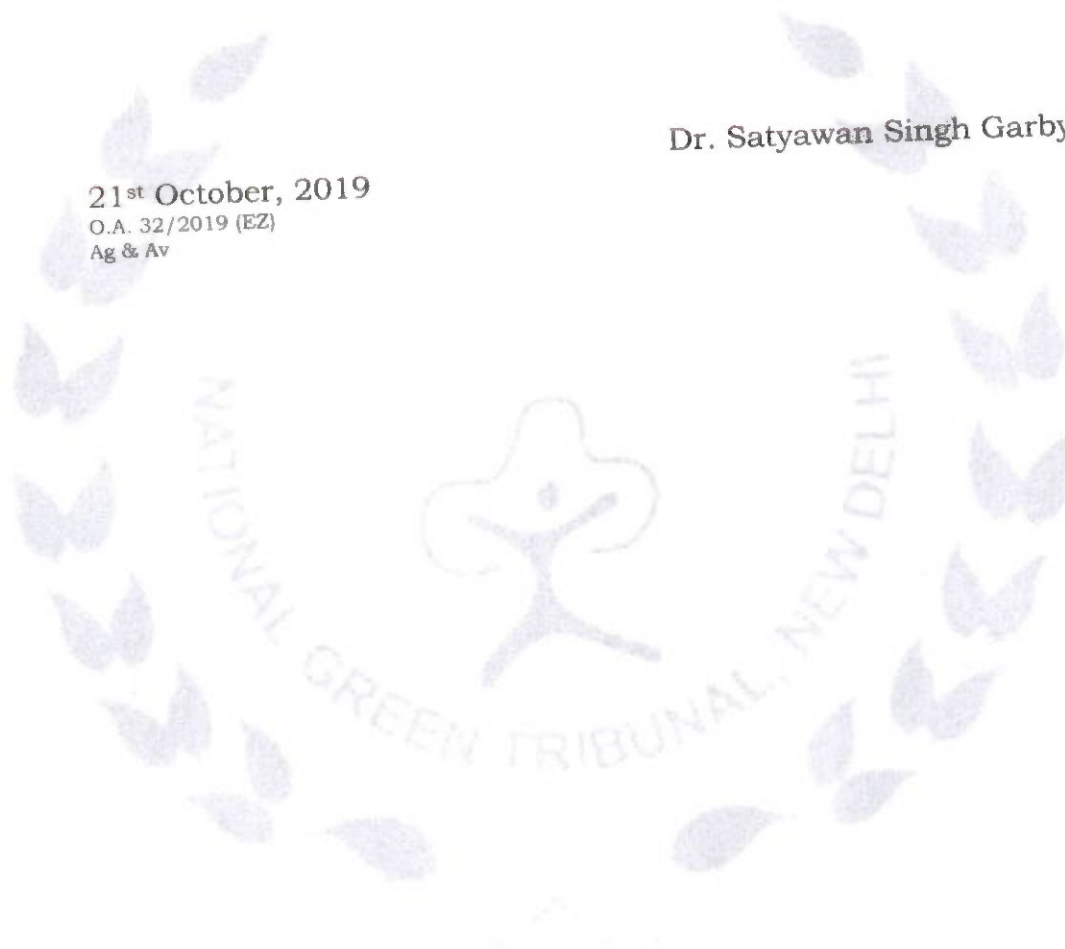
3. Ms. Madhumita Bhattacharjee, Advocate prays for time on behalf of Bidhannagar Municipal Corporation to file the report. Let her do so before the next date of hearing subject to payment of Rs. 5 lakhs as cost.

4. List on 25<sup>th</sup> November, 2019.

S. P. Wangdi, JM

Dr. Satyawan Singh Garbyal, EM

21<sup>st</sup> October, 2019  
O.A. 32/2019 (EZ)  
Ag & Av



Item No. 04

**BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI  
(Through Video Conferencing)**

Original Application No. 32/2019 (EZ)

Subhas Datta

Applicant

Versus

State of West Bengal & Ors.

Respondent(s)

Date of hearing: 30.08.2019

**CORAM : HON'BLE MR. JUSTICE S. P. WANGDI, JUDICIAL MEMBER  
HON'BLE DR. SATYAWAN SINGH GARBYAL, EXPERT MEMBER**

For Applicant(s): In person

For Respondent (s): Mr. Bikas Kargupta, Advocate for  
Respondent Nos.2-6  
Mr. Gora Chand Roy Choudhury,  
Advocate for Respondent No.8  
Mr. Sayar Chakraborti, Advocate for  
Bidhannagar Municipal Corporation

**ORDER**

1. Vide order dated 27.05.2019, a Committee had been constituted comprising of the following:

- "a. Senior Officer of the Regional Office of the MoEF & CC.  
b. Senior Scientist/Officer of the CPCB (Chairman, CPCB is an ex-officio member of the National Wetland Committee under the rules.  
c. Senior Member, East Kolkata Wetland Management Authority.  
d. District Magistrates, South & North 24 Parganas.  
e. Senior Scientist/Officers, West Bengal Pollution Control Board."*

The East Kolkata Wetland Authority was directed to be Nodal agency for coordination and for providing logistic support.

2. Pending finalisation of the report which was expected to take some time, an interim order had been passed for putting up protective fencing around the Mollar Bheri under the Bidhannagar Municipal Corporation which has been dumping municipal solid waste at that place. Certain steps were directed to be taken to put up fencing around the dumping area to prevent leachate and slurry as done on the other side of the dumping ground seen in the photographs taken on 05.05.2019 at page – 64 of the application. It was emphasised that the interim measure should be undertaken immediately.
3. The affidavit filed by Bidhannagar Municipal Corporation stated to be in compliance of the above order do not throw any light on the actual work undertaken in terms of the interim order. The action indicated therein are only proposals and futuristic.
4. For failure to comply with the direction passed as far back as on 27.05.2019, the Bidhannagar Municipal Corporation shall deposit a sum of Rs. 10 lakhs as environment compensation to be deposited with the Central Pollution Control Board within a period of 15 days. Action taken report towards compliance of the interim order shall be filed within 6 weeks from hence making it abundantly clear that failure to take action as directed shall entail payment of further compensation of Rs. 15 lakhs.
5. The prayer of Mr. Bikas Kargupta, learned Counsel for the East Kolkata Wetland Authority to submit report is allowed.

6. Let the report be filed within one month with advance copy on the applicant.

7. List on 18.10.2019.

S.P. Wangdi, JM

Dr. Satyawan Singh Garbyal, EM

30<sup>th</sup> August, 2019  
Original Application No. 32/2019 (EZ)  
Ag



Item No. 03

**BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI  
(Through Video Conferencing)**

Original Application No. 32/2019 (EZ)

Subhas Datta

Applicant

Versus

State of West Bengal & Ors.

Respondent(s)

Date of hearing: 08.07.2019

**CORAM : HON'BLE MR. JUSTICE S. P. WANGDI, JUDICIAL MEMBER  
HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER  
HON'BLE DR. SATYAWAN SINGH GARBYAL, EXPERT MEMBER**

Applicant(s) : In person  
Respondent(s) : Mr. Bikas Kargupta, Advocate for  
Respondent no. 2-5  
: Mr. Gora Chand Roy Choudhury, Advocate  
for MoEF & CC

**ORDER**

1. In this case, the questions raised are of serious nature which relates to destruction being caused to East Kolkata Wet Lands. We have extracted the essential facts of the case in our order dated 27.05.2019 in the light of which a Committee was constituted comprising of the following:

- a. Senior Officer of the Regional Office of the MoEF & CC.
- b. Senior Scientist/Officer of the CPCB (Chairman, CPCB is an ex-officio member of the National Wetland Committee under the rules.
- c. Senior Member, East Kolkata Wetland Management Authority.
- d. District Magistrates, South & North 24 Parganas.
- e. Senior Scientist/Officers, West Bengal Pollution Control Board.

The East Kolkata Wetland Authority was directed to be the nodal agency for co-ordinating with rest of the Members and for providing the logistic support.

2. The Committee was directed to consider a various aspect set out by the applicant in the original application for the purpose of which

physical inspection of the entire wetland area had been directed to be undertaken to verify the present situation prevailing in the wetland. This will be evident from paragraph 15 of the said order. Considering the magnitude of the task three months time had been granted to complete the exercise and to submit a report.

3. An interim order had also been issued to raise protective fencing around the Mollar Bheri where the Bidhannagar Municipal Corporation has been dumping solid waste. Today, the case was listed for consideration of compliance of this part of the direction. However, no report has been filed.
4. Let the report be filed without fail on 27.08.2019 when the case is listed for consideration of the report by the Committee referred to earlier.
5. A copy of this order be transmitted to Bidhannagar Municipal Corporation for compliance.
6. List on 27<sup>th</sup> August, 2019.

S. P. Wangdi, JM

K. Ramakrishnan, JM

Dr. Satyawan Singh Garbyal, EM

8<sup>th</sup> July, 2019  
O.A. 32/2019 (EZ)  
Ag & rv

Item No. 03

**BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI  
(Through Video Conferencing)**

Original Application No. 32/2019 (EZ)

Subhas Datta

Applicant

Versus

State of West Bengal & Ors.

Respondent(s)

Date of hearing: 08.07.2019

**CORAM : HON'BLE MR. JUSTICE S. P. WANGDI, JUDICIAL MEMBER  
HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER  
HON'BLE DR. SATYAWAN SINGH GARBYAL, EXPERT MEMBER**

Applicant(s) : In person  
Respondent(s) : Mr. Bikas Kargupta, Advocate for  
Respondent no. 2-5  
: Mr. Gora Chand Roy Choudhury, Advocate  
for MoEF & CC

**ORDER**

1. In this case, the questions raised are of serious nature which relates to destruction being caused to East Kolkata Wet Lands. We have extracted the essential facts of the case in our order dated 27.05.2019 in the light of which a Committee was constituted comprising of the following:

- a. Senior Officer of the Regional Office of the MoEF & CC.
- b. Senior Scientist/Officer of the CPCB (Chairman, CPCB is an ex-officio member of the National Wetland Committee under the rules.
- c. Senior Member, East Kolkata Wetland Management Authority.
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The East Kolkata Wetland Authority was directed to be the nodal agency for co-ordinating with rest of the Members and for providing the logistic support.

2. The Committee was directed to consider a various aspect set out by the applicant in the original application for the purpose of which

physical inspection of the entire wetland area had been directed to be undertaken to verify the present situation prevailing in the wetland. This will be evident from paragraph 15 of the said order. Considering the magnitude of the task three months time had been granted to complete the exercise and to submit a report.

3. An interim order had also been issued to raise protective fencing around the Mollar Bheri where the Bidhannagar Municipal Corporation has been dumping solid waste. Today, the case was listed for consideration of compliance of this part of the direction. However, no report has been filed.
4. Let the report be filed without fail on 27.08.2019 when the case is listed for consideration of the report by the Committee referred to earlier.
5. A copy of this order be transmitted to Bidhannagar Municipal Corporation for compliance.
6. List on 27<sup>th</sup> August, 2019.

S. P. Wangdi, JM

K. Ramakrishnan, JM

Dr. Satyawan Singh Garbyal, EM

8<sup>th</sup> July, 2019  
O.A. 32/2019 (EZ)  
Ag & rv

To,

The Municipal Commissioner,  
Bidhannagar Municipal Corporation  
Poura Bhawan,  
FD-4 415A, Sector-III,  
Saltlake,  
Kolkata-700106

**Sub:** O.A. 32/2019/EZ  
Subhas Dutta  
VS-  
The State of West Bengal & Ors.

**Madam,** - (No bold)

In enclosing a copy of the order 08.07.2019 passed by Hon'ble NGT EZ, I am to request you to kindly go through the said order and take necessary action to submit the compliance report before Hon'ble NGT, Principal Bench within the stipulated time.

Encl: As stated above .

Yours faithfully,

**Director SUDA**

**SUDA-**

**Copy** Forwarded for information to:

1. The Addl. Mission Director, SBM(U)
2. The Deputy Director, SUDA(AD)
3. The PA to the Principal Secretary, UD&MA Dept. Govt. of West Bengal

**Director SUDA**

120130

RECEIVED

19 JUL 2019

Contents not Verified

Bidhananagar Municipal Corporation

GOVERNMENT OF WEST BENGAL

Urban Development And Municipal Affairs Department

(Municipal Affairs Branch)

Nagarayan

DF-8, Sector - I, Salt Lake, Kolkata - 700064

No.275(Law)/C-12/NGT/3S-07/2019

Dated, Kolkata, the 18<sup>th</sup> July, 2019

From : Joint Secretary to the Government of West Bengal

To : Commissioner,  
Bidhananagar Municipal Corporation,  
Poura Bhavan,  
FD-415A, Sector-III, Salt Lake,  
Kolkata - 7000106

Subject :- O.A. 32 / 2019/EZ

Subhas Dutta - Vs- The State of West Bengal & Ors.

Madam,

With reference to the above subject matter, I am directed to inform you that the matter was heard on 08/07/2019 by the Hon'ble NGT, Principal Bench, New Delhi. After hearing the matter, the Hon'ble NGT, Principal Bench has pleased to observe that when the matter was listed for consideration of compliance, no report has been filed by BMC. Therefore, Hon'ble NGT has pleased to direct BMC to file their report on the next date of hearing fixed on 27/08/2019.

I am, therefore, directed to request you to kindly take necessary action to submit the compliance report before Hon'ble NGT, Principal Bench within stipulated time with an intimation to this Department.

Encl; Order of NGT dated 08/07/2019

Yours faithfully,

Joint Secretary

qc

18/07/2019

The statements made above are true to my knowledge, and the rest is my humble submission before this Hon'ble National Green Tribunal.

Identified by me

*Radhik Dey*

Advocate

*Davkar*

Deponent



Solemnly affirmed and declared before me on identification

*Asis Kumar Sen*

ASIS KUMAR SEN  
City Civil Court  
Kolkata

Reg. No. - 13602/18

27 JUN 2019

4) *13/6/2019*

Department of Environment, Govt. of West Bengal.

Date

*Davkar*  
Municipal Commissioner  
Bidhannagar Municipal Corporation



ofc



# রাজ্য নগর উন্নয়ন সংস্থা

## STATE URBAN DEVELOPMENT AGENCY

“ইলগাস ভবন”, এইচ-সি ব্লক, সেক্টর-৩, বিধাননগর, কলকাতা-৭০০ ১০৬, পশ্চিমবঙ্গ

“ILGUS BHAVAN”, H-C Block, Sector - III, Bidhannagar, Kolkata - 700 106, West Bengal

SUDA-399/2019 / 4501

ক্রমিক নং .....

017544

তারিখ 05.07.19

From : Director, SUDA and state Mission Director, SBM(U)

TO: The Municipal Commissioner,  
Bidhannagar Municipal Corporation  
Poura Bhawan , FD-4 415A, Sector-III, Saltlake, Kolkata- 7000106

Sub: Fencing around the dumping area at Mollar Bheri -regd.

Ref: 1. Your Memo. Comm/BMC/2019/24/Con dated 11.06.2019  
2. O.A. 32/2019 : Subhas Dutta -Vs- State of West Bengal & Ors.



Madam,

With reference to the above a detailed status report may kindly be furnished for onward submission to NGT State Level Committee for SWM, Kolkata

Yours faithfully ,

*sof 5/7/19*  
Director SUDA

SUDA-399/2019/

Copy forwarded for information to :

1. THE Addl. State Mission Director , SBM(U)
2. THE Deputy Director , SUDA(AD)
3. The PA to the principal Secretary , UD & MA Dept. Govt. of West Bengal

Director SUDA

দূরভাষ : ২৩৫৮ ৬৪০৩ / ৫৭৬৭, ফ্যাক্স : ২৩৫৮ ৫৮০০

Tel : 2358 6403/5767, Fax : 2358 5800, E-mail : wbsudadir@gmail.com

Account Section : 2358 6408





ofc



## রাজ্য নগর উন্নয়ন সংস্থা

### STATE URBAN DEVELOPMENT AGENCY

“ইলগাস ভবন”, এইচ-সি ব্লক, সেক্টর-৩, বিধাননগর, কলকাতা-৭০০ ১০৬, পশ্চিমবঙ্গ

“ILGUS BHAVAN”, H-C Block, Sector - III, Bidhannagar, Kolkata - 700 106, West Bengal

SUDA-399/2019

ক্রমিক নং .....

তারিখ .....

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Madam,

With reference to the above a detailed status report may kindly be furnished for onward submission to NGT State Level Committee for SWM, Kolkata

Yours faithfully .

Director SUDA

dt. 05.07.19

SUDA-399/2019/ 4501/L(3)

Copy forwarded for information to :

1. THE Addl. State Mission Director , SBM(U)
2. THE Deputy Director , SUDA(AD)
3. The PA to the principal Secretary , UD & MA Dept. Govt. of West Bengal



9/1  
27/19

9/1  
27/19  
Director SUDA

দূরভাষ : ২৩৫৮ ৬৪০৩ / ৫৭৬৭, ফ্যাক্স : ২৩৫৮ ৫৮০০

Tel : 2358 6403/5767, Fax : 2358 5800, E-mail : wbsudadir@gmail.com

Account Section : 2358 6408



Director, SUDA &lt;wbsudadir@gmail.com&gt;

---

**Fencing around Mollar Bheri.**

1 message

---


**Director, SUDA** <wbsudadir@gmail.com>  
To: comm.bidhannagar@gmail.com

Mon, Jul 8, 2019 at 12:25 PM

Sir, kindly find the attached file.

**For****Debarati Datta Gupta, WBCS (EXE.)****Director SUDA W.B**

---

 **Mollar Bheri - Bidhannagar.pdf**  
201K



## রাজ্য নগর উন্নয়ন সংস্থা

### STATE URBAN DEVELOPMENT AGENCY

“ইলগাস ভবন”, এইচ-সি ব্লক, সেক্টর-৩, বিধাননগর, কলকাতা-৭০০ ১০৬, পশ্চিমবঙ্গ  
“ILGUS BHAVAN”, H-C Block, Sector - III, Bidhannagar, Kolkata - 700 106, West Bengal

SUDA-399/2019

ক্রমিক নং .....

তারিখ .....

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Madam,

With reference to the above a detailed status report may kindly be furnished for onward submission to NGT State Level Committee for SWM, Kolkata

Yours faithfully ,

Director SUDA

dt. 05.07.19

SUDA-399/2019/ 4501/1(3)

Copy forwarded for information to :

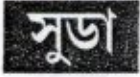
1. THE Addl. State Mission Director , SBM(U)
2. THE Deputy Director , SUDA(AD)
3. The PA to the principal Secretary , UD & MA Dept. Govt. of West Bengal

ADP 5/7/19  
Director SUDA

দূরভাষ : ২৩৫৮ ৬৪০৩ / ৫৭৬৭, ফ্যাক্স : ২৩৫৮ ৫৮০০

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Account Section : 2358 6408



# রাজ্য নগর উন্নয়ন সংস্থা

## STATE URBAN DEVELOPMENT AGENCY

“ইলগাস ভবন”, এইচ-সি ব্লক, সেক্টর-৩, বিধাননগর, কলকাতা-৭০০ ১০৬, পশ্চিমবঙ্গ

“ILGUS BHAVAN”, H-C Block, Sector - III, Bidhannagar, Kolkata - 700 106, West Bengal

SUDA-399/2019 / 4501

ক্রমিক নং .....

তারিখ ০৫.০৭.১৯

From : Director, SUDA and state Mission Director, SBM(U)

TO: The Municipal Commissioner,  
Bidhannagar Municipal Corporation  
Poura Bhawan , FD-4 415A, Sector-III, Saltlake, Kolkata- 7000106

Sub: Fencing around the dumping area at Mollar Bheri -regd.

Ref: 1. Your Memo. Comm/BMC/2019/24/Con dated 11.06.2019  
2. O.A. 32/2019 : Subhas Dutta -Vs- State of West Bengal & Ors.

Madam,

With reference to the above a detailed status report may kindly be furnished for onward submission to NGT State Level Committee for SWM, Kolkata

Yours faithfully ,

*SDf 5/7/19*  
Director SUDA

SUDA-399/2019/

Copy forwarded for information to :

1. THE Addl. State Mission Director , SBM(U)
2. THE Deputy Director , SUDA(AD)
3. The PA to the principal Secretary , UD & MA Dept. Govt. of West Bengal

Director SUDA

দূরভাষ : ২৩৫৮ ৬৪০৩ / ৫৭৬৭, ফ্যাক্স : ২৩৫৮ ৫৮০০

Tel : 2358 6403/5767, Fax : 2358 5800, E-mail : wbsudadir@gmail.com

Account Section : 2358 6408

SUDA-399/2019

From : Director, SUDA and state Mission Director, SBM(U)

TO: The Municipal Commissioner,  
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Madam,

With reference to the above a detailed status report may kindly be furnished for <sup>onward</sup> ~~forwarded~~ submission to NGT State Level Committee for SWM, ~~Kolkata~~

Yours faithfully ,



Director SUDA

SUDA-399/2019/

Copy forwarded for information to :

1. THE Addl. State Mission Director , SBM(U)
2. THE Deputy Director , SUDA(AD)
3. The PA to the principal Secretary , UD & MA Dept. Govt. of West Bengal

Director SUDA

SUDA-399/2019

From : Director, SUDA and state Mission Director, SBM(U)  
TO: The Municipal Commissioner,  
Bidhannagar Municipal Corporation  
Poura Bhawan , FD-4 415A, Sector-III, Saltlake, Kolkata- 7000106  
Sub: Fencing around the dumping area at Mollar Bheri -regd.  
Ref: 1. Your Memo. Comm/BMC/2019/24/Con dated 11.06.2019  
2. O.A. 32/2019 : Subhas Dutta -Vs- State of West Bengal & Ors.

Madam,

With reference to the above a detailed status report may kindly be furnished of the order dated 27.05.2019 of the original Application No.32/2019 (EZ) to be placed before the NGT State Level Committee for SWM, Kolkata

Yours faithfully ,

**Director SUDA**

SUDA-399/2019/

Copy forwarded for information to :

1. THE Addl. State Mission Director , SBM(U)
2. THE Deputy Director , SUDA(AD)
3. The PA to the principal Secretary , UD & MA Dept. Govt. of West Bengal

Madam .

**Director SUDA**

With reference to the above , a detailed status report may kindly be furnished for onward submission to NGT State level Committee for SWM .

Y / F

## রাজ্য নগর উন্নয়ন সংস্থা

## STATE URBAN DEVELOPMENT AGENCY

“ইলগাস ভবন”, এইচ-সি ব্লক, সেক্টর-৩, বিধাননগর, কলকাতা-৭০০ ১০৬, পশ্চিমবঙ্গ  
 “ILGUS BHAVAN”, H-C Block, Sector - III, Bidhannagar, Kolkata - 700 106, West Bengal

ক্রমিক নং SUDA – 399/2019/

তারিখ /07/2019

From : Director, SUDA and State Mission Director, SBM (U)

To : The Municipal Commissioner,  
 Bidhannagar Municipal Corporation  
 Poura Bhawan, FD- 415A, Sector – III, Salt Lake, Kolkata – 700 106

Sub.: Fencing around the dumping area at Mollar Bheri – Regd.

Ref.: 1. Your Memo. Comm/BMC/2019/24/Con dated 11.06.2019  
 2. O.A. 32 of 2019: Subhas Dutta -Vs- State of West Bengal & Others.

Madam,

References above, *with reference to the above* you are requested to submit a detailed status report, *may kindly be furnished* as per compliance of the Order dated 27.05.2019 of the Original Application No. 32/2019 (EZ), *in* placed before the *to be* Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata.

NGT State level committee for SBM

With this regard, a vetted Detailed Project Report (DPR), for fencing the entire stretch of land at Mollar Bheri (approximately 550 bigha) may also be submitted to this end after necessary site inspection with the concerned Departments, if needed.

Thanking you.

Yours faithfully,

Director, SUDA

SUDA – 399/2019/

/07/2019

Copy forwarded for information to:

1. The Addl. State Mission Director, SBM (U)
2. The Deputy Director, SUDA (AD)
3. The PA to the Principal Secretary, UD & MA Dept., Govt. of West Bengal

Director, SUDA

দূরভাষ : ২৩৫৮ ৬৪০৩ / ৫৭৬৭, ফ্যাক্স : ২৩৫৮ ৫৮০০

Tel : 2358 6403/5767, Fax : 2358 5800, E-mail : wbsudadir@gmail.com

Account Section : 2358 6408

সুডা

SUDA

রাজ্য নগর উন্নয়ন সংস্থা

STATE URBAN DEVELOPMENT AGENCY

“ইলগাস ভবন”, এইচ-সি ব্লক, সেক্টর-৩, বিধাননগর, কলকাতা-৭০০ ১০৬, পশ্চিমবঙ্গ

“ILGUS BHAVAN”, H-C Block, Sector - III, Bidhannagar, Kolkata - 700 106, West Bengal

ক্রমিক নং .....

তারিখ .....

দূরভাষ : ২৩৫৮ ৬৪০৩ / ৫৭৬৭, ফ্যাক্স : ২৩৫৮ ৫৮০০

Tel : 2358 6403/5767, Fax : 2358 5800, E-mail : wbsudadir@gmail.com

Account Section : 2358 6408



UD/001/2019/06473

Pr-secy/UD/MA

14/6/19



Tel: 2358-3921

Fax: 2358-4235

## Bidhannagar Municipal Corporation

Poura Bhawan, FD-415A, Sector III, Salt Lake, Kolkata - 700106

No: Comm/BMC/2019/24/Con

Date: 11.06.2019

To  
The Chief Environment Officer  
Govt. of West Bengal  
Department of Environment  
PraniSampad Bhawan, 5<sup>th</sup> Floor  
LB-2, Sec-III, Salt Lake City  
Kolkata-700106

**Sub: Fencing around the dumping area at Mollar Bheri.**

Ref: Your letter no. EN/1053/3C-46/2019 dated: 31.05.2019

Sir,

In reference to the above, this office has received a copy of the order dated 27.05.2019 of Hon'ble NGT from your end, wherein the East Kolkata Wet Land Authority and Bidhannagar Municipal Corporation have been directed to take urgent steps to put up of protective fencing along the Mollar Bheri within 15.06.2019.

In this connection, the following points may be taken into consideration:

1. Bidhannagar Municipal Corporation has already erected a fencing along the perimeter of the dumping ground at Mollar Bheri.
2. If it is about fencing the entire stretch of land, which is approximately 550 bigha in size, then a joint inspection with East Kolkata Wet Land and local BL & LRO is required for demarcation and pegging.
3. Bidhannagar Municipal Corporation doesn't have the financial solvency to take up this huge work of its own. An assistance from the Govt. will be required for compliance of the order of Hon'ble NGT.

The guidance on the above issues is urgently sought to comply the order of the Hon'ble NGT and further time is required to carry out the entire work.

Yours faithfully,

sd-

Municipal Commissioner  
Bidhannagar Municipal Corporation

No: Comm/BMC/2019/24/Con

Date: 11.06.2019

Copy forwarded for information to:-

1. Principal Secretary, UD & MA Department, Govt. of West Bengal.
2. Principal Secretary, Department of Environment, Govt. of West Bengal.

Municipal Commissioner  
Bidhannagar Municipal Corporation

(4) 13/6/2019

**Government of West Bengal**  
**Urban Development & Municipal Affairs Department**  
**"N A G A R A Y A N"**  
**DF-8, Sector-I**  
**Salt Lake City, Kolkata 700 064**

No.212(Law)/C-12/NGT/3S-07/2019

Dated, Kolkata, the 10<sup>th</sup> June, 2019

From : Joint Secretary to the Govt. of W.B.

To : Commissioner,  
Bidhannagar Municipal Corporation,  
Poura Bhavan,  
FD-415A, Sector-III  
Salt Lake, Kolkata - 700106



Sub: O.A. 32 of 2019

Subhas Dutta

-Vs-

State of West Bengal & Ors.

LO  
/

Sir,

With reference to above, I am directed to forward herewith a copy of Order dated 27.05.2019 passed by Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata and to request you to kindly mention of status of compliance of the said order dated 27.05.2019.

Encl. As stated

Yours faithfully,

*Sdf*

Joint Secretary to the Government of West Bengal

No.212(Law)/C-12/NGT/3S-07/2019

Dated, Kolkata, the 10<sup>th</sup> June, 2019

Copy forwarded for information & necessary action to:

- ✓ 1. Director, State Urban Development Agency, ILGUS Bhavan, HC Block, Sector III, Salt Lake, Kolkata – 700 106
2. S. Mukherjee, WBCS (Exe.), Joint Secretary, UDMA Department

*[Signature]*  
Joint Secretary 10/20/19

Item No. 02

**BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI  
(Through Video Conferencing)**

Original Application No. 32/2019 (EZ)

Subhas Datta

Applicant

Versus

State of West Bengal & Ors.

Respondent(s)

Date of hearing: 27.05.2019

**CORAM : HON'BLE MR. JUSTICE S. P. WANGDI, JUDICIAL MEMBER  
HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER  
HON'BLE DR. SATYAWAN SINGH GARBYAL, EXPERT MEMBER**

For Applicant(s) : Mr. Subhash Datta (in person)  
For Respondent (s) : -

**ORDER**

1. By filling this application, the applicant has expressed deep concern with which the East Kolkata Wetland, a Ramsar site in the city of Kolkata, is being exploited to the detriment of the environment and ecology. It is stated that the East Kolkata Wetland which is spread to about 12,500 hectares of which 4,000 hectares is constituted by water bodies, provides for natural sewage treatment for the city of Kolkata and means of livelihood for a large number of farmers who are engaged in agriculture and fishery. In view of the immense ecological role that the wetlands play, the East Kolkata Wetland (Conservation and Management) Act, 2006 was enacted and published on 31.03.2006. Under section 4(k) of the Act, power to enforce land use control in the substantially water body oriented areas and other lands in the East Kolkata Wetland areas, has been conferred upon the East Kolkata Wetland Management Authority (EKWMA). Under Section 4(r) the power has been vested upon the Authority to impose absolute or reasonable

restriction on the use of East Kolkata Wetland area. Although, persons own land within the wetlands area, no construction activity would be permitted without the permission/clearance of the Wetland Authority.

2. It is contended that a survey conducted by the applicant has revealed large number of constructions that have sprung up within the said area for different purposes which includes commercial/ industrial and other activities that are deleterious to the water body in violation of the East Kolkata Wetland (Conservation and Management) Act, 2006 and rules framed thereunder.
3. The applicant has highlighted that although numerous criminal complaints have been lodged in respect of illegal constructions between the years 2007 to 2014, only in 154 cases, charge sheets have been filed. The applicant contends that the number of cases revealed is only the tip of the iceberg as the facts of other complaints have not come to light. In such circumstances, according to the applicant, process of illegal conversion of East Kolkata Wetland has continued unabated and is continuing in full swing even today and, the concerned authorities have remained mute spectators without taking any action for reasons best known to them. The applicant emphasises that no boundary has been laid around the East Kolkata Wetland area, although decision to that effect had been taken periodically.
4. The other aspect which the applicant contends would require serious consideration, is the dumping of solid waste within the East Kolkata Wetland area. Specific instance has been mentioned of the waste dumping ground at P.C. Chandra's Garden stretch said to have been abandoned as well as the lifting/digging of soil

therefrom. Question has also been raised with regard to raising of 7 structures within the area questioning as to how such building plans could have been sanctioned by the Kolkata Municipal Corporation. According to the applicant, on 09.12.2011, it was decided that no new NoC would be granted and the NOC granted as on that date would stand revoked but, this decision was revoked on 14.07.2017 for no apparent reason.

5. The third aspect which the applicant has highlighted is the setting up of a large number of plastic reprocessing units in the Bantala, Basanti High Way Road side areas, in violation of the Plastic Waste Management Rules, 2016 and the Plastic Waste Management (Amendment) Rules, 2018. Leather industries have also been found to have been set up which are being operated with brick built ovens and other make-shift structures under the open sky causing heavy air as well as water pollution. The Bidhannagar Municipal Corporation has also been dumping its solid waste on the wetlands at Mollar Bheri.
6. The applicant contends that if the dumping ground is not shifted out from the area, it will result in severe contamination of the water apart from the air pollution that will be caused. As an immediate step, the applicant suggests fencing of the area to prevent the leachate and slurry from entering into the wetland, preferably before the onset of the monsoon.
7. Without going further in to the details of the case, from the facts and circumstances narrated above, in our view, we are satisfied that substantial question of environment arises in this case for our consideration.

8. Issue notice returnable in three weeks.
9. The Applicant to furnish requisites within one week from hence.
10. For expeditious disposal of the case, we direct the applicant to serve notices *dasti* upon the respondents along with copies of the entire set of papers and this order.
11. Considering that the case involves serious questions in respect of East Kolkata Wetland which is a declared Ramsar site, we deem it appropriate to implead the Ministry of Environment, Forest and Climate Change (MoEF&CC) and the Central Wetland Authorities as Respondent Nos. 8 and 9 to the original application. Registry shall ensure that the cause title is amended accordingly.
12. Let notice be issued upon the newly respondents. The applicant shall provide necessary requisites for the purpose within a week from hence.
13. So far as the interim prayer for putting up protective fencing around the Mollar Bheri where the Bidhannagar Municipal Corporation has been dumping municipal solid waste is concerned, we direct the East Kolkata Wetland Authority, the Respondent No. 5 and the Bidhannagar Municipal Corporation to take urgent steps to put up fencing around the dumping area to prevent leachate and slurry as done on other side of dumping ground as demonstrated by the photographs taken on 05.05.2019 at page 64 of the application.

14. This is an interim measure which we are suggesting that should be immediately undertaken. So far as the other aspects are concerned, we direct constitution of a Committee comprising of:

- 1) Senior Officer of the Regional Office of the MoEF&CC.
- 2) Senior Scientist/Officer of the CPCB (Chairman, CPCB is an ex-officio member of the National Wetland Committee under the rules).
- 3) Senior Member, East Kolkata Wetland Management Authority.
- 4) District Magistrates, South & North 24 Parganas.
- 5) Senior Scientist/Officer, West Bengal Pollution Control Board.

The nodal agency shall be the East Kolkata Wetland Authority, for co-ordinating with rest of the Members and for providing the logistic support.

15. The Committee shall consider the various aspects set out by the applicant for which purpose physical inspection of the entire Kolkata Wetland Area shall be carried out to verify on the present situation prevailing in the wetlands. While so verifying, the Committee shall examine the relevant revenue records of the area, the satellite imaginary of the wetlands for at least 15 years prior to the date of inspection as well as the current one and, highlight the extent of encroachments giving details of the specific plots and areas with reference to its geographical locations in the wetlands.

16. Considering the magnitude of the task, we grant three months time for the purpose of completing the entire exercise and submission of report.

17. For consideration of report on this aspect, list of 27.08.2019.

18. We emphasise that the other task of fencing referred to earlier shall be undertaken and completed by 15.06.2019. A compliance report shall be transmitted to this Tribunal by the Bidhannagar Municipal Corporation through e-mail at judicial-ngt@gov.in, within one month for which purpose the case is listed on 05.07.2019.

S. P. Wangdi, JM

K. Ramakrishnan, JM

Dr. Satyawan Singh Garbyal, EM

27<sup>th</sup> May, 2019  
O.A. 32/2019 (EZ)  
avtãag

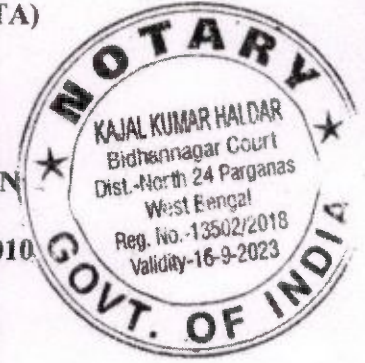




BEFORE THE NATIONAL GREEN TRIBUNAL  
(EASTERN ZONE BENCH, KOLKATA)

O.A. No. 29 of 2019/EZB

MEMORANDUM OF APPLICATION  
under National Green Tribunal Act, 2010



In the matter of:

Subhas Datta

.... Applicant

-Versus-

State of West Bengal and Others

.... Respondents

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Sr. Law (SOM)  
8/11/19  
6/6/19  
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**Applicant**

*Subhas Datta*  
SUBHAS DATTA,

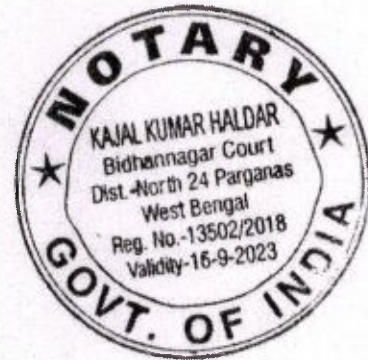
Office: 25/1, Guitendal Lane, Howrah-711 101.

Residence: 216/1, Panchanantala Road,

P.O.+P.S.+Dist. - Howrah-711 101(for both).

Telephone: 033-26383526, Mobile: 09830752752

Email: subhasdatta@rediffmail.com



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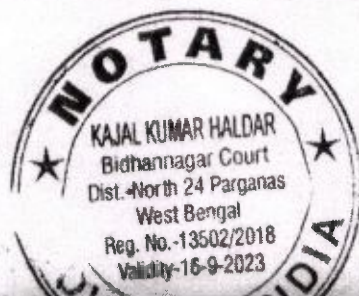
SYNOPSIS OF THE CASE

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East Kolkata Wetland, in a total area at about 12500 ha, is very unique in its character, which treats the sewage of Calcutta and has been declared as Ramsar site in the year 2002. It provides livelihood support to about one lakh of people there. From the said wetland 150 MT of fresh vegetable per day and 10500 MT of fish come to the city every year.

Considering the importance of conservation and management of this wetland, East Kolkata Wetland (Conservation and Management) Act, 2006 and Rules thereof were enacted by the State Govt. and Wetlands (Conservation and Management) Rules, 2017 had been framed by the Ministry of Environment, Forest and Climate Change. As per Section 4(K) of the said Act, East Kolkata Wetland Management Authority (herein after called as (EKWMA) had been set up with power to enforce land use control in the substantially water body - oriented areas and other lands there. The existing land use is water body 5852.14 ha, agricultural area 4718.56 ha, productive garbage farming area 602.78 ha and urban and rural settlement 1326.52 ha. At present rampant human settlement here and there and various commercial and industrial activities, are being carried out, which now pose a direct threat to this unique wetland.

As per the said Act and Rules certain activities have been prohibited there and nobody is allowed to change the character of the land and its use without prior permission from East Kolkata Wetland Management Authority. Due to pressure of population and reckless urbanisation, massive conversions are taking place there on regular basis. The website of East Kolkata Wetland Management Authority shows that from 2007 to March 2016, 353 cases have been registered by the police on illegal



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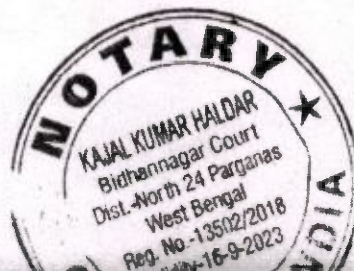
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conversions of wetland. Practically there are thousands of such cases of illegalities which have escaped the attention of the concerned authorities. East Kolkata Wetland Management Authority has resolved from time to time to take steps against gross violations of the Acts/Rules but nothing tangible has so far happened to restore all such the conversions to their previous position, which has been mandated by Section 11 of the East Kolkata Wetland (Conservation and Management) Act, 2006. Substantial land of the wetland area stands converted and in the process geography of the place is being converted into history. East Kolkata Wetland Management Authority has referred the issue of taking actions in the cases of illegal conversions to the Chief Minister of the State and this matter is now resting under political refuge.

Plastic industry is running in full swing at both sides of Basanti High way and they are not following any environmental norms and being operated without having any registration.

Presently illegal small-scale leather industry has been set up within East Kolkata Wetland area where waste materials are collected from Bantala Leather Complex and by adopting the crude process of further burning in big open ovens further processing is going on. Because of open-burning of the highly contaminated waste materials tremendous air and water pollution is being caused there. East Kolkata Wetland Management Authority has resolved several times to remove the wrongful production practices of both plastic as well as leather industry but nothing has happened so far. The actions against those wrongful activities are still on hold.

Some big building complexes have come up within the wetland area and presently a shopping mall is reportedly being constructed at the P. C. Chandra Garden site, which



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is the abandoned garbage dumping ground of Calcutta. On a project at Dhapa dumping ground the State Pollution Control Board has prepared a report titled as "Dhapa Dumpsite Environmental and Social Assessment Report," for some developmental project there. Since the closed dumping site still poses significant hazard to the environment and neighbouring community as the dumpsite had not been closed in an environmentally sound manner, it is felt that similar study should be conducted for any developmental work at the closed dumpsite at P. C. Chandra's Garden cum event centre.

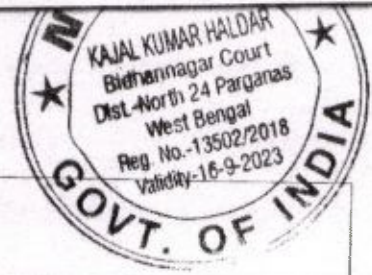
The actual mapping and measurement of East Kolkata Wetland area has not yet been done. The boundary demarcation of the area has not yet been completed even after more than twelve years of the framing of the Act. The miscreants are taking advantage of such situation and conversions have become rampant.

One solid waste dumping ground has been set up by Bidhannagar Municipal Corporation well within wetland area adjacent to Mollar Bheri and other water bodies. Garbages overflow to those water bodies and during monsoon the wastes and sludge find their ways to the Bheris. Thus, there are gross violations of the East Kolkata Wetland (Conservation and Management) Act and Rules framed there under and also of the Solid Waste Management Rules (SWM) 2016 and Plastic Waste Management Rules (PWM) 2016

Several industrial and commercial activities like concrete mixture plant, granite marble shops/godowns, car showrooms/garages, godowns, storages of different materials, educational institutions have come up there in a big way. The controlling and monitoring authorities are not taking any steps against such illegalities and conversions. Without judicial intervention there is no scope of survival of this Ramsar site. Hence this application is being filed.

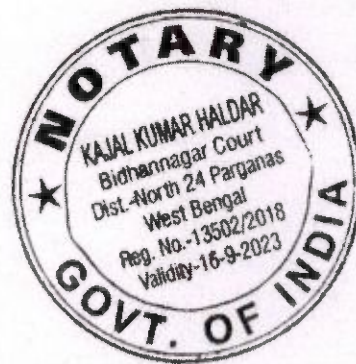
15 MAY 2019





<u>Sl No.</u>	<u>Date</u>	<u>Particulars</u>
1.	2002	East Kolkata Wetland was declared as Ramsar site.
2.	31.03.2006	The East Kolkata Wetlands (Conservation and Management) Act, 2006 was enacted.
3.	11.10.2006	East Kolkata Wetlands (Conservation and Management) Rules, 2006 was made.
4.	09.12.2011	East Kolkata Wetland Management Authority issued Memo No. CTO/EN/2131(186)/11 stating no new NOC shall be granted and all NOCs granted earlier shall be revoked.
5.	20.09.2012	Environment Department Govt. of West Bengal issued an ordered vide Memo No. EN/2158/ (5) imposing certain restrictions on the use of East Kolkata Wetland.
6.	30.12.2013	21 <sup>st</sup> meeting of East Kolkata Wetland Management Authority was held resolving several issues.
7.	31.01.2014	Building Department of Kolkata Municipal Corporation issued office order not to sanction any building plan in wetland area without NOC from East Kolkata Wetland Management Authority.
8.	03.02.2014	22 <sup>nd</sup> meeting of East Kolkata Wetland Management Authority was held when decision was taken for removal of illegal plastic, rubber and leather factories and on several other things.
9.	10.06.2014	23 <sup>rd</sup> meeting of East Kolkata Wetland Management Authority was held resolving several issues.
10.	08.09.2014	24 <sup>th</sup> meeting of East Kolkata Wetland Management Authority was held resolving several issues.
11.	17.11.2014	25 <sup>th</sup> meeting of East Kolkata Wetland Management Authority was held resolving several issues.
12.	02.01.2015	Times of India published news on local MLA demanding legalisation of all unauthorised constructions made within wetland area.
13.	30.01.2015	Online edition of The Telegraph came out detailing the problems arising out of the solid waste dumping ground of Bidhannagar Municipal Corporation at Mollar Bheri.

14.	11.02.2015	26 <sup>th</sup> meeting of East Kolkata Wetland Management Authority was held resolving several issues.
15.	19.02.2015	Anandabazar Patrika published news on local MLA demanding legalisation of all unauthorised constructions made within wetland area.
16.	04.03.2015	Applicant sent representations to the Chief Minister of West Bengal and to the Principal Secretary of Environment Department, Govt. of West Bengal on East Kolkata Wetland issue.
17.	14.07.2017	1 <sup>st</sup> meeting of the reconstituted body of the East Kolkata Wetland Management Authority was held in which the resolution taken earlier in 17 <sup>th</sup> meeting on NOC aspects was revoked.
18.	26.09.2017	Wetlands (Conservation and Management) Rules, 2017 was made.
19.	January to May 1 <sup>st</sup> week 2019	The applicant made several visits to East Kolkata Wetland area to assess the latest position of the wetland.
20.	02.05.2019	The applicant sent representations to the Chief Minister of West Bengal and others on East Kolkata Wetland.



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**BEFORE THE NATIONAL GREEN TRIBUNAL  
(EASTERN ZONE BENCH, KOLKATA)**

**MEMORANDUM OF APPLICATION**

**National Green Tribunal Act, 2010**

**Original Application No. \_\_\_\_\_ of 2019/ EZB**

In the matter of:

Subhas Datta

.... Applicant

-Versus-

State of West Bengal and Others

.... Respondents

**IN THE MATTER OF:**

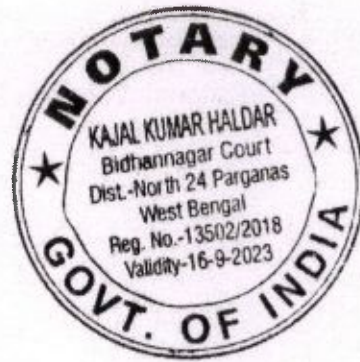
**1) Subhas Datta**

Son of Late Baneswar Datta,

25/1 Guitendal Lane,

P.O. + P.S. + District – Howrah

Pin code- 711 101, West Bengal



..... Applicant

15 MAY 2019



**1. STATE OF WEST BENGAL,**

(Notice through the Chief Secretary),

Nabanna, 325, Sarat Chatterjee Road,

Shibpur, Howrah – 711102

**2. DEPARTMENT OF ENVIRONMENT,**

Govt. of West Bengal,

(Notice through the Addl. Chief Secretary),

5<sup>th</sup> Floor, Pranisampad Bhawan,

Block LB-II, Slat Lake, Sec-III,

Bidhannagar, Kolkata – 700 106

**3. DEPARTMENT OF URBAN DEVELOPMENT**

**& MUNICIPAL AFFAIRS,**

(Notice through the Principal Secretary),

Nagarayan, Sec-I, Block DF-8,

Bidhannagar, Kolkata – 700 064

**4. DEPARTMENT OF HOME,**

(Notice through the Principal Secretary),

Nabanna, 13<sup>th</sup> Floor, 325, Sarat Chatterjee

Road, Shibpur, Howrah – 711102



15 MAY 2019

**5. EAST KOLKATA WETLAND MANAGEMENT AUTHORITY,**

(Notice through the Member Secretary),

Pranisampad Bhawan, 5<sup>th</sup> Floor,

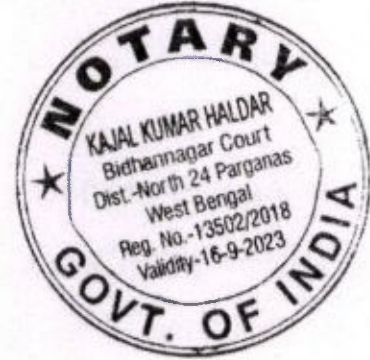
Block LB-2, Sec-III, Salt Lake,

Bidhannagar, Kolkata – 700 106

**6. THE DISTRICT MAGISTRATE,**

South 24 Pargana, 25, Belvedere Road, Alipore

Police Line, Alipore, Kolkata – 700027



**7. THE DISTRICT MAGISTRATE,**

North 24 Pargana, 39, Katgola Banamalipur,

Barasat - 700124

..... Respondents

- A. The address of the Applicant as given above is for the service of notices of this application and that of their representatives.
- B. The addresses of the respondents as given above are for service of notices of this application and that of their representatives.
- C. The applicant named above begs to present the Original Application on different types of environmental hazards being caused by inappropriate and improper management of East Kolkata Wetland for the last more than twelve years. Several types of disorders are taking place due to wrong actions and inaction on the part of Respondent Nos. 1 to 7 on the grounds set out hereunder:-

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Most Respectfully Sweath:

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I, Subhas Datta, aged about 70 years, son of Late Baneswar Datta, by Religion-Hindu, by Occupation-Chartered Accountant, residing at 25/1, Guitendal Lane, P.S.+P.O.+Dist. – Howrah, Pincode-711101, do hereby solemnly declare and say as follows: -

**FACTS IN BRIEF:**

- 1) That the applicant is the environmental activist and public spirited person. He is engaged in different social, environmental and philanthropic activities since 1977. The applicant is second to none in the fields of ventilating the grievances of the common people. There is hardly any public issue in the State of West Bengal on which the applicant has not tired to project the peoples' demands before the appropriate authorities.
- 2) That the applicant has organized series of movements on ecology and environment and on different social aspects of the State of West Bengal. Some of such activities had to face police atrocities, arrests and institution of false and fabricated criminal proceedings against the applicant. On the basis of the Writ Petition (No. 380 of 1995) filed by applicant in April 1995 before the Hon'ble Supreme Court of India the first Environment Bench, which is popularly called as the Green Bench, had been constituted in the High Court at Calcutta.
- 3) That during past forty years the applicant has been continuously fighting hard to save and protect the environment and ecology of the State of West Bengal and some of the Eastern and North Eastern States. The applicant has brought about one hundred environmental matters and also various matters of public interest before the Hon'ble Apex Court of the

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Country, Environment Bench and Public Interest Litigation Bench of the High Court at Calcutta and also have been interacting with various related issues and assisting the Hon'ble Court as Amicus Curiae in some matters. At present the Hon'ble Eastern Zone Bench of the National Green Tribunal is hearing various matters as filed by the applicant.

- 4) That the East Kolkata Wetland is something very unique for Calcutta, which works as kidney to us. There is an area of 12500 hectares of land to the east of Kolkata, comprising fish ponds, rice fields and local settlement villages, which was declared as a Ramsar site in 2002 as a unique example of wise use, an ecosystem that is a teacher for the tropical countries in particular and for the rest of the world in general. The vast stretches of shallow fish ponds, spread around 4000 hectares, behave as oxidation ponds, which are known as the best option for treating municipal wastewater in tropical countries. The blooms of algae are the grazing surface for the fishes grown and they grow at a prolific rate without supplementary food, if only wastewater is properly made available.
- 5) That the survival of East Kolkata Wetland is very important for Calcutta because it works as waste water treatment for the sewage of the city. The sewage from the city gets treated in these wetlands. Before reaching the river Kulti in the downstream, the water quality of wastewater undergoes a positive change. Another benefit of wetland is the livelihood support. Fisheries and agriculture provide support to about 1,00,000 wetland dwellers mainly in the form of fish farming in fish ponds (bheris), agriculture and related vocations. The official website of East Kolkata Wetland Management Authority (herein after called as EKWMA) has claimed that wetland of about 12500 hectares 150 Mt of fresh vegetables every day and 10500 Mt of table fish per annum. Thus, there are two-fold financial benefits arising out the said wetlands. First, the huge one-time cost of

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setting-up of sewage treatment plant and operational and maintenance expenses thereof  
can be avoided and secondly the livelihood of about one lakh of people can be provided.

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- 6) That it is observed that there are reckless conversions of the East Kolkata Wetland, which is claimed to be the largest wastewater fed aqua culture system in the world. There are increasing pressure of human settlement for which rampant filling up of the wetlands is going on. Unauthorised constructions and prohibited commercial and industrial activities are being indulged there causing acute environmental imbalances.
- 7) That realising the problems of this most important wetland of the country, enactment of the law in the name as The East Kolkata Wetlands (Conservation and Management) Act, 2006, had been made on 31<sup>st</sup> March, 2006. The preamble of the said Act goes as follows:

*"WHEREAS the wetlands act as regulator of water regime, source for underground water recharging, mechanism for waste water treatment, air quality purifier and store of water for fire-fighting and have great ecological significance for human life;*

*AND WHEREAS there is an increasing pressure on land for human settlement leading to filling up of the wetlands;*

*AND WHEREAS the East Kolkata wetlands are ecologically and socio-economically very important;*

*AND WHEREAS it is expedient to provide for conservation and management of the East Kolkata wetlands and for matters connected therewith and incidental thereto;"*

- 8) That considering the importance of the wetlands in the country, Ministry of Environment, Forest and Climate Change has also framed Rules titled as the Wetlands (Conservation and Management) Rules, 2017, the preamble of which reads as follows: -

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*"Whereas the wetlands, vital parts of the hydrological cycle, are highly productive ecosystems which support rich biodiversity and provide a wide range of ecosystem services such as water storage, water purification, flood mitigation, erosion control, aquifer recharge, microclimate regulation, aesthetic enhancement of landscapes while simultaneously supporting many significant recreational, social and cultural activities, being part of our rich cultural heritage;*

*And whereas many wetlands are threatened by reclamation and degradation through drainage and landfill, pollution (discharge of domestic and industrial effluents, disposal of solid wastes), hydrological alternation (water withdrawal and changes in inflow and outflow), over-exploitation of their natural resources resulting in loss of biodiversity and disruption in ecosystem services provided by wetlands;"*

- 9) That in order to arrest over exploitations of the natural resources of the wetlands certain activities had been restricted therein. Rule 4 of the Wetland (Conservation and Management) Rules, 2017 stands as follows: -

*"The following activities shall be prohibited within the wetlands, namely,*

- I. conservation for non-wetland uses including encroachment of any kind;*
- II. setting up of any industry and expansion of existing industries;*
- III. manufacture or handling or storage or disposal of construction and demolition waste covered under the Construction and Demolition Waste Management Rules, 2016; hazardous substances covered under the Manufacture, Storage and Import of Hazardous Chemical Rules, 1989 of the Rules for Manufacture, Use, Import, Export and Storage of Hazardous Micro-organisms Genetically engineered organisms or cells, 1989 or the Hazardous Wastes (Management, Handling and Transboundary Movement) Rules, 2008; electronic waste covered under the E-Waste (Management) Rules, 2016;*
- IV. solid waste dumping;*
- V. discharge of untreated wastes and effluents from industries, cities, towns, villages and other human settlements;*
- VI. any construction of a permanent nature except for boat jetties within fifty metres from the mean high flood level observed in the past ten years calculated from the date of commencement of these rules; "*



10) That As per the Section 4(k) of the East Kolkata Wetlands (Conservation and Management) Act, 2006, it has entrusted the East Kolkata Wetlands Management Authority (EKWMA) with the power to enforce land use control in the substantially water body-oriented areas and other lands in the East Kolkata Wetland area. Further vide Section 4(r) of the said Act it has empowered the EKWMA for imposing absolute or reasonable restriction for the use of the East Kolkata Wetland area. In line with Section 4 of the said Act an Order has been passed Vide Memo No. EN/2158/(S) dated 20<sup>th</sup> September, 2012, by the Environment Department, Govt. of West Bengal which has prescribed imposition of such restrictions on use of land of East Kolkata Wetland in the following manner: -

a) *"That the local authority should not issue any license or building plan for any residential, commercial or industrial activities without considering the clearance from the EKWMA;*

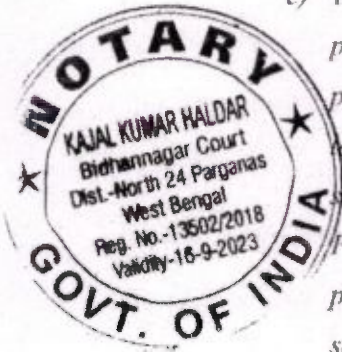
b) *That the Land and Land Reforms Department of the concerned area is also directed not to issue any certificate for change of the character of land under Section 4(c) of the West Bengal Land and Land Reforms, Act 1955, without considering the clearance from the EKWMA;*

c) *That the occupiers of the East Kolkata Wetlands area can transfer land to any person or persons in any manner through registered Deed or through providing lease or tenancy right. and such owner may mutate such transferred land in their name. But any construction activities in the said area shall be subject to written permission/prior clearance of the EKWMA;*

*Provided further that the change of character or mode of use of land by any purchaser shall be subject to and in conformation with the provisions of the said Act, 2006;*

d) *Any owner/occupier of the land in the EKW area, with prior permission of the EKWMA shall have the right of vegetative fencing their demarcated area utilizing sal, eucalyptus, bamboo made pole and barbed wire, but shall not be permitted to make any construction for fencing their boundary;*

*Provided that on receipt of any information of violation, EKWMA may take such action as it is necessary for conservation and management of the EKW area in accordance with provisions of the East Kolkata Wetlands (Conservation and Management) Act, 2006."*



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The copy of the said order dated 20<sup>th</sup> September 2012 is enclosed and marked as

Annexure- P/1.

- 11) That It has been mandated that any construction in the wetland area changing the character and mode of use of land should be backed by prior sanction from the EKWMA. In the absence of No Objection Certificate (NOC) from such authority any construction within the wetland area is considered to be illegal and as per Section 11 of the East Kolkata Wetlands (Conservation and Management) Act, 2006, there should be restoration of such converted land to its original character or mode of use.
- 12) That the applicant is individually working in the fields of preservation and conservation of this unique Wetland of Calcutta during the last two decades. Series of visits to the different sites of the Wetlands have been made, representations have been given to various authorities and detailed interactions were made with Late Dhruba Jyoti Ghosh, who is the pioneer of this issue and brought the Wetland matter to the international arena through his detailed research work in the matter.
- 13) That several petitions complaining and alleging different individual issues on misuse and abuse of East Kolkata Wetland have been filed before the High Court at Calcutta, Supreme Court of India and National Green Tribunal. The applicant is well aware of such petitions/applications. But no application has so far been filed on the total aspects of depletion and damages of this wetland, which is historically, geographically, environmentally, economically and socially very important for Calcutta. The applicant thus thought it appropriate to make a survey on the latest position of the Wetland and the applicant has surveyed different parts of the East Kolkata Wetland areas and it has been observed that there are hundreds/thousands of constructions made for other different purposes. Photographs have been taken of such illegalities which clearly show that various commercial/industrial and other activities are going on there by not observing any



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Environmental Laws and Rules and also by not following the Rules/Procedures as prescribed in the East Kolkata Wetland (Conservation and Management) Act, 2006 and Wetland (Conservation & Management) Rules 2017.

14) That in the matter of illegal conversions of East Kolkata Wetland, the official website of East Kolkata Wetland Management Authority has uploaded a status report showing details of cases filed from 2007 to 2014 by different police stations like Sonarpur, Kolkata Leather Complex, Tiljala, Pragati Maidan, Anandapur and Bidhannagar (South). From the said status report, it is evident that 266 occurrences of illegal constructions have taken place there from 2007 to 2014, out of which 201 cases have been filed by the police on which 154 charge sheets have been submitted. It is very alarming and dangerous situation that within 8 years such huge number of illegalities have been surfaced prompting police actions. But the ground reality is that there are several thousands of such illegal conversions on which no intervention/monitoring by any of the controlling authorities has taken place. No status report is available for the period from 2015 to 2019 (till April). It is apprehended that during the said period greater number of conversions have taken place where the eyes and ears of the authorities did not reach. Even the website of EKWMA does not state anything whether and to what extent the restorations have taken place or not. It is therefore, clear that the purposes of constitution of the body like EKWMA have not been fulfilled. For the kind reference, the photocopy of the said status report, as downloaded from this official website, is enclosed and marked as

Annexure - P/2.

15) That the process of illegal conversion of East Kolkata Wetland is still continuing in full swing and the concerned authorities are not simply acting as silent spectators to those misdeeds, they are sometimes compelled to indulge such illegalities under local political pressures for which the purposes of enactment of several Acts and Rules thereof, both by the State Govt. as well as by the Central Govt. have been frustrated.



- 16) That although no separate status report on conversions of wetland is available for the period from 2015 to 2019 (Till April) from the website of EKWMA, the applicant has found some details from the Annual Report of the said Authority for the period 2013-2014 to 2015-2016 which shows the total number of cases registered for illegal conversions in wetland as follows:-

Year	Total cases
2013-14	38
2014-15	44
2015-16	70
Total	152

The photocopy of the above position on the total number of cases is enclosed and marked as Annexure – P/3

- 17) That the total number of cases registered by the police for illegal constructions/conversions in East Kolkata Wetland area for the period from 2009 to March 2016 stands at 353. The fate of such cases is not known and there is no mention anywhere as to whether such illegal conversions have been restored to its previous position as envisaged under Section 11 of the East Kolkata Wetland (Conversion and Management) Act 2006.

- 18) That it is a very discouraging position that on illegal conversions of East Kolkata Wetlands complaints have been lodged, FIRs have been made, charge sheets have been issued but there is no evidence and/or record to show that any such wrongful conversions have been restored to its original character or mode of use.



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19) That with regard to the violation, cases/court cases on illegal conversions of wetland, the EKWMA has resolved many things from time to time but there is no whispering at all to show what step has been initiated by them to restore the wetland area to its original character or mode of use. The applicant prefers to refer to the resolutions made by EKWMA on different dates as follows:

I. In 21<sup>st</sup> meeting of EKWMA was held on 30<sup>th</sup> December, 2013

a. *"Violation cases / court cases pertaining to EKWMA: A meeting chaired by the Chief Secretary, West Bengal and Chairman, EKWMA was held on 17.5.13 between EKWMA, Home Department and the DM 24 Parganas South to discuss pending FIR/GDEs for violations of the Acts / Rules governing the EKW. It was decided to have joint inspections of complaints with the police and EKWMA staff followed by legal action. Summary of FIRs lodged police station-wise was circulated among the Members present."*

II. In 23<sup>rd</sup> meeting of EKWMA was held on 10<sup>th</sup> June, 2014

*"Setting up a task force for cases of violations of Rules/Act relating to EKW: It was decided that Environment Department should personally contact again Director General of Police, West Bengal again for setting up a task force with SPs and In-Charge of the concerned police stations for filling charge sheet against the FIRs and expediting investigation within the EKW area."*

III. In 25<sup>th</sup> meeting of EKWMA was held on 17<sup>th</sup> November, 2014

*"Violation cases and Police action on this regard: ADG (Law and Order) and SP, 24 Parganas (South) informed that only 34 cases were pending with Sonarpur and KLC police station and 133 violators were arrested. It was decided that SP, 24 Parganas (South) will hand over the list of all cases including pending cases to EKWMA. The SP 24 Parganas (South) was commended for the action taken against the violators.*

*It was also decided that based on the list from police officials CTO, EKWMA shall prepare a brief report and submit to Chief Secretary, Government of West Bengal. The report may be put up before the Hon'ble Chief Minister, West Bengal for further directions and the name of violators who got charge sheet may be published in the website of EKWMA."*



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20) That the EKWMA has given much importance to the issue of illegal conversions of wetland and considering the gravity of the issue the report prepared in this regard was scheduled to be placed before the Chief Minister of the State but the outcome and/or decision from the Chief Minister is not available. The question of restoration, therefore, has not arisen. In the process the conversions are continuing and it is apprehended that the area of the East Kolkata Wetland has considerably been reduced. The applicant prefers to refer the Annual Report (for the period 2013-14 to 2015-16, as published by EKWMA) where the area and percentage of categories of land use has been shown as follows: -

<i>Categories of land use</i>	<i>Area in ha</i>	<i>Percentage</i>
<i>Substantially water body area (primarily sewage-fed fishery activities)</i>	<i>5,852.14</i>	<i>46.82</i>
<i>Agricultural area</i>	<i>4,718.56</i>	<i>37.75</i>
<i>Productive garbage farming area</i>	<i>602.78</i>	<i>4.82</i>
<i>Urban and rural settlement area</i>	<i>1,326.52</i>	<i>10.61</i>
<b>Total</b>	<b>12,500.00</b>	<b>100.00</b>

It is apprehended by the applicant that the total area of the East Kolkata Wetland has now become history and the respective authorities should, therefore, immediately make survey on the existing category of land use and find out how far the depletion has taken place. In this process all illegal conversions should be physically identified and restored to the original condition and mode of use.

21) That the actual mapping and measurement of water bodies of the EKW area has not been done even after the lapse of more than twelve years. The annual report of EKWMA has simply estimated the categories of land use, as stated in earlier paragraph. In the meeting of EKWMA held on 14<sup>th</sup> July 2017 it had been resolved that "a steering committee would



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supervise preparation of Wise Use and Management Plan." A Steering Committee thus had been set up but such land use and Management Plan has not yet seen the light of the day. In the absence of such plan, the wetlands are facing acute crisis because of over exploitation and misuse of such area.

22) That there is no boundary of the EKW area and it is observed that the EKWMA has resolved time to time but such process of boundary demarcation has not yet been done. In the matter of boundary demarcation, on different dates it had been resolved as follows:

a) In the 23<sup>rd</sup> meeting of EKWMA meeting held on 10<sup>th</sup> June 2014 it had been resolved as follows: -

*"Virtual boundary demarcation of the EKW area:*

*EKWMA discussed the issue. It was recommended that after completing the 'ground truthing' of the waypoints, physical demarcation by erecting pillars at regular intervals in the manner of forest boundary demarcation."*

b) In the next 24<sup>th</sup> meeting of the same body held on 8<sup>th</sup> September 2014 it had been resolved as follows: -

*"Virtual boundary demarcation of the EKW area:*

*CTO informed that this matter was discussed with Dy. DLLRO, 24 Parganas (South) in a formal, meeting but there is no response from DM, 24 Parganas (North). The CTO informed that the tentative duration for execution the work shall be about three months."*

c) In the subsequent 26<sup>th</sup> meeting of the said body held on 11<sup>th</sup> February 2015 it had been resolved as follows: -

*"Virtual boundary demarcation of the EKW area:*

*Sri S. K. Dutta, ADM, North 24 Parganas informed that joint inspection of the waypoints was completed in the part of Dist. 24 Parganas (N) in EKW area and house work of preparing maps is going on. CTO stated that most of the area of*



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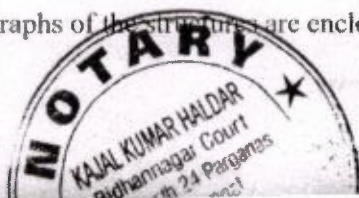
*the EKW area is under Dist. 24 Parganas (S) and it is taking time to complete joint survey. Chairman set a period of six months to complete the survey. CTO suggested that the District Magistrate, 24 Parganas (S) may look into the issue and take necessary action by setting up additional team/s for surveying the area."*

23) That because East Kolkata Wetland area comprises of waterbody, agricultural land, productive garbage farming and human settlement area, it is extremely urgent that boundary demarcation of EKW should be completed but still it has not been done for which there are rampant conversions of the wetland area and it is practically facing a threat of extinction. Thus there should not be any more delay in the boundary demarcation of this area.

24) That since the last three months the applicant has made several visits to different parts of the Wetland area and have taken the latest position in the matter of wrongful conversions and misuse of Wetland areas, the details of which have been stated in the subsequent paragraphs.

25) That on visit to the area opposite to Science City/ITC Hotel it has been observed that there is water body (Bheri, local nomenclature for water body used as pisciculture) and multi-storied/commercial/residential structures going side by side, which has been demarcated by a road stretching from west to east. On northern side of the said road, there is water body and at the southern side, some big concrete structures have come-up. The photographs taken of the water body and structures are enclosed and collectively marked as Annexure – P/4.

26) That the full stretch of the buildings that have come-up has also been photographed from the southern side, next to P. C. Chandra Garden, which clearly show that big high rises have come-up there, next to the East Kolkata Wetland's water body. Two such photographs of the structures are enclosed and marked as Annexure – P/5.



27) That the applicant has observed that at the northern stretch of P. C. Chandra Garden (opposite to Science City), which had been the dumping ground for solid wastes in the past and now converted into event (marriage/social functions) grounds, some big project work has been initiated for which from the said place junk of soil/earth has been removed. It is the information that a giant shopping mall will be constructed at that site. The applicant has taken some photographs showing that almost the hill top position of the earlier solid waste dumping ground has now been levelled into ground zero, which are enclosed and marked as Annexure – P/6.

28) That another significant aspect with regard to the lifting/digging of soil from the abandoned waste dumping ground at the P. C. Chandra's Garden stretch is that where and how such huge quantity of lifted soil has been dumped. It is also not known whether any Environmental Impact Assessment (EIA) has been made with regard to digging and disposal of such huge quantity of earth.

29) That in the process of constructing a shopping mall cum commercial complex virtually the old and abandoned solid waste dumping ground at Calcutta is now being converted. The applicant has come to know that "the Ministry of Environment and Forests, Govt. of India has undertaken a World Bank supported project titled as "Capacity Building for Industrial Pollution Management" with the objective of developing a "National Programme for the Rehabilitation of polluted sites". As part of this initiative some polluted sites have been and/or will be taken up for remediation in the country, of which one site is a recently closed dumpsite in the Dhapa Dumping Area of Kolkata." For such project detailed report has been prepared by the West Bengal Pollution Control Board under the name and style "Dhapa Dumpsite Environmental and Social Assessment Report. Final Report."



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30) That in the said project report on d-contamination of Dhapa solid waste dumping ground in the conclusive part, page 191, point no. 9, second paragraph it has been stated as follows: -

*"Although the dumping has ceased, the site still poses significant hazard to the environment and neighbouring community as the dumpsite has not been closed in an environmentally sound manner. An environmental and social assessment conducted in the area as part of this project has identified the hazards and has further established the need for scientific closure and containment of the dumpsite. The neighbouring habitations in the Dhapa area are the major receptors identified in the risk assessment study, especially the Makaltala village which is adjacent to the closed dumpsite."*

The applicant likes to place such report at the time of hearing of this matter.

31) That the applicant strongly feels that if such detailed study has been and/or is being undertaken for d-contamination of Dhapa solid waste dumping ground under World Bank project, there is no reason as to why no such study would be carried out for the conversion of the old solid waste dumping ground at the stretch of P. C. Chandra Garden. Earlier when the P. C. Chandra Garden was made on the dumping site, it had been a simple green cover thereon. Afterwards lot of concrete structures had been made there to convert it to a pompous event ground. But the present conversion of old solid waste dumping ground into commercial complex should also undergo similar d-contamination process which has not been carried out. This important environmental aspect should not be ignored. Moreover, since the area in question is within East Kolkata Wetland, which is "No Developmental Zone", no such constructions should be allowed any further.

32) That with regard to the constructions at the northern stretch of P. C. Chandra Garden and at other places within wetland area, it may further be stated that how such building plans in that area have been sanctioned by Kolkata Municipal Corporation and how prior permission has been accorded to by the E.K.W.M.A. From the official website of





EKWMA, an order, vide Memo No. CTO/EN/2131 (186)/11, dated 09.12.2011 has been found, which reads as follows: -

*"In the 17<sup>th</sup> meeting of the East Kolkata Wetlands Management Authority (EKWMA) held on 28<sup>th</sup> September, 2011, it has been resolved that:*

1. *No new No Objection Certificate (NOC) for conversion of land shall be granted by the Authority.*
2. *All NOCs granted so far shall be revoked.*

*In pursuance of this resolution it is hereby ordered that all NOCs issued by this Authority from 31/12/2010 onwards stand cancelled. Construction work if already started based on a granted NOC should be stopped immediately and if no work has progressed then it should not commence until further orders are passed by the Authority. Moreover no new NOC shall be issued and moreover applications for NOC shall not be entertained. Violation of this order may lead to prosecution under the East Kolkata Wetlands (Conservation and Management) Act, 2006."*

The said order (photocopy) is enclosed and marked as Annexure-P/7

33) That in the official website of EKWMA, no minutes of the meeting is available for 18<sup>th</sup> to 20<sup>th</sup> meeting for which it is not clear as to whether any modifications on this score have been made or not by the said authority in the meetings held between 18<sup>th</sup> to 20<sup>th</sup> meeting of the authority. The applicant has been able to download from the website the minutes of the meetings held in 21<sup>st</sup> to 26<sup>th</sup> meeting and the first meeting of the reconstituted body of the EKWMA held on 14<sup>th</sup> July 2017 in which it is found that vide Agenda No. 10 it is resolved as follows: -

*"Agenda No. 10: Review of sweeping Order vide No. CTO/EN/2131(186)/11 dated 09.12.2011 by EKWMA prohibiting NOC*

*In the 17<sup>th</sup> meeting of the EKWMA held on 28.09.2011, it had been resolved that*

1. *No new No Objection Certificate (NOC) for conversion of land shall be granted by the Authority.*
2. *All NOCs granted so far shall be revoked.*

*Accordingly, the order noted above (CTO/EN/2131(186)/11 dated 09.12.2011) had been issued by the Authority.*



*The Authority reviewed the issue and decided to revoke the sweeping order from date since it contradicted some provisions of the Act and Rules. It was decided that EKWMA would act strictly as per provisions of the Act and Rules. "*

34) That it is very discouraging situation that on 9<sup>th</sup> December 2011, EKWMA decided that no new NOC would be granted and all NOCs granted so far would stand revoked and afterwards on 14<sup>th</sup> July 2017 (after five and half years) revoked the earlier decision. It has been stated in the resolution dated 14<sup>th</sup> July 2017 that in earlier resolution of December 2011 there had been some contradictions to the provisions of the Act and Rules. What contradictions had prevailed have not been explained and elaborated. Thus flood gate of conversions of the EKW have been indulged and in the process it is apprehended that the whole geography of wetland has now being changed into history and the future of wetland is at stake. The EKWMA has got no authority to give NOC to any conversion of wetland.

35) That with regard to constructions of building in the land affected by the East Kolkata Wetland (Conservation and Management) Act, 2006, the applicant prefers to refer to one Office Order (No. 18 of 2013-2014, dated 31<sup>st</sup> January 2014 issued by the Building Department of Kolkata Municipal Corporation, which goes as follows: -

*"You may please be aware that construction of buildings is prohibited in certain portions of land affected by the East Kolkata Wet-land Management Act, 2006.*

*You are, therefore, kindly requested to take necessary precaution during processing of the sanction and dealing with the unauthorized constructions in the said areas which are affected by the said Act. Unless the applicant produces N.O.C from the East Kolkata Wet-land Management Authority.*

*I am enclosing herewith a Xerox copy of the Gazette Notification of promulgation of East Kolkata Wet-land Management, Act, 2006 for necessary action."*



In the backdrop of such Office Order, it is expected that KMC has not sanctioned any building plan for any construction within EKW area, which is not backed by NOC from the EKWMA. For the kind reference of the Hon'ble Tribunal, the facsimile of the said order of KMC is enclosed and marked as Annexure – P/8

36) That reprocessing of plastic materials has become an industry in Bantala, Basanti High Way Road side areas where large scale plastic processing is going on. Such polluting industrial activities are being indulged without any environmental monitoring by the State Pollution Control Board and there is no registration of any of such units that are engaged in plastic reprocessing works. There are total non-compliances of the provisions as laid down in the Plastic Waste Management Rules, 2016 and Plastic Waste Management (Amendment) Rules, 2018. It is a mystery that how such wrongful polluting activities are allowed in the East Kolkata Wetland area and why and how the East Kolkata Wetland Management Authority is acting as silent spectator to the misdeeds. The applicant has observed that parallel to Basanti Highway several temporary structures have been made in which the plastic reprocessing activities are being carried out in large numbers. The applicant has taken some photographs showing dumping/bagging of plastic items, temporary structures and activities being carried out there, which are enclosed and collectively marked as Annexure-P/9.

37) That from the official website of EKWMA, the position with regard to removal of illegal plastic, rubber and leather factories coming up on the wetlands adjoining Basanti Highway has been evident. Several resolutions have been made by the authority in this regard as follows: -

- a) Vide 22<sup>nd</sup> meeting held on 3<sup>rd</sup> February 2014 it has been resolved as follows: -  
*“Removal of illegal plastic, rubber and leather factories coming up on the wetlands adjoining Basanti Highway in district 24 Parganas South:*



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EKWMA was informed that a meeting was chaired by the Chief Secretary on 17.5.13 between EKWMA, Home Department and the then District Magistrate 24 Parganas South to discuss the issues relating to violations of the Acts / Rules governing the EKW. It had been decided during the meeting that "the illegal plastic and rubber factories coming up on the wetlands adjoining Basanti Highway should be removed". Matter was subsequently referred to Kolkata Municipal Corporation (KMC) by the Member Secretary West Bengal Pollution Control Board (WBPCB) along with a site visit report. Municipal Commissioner stated that the matter would be taken up along with police support after 9th February after the Book Fair."

b) Vide 23<sup>rd</sup> meeting held on 10<sup>th</sup> June 2014 it has been resolved as follows: -

"Removal of illegal plastic, rubber and leather factories coming up on the wetlands adjoining Basanti Highway in district 24 Parganas South: Municipal Commissioner stated that Joint inspection with police is being completed and illegal factories are being identified. The process of removal of such illegal factories will commence with announcement through loudspeakers shortly. Eviction must be followed by immediate tree planting at the evicted site."

c) Vide 24<sup>th</sup> meeting held on 8<sup>th</sup> September 2014 it has been resolved as follows:

"Removal of illegal plastic, rubber and leather factories coming up on the wetlands adjoining Basanti Highway in district 24 Parganas South: Municipal Commissioner stated that the KMC had to postpone the action for the time being."

d) Vide 25<sup>th</sup> meeting held on 17<sup>th</sup> November 2014 it has been resolved as follows:

"Removal of illegal plastic, rubber and leather factories coming up on the wetlands adjoining Basanti Highway in district 24 Parganas South: Municipal Commissioner informed that a committee was formed for undertaking the work and the eviction may be started after film festival. He also stated that the burning of plastic and rubber has been stopped right now."



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38) That from the chronology of the minutes of EKWMA it is observed that the matter is deferred on and on and still now the same old practices are continuing. There is no political will to arrest this problem, which cannot be stopped without the judicial intervention.

39) That it has further been observed that at the road side of Basanti High Way within East Kolkata Wetland area the waste items from Bantala Leather Complex are further processed illegally, which is a good source of bad air pollution in the whole area. Such burning process using fossil fuel is being indulged by the miscreants in large numbers. Earlier the said process used to be performed just on the road side and because of complaints lodged in this regard, the venues have been shifted to little interior parts adjacent to Basanti High Way. Such industrial activities are not allowed as per The East Kolkata Wetlands (Conservation and Management) Act, 2006 and Wetlands (Conservation and Management) Rules, 2017 and the same smacks of clear violations of The Environment Protection Act, 1986 and The Air (Prevention and Control of Pollution) Act, 1981 and The Water (Prevention and Control of Pollution) Act, 1974. Industry brings about financial prosperity but we all have to act for the posterity and save the wetlands. This illegal and highly polluting practices should not be allowed within the East Kolkata Wetland areas.

40) That it is found that so many brick built ovens and other make shift structures have been made in large numbers under the open sky where processing of leather industry's waste materials is continuing. This industrial process is highly polluting and has been allowed by different controlling authorities. This wrong, illegal and highly polluting activities are directly supported and patronised by the authorities. The applicant has taken some photographs of such wrong practices, which are enclosed and marked as Annexure-P/10.



41) That as per Rule 4(2) (iv) of the Wetland (Conservation and Management) Rules, 2017 dumping of solid waste is prohibited within wetland area but it is evident that dumping of various types of solid waste is taking place here and there and no action of any sorts has been initiated by the prescribed authority. In this context it is preferred to refer the newspaper report published in The Telegraph on 29<sup>th</sup> April 2019 with the caption "New Town hunt for dumping ground" which has stated that the existing solid waste dumping site at Mollar Bheri has become saturated. The said Bheri exists within the East Kolkata Wetland and instead of appropriate solid waste management, as envisaged in Solid Waste Management Rules (SWM), 2016, the concerned authority is dumping solid waste in that area. The copy of the newspaper report of The Telegraph, dt 29<sup>th</sup> April 2019, is enclosed and marked as Annexure – P/11

42) That the applicant is/was really concerned with the dumping ground menace of Bidhannagar Municipal Corporation for long and in the year 2015, this issue had cropped up when on 30<sup>th</sup> January, 2015 The Telegraph newspaper in its online edition had published one news in this regard. It had been stated that Mollar Bheri area (where the dumping ground of the said Municipal Corporation) stands within wetland area and the Municipality sought and received permission from EKWMA to turn the place into a dumping ground. The said web edition of The Telegraph news had also stated that ecosystem of EKW is at stake due to such waste disposal ground. The news also had contained the comments of the applicant in this regard. The printed copy of the online edition of The Telegraph dated 30<sup>th</sup> January 2015 is enclosed and marked as Annexure-P/12.

43) That from the online newspaper report it came to light that Mollar Bheri, the dumping ground of Bidhannagar Municipal Corporation, falls within the EKW area and such restrictive activity of "solid waste dumping" has been allowed by the authority. Such



allowance is contrary to the basic objectives of East Kolkata Wetland (Conservation and Management) Act 2006 and Wetlands (Conservation and Management) Rules 2017. The applicant has visited the Mollar Bheri site and taken some photographs of the dumping ground and the adjoining water bodies, which are enclosed and collectively marked as Annexure- P/13.

44) That from the photographs it is crystal clear that there is close proximity of the dumping ground to several water bodies (Bheri) and there are evidences that the garbage sometimes overflows towards the Bheri side. It is evident that in one part of the dumping ground there is bamboo/wooden barricade between the garbage and the water body but a very big stretch has been evident where there is no barricade and during monsoon the garbage practically floats to the water body. There are reports of mass death of fishes in those water bodies in the past. The overflowing of garbage and leeching of toxic materials into the water body from the solid waste dumping ground are the direct threats to such water bodies, which are part of East Kolkata Wetland. It is therefore, strongly felt that the said dumping ground should immediately be relocated and till such time all steps should be initiated so that overflowing and leeching are arrested. Immediate steps should be initiated without any further delay.

45) That the problem of rampant urbanization has already caused depletion of the East Kolkata Wetland area and it was reported in the newspapers, Times of India 2<sup>nd</sup> January 2015 and AnandabazarPatrika on 19<sup>th</sup> February 2015 stating that the local MLA was advocating for denotification of two mouzas from Ramsar Designated sites and demanding legalization of the illegal constructions there by the Kolkata Municipal Corporation. On such newspaper reports the applicant had sent representations on 4<sup>th</sup> March 2015, to the Chief Minister of West Bengal and to the Principal Secretary, Department of Environment, Govt. of West Bengal, demanding that no such step should be initiated. The copies of the two letters are enclosed and collectively marked as Annexure – P/14.



46) The applicant while visiting differ parts of East Kolkata Wetlands has observed that garbages and other wastes of different nature have been dumped here and there and at the side of Basanti High Way. The applicant has taken some photographs showing garbage being dumped at different places within the East Kolkata Wetland area, which are enclosed and marked as Annexure- P/15

47) That it is apprehended that such dumped solid wastes might have been used in filling up of the water bodies of the wetland area and the applicant has observed that opposite to Shapur Estate Bheri, adjacent to Shapurji Housing Complex the part of the water body has been filled up by dumping solid waste there, the photographs of which have been taken and enclosed as Annexure – P/16

48) That the applicant has further observed that a concrete mixture plant has been set up within the East Kolkata Wetland area, adjacent to Jai Hind Water Distribution Project, developed at Dhapa. This sort of industrial activity causes environmental disorders and it is not known how such project has been allowed in the “No Development Zone” and who has permitted such project setting within the restricted area. The photographs taken on such concrete mixture plant are enclosed and marked as Annexure –P/17.

49) That it has further been observed that another concrete mixture plant has been set up in a very big way at the side of Basanti High Way near Bantala Guidance Academy. The industrial activities that are going on there clearly indicate that the area is being used, rather misused as industrial area and not wetland. It is not known how such industrial activities have been permitted at the prohibited zone of the East Kolkata Wetland. The photographs taken on the concrete mixture plant set up by Six Seasons Concretex at the side of Basanti High Way are enclosed and marked as Annexure –P/18.



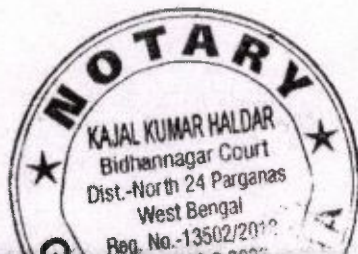


50) That different commercial activities are being performed within the East Kolkata Wetland area, which is claimed to be ecologically and socio-economically very important and for which East Kolkata Wetlands (Conservation and Management) Act, 2006 and Rules there under had been framed. Moreover, as per Rule 4(2)(vi) of the Wetlands (Conservation and Management) Rules, 2017, as framed by the Ministry of Environment, Forest and Climate Change certain such activities are prohibited, which goes as follows:-

“any construction of a permanent nature except for boat jetties within fifty metres from the mean high flood level observed in the past ten years calculated from the date of commencement of these rules;”

51) That in spite of total embargo on the commercial/industrial activities and also on the construction of permanent nature within the East Kolkata Wetland area, there are rampant such activities/processes going on. It is evident that innumerable granite marble shops, car showrooms/garages, godowns, storages of different materials, educational institutions have come up at the road side of Basanti High Way, well within the Wetland area, the photographs of which are enclosed and marked as Annexure -P/19.

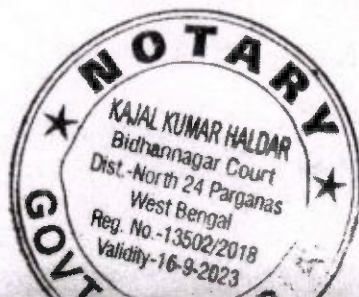
52) That the applicant has submitted Memorandum on 2<sup>nd</sup> May 2019 to The Chief Minister of West Bengal with copies to The Additional Chief Secretary of Department of Environment, The Principal Secretary of Urban Development and Municipal Affairs Department, The Principal Secretary of Home Department, The Member Secretary of East Kolkata Wetland Management Authority, The District Magistrate of South 24 Pargana and The District Magistrate of North 24 Pargana, wherein the threats and problems of East Kolkata Wetland have been detailed. In the said memorandum, the intervention of the height administrative authority of the State has been sought for, the copy of which with postal documents is enclosed and marked as Annexure - P/20



53) That being aggrieved by and dissatisfied because of inaction and silent role on such serious issue, the applicant prefers to move this application on the following amongst other: -

GROUNDS

- I. For that it is the bounden duty of the Respondents concerned to ensure proper conservations and management of the East Kolkata Wetland;
- II. For that the concerned Respondents have failed to take steps to go for proper management and control of the entire Wetland area of East Kolkata Wetland;
- III. For that the Respondents have failed to discharge their statutory duties to arrest all prohibitive activities that have and/or are taking place within East Kolkata Wetland area;
- IV. For that the Respondents should have taken urgent measures against the improper and illegal conversions of the East Kolkata Wetland area;
- V. For that the Respondents concerned have failed to take steps to protect the environment, ecology, flora, fauna of the historic Ramsar site;
- VI. For that the Respondents should have taken steps on restoration of illegal conversions that have taken place in the wetland areas of East Kolkata;
- VII. For that the Respondents concerned have failed to take step as envisaged under East Kolkata Wetland (Conservation and Management) Act, 2006, and Rules framed there under;
- VIII. For that the Respondents concerned have failed to take steps on conservations and protection of East Kolkata Wetland as envisaged in the Wetlands (Conservation and Management) Rules, 2017;
- IX. For that the Respondents have failed to take steps against all illegal constructions that have come up within the Wetlands of East Kolkata;

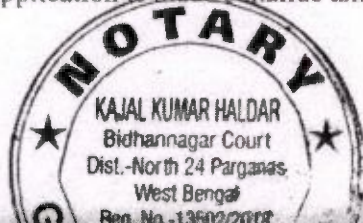


- X. For that there is total failure on the part of the Respondents for restoration of land to original character or mode of use in the illegal conservations of East Kolkata Wetland;
- XI. For that the concerned Respondents have failed to stop all polluting activities that are openly being carried out by the plastic, rubber and leather wastes processing industry within the East Kolkata Wetland;
- XII. For that there is total failure of the concerned Respondents to protect and conserve the water bodies within East Kolkata Wetland area from being severally fouled by the dumping ground and solid wastes therein;
- XIII. For that the concerned Respondents have not taken proper steps as should have been taken under The Air (Prevention and Control of Pollution) Act, 1981;
- XIV. For that the Respondents have failed to take steps under The Water (Prevention and Control of Pollution) Act 1974;
- XV. For that the Respondents have failed to take steps under The Environment (Protection) Act 1986;

#### LIMITATION

54) The applicant states that he has been working in the matter of East Kolkata Wetland for more than twenty years and has made several visits there. Series of interactions have been made with various experts, activists, local residents and different officials/technocrats/bureaucrats in the matter. Several representations have been sent to different authorities in the matter of threats and danger of the historic wetland and the last such memorandum has been sent on 2<sup>nd</sup> May 2019. The respondents have not taken step and the issues raised in the application are the outcome of a continuous process. Therefore, the application is filed within the period of limitation.

55) This application is made bonafide and for the ends of justice.



Your applicant therefore humbly prays Your Honor for the following

orders: -

- i) To direct the concerned Respondents to immediately take all steps and measures for proper conservation and management of the East Kolkata Wetland area;
- ii) To direct the Respondents concerned to stop all prohibitory activities that are now being carried out within East Kolkata Wetland area;
- iii) To direct the concerned Respondents to take steps as envisaged under The East Kolkata Wetlands (Conservation and Management) Act, 2006.
- iv) To direct the Respondents concerned to take urgent steps in restoring all converted land to its original character or mode of use as envisaged under The East Kolkata Wetlands (Conservation and Management) Act, 2006.
- v) To direct the concerned Respondents to stop all illegal and polluting industrial activities that are being carried out within the East Kolkata Wetland area by the plastic, rubber, leather and tannery waste processing industries.
- vi) To direct the concerned Respondents to take appropriate steps in respect of all the cases that have been registered on illegal conversions of the wetland in East Kolkata Wetland area.

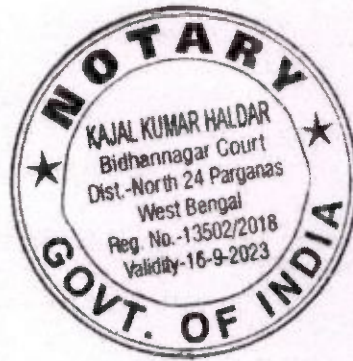


- vii) To direct the concerned Respondents to ascertain the present categories of land use within the East Kolkata Wetland area.
- viii) To direct the concerned Respondents to complete the boundary demarcation of the East Kolkata Wetland area.
- ix) To direct the Respondents concerned to go for proper environmental study before carrying out any project work on abandoned solid waste dumping ground situated within East Kolkata Wetland area.
- x) To direct the concerned Respondents to immediately relocate the solid waste dumping ground from Mollar Bheri area, which is well within East Kolkata.
- xi) To direct the concerned Respondents to remove all commercial and business establishments that have been set up wrongfully well within the East Kolkata Wetland area.
- xii) To direct the Respondents concerned to take steps as envisaged under The Environment (Protection) Act 1986.
- xiii) To direct the Respondents concerned to take steps as envisaged under The Air (Prevention and Control of Pollution) Act, 1981.
- xiv) To direct the Respondents concerned to take steps as envisaged under The Water (Prevention and Control of Pollution) Act 1974.



- xv) Such other and/or further order or orders be made  
and/or direction or directions be given as the Hon'ble  
Tribunal may deem fit and proper.

*Sublaxmitta*  
APPLICANT



15 MAY 2019



VERIFICATION

I, Sri Subhas Datta, son of Late Baneswar Datta, aged about 70 years, by occupation Chartered Accountant, by religion Hinduism, residing at 25/1 Guitendal Lane, Post Office, Police Station and District - Howrah, Pin code - 711101, do hereby declare and state that the contents of the paragraph nos. 4, 5, 7-11, 14-17, 19-22, 25-27, 29-30, 32-37, 39-43 & 45-52 are true to the best of knowledge and the contents of the paragraph nos. 6, 13, 31 & 44 are my information derived from the relevant records which I verily believe to be true and the rests are my respectful submissions before the Hon'ble Tribunal.

*Subhas Datta*  
DEPONENT

Prepared by me in my office

*Subhas Datta*  
(Subhas Datta)

Applicant-in-Person

Date: 15.05.2019

Place: Howrah

*K. K. Halдар*

**K. K. HALDAR**  
NOTARY PUBLIC  
GOVT OF INDIA  
Reg. No.-13502/2018  
Bidhannagar Court  
Dist.-North 24 Parganas  
West Bengal



15 MAY 2019



Government of West Bengal

Department of Environment  
Writers' Buildings, Kolkata - 700 001  
Ph. No. 2214-1007, Fax - 2214 5592  
Web portal : envlswb.gov.in

No. EN/ 2158 /(S)

Date : 20<sup>th</sup> September , 2012

ORDER

**WHEREAS** the Government of West Bengal has enacted a specific Act for conservation and management of East Kolkata Wetlands area on 31-03-2006 under the name and style 'East Kolkata Wetlands (Conservation and Management) Act, 2006 (hereinafter will be referred to as the 'said Act, 2006');

**AND WHEREAS** the main intention of the said Act, 2006 is to save the East Kolkata Wetlands area from increasing pressure for human settlement, leading to filling up of the wetlands as the East Kolkata Wetlands area are ecologically very sensitive and it has already been declared as RAMSARSITE from International level;

**AND WHEREAS** it is observed that a large number of unauthorized construction and unwanted commercial activities have been developed or is going to be developed, violating the environmental norms, which creates a serious ecological imbalance in East Kolkata Wetlands area and such activities are also frustrating the very purpose of the said Act, 2006 and also the norms declared by RAMSAR CONVENTION;

**AND WHEREAS** Section 4(k) of the said Act, 2006 has already entrusted the East Kolkata Wetlands Management Authority (hereinafter will be referred to as the 'EKWMA') to enforce land use control in the substantially water body oriented areas and other lands in the East Kolkata Wetlands area;

**AND WHEREAS** Section 4(r) of the said Act, 2006 has also given necessary statutory powers to the EKWMA for imposing absolute or reasonable restriction for use of the lands of East Kolkata Wetlands area for the purpose of maintaining the wholesomeness of the ecologically sensitive sites of East Kolkata Wetlands;

**AND WHEREAS** for the clarity on ownership it has been decided that for registration and mutation of land in the East Kolkata Wetlands area the permission of EKWMA shall not be required;

cont.....



HENCE in cancellation of the Order No. S/EN/487/177/08 dated 03/03/2008 and in the exercise of the powers conferred under Section 4(k) & (r) of the said Act and taking into consideration of the 'precautionary principles' as laid down by the Hon'ble Supreme Court for preservation and protection of environment, it has been decided that reasonable restrictions need to be imposed regarding use of land by different occupiers of East Kolkata Wetlands area in the following manner:-

- a) That the local authority should not issue any licence or building plan for any residential, commercial, or industrial activities without considering the clearance from the EKWMA;
- b) That the Land and Land Reforms Department of the concerned area is also directed not to issue any certificate for change of the character of land under Section 4(c) of the West Bengal Land and Land Reforms, Act 1955, without considering the clearance from the EKWMA;
- c) That the occupiers of the East Kolkata Wetlands area can transfer land to any person or persons in any manner through registered Deed or through providing lease or tenancy right, and such owner may mutate such transferred land in their name. But any construction activities in the said area shall be subject to written permission / prior clearance of the EKWMA.

Provided further that the change of character or mode of use of land by any purchaser shall be subject to and in conformation with the provisions of the said Act, 2006;

- d) Any owner / occupier of land in the EKW area, with prior permission of the EKWMA shall have the right of vegetative fencing their demarcated area utilizing sal, eucalyptus, bamboo made pole and barbed wire, but shall not be permitted to make any permanent construction for fencing their boundary;

Provided that on receipt of any information of violation, EKWMA may take such action as it is necessary for conservation and management of the EKW area in accordance with provisions of the East Kolkata Wetlands (Conservation and Management) Act, 2006.

This order will take immediate effect.

By order,

Sd/-

(RPS Kahlon)

Principal Secretary to the Government of West Bengal  
Environment Department  
&

Member Secretary  
East Kolkata Wetlands Management Authority

Status of Cases relating to EKWMA in different Police Stations  
(Upto 2014)

Cases in Sonarpur Police Station					
Case Filed Calendar Year	No. of Case filed by P.S.	Location of occurrence in EKW area	Charge sheet Submitted	FRT Submitted	Pending
2007	1	1	1	0	0
2008	7	13	7	0	0
2009	7	15	4	3	0
2010	17	44	11	6	0
2011	30	32	18	12	0
2012	10	10	8	2	0
2013	15	15	11	0	4
2014	21	21	16	0	5
<b>Total</b>	<b>108</b>	<b>151</b>	<b>76</b>	<b>23</b>	<b>9</b>
Cases in Kolkata Leather Complex Police Station					
Case Filed Calendar Year	No. of Case filed by P.S.	Location of occurrence in EKW area	Charge sheet Submitted	FRT Submitted	Pending
2007	6	6	6	0	0
2008	7	11	7	0	0
2009	2	7	1	1	0
2010	7	10	6	1	0
2011	9	9	7	2	0
2012	1	1	1	0	0
2013	2	2	2	0	0
2014	16	16	15	0	1
<b>Total</b>	<b>50</b>	<b>62</b>	<b>45</b>	<b>4</b>	<b>1</b>
Cases in Tiljola Police Station					
Case Filed Calendar Year	No. of Case filed by P.S.	Location of occurrence in EKW area	Charge sheet Submitted	FRT Submitted	Pending
2007	4	4	3	1	0
2008	1	1	1	0	0
2009	1	3	0	1	0
2010	1	3	1	0	2 <sup>##</sup>
2011	6	7	6	0	0
2012	4	4	2	0	2
2013	7	7	5	0	2
<b>Total</b>	<b>24</b>	<b>29</b>	<b>18</b>	<b>2</b>	<b>6</b>

## Police is yet to register the complaints

<b>Cases in Pragati Maidan Police Station</b>					
<b>Case Filed Calendar Year</b>	<b>No. of Case filed by P.S.</b>	<b>Location of occurrence in EKW area</b>	<b>Charge sheet Submitted</b>	<b>FRT Submitted</b>	<b>Pending</b>
2011	3	3	3	0	0
2012	1	2	1	0	0
2013	2	2	0	0	2
2014	1	1	-	-	1
<b>Total</b>	<b>7</b>	<b>8</b>	<b>4</b>	<b>0</b>	<b>3</b>
<b>Cases in Anandapur Police Station</b>					
<b>Case Filed Calendar Year</b>	<b>No. of Case Filed by P.S.</b>	<b>Location of occurrence in EKW area</b>	<b>Charge sheet Submitted</b>	<b>FRT Submitted</b>	<b>Pending</b>
2014	1	1	1	0	0
<b>Total</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>0</b>
<b>Cases in Bidhannagar (South) Police Station</b>					
<b>Case Filed Calendar Year</b>	<b>No. of Case Filed by P.S.</b>	<b>Location of occurrence in EKW area</b>	<b>Charge sheet Submitted</b>	<b>FRT Submitted</b>	<b>Pending</b>
2010	1 (filed in 2012)	5	1	0	0
2011	0	0	0	0	0
2012	1	1	1	0	0
2013	4	4	3	1	0
2014	5	5	5	0	0
<b>Total</b>	<b>11</b>	<b>15</b>	<b>10</b>	<b>1</b>	<b>0</b>
<b>Grand Total</b>	<b>201</b>	<b>266</b>	<b>154</b>	<b>30</b>	<b>19</b>

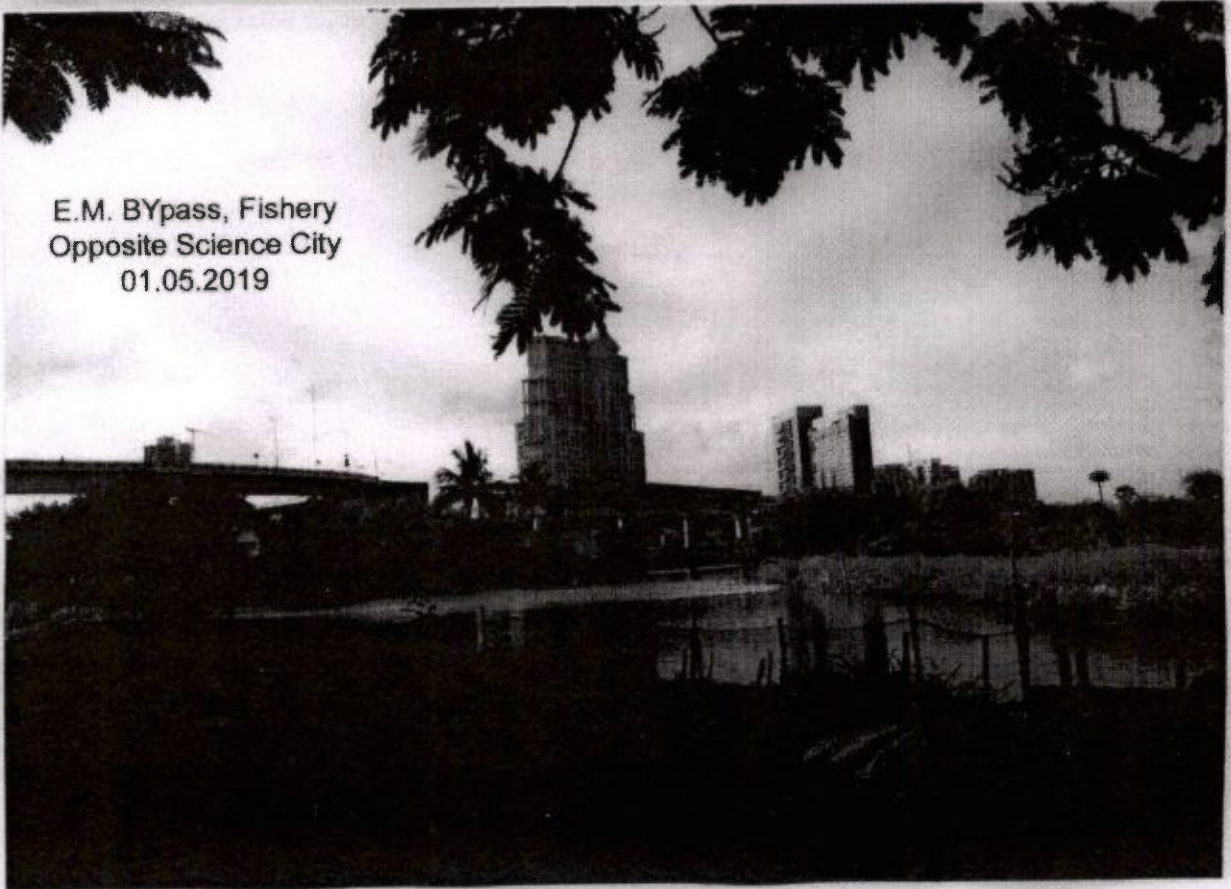
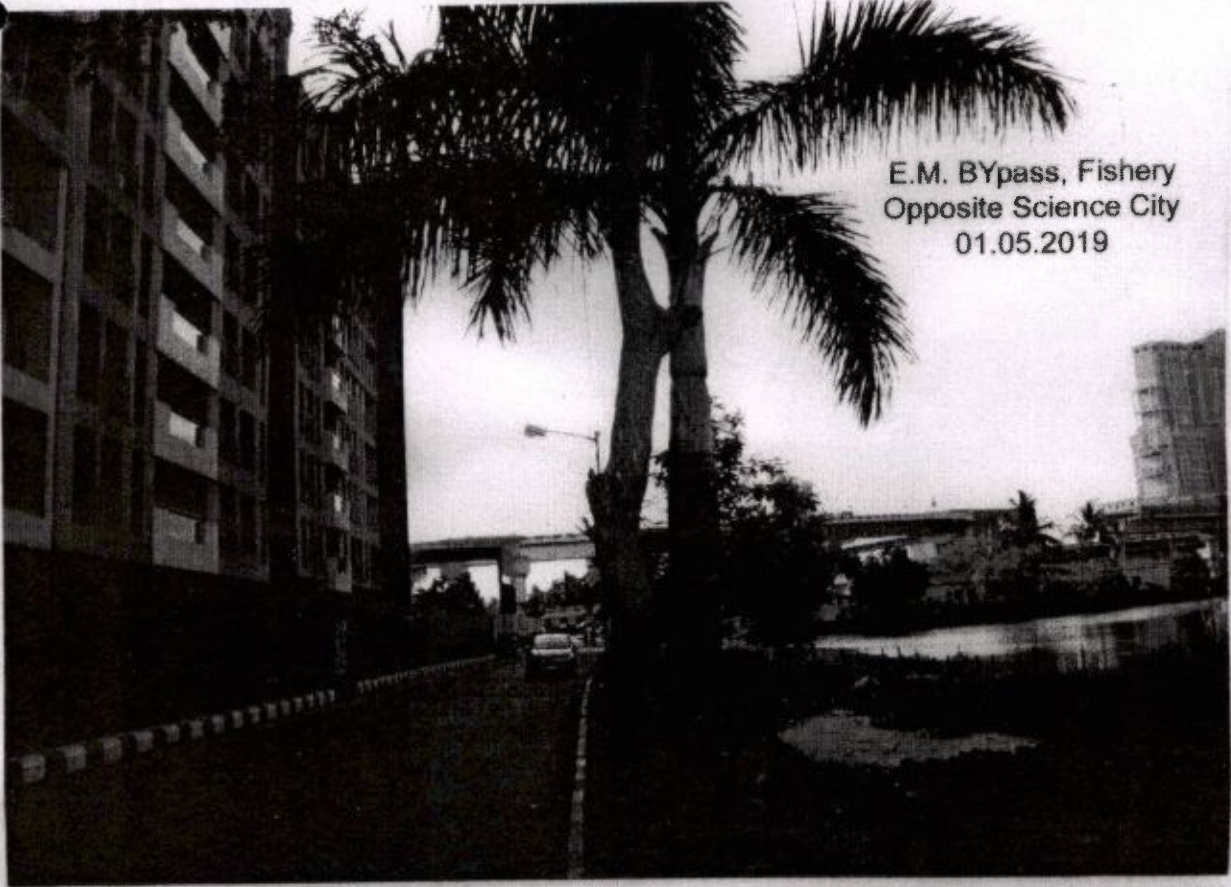
Note: Police have tagged some complaints of violation occurring within the same P.S. in different locations. Hence there is a mismatch on column 2 and 3.  
 ## Police is yet to register the complaints

District	Police Station	No. of Cases registered		
		2013-2014	2014-2015	2015-2016
24 Parganas (South)	KLC	9	9	27
	Pragati Maidan	2	1	0
	Sonarpur	14	27	39
	Tiljola	7	0	0
	Anandapur	0	3	2
24 Parganas (North)	South Bidhannagar	6	4	2
<b>Total</b>		<b>38</b>	<b>44</b>	<b>70</b>

Table 2. Police Station wise number of Cases registered

District	Mouza	No. of FIRs lodged		
		2013 - 2014	2014 - 2015	2015 - 2016
24 Parganas (South)	Dharmatala Panchuria	4	2	9
	Kulberia	0	6	7
	Beonta	0	0	1
	Tardaha Kapashati	0	1	3
	Hadia	1	0	4
	Dakshin Dhapa Manpur	0	0	2
	Hatgachha	3	0	1
	Kochpukur	1	0	0
	Dhalenda	1	1	0
	Dhapa	1	0	1
	Deara	1	0	2
	Goalpota	4	0	0
	Karimpur	1	3	4
	Kheadaha	2	0	0
	Khodahati	1	0	0
	Nayabad	1	0	1
	Ranabhutia	2	0	5
	Tardaha	2	1	0
	Chak-Kolar-Khal	0	1	1
	Jagatipota	0	6	11
	Mukundapur	0	2	0
	Atghara	0	6	0
	Bhagabanpur	0	7	11
	Kharki	0	1	4
	Chowbaga	5	2	1
	Nonadanga	1	1	0
Paschim Chowbaga	1	0	0	
24 Parganas (North)	Dhapa Manpur	6	4	2
<b>Total</b>		<b>38</b>	<b>44</b>	<b>70</b>

Table 3. Mouza wise number of FIRs lodged

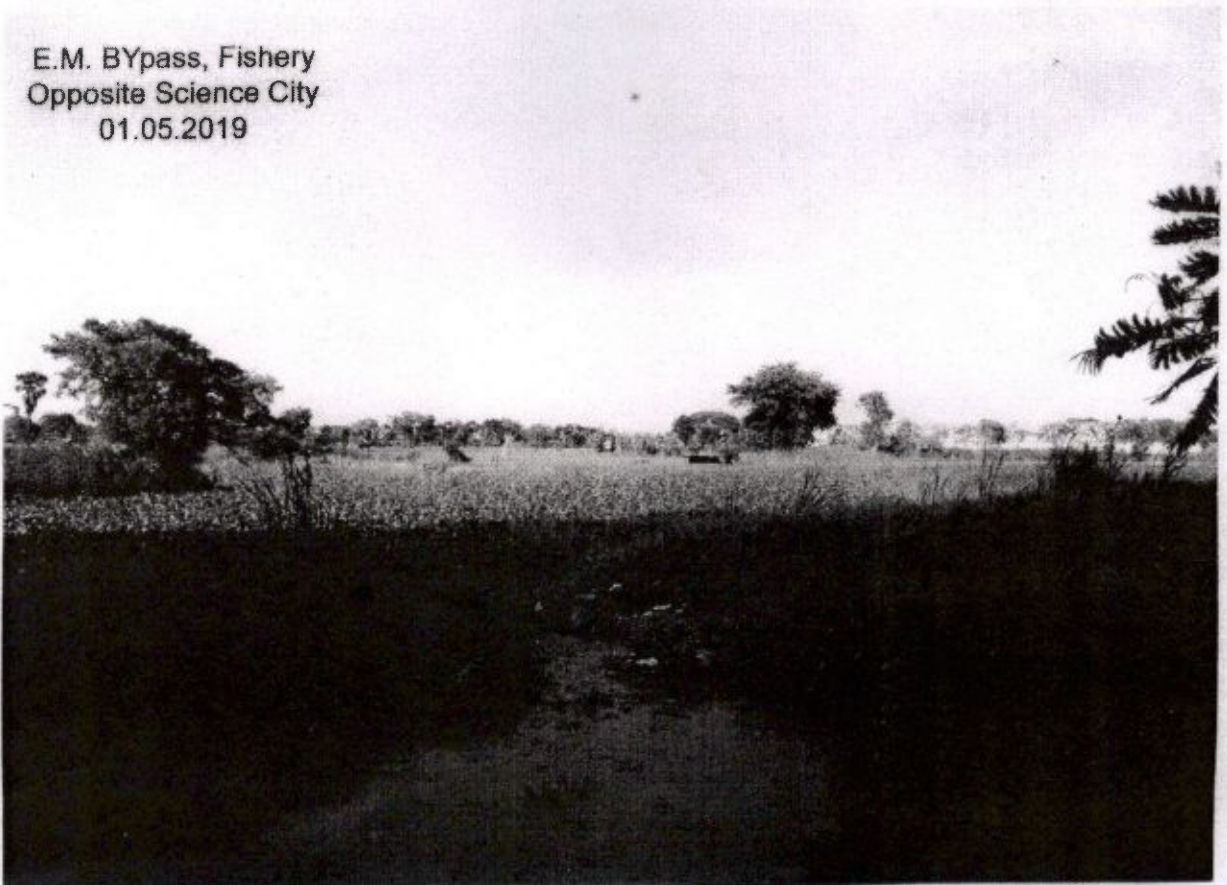


Photographs taken on 01.05.2019 showing Wetland and Construction side by side opposite Science City

E.M. Bypass, Fishery  
Opposite Science City  
01.05.2019



E.M. Bypass, Fishery  
Opposite Science City  
01.05.2019



Photographs taken on 01.05.2019 showing Wetland and Construction side by side opposite Science City

EM Bypass - opposite PC Chandra Garden  
22.02.19 - 11:40 A.M



EM Bypass - opposite PC Chandra Garden  
22.02.19 - 11:42 A.M



Photographs taken on 22.02.2019 showing Construction of Buildings opposite to P. C. Chandra Garden

EM Bypass - opposite PC Chandra Garden  
22.02.19 - 11:35 A.M



P.C. Chandra Garden  
Opposite Science City  
01.05.2019

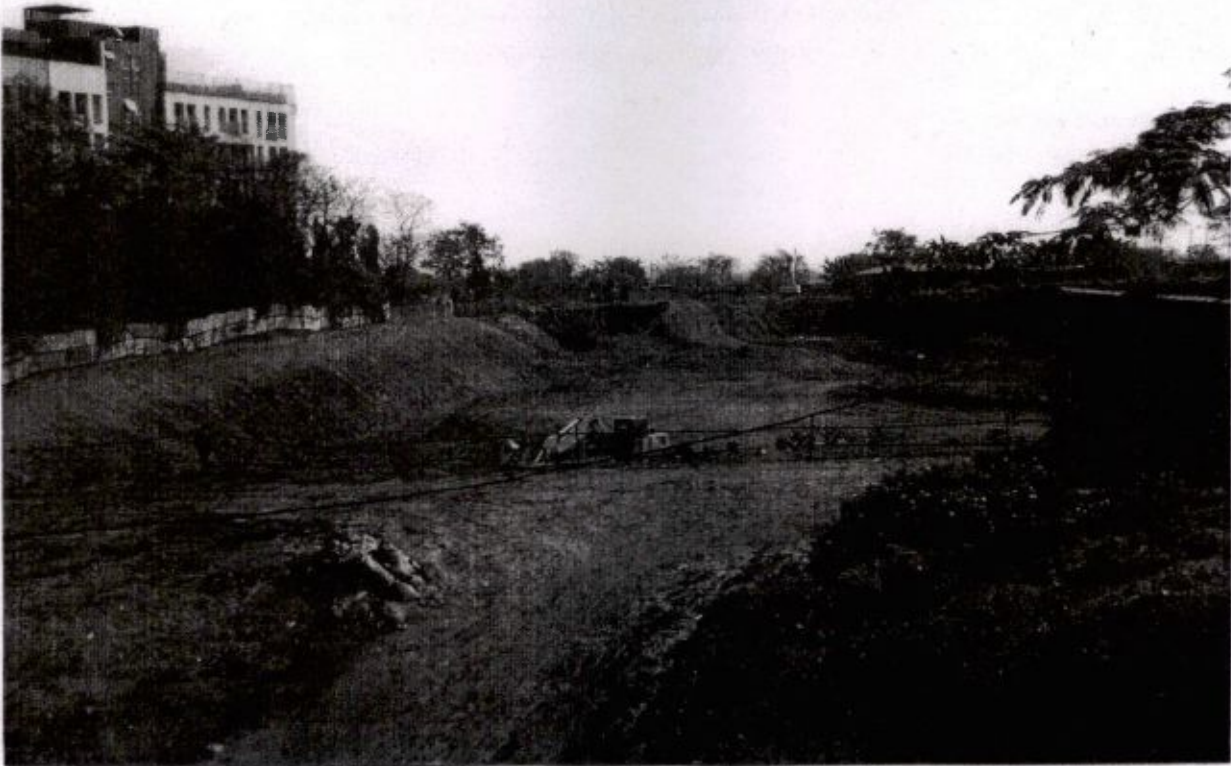


Photographs taken on 22.02.2019 & 01.05.2019 showing digging of soil at the abandoned dumping site opposite to Science City and P.C. Chandra Garden



- 42 -

EM Bypass - opposite PC Chandra Garden  
22.02.19 - 11:35 A.M



P.C. Chandra Garden  
Opposite Science City  
01.05.2019



Photographs taken on 22.02.2019 & 01.05.2019 showing digging of soil at the abandoned dumping site opposite to Science City and P.C. Chandra Garden



Annexure - 7

- 43 -

## East Kolkata Wetlands Management Authority

Department of Environment, Government of West Bengal  
Writers' Buildings, Kolkata - 700 001

Shri Arijit Banerjee, IFS  
Chief Technical Officer, EKWMA

No.CTO/EN/2131 (186)/11

Date: 09/12/2011

### ORDER

In the 17<sup>th</sup> meeting of the East Kolkata Wetlands Management Authority (EKWMA) held on 28<sup>th</sup> September, 2011, it has been resolved that:

- 1) No new No Objection Certificate (NOC) for conversion of land shall be granted by the Authority.
- 2) All NOCs granted so far shall be revoked.

In pursuance of this resolution it is hereby ordered that all NOCs issued by this Authority from 31/12/2010 onwards stand cancelled. Construction work if already started based on a granted NOC should be stopped immediately and if no work has progressed then it should not commence until further orders are passed by the Authority. Moreover no new NOC shall be issued and moreover applications for NOC shall not be entertained. Violation of this order may lead to prosecution under the East Kolkata Wetlands (Conservation and Management) Act, 2006.

9/12/11  
Shri Arijit Banerjee  
CTO, EKWMA

No.CTO/EN/2131 (186)/11

Date: 09/12/2011

Copy forwarded for information and necessary action:

- 1) The P.S. to Chief Secretary (Chairman, EKWMA), Govt. of West Bengal.
- 2) The P.S. to Principal Secretary (Member Secretary, EKWMA), Environment Department.
- 3) The P.S. to Principal Secretary, Urban Development Department.
- 4) The P.S. to Principal Secretary, Land & Land Reforms Department. \*
- 5) The P.S. to Principal Secretary, Panchayat and Rural Development Department.
- 6) The P.S. to Principal Secretary, Forest Department.
- 7) The P.S. to Principal Secretary, Municipal Affairs Department.
- 8) The P.S. to Secretary, Fisheries Department.
- 9) The P.S. to Secretary, Irrigation and Waterways Department.
- 10) The Commissioner, Kolkata Police.
- 11) The Chief Executive Officer, Kolkata Metropolitan Development Authority.
- 12) The Commissioner, Kolkata Municipal Corporation.
- 13) The Chairman, West Bengal Pollution Control Board.
- 14) The Member Secretary, West Bengal Pollution Control Board.
- 15) The District Magistrate, 24- Parganas (N).
- 16) The District Magistrate, 24- Parganas (S).

-44-



Annexure - 8

**THE KOLKATA MUNICIPAL CORPORATION  
BUILDING DEPARTMENT  
5, S.N. BANERJEE ROAD,,  
KOLKATA-700 013.**

Dated: the 31st January, 2014

**OFFICE ORDER NO 18 OF 2013-2014**

You may please be aware that construction of buildings is prohibited in certain portions of land affected by the East Kolkata Wet-land Management Act, 2006.

You are, therefore, kindly requested to take necessary precaution during processing of the sanction and dealing with the unauthorised constructions in the said areas which are affected by the said Act. unless the applicant produces N.O.C. from the East Kolkata Wet-land management Authority.

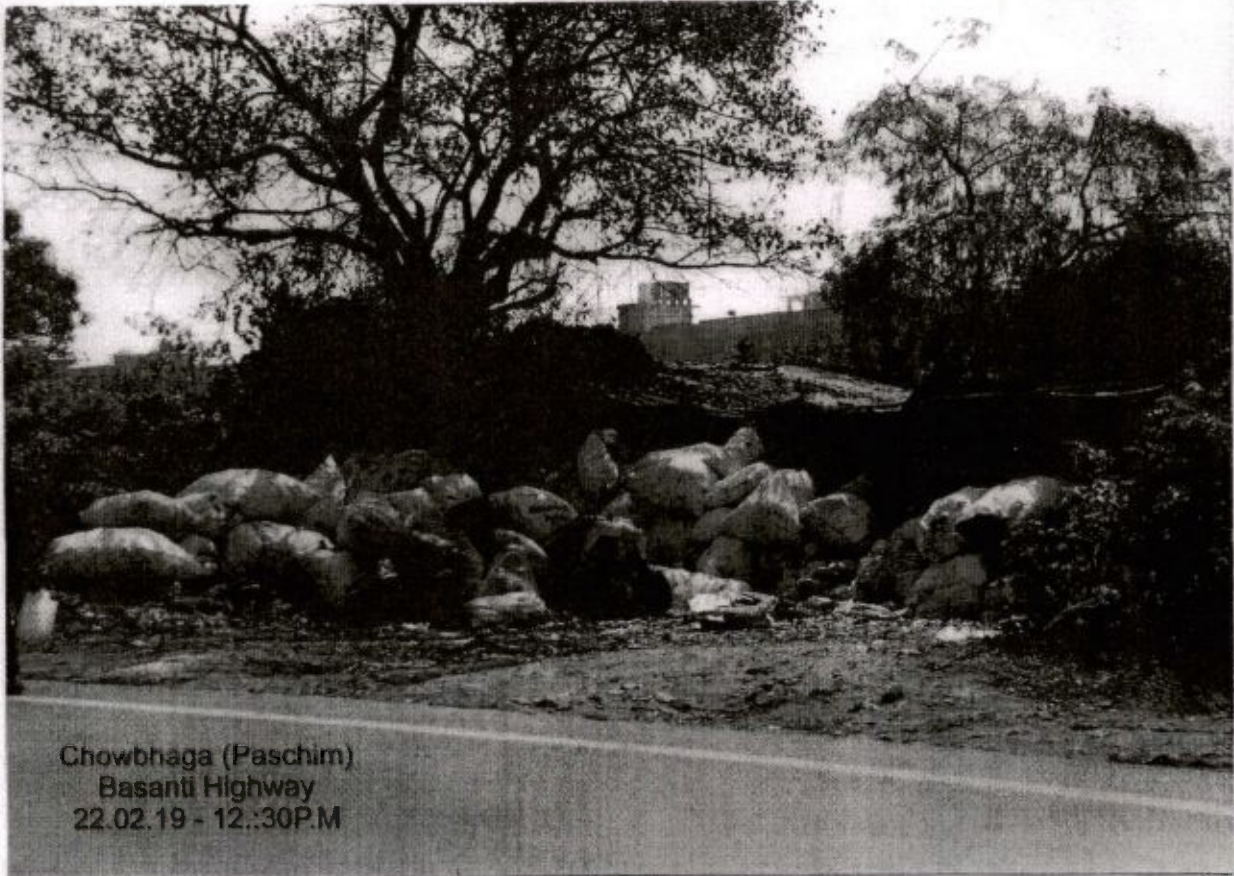
I am enclosing herewith a xerox copy of the Gazette Notification of promulgation of East Kolkata Wet-land management Act, 2006 for necessary action.

**Director General (Building)**

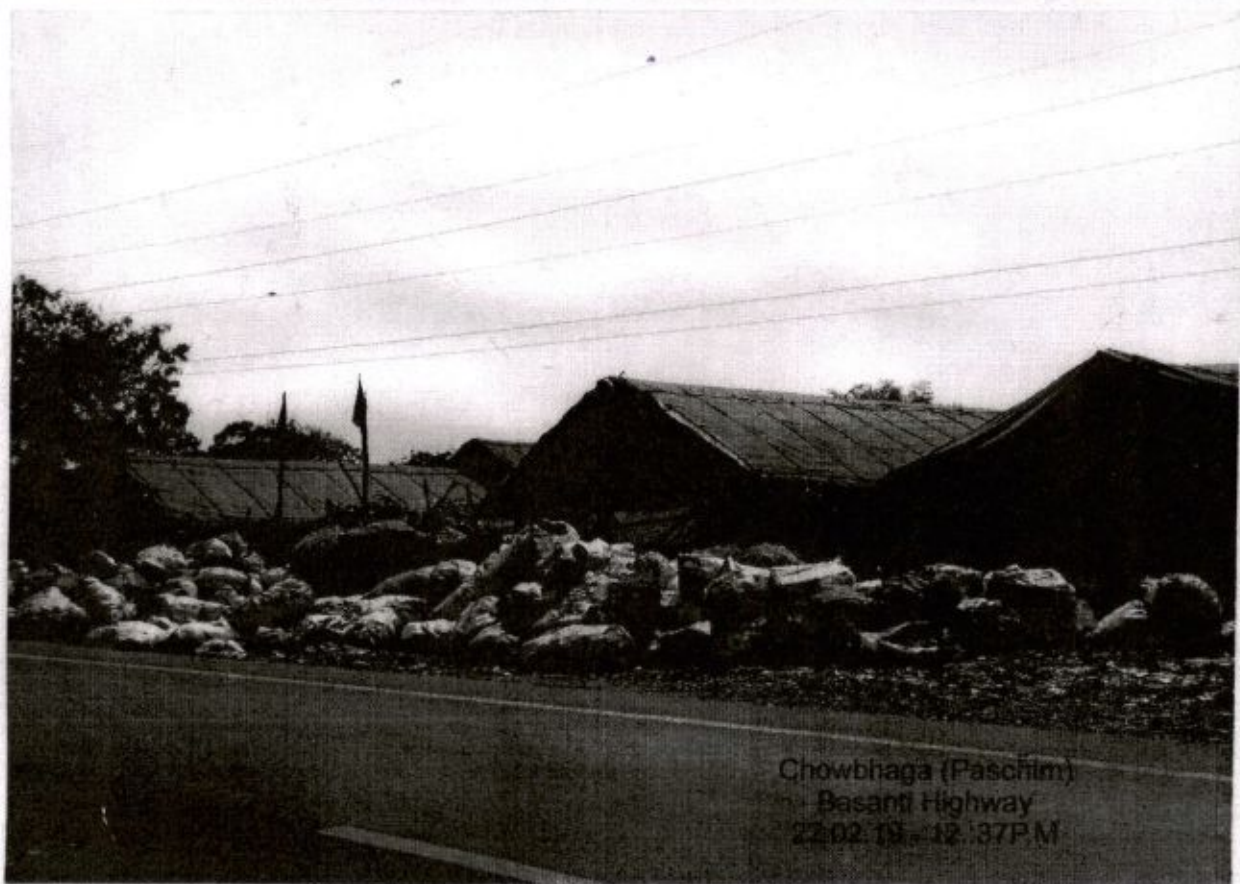
**Copy to:**

- 1) Mpl. Commissioner
- 2) DG(B)-II
- 3) Dy. Ch. Engineer (Bldg.)/South
- 4) Ex. Engineers/Dy. Ch. Engineer (B) /Br. VII, Br. XI & Br. XII of Bldg. Deptt.
- 5) Dy. Manager (System ),Bldg. Deptt.
- 6) A.O.-II- for immediate circulation of the order.

**Director General (Building)**



Chowbhaga (Paschim)  
Basanti Highway  
22.02.19 - 12.:30PM



Chowbhaga (Paschim)  
Basanti Highway  
22.02.19 - 12:37PM

Photographs taken on 22.02.2019 & 01.05.2019 showing the Plastic processing industrial practices on Basanti Highway

Chowbhaga (Paschim)  
Basanti Highway  
22.02.19 - 12:27P.M

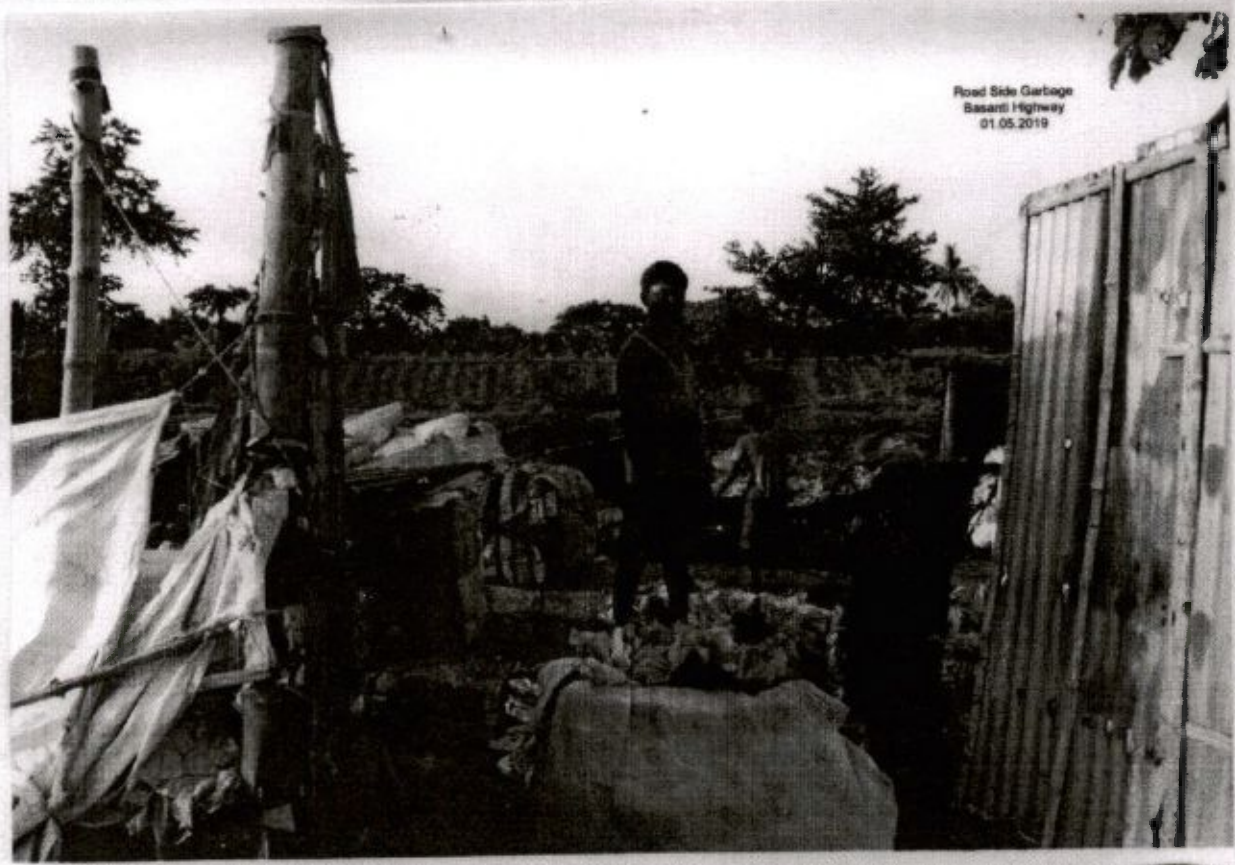


Chowbhaga (Paschim)  
Basanti Highway  
01.05.2019



Photographs taken on 22.02.2019 & 01.05.2019 showing the Plastic processing industrial practices on Basanti Highway

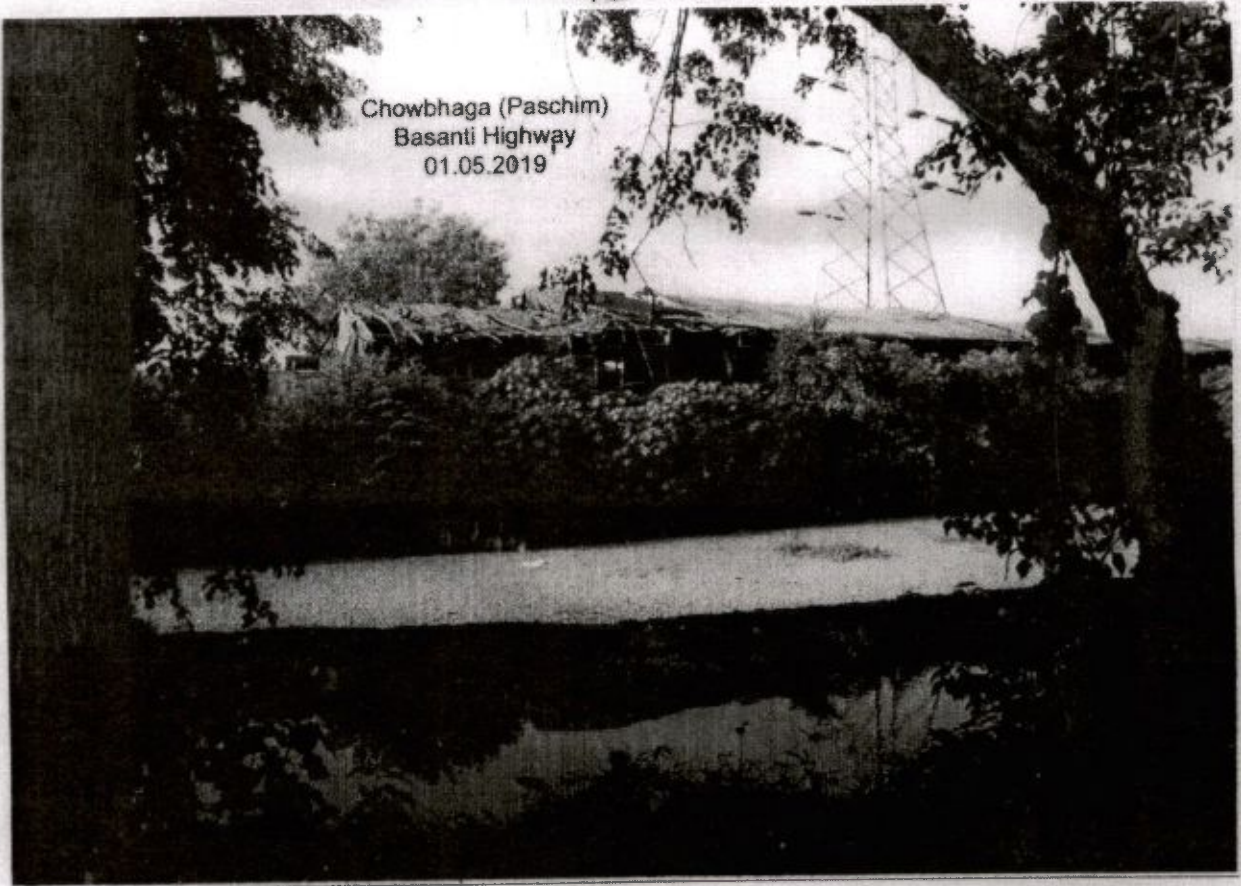
Road Side Garbage  
Basanti Highway  
01.05.2019



Road Side Garbage  
Basanti Highway  
01.05.2019

Photographs taken on 22.02.2019 & 01.05.2019 showing the Plastic processing industrial practices on Basanti Highway

Chowbhaga (Paschim)  
Basanti Highway  
01.05.2019



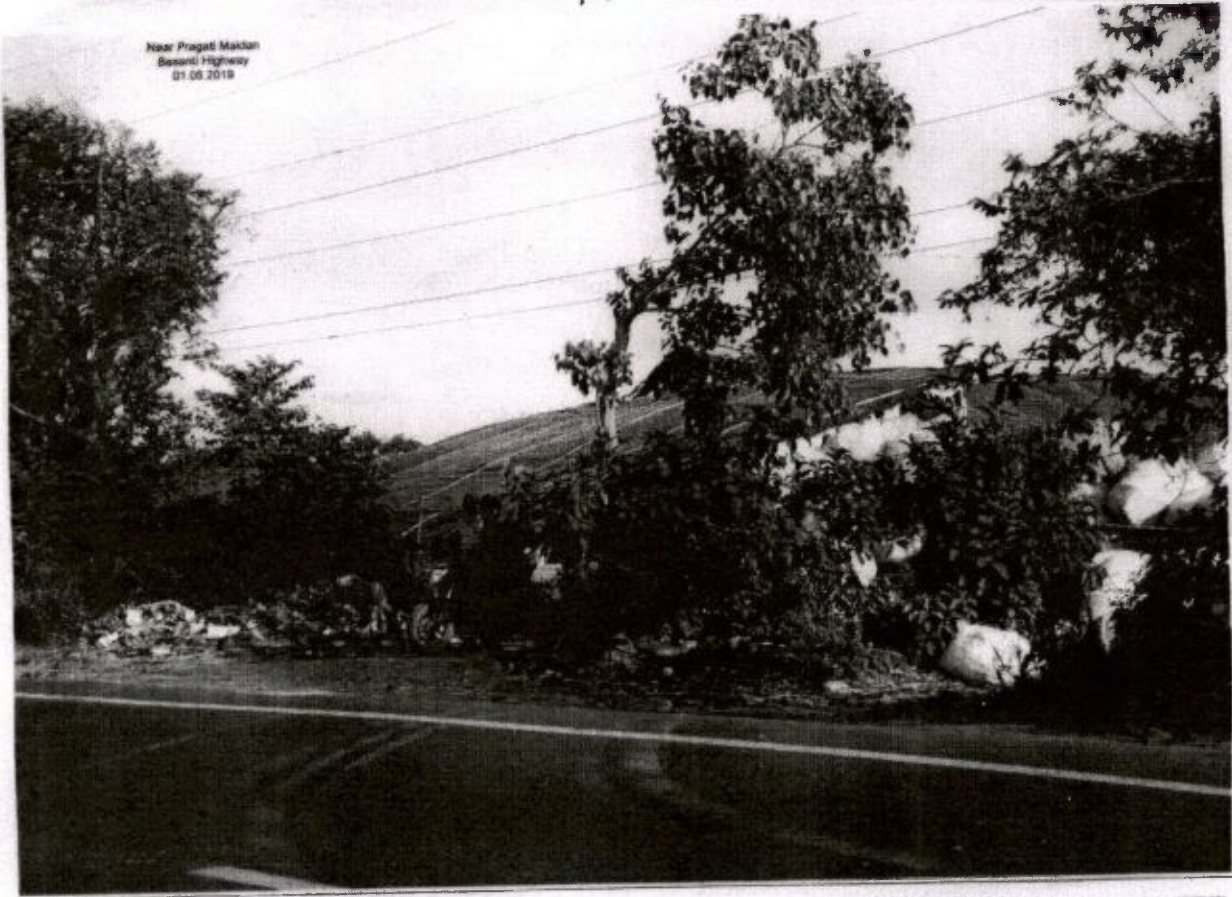
Chowbhaga (Paschim)  
Basanti Highway  
01.05.2019



Photographs taken on 22.02.2019 & 01.05.2019 showing the Plastic processing industrial practices on Basanti Highway

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Near Pragati Mallan  
Basanti Highway  
01.05.2019



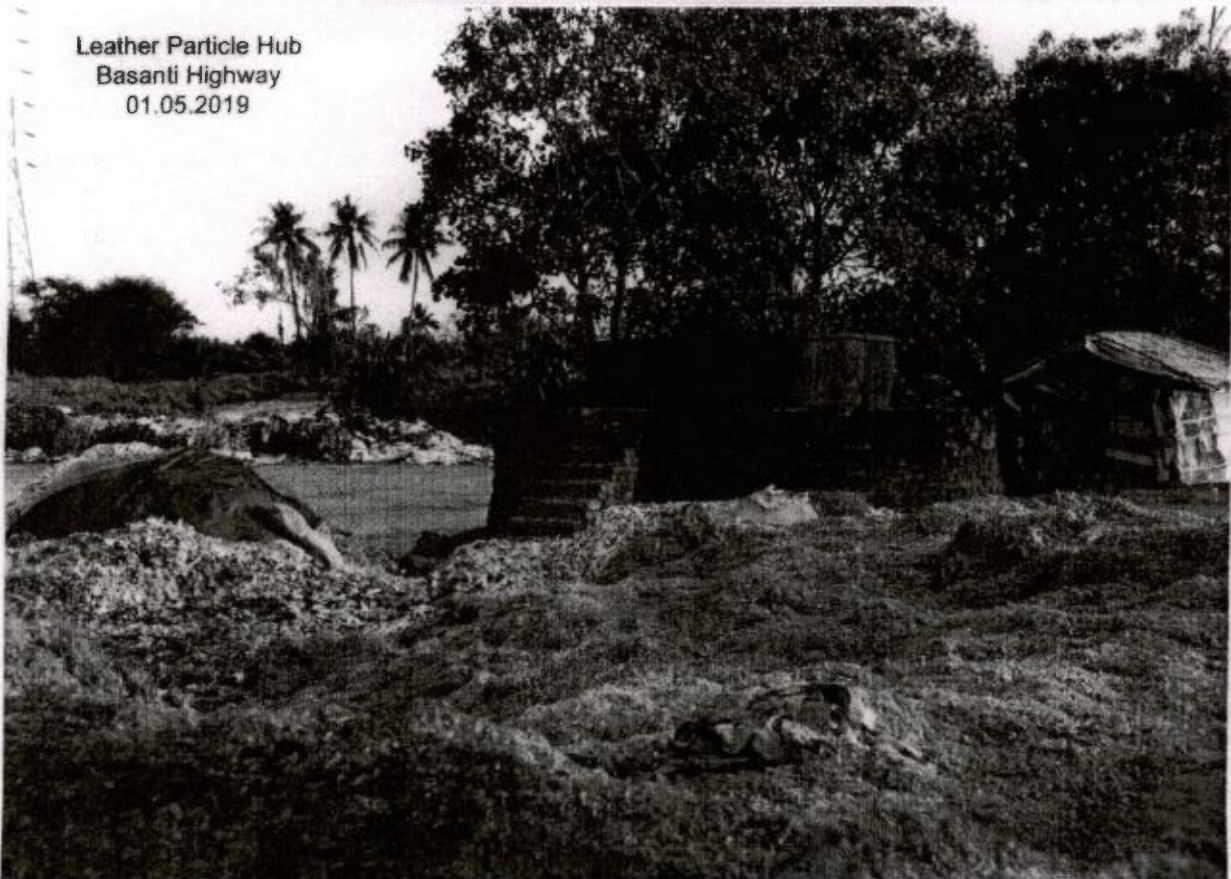
Photographs taken on 22.02.2019 & 01.05.2019 showing the Plastic processing industrial practices on Basanti Highway



Lather Particles  
Chowbhaga (Paschim)  
Basanti Highway  
01.05.2019



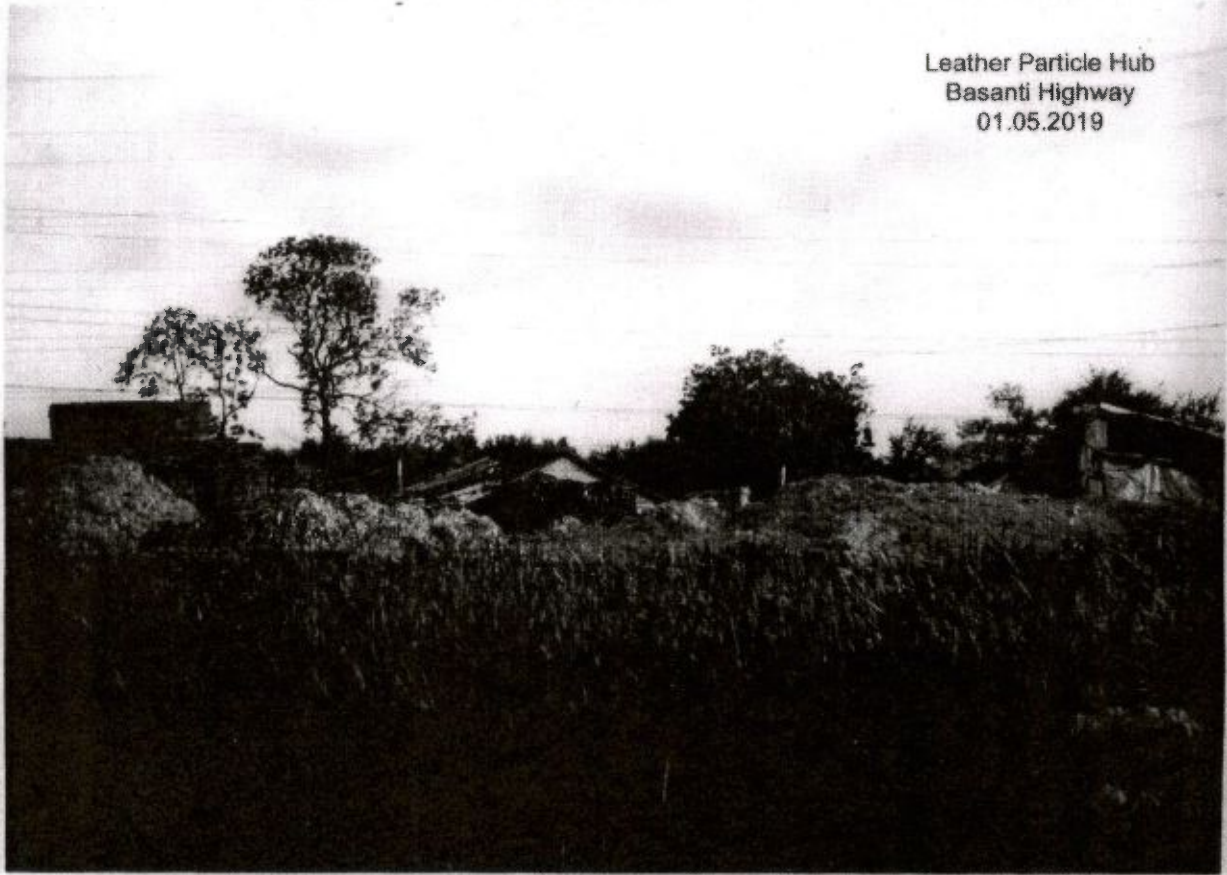
Leather Particle Hub  
Basanti Highway  
01.05.2019



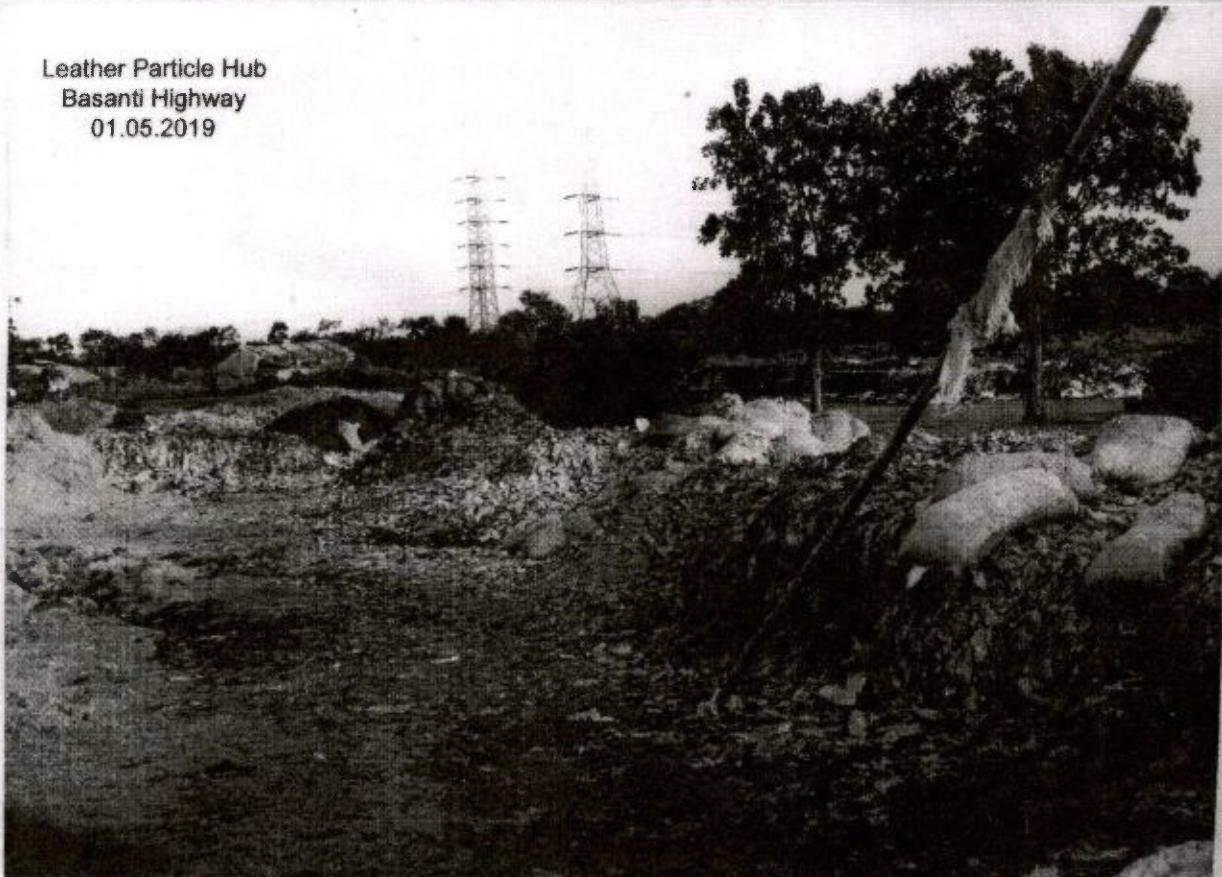
Photographs taken on 01.05.2019 & 05.05.2019 showing illegal leather waste processing

-51-

Leather Particle Hub  
Basanti Highway  
01.05.2019

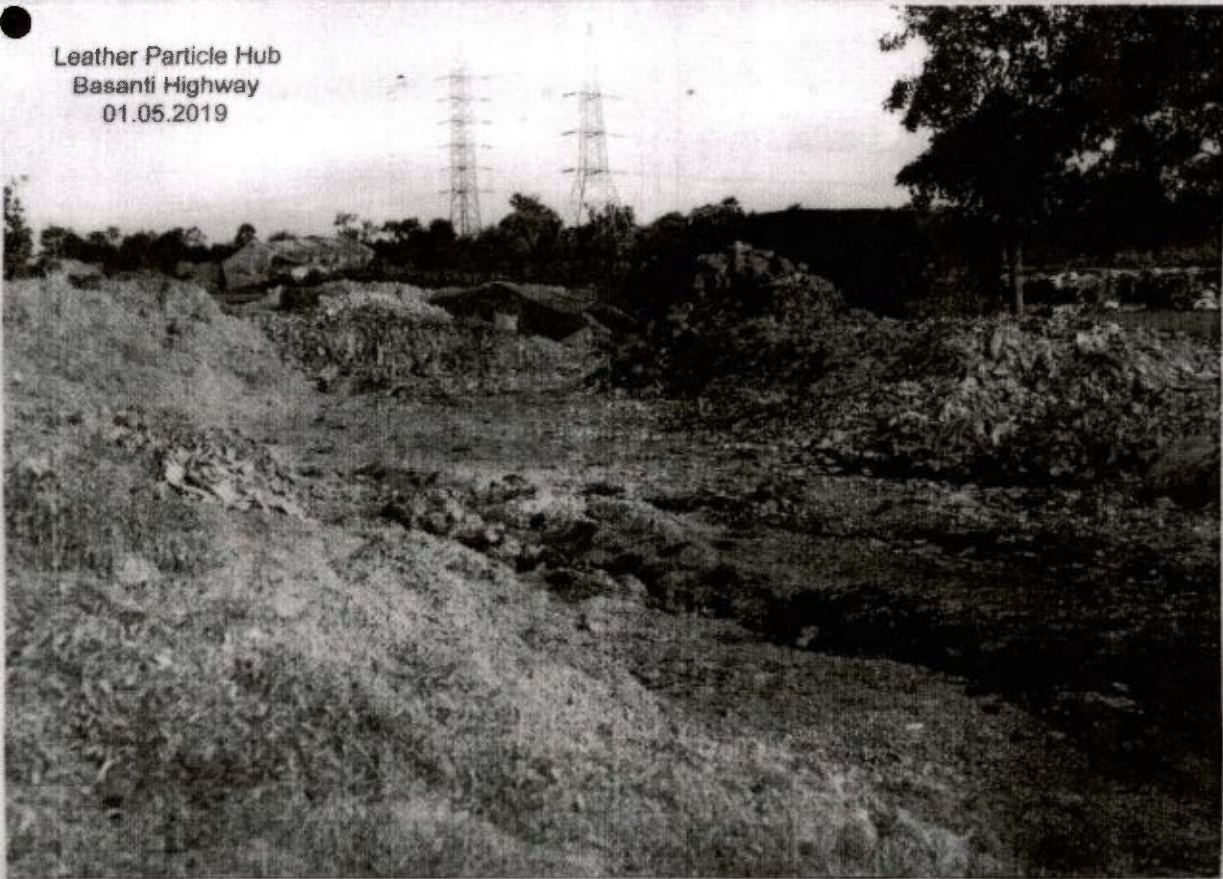


Leather Particle Hub  
Basanti Highway  
01.05.2019

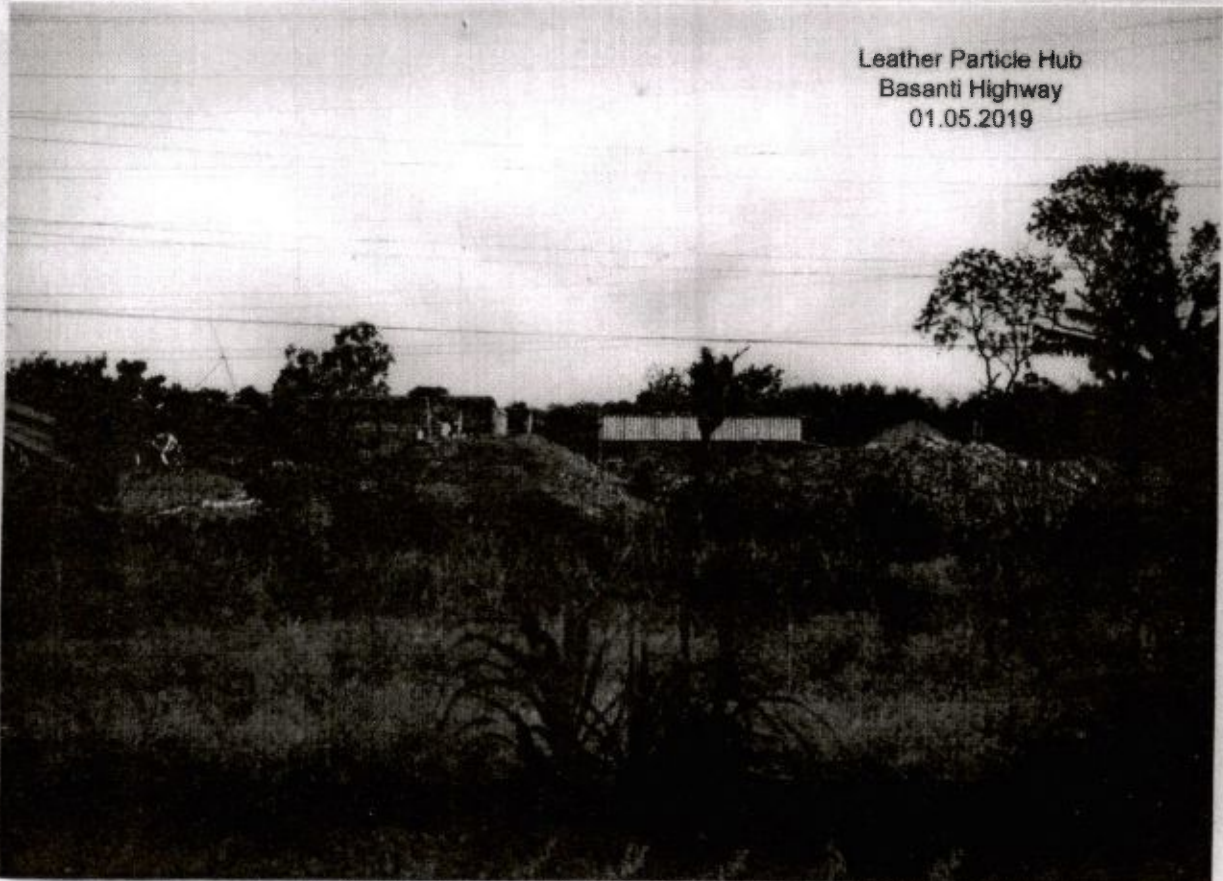


Photographs taken on 01.05.2019 & 05.05.2019 showing illegal leather waste processing  
Industry set up on Basanti Highway

Leather Particle Hub  
Basanti Highway  
01.05.2019



Leather Particle Hub  
Basanti Highway  
01.05.2019



Photographs taken on 01.05.2019 & 05.05.2019 showing illegal leather waste processing  
Industry set up on Basanti Highway

**BHATIPOTA**  
**20.03.19 - 12:13 PM**



**BHATIPOTA**  
**20.03.19 - 12:13 PM**



Photographs taken on 01.05.2019 & 05.05.2019 showing illegal leather waste processing  
Industry set up on Basanti Highway

-54-



BAIRAMPUR

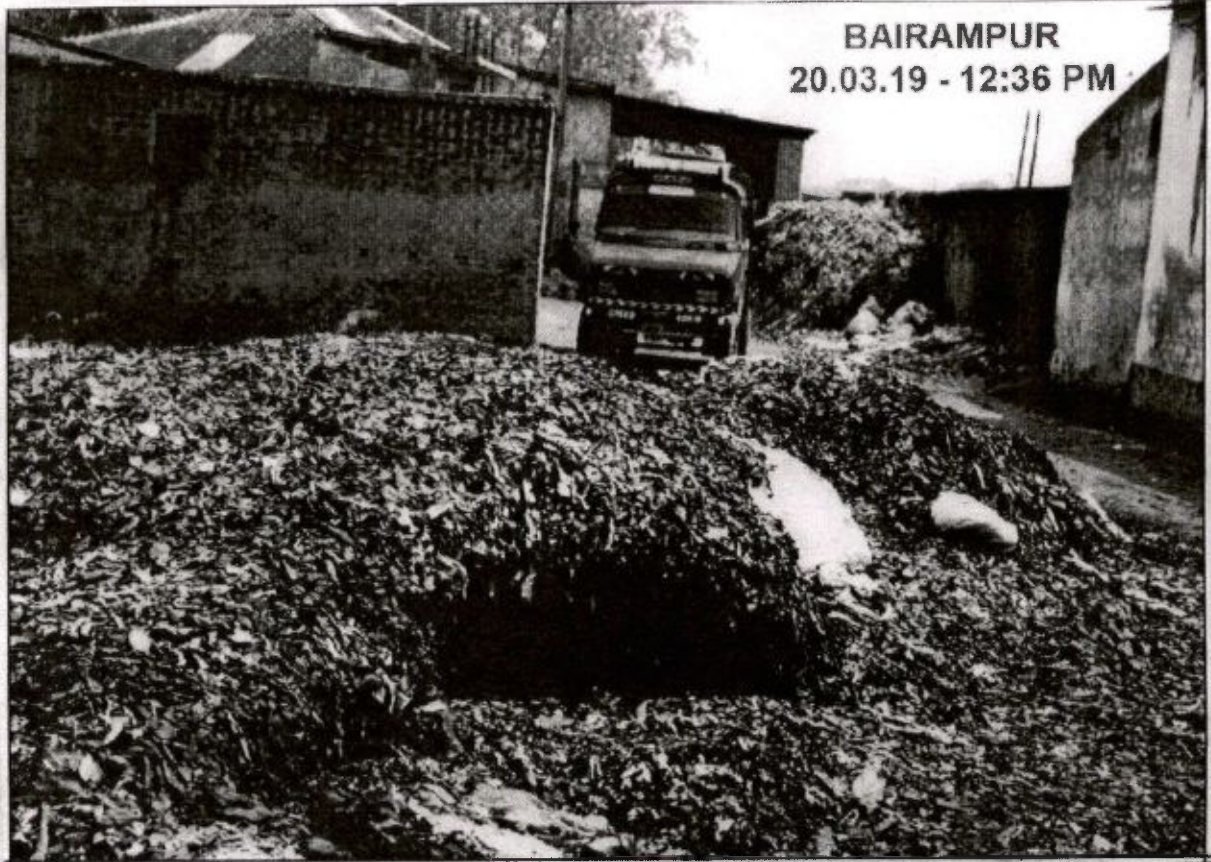
20.03.19 - 12:38 PM



GHUNIMEGHI

20.03.19 - 12:40 PM

Photographs taken on 01.05.2019 & 05.05.2019 showing illegal leather waste processing Industry set up on Basanti Highway



Photographs taken on 01.05.2019 & 05.05.2019 showing illegal leather waste processing  
Industry set up on Basanti Highway

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**BAIRAMPUR**  
**20.03.19 - 12:36 PM**



**BAIRAMPUR**  
**20.03.19 - 12:31 PM**



Photographs taken on 01.05.2019 & 05.05.2019 showing illegal leather waste processing  
Industry set up on Basanti Highway

BHATJPOTA  
20.03.19 - 12:19 PM



Photographs taken on 01.05.2019 & 05.05.2019 showing illegal leather waste processing  
Industry set up on Basanti Highway





Photograph taken on 01.05.2019 & 05.05.2019 showing illegal leather waste processing

Industry set up on Basanti Highway

-59-

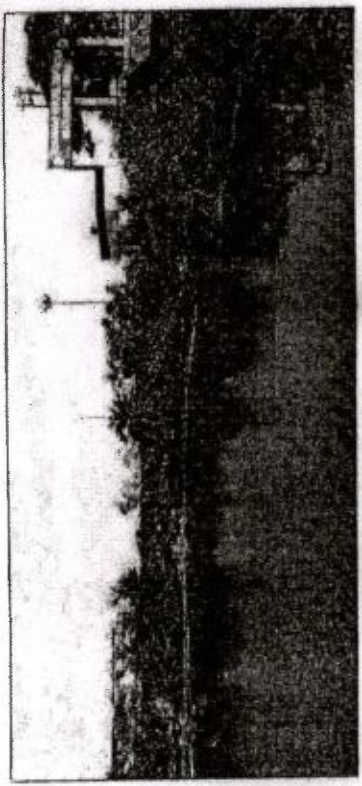
# New Town hunt for dumping ground

## SNEHAL SENGUPTA

**Rajarat:** The New Town authorities are looking for a plot to set up a second dumping ground because the existing site — Mollar Bheri behind Sector V — has saturated. Waste from New Town, Rajarat and Salt Lake is dumped at Mollar Bheri.

"Around 250 metric tonnes of solid waste is dumped every day at the site. The trash is on the verge of spilling over on the adjoining East Calcutta Wetlands," said an official at Hidco, the government agency that runs the civic amenities of New Town.

In New Town's master plan, a site was earmarked in the Beonta mouza in South 24 Parganas, along the Bssarti highway, for setting up a



A water body bordering the solid waste dumping ground in New Town's Mollar Bheri.

Picture by Sand K. Saha

Hidco recently organised a workshop in New Town where residents were asked to keep two dustbins at home — one for dry waste and the other for wet waste.

Wet waste such as vegetable peel will be collected from houses daily because it rots and stinks in a day or two. The dry waste — such as paper, plastic and batteries — will be collected twice a week.

"Dry waste will be collected on Tuesdays and Saturdays. We shall send separate garbage collectors on these days for wet and dry waste. That will prevent mixing," Sen said.

The wet waste will be sent to Mollar Bheri, where it will be treated by a composting plant that is expected to arrive

soon. The compost will be put to various use at Eco Park. Eco Urban Village and other parks and gardens in the township.

The dry waste will be sent to the 20-acre plot in Pathar ghata. "The items to be sent there may not be of any use to households but they have resale value. Paper, metal, plastic etc. will be auctioned to recyclers. E-waste will be sold to e-waste vendors," another Hidco official said.

The East Calcutta Wetlands are of "immense importance" to the city, a Calcutta Municipal Corporation engineer said. The wetlands save

the government crores of rupees as more than half of Calcutta's effluent is drained into them and is naturally recycled by them

well as recharging of groundwater. The wetlands that can alter the character of the sprawl.

Sen said that apart from source and were aiming to achieve a zero-waste economy. An order of Calcutta High Court prevents any activity in looking for a new site, the au-

# Leash for the garbage demon - With the heap of waste threatening to spill into the wetlands, the civic body plans to buy three solid waste compactors to reduce the volume, reports Snehal Sengupta

Read more below

By The Telegraph Online

Published 30.01.15

Garbage from the Bidhannagar municipal area being dumped in Mollar Bheri on the edge of the East Calcutta Wetlands. Picture by Mayukh Sengupta

Salt Lake produces so much trash that the dumping ground assigned to contain it is on the verge of overflowing into the fragile East Calcutta Wetlands. The civic body, in an attempt to arrest the damage, is now buying compactors to compress the volume of garbage before dumping.

### Raising a stink

Salt Lake generates around 40 metric tons of solid waste everyday and since 2007 all that waste gets dumped in Mollar Bheri, near Technopolis building in Sector V.

Mollar Bheri was initially part of the wetlands but in 2007 Bidhannagar Municipality sought and received permission from East Calcutta Wetlands Management Authority to turn it into a dumping ground. Today 40 trucks collect garbage from the 28 vats in and around Salt Lake and each truck makes two to three trips to the ground every day to dispose off the same.

Today the 55-acre Mollar Bheri is a pigsty. An unmarked gate and dirt track leads to a ground strewn with plastic bottles, bags, chairs, vegetable peels, thermocol, used syringes, saline bottles, construction rubble, branches of trees and what not. And, of course, the ground one stands on itself is formed of layers of garbage, brought to a level by bulldozers.

Pigs, sheep, cows and goats forage for whatever edibles they can find and rag-pickers too lookout for valuables. "The trucks start plying from early morning and keep coming here till five in the evening. A lot of waste is dumped here," said Bikas Das, a scavenger at the site. In the midst of this is a corner marked for the under-construction burial ground for pets. But the most alarming sight is that of garbage at the bank of the water body.

### Ecosystem at stake

The East Calcutta Wetlands span 125- sq km and consist of natural water bodies as well as man-made ones. They serve as a natural sewage plant of the city and the nutrients in the wastewater helps with pisciculture. It is also home to a complex ecosystem that comprises around 100 different plant species and mammals like Small Indian Civet and Palm Civet which depend on the wetlands for survival.

The area is also protected by the Ramsar Convention. This was a 1971 international treaty signed in Ramsar, Iran, for the conservation and sustainable utilisation of wetlands.

The garbage at the bank of the wetland has got environmentalists worried. "The wetlands are under threat. First, the waste is not segregated and so many non-biodegradable items and toxic chemicals get dumped on the ground. And the waste has reached so close to the water that they can get blown in by the wind. The chemicals seep into the soil and harm the plants, fish, birds and every other life form that depends on the water," says environmentalist Subhas Dutta.

Civic officials counter that they have erected bamboo and wooden planks on the banks to stop trash from rolling into the water but in reality there are big gaps between the planks. A senior civic official also admitted that Mollar Bheri was fast filling up.

### HOW A COMPACTOR WORKS

### Rise of the machines

As a solution to the problems, the municipality plans to buy three waste compactors. "A compactor is a machine that can reduce the surface area taken up by waste," says executive engineer of the municipality,

Looph for the garbage demon - With the heap of waste threatening to spill into the wastelands, the civic body plans to buy three compactors. Kingshuk Roy. The machine, that runs on electricity, has an opening where garbage is to be dumped in. "It then compresses the trash and forces all water out thus greatly reducing volume. The percentage of reduction varies from 25-40 per cent," explained Roy.

According to sources a compactor has the capacity to take in 14 metric tonnes of waste and reduce it to 10-metric tonnes in a day. Since Salt Lake generates 40 metric tons of waste a day three such compactors are being imported. The budget for this project has been pegged at around Rs 1.35 crore. Besides purchasing the machines, they will also have to build a shelter to house it, provide electric connection, arrange a system to drain out the water it extracts from the garbage etc.

Calcutta Municipal Corporation has long relied on compactors as part of their waste management system but this will be a first for Salt Lake.

"We have already brought down the number of vats from 158 to 28 in order to minimise the risk of spreading germs and pollution," said Debashis Jana chairman-in-council in charge of conservancy. "And now the compactors will ensure a more efficient handling of waste and help check the growing heap of garbage at Mollar Bheri."

But Dutta is not rejoicing just yet. "Getting the compactors a good effort by the civic body but it is too early to comment on how well the project is implemented," he says.

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3. Fani: how prepared is Calcutta?

4. Yeti footprints or foot in mouth? Twitter laughs at Indian Army and Modi

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**Cyclone Fani fallout: Calcutta under the weather**  
West Bengal



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India



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India



**Arjun Singh faces one of 'most difficult days'**  
West Bengal

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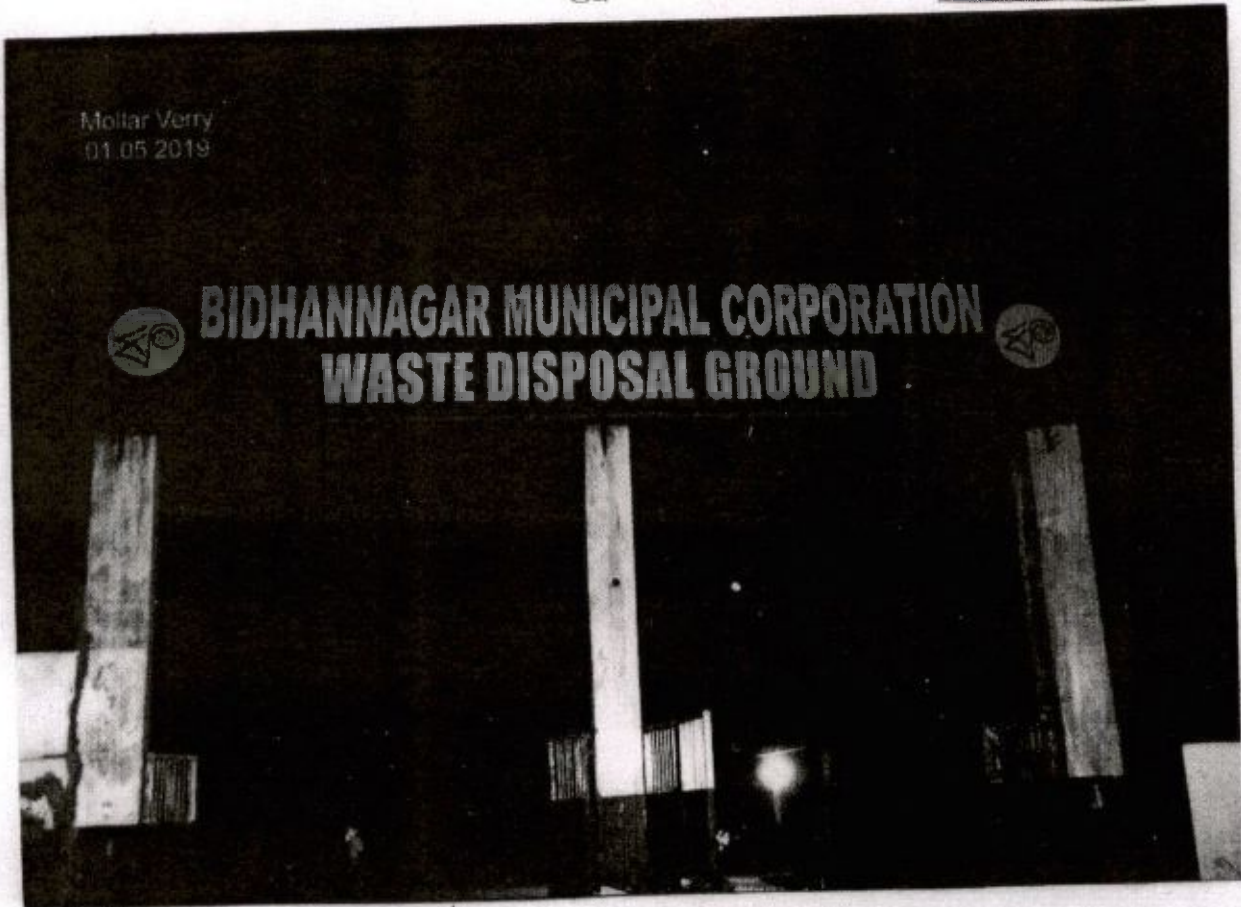
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Photographs taken on <sup>01.05.19</sup> 01.05.19 & <sup>05.05.19</sup> 05.05.19 showing dumping of garbage by Bidhannagar Municipal Corporation at the side of Mollar Bheri and other waterbody



Photographs taken on 01.05.2019 & ~~05.05~~ 05.05.2019 showing dumping of garbage by Bidhannagar Municipal Corporation at the side of Mollar Bheri and other waterbody.

-64-

Mollar Gate  
05.05.2019



Mollar Gate  
05.05.2019



Photographs taken on 01.05.2019 & 05.05.2019 showing dumping of garbage by Bidhannagar Municipal Corporation at the side of Mollar Bheri and other waterbody

Mollar Gate  
05.05.2019



Garbage  
Mollar Verry  
01.05.2019



Photographs taken on 01.05.2019 & 05.05.2019 showing dumping of garbage by Bidhannagar Municipal Corporation at the side of Mollar Bheri and other waterbodies



**Subhas Datta**  
Chartered Accountant  
Environmental Activist

-66-

Annexure 1A

Resi: 25/1, Guitendal Lane, Howrah-711 101  
216/1, Panchanantala Road, Howrah-711 101  
Contact: (033) 2638 3526, 9830752752 (M)  
Email: subhasdatta@rediffmail.com

**Ajanta Dey**  
Conservation Practitioner on  
Ecosystems management

Resi: P-289, C.I.T. Road, Scheme-IV M, 2<sup>nd</sup> Floor,  
(Swami Swarupananda Sarani),  
Kolkata-700 064  
Contact: 9830093283 (M)  
Email: ajanta@naturewildlife.org

Date: 4<sup>th</sup> March, 2015

**Smt. Mamata Bandopandhyay,**  
Chief Minister,  
Government of West Bengal,  
Nabanna,  
Howrah.

Madam,

Re : Protection of East Kolkata Wetlands, the only Ramsar site  
of West Bengal

This is to bring to your kind attention the importance of East Kolkata Wetland, as a Ramsar site due to the immense contribution of the wetland in treating the sewage of Kolkata, at zero cost service.

There is an area of 12500 ha of to the east of Kolkata, comprising fish ponds and rice fields and local settlement villages, which was declared as a Ramsar site in 2002 as a unique example of wise use, an ecosystem that is a teacher for the tropical countries in particular and for the rest of the world in general. The vast stretches of shallow fish ponds, spread around 4000 hectares, behave as oxidation ponds, which are known as the best option for treating municipal wastewater in tropical countries. The blooms of algae are the grazing surface for the fishes grown - and they grow at a prolific rate without supplementary food, if only wastewater is properly made available.

Basically it works as the wastewater treatment system for the sewage emerging from the city of Kolkata. The sewage from the city gets treated in these wetlands. Before reaching the river Kulti in the downstream, the water quality of wastewater undergoes a positive change. Another outcome is the livelihood support. Fisheries provide support to about 1,00,000 wetland dwellers mainly in the form of fish farming in fish ponds (*bheris*), and related vocation. The Ganga Project Directorate had come here and thoroughly examined this treatment practice and formally accorded it as a reliable biological water treatment option.

Contd... P/2

-2-  
-67-

It is a matter of concern that there are reports of rampant urbanization of East Kolkata Wetland and initiative has been taken to denotify the area to pave way for settlements and industrialization. We are surprised as well as disheartened because these wetlands are protected under International Wetlands guidelines.

In appreciation to your "Bishwa Bangla" campaign we must uphold the uniqueness of East Kolkata Wetland, it being on a map of international importance under Ramsar Convention, and we strongly believe that this can happen only with your intervention and oversee. We would also like to state that the municipality has to pay for a huge infrastructure to compensate for the functions performed by East Kolkata Wetlands in treating the sewage of a megapolis city like Kolkata.

We are confident that under your leadership, the state of West Bengal will continue to have her functioning ecosystems preserved and conserved.

Thanking you,

Yours sincerely,

*Ajanta Dey* *Subhas Datta*  
(Ajanta Dey) (Subhas Datta)

भारतीय डाक  
SP HOWRAH H.P.O. <711101>  
EW230198364IN  
Counter No:1, OP-Code:062  
To: CHANDAN SINHA, POURA BHAVAN, S LAKE India Post  
KOLKATA, PIN: 700106  
From: SUBHAS DATTA, 25/1, GUITENDAL LN, WH-1  
Wt: 12grams,  
Amt: 39.00, 07/03/2015, 10:01  
Taxes: Rs. 4.00 <<Track on www.indiapost.gov.in>>

**Subhas Datta**  
Chartered Accountant  
Environmental Activist

Resi: 25/1, Guitendal Lane, Howrah-711 101  
216/1, Panchanantala Road, Howrah-711 101  
Contact: (033) 2638 3526, 9830752752 (M)  
Email: subhasdatta@rediffmail.com

**Ajanta Dey**  
Conservation Practitioner on  
Ecosystems management

Resi: P-289, C.I.T. Road, Scheme-IV M, 2<sup>nd</sup> Floor,  
(Swami Swarupananda Sarani),  
Kolkata-700 064  
Contact: 9830093283 (M)  
Email: ajanta@naturewildlife.org

Date: 4<sup>th</sup> March, 2015

**Sri Chandan Sinha,**  
The Principal Secretary,  
Department of Environment,  
Government of West Bengal  
Poura Bhaban , Salt Lake

Respected Sir,

**Re : Protection of East Kolkata Wetlands, the only Ramsar site**  
**of West Bengal**

We all know that the wetlands to the east of Kolkata, an area of 12,500 hectares, comprising fish ponds and rice fields and local settlement villages, was declared as a Ramsar site in 2002 as a unique example of wise use, a tutorial ecosystem for the tropical countries in particular and for the rest of the world in general. The vast stretches of shallow fish ponds, around 4000 hectares in spread, behaved as oxidation ponds, which are known as the best option for treating municipal wastewater in tropical countries. The blooms of algae are the grazing surface for the fishes grown - and they grow at a prolific rate without supplementary food if only wastewater is properly made available.

It is a matter of concern that there are reports of rampant urbanization of East Kolkata Wetland and initiative has been taken to denotify the area to pave way for settlements and industrialization. We are surprised as well as disheartened because these wetlands are protected under International Wetlands guidelines.

Attaching the news clippings of Times of India dt 2<sup>nd</sup> Jan 2015 and Ananda Bazar Patrika dt 19<sup>th</sup> February, 2015. In the former it says that the local MLA is strongly advocating for denotification of two mouzas from Ramsar designated sites ; and in the latter, 15-20000 'illegal' houses have been proposed to be legalized by Kolkata Municipal Authorities.

Contd... P/2

We request you to sincerely look into the matter and do the needful to protect this unique wetland that is serving as the kidney of Kolkata in recharging the wastewater through a natural recovery cycle.

Thanking you,

Yours sincerely,

Sd/-

Sd/-

(Ajanta Dey)

(Subhas Datta)

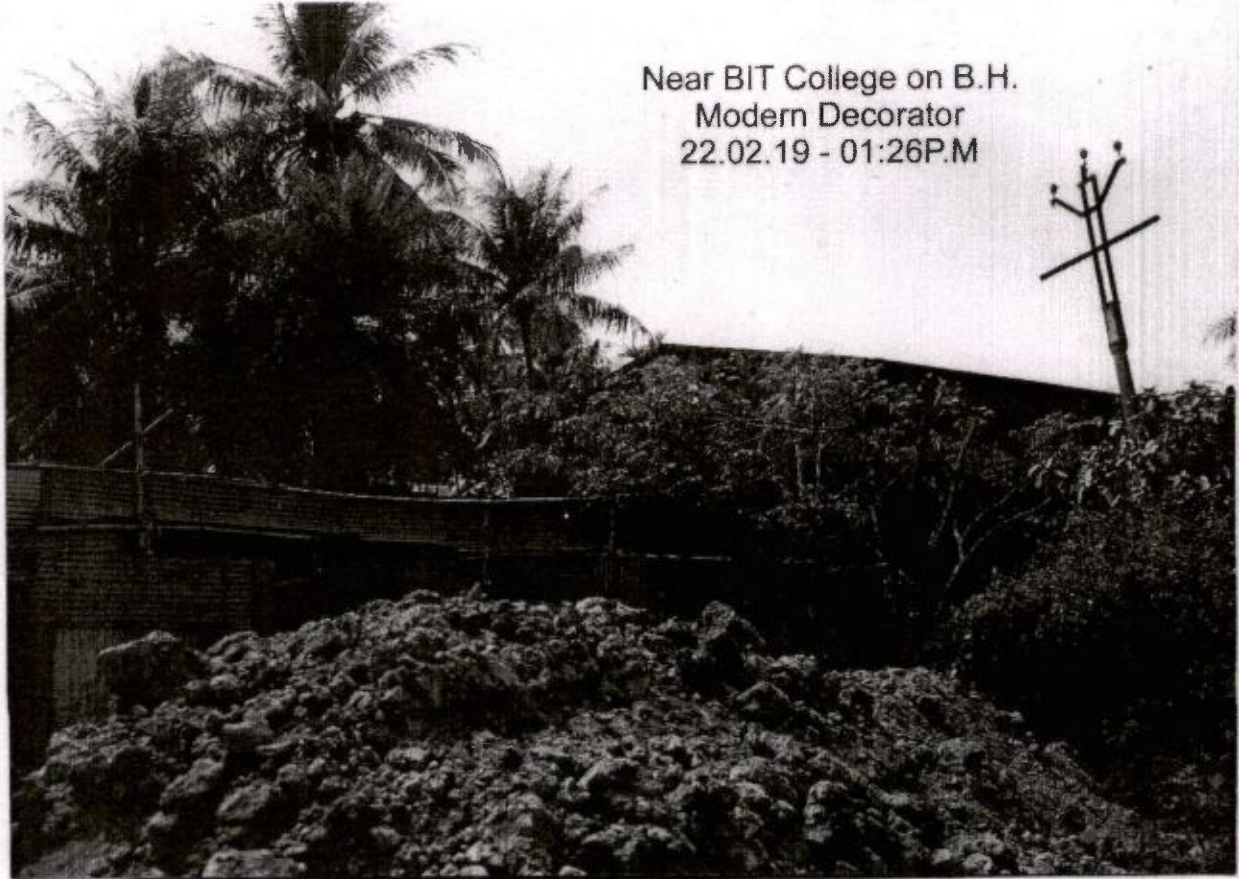
CC to : Chief Technical Officer,  
East Kolkata Wetland Management Authority

*Ajanta Dey*  
(Ajanta Dey)

*Subhas Datta*  
(Subhas Datta)

SP HOWRAH H.P.O. <711101> **भारतीय डाक**  
 W230198506 IN  
 Counter No:1, OP-Code:DG2  
 To: CHIEF TECH OFFICER, E AST KOL WETLAND Mgt. Auth.  
 KOLKATA, PIN:700106  
 From: SUBHAS DATTA, 25/1, GUITENDAL LN, HWH-1  
 Wt: 12grams,  
 Amt: 39.00, 07/03/2015, 10:00  
 Taxes: Rs. 4.00 <<Track on www.indiapost.gov.in>>

Near BIT College on B.H.  
Modern Decorator  
22.02.19 - 01:26P.M

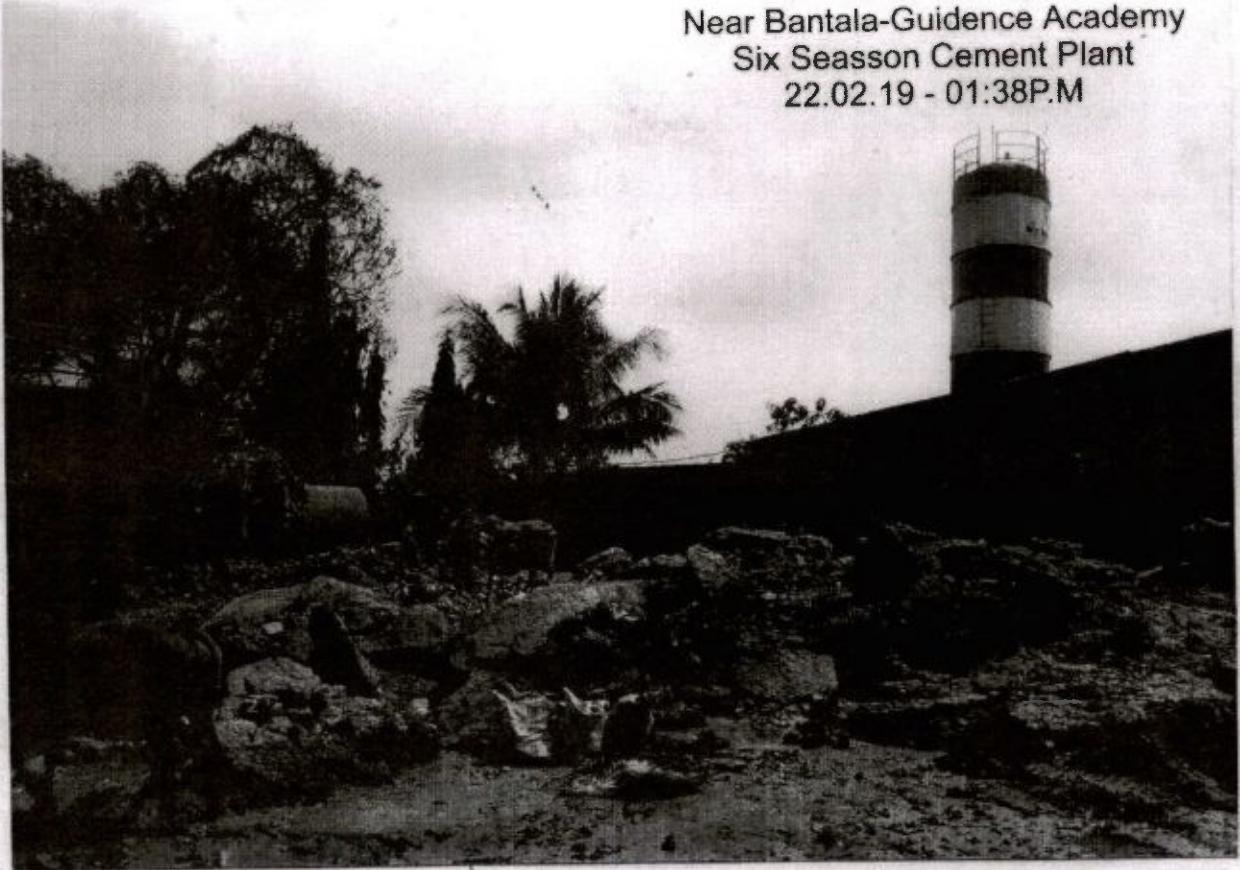


Near Bantala-Guidence Acad  
Six Season Gement Plant  
22.02.19 - 01:40P.M

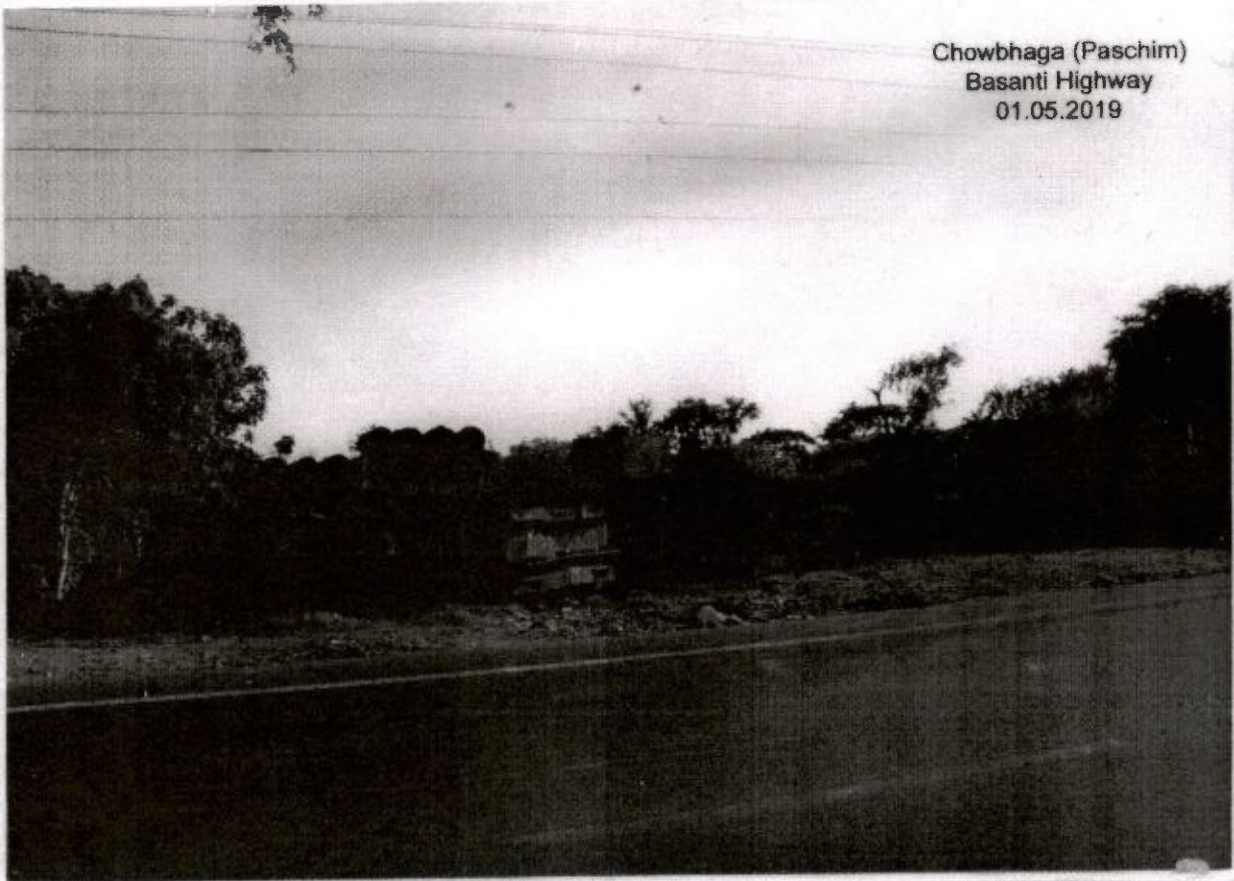
Photographs taken on 22.02.2019 & 01.05.2019 showing dumping of waste here and there within East Kolkata Wetland area

- 71 -

Near Bantala-Guidence Academy  
Six Season Cement Plant  
22.02.19 - 01:38P.M



Chowbhaga (Paschim)  
Basanti Highway  
01.05.2019



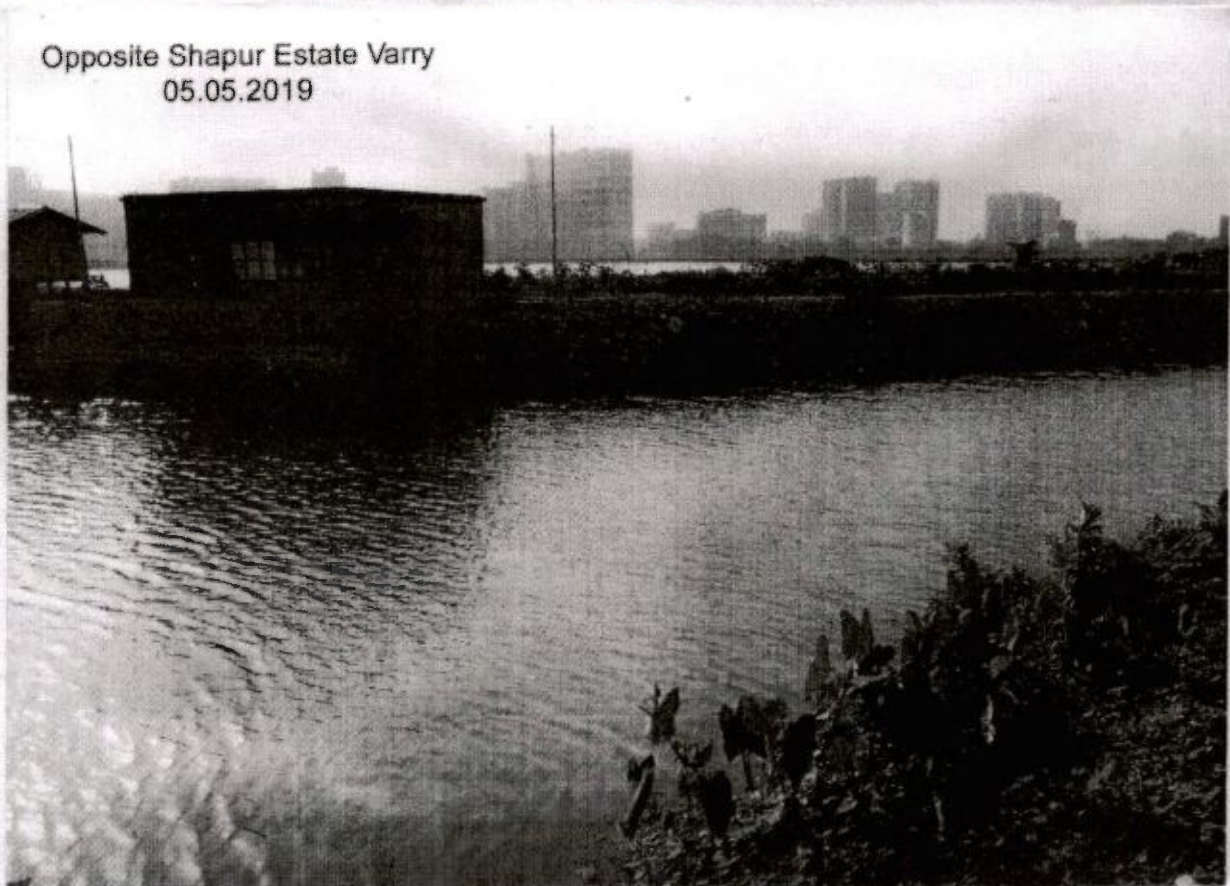
Photographs taken on 22.02.2019 & 01.05.2019 showing dumping of waste here and there within  
East Kolkata Wetland area

-72-

Annexure-16



Opposite Shapur Estate Varry  
05.05.2019

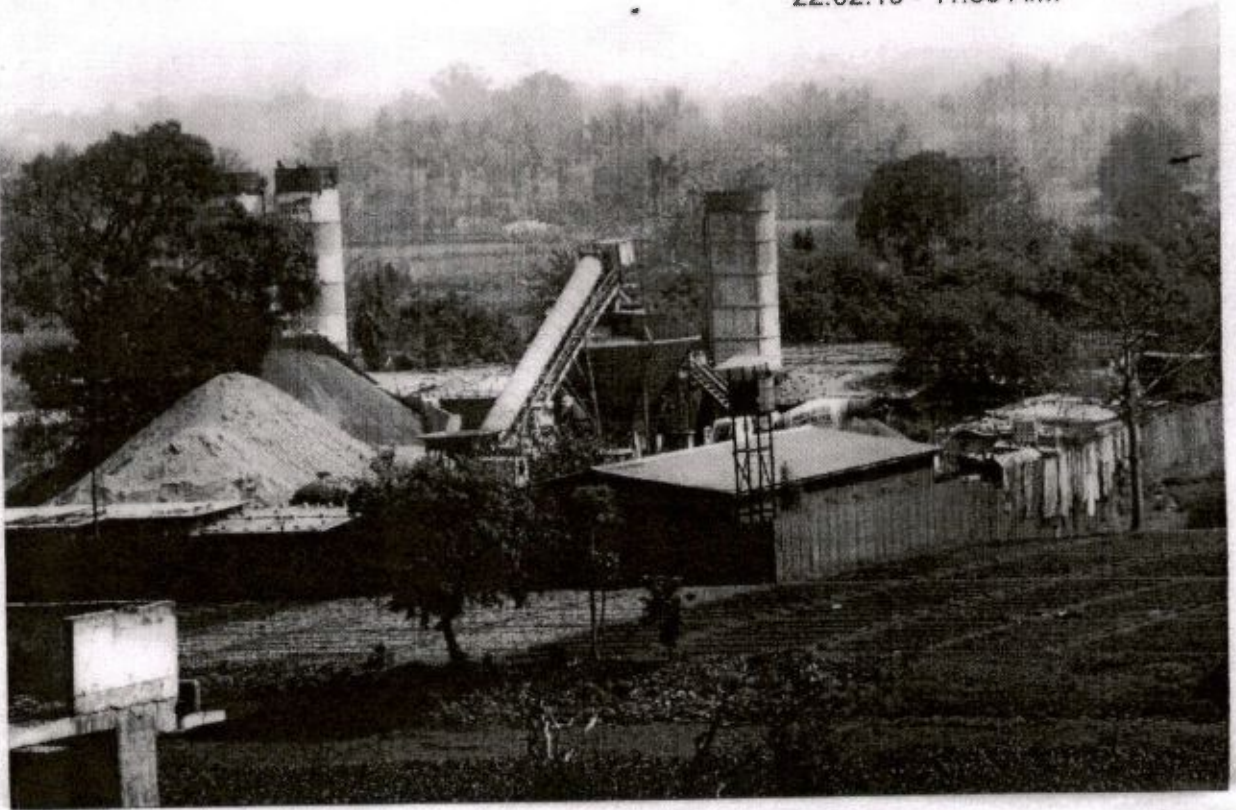


Photographs taken on 05.05.2019 showing dumping of waste to fill up water body opposite  
Shapur Estate Bheri

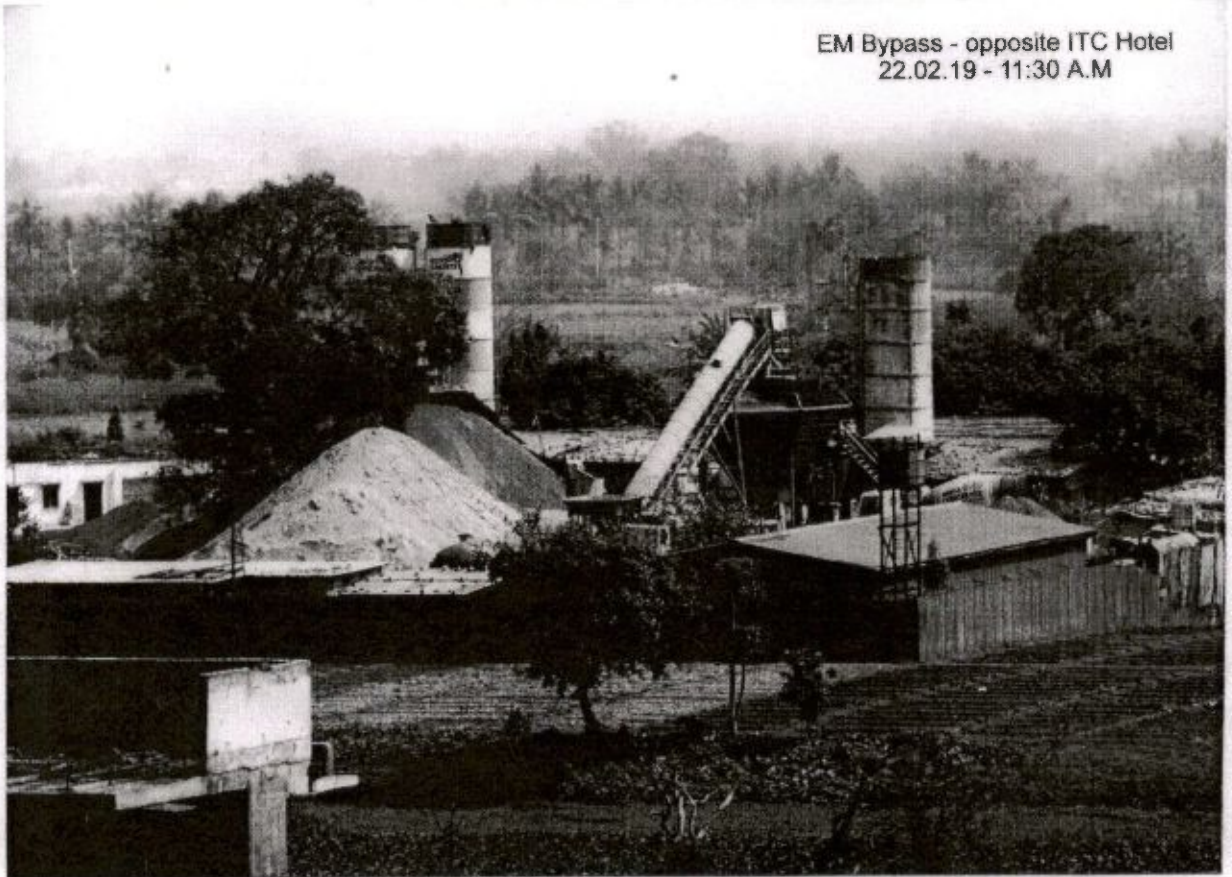
-73-

Annexure-17

EM Bypass - opposite ITC Hotel  
22.02.19 - 11:30 A.M



EM Bypass - opposite ITC Hotel  
22.02.19 - 11:30 A.M



Photographs taken on 22.02.2019 showing setting up of Concrete Mixture Plant near EM



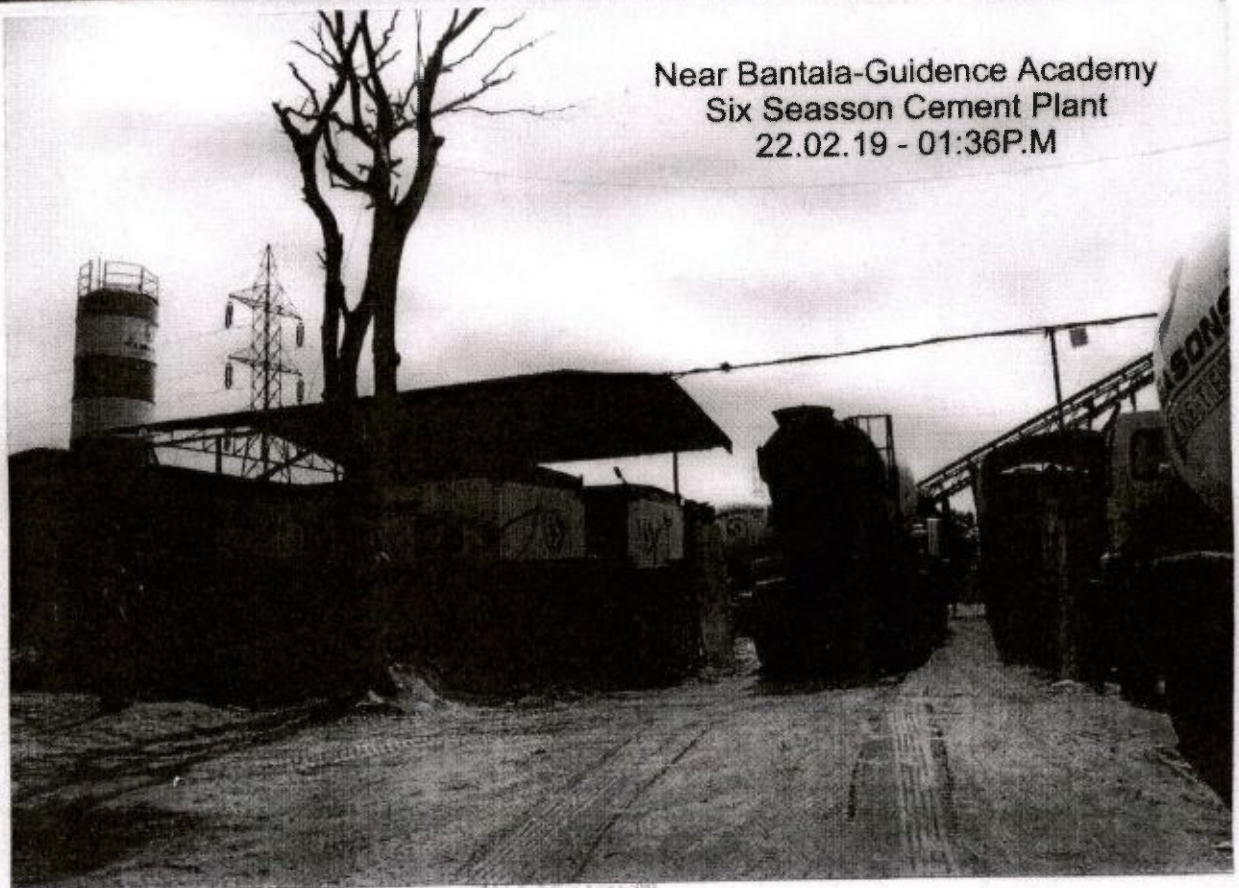
-74-

Annexure -18

Near Bantala-Guidence Academy  
Six Season Cement Plant  
22.02.19 - 01:34P.M.



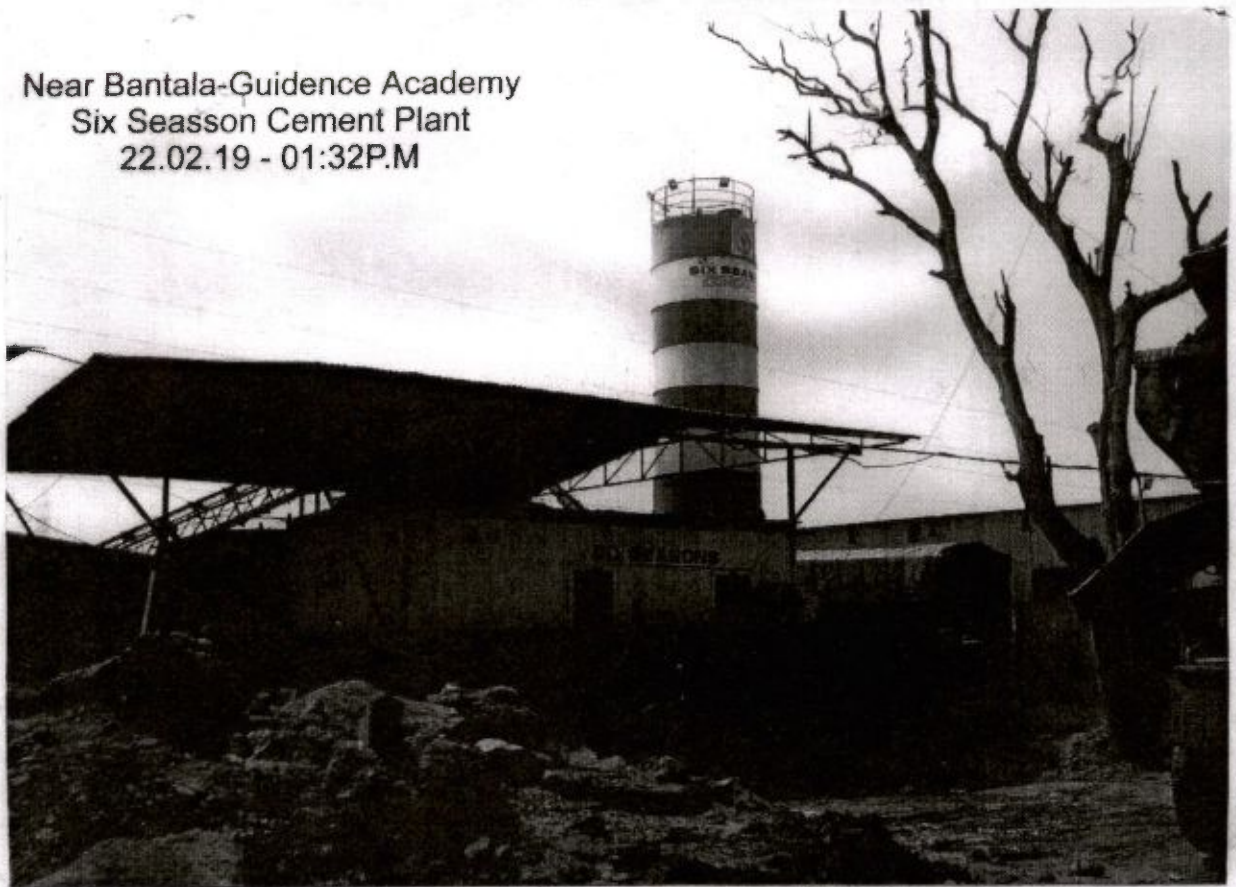
Near Bantala-Guidence Academy  
Six Season Cement Plant  
22.02.19 - 01:36P.M.



Photographs taken on 22.02.2019 showing setting up of Concrete Mixture Plant near Bantala-

-78-

Near Bantala-Guidence Academy  
Six Season Cement Plant  
22.02.19 - 01:32P.M



Near Bantala-Guidence Academy  
Six Season Cement Plant  
22.02.19 - 01:30P.M

Photographs taken on 22.02.2019 showing setting up of Concrete Mixture Plant near Bantala-Guidence Academy



Photographs taken on different dates showing different establishment of business adjacent to Basanti High Way

77

Near Pragati Maidan Fire Brigade-  
Basanti Highway  
22.02.19 - 12:00 P.M



Near Pragati Maidan Fire Brigade-  
Basanti Highway  
22.02.19 - 11:58 A.M

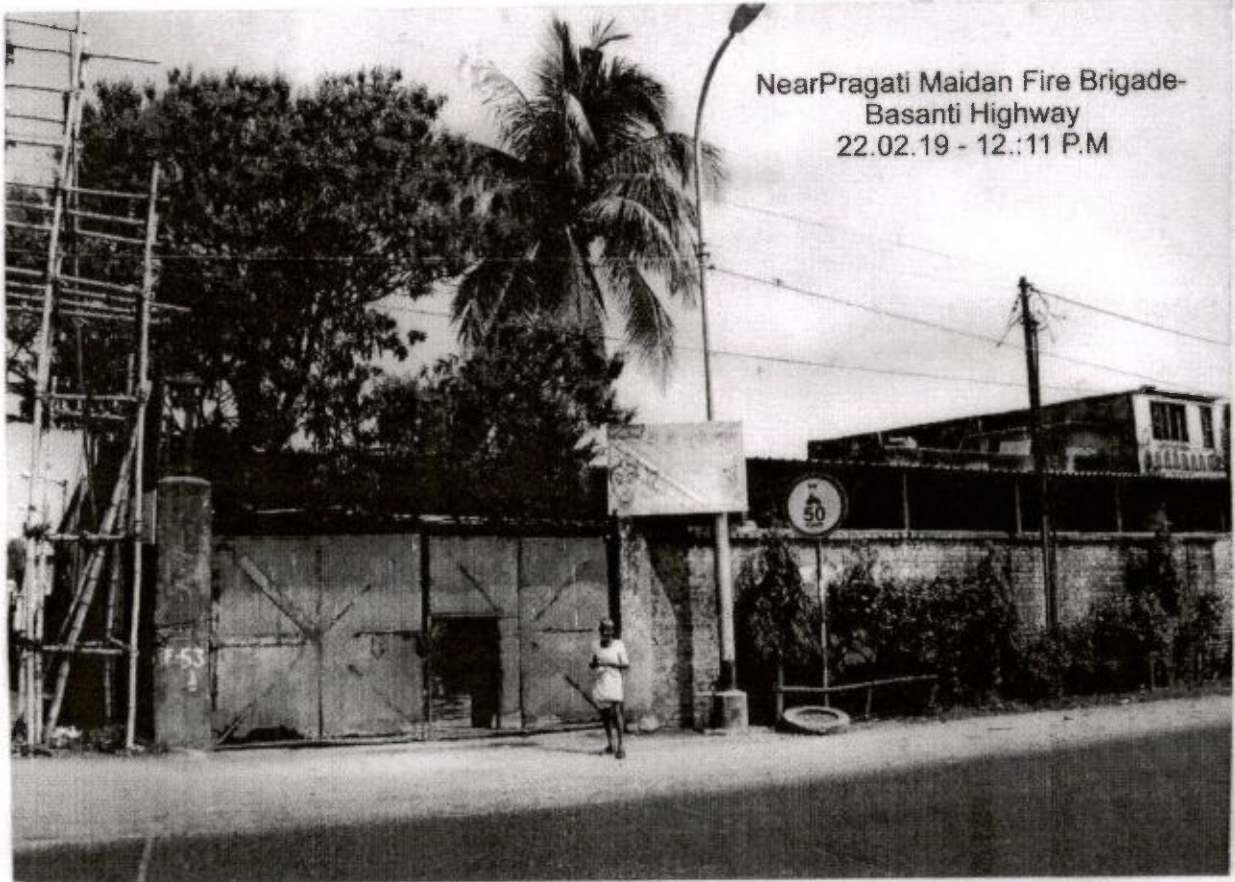


Photographs taken on different dates showing different establishment of business adjacent to Basanti High Way



Photographs taken on different dates showing different establishment of business adjacent to Basanti High Way

-79-

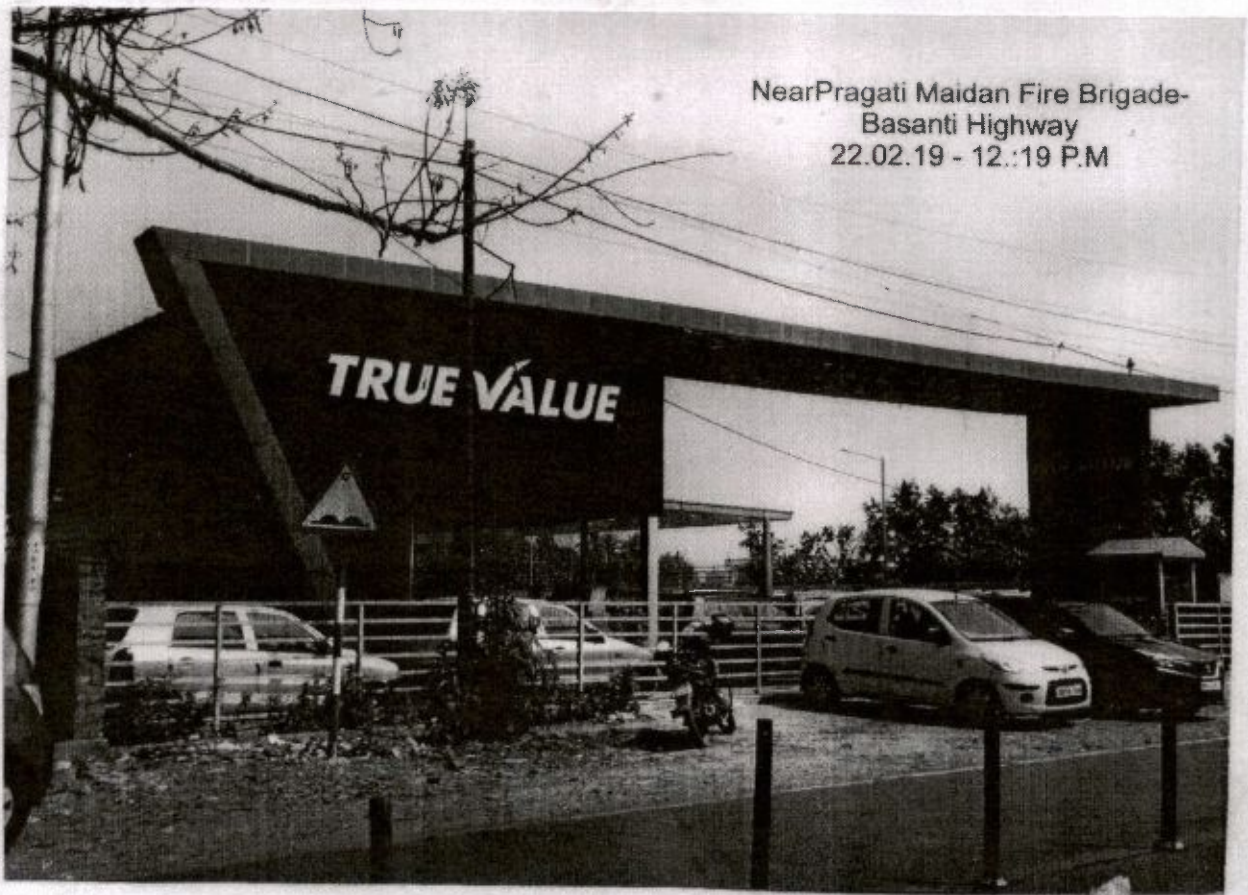


Near Pragati Maidan Fire Brigade -  
Basanti Highway  
22.02.19 - 12:15 P.M.

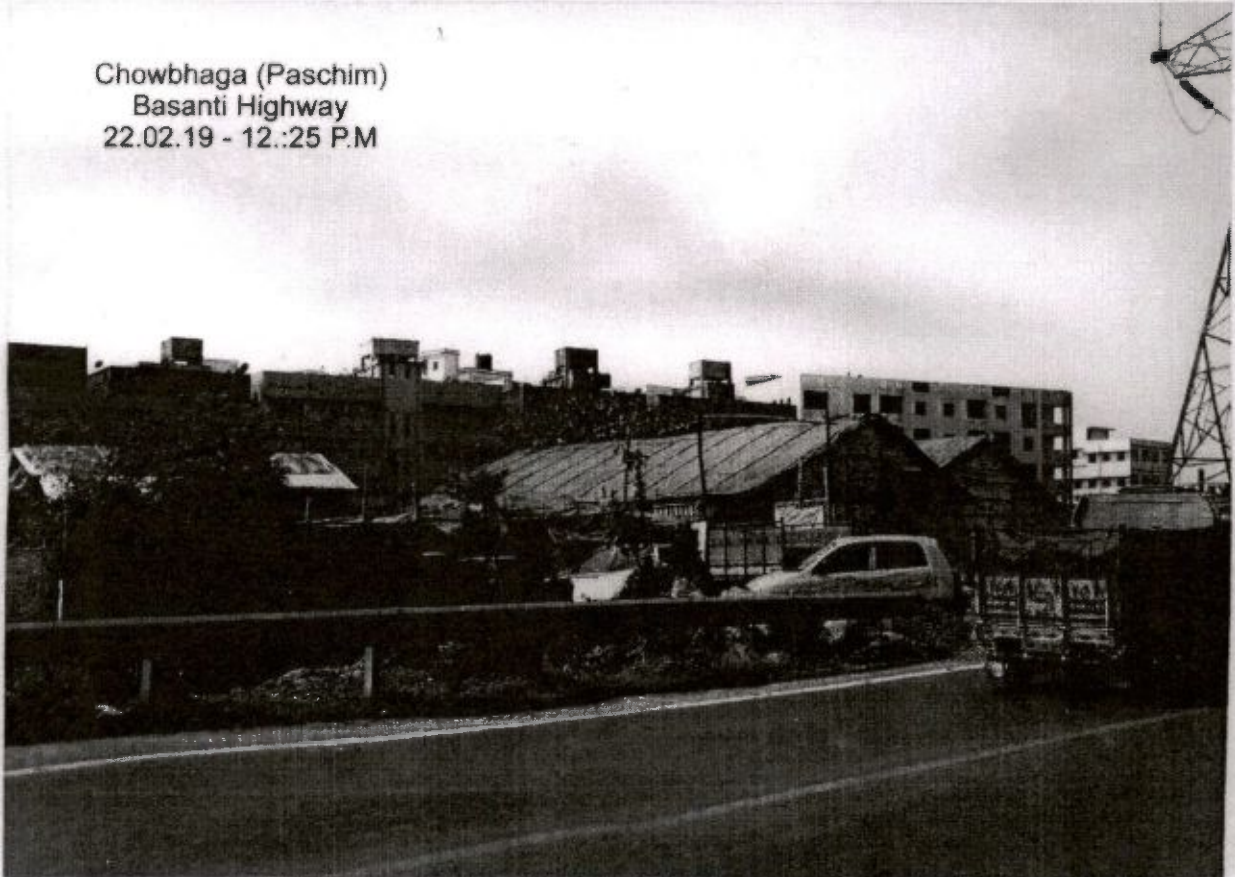


Photographs taken on different dates showing different establishment of business adjacent to Basanti High Way

Near Pragati Maidan Fire Brigade-  
Basanti Highway  
22.02.19 - 12.:19 P.M



Chowbhaga (Paschim)  
Basanti Highway  
22.02.19 - 12.:25 P.M

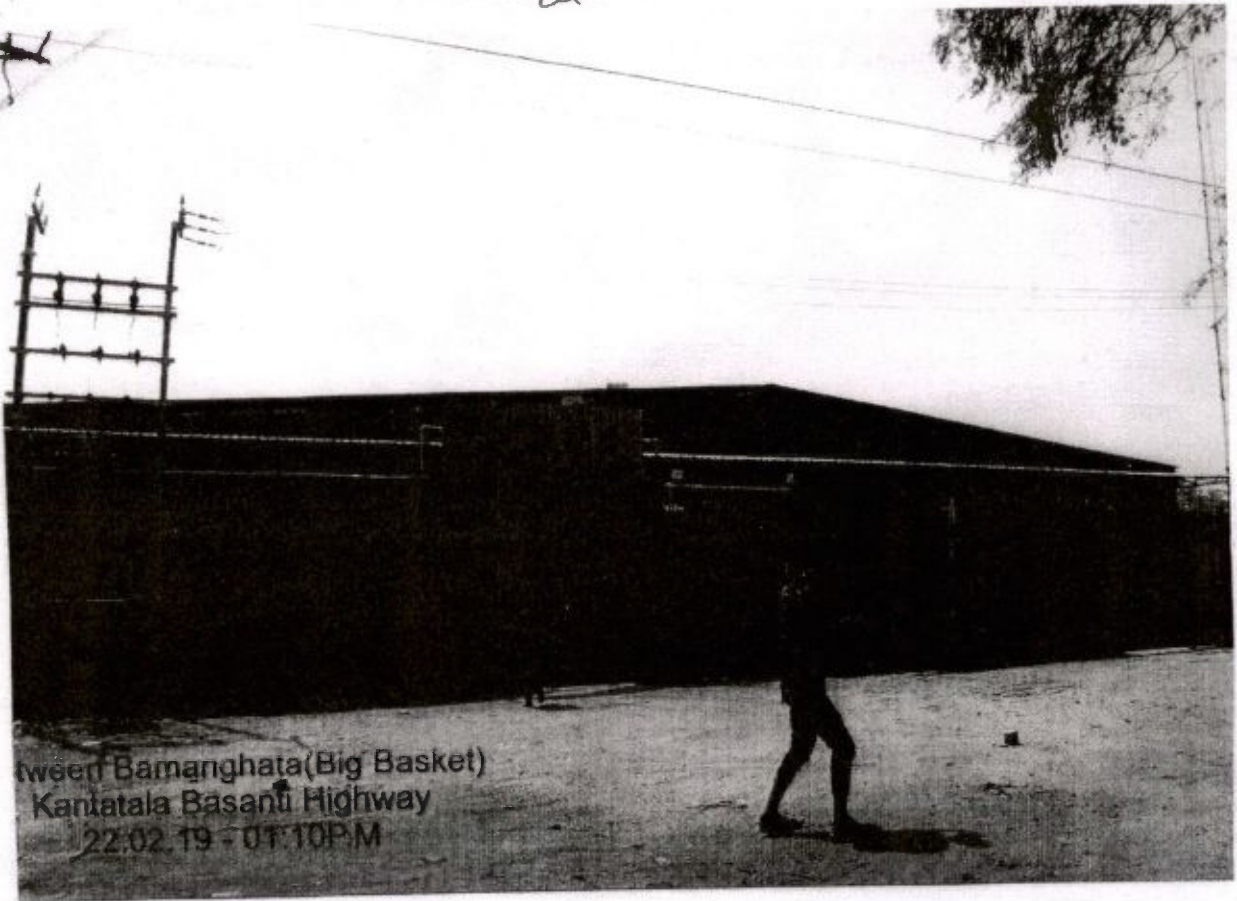


Photographs taken on different dates showing different establishment of business adjacent to Basanti High Way



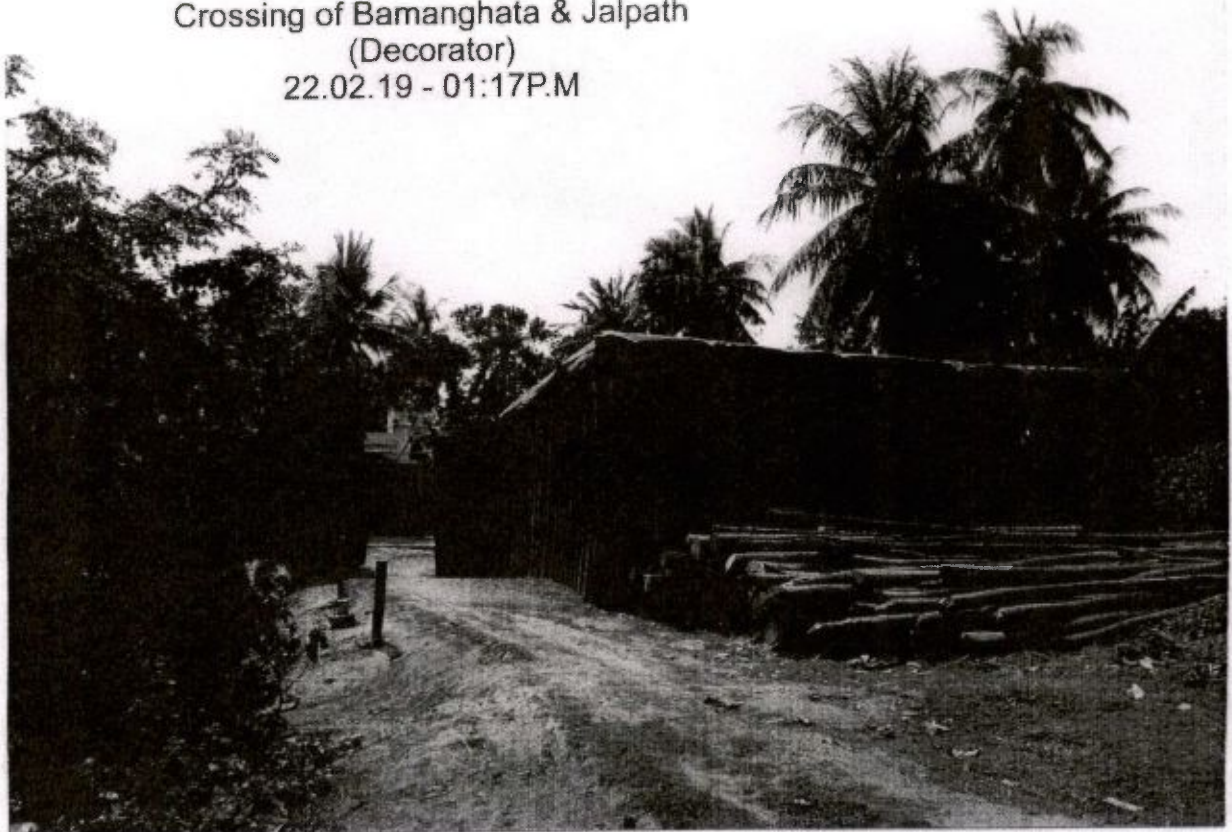
Photographs taken on different dates showing different establishment of business adjacent to Basanti High Way





Between Bamanghata (Big Basket)  
Kantatala Basanti Highway  
22.02.19 - 01:10P.M

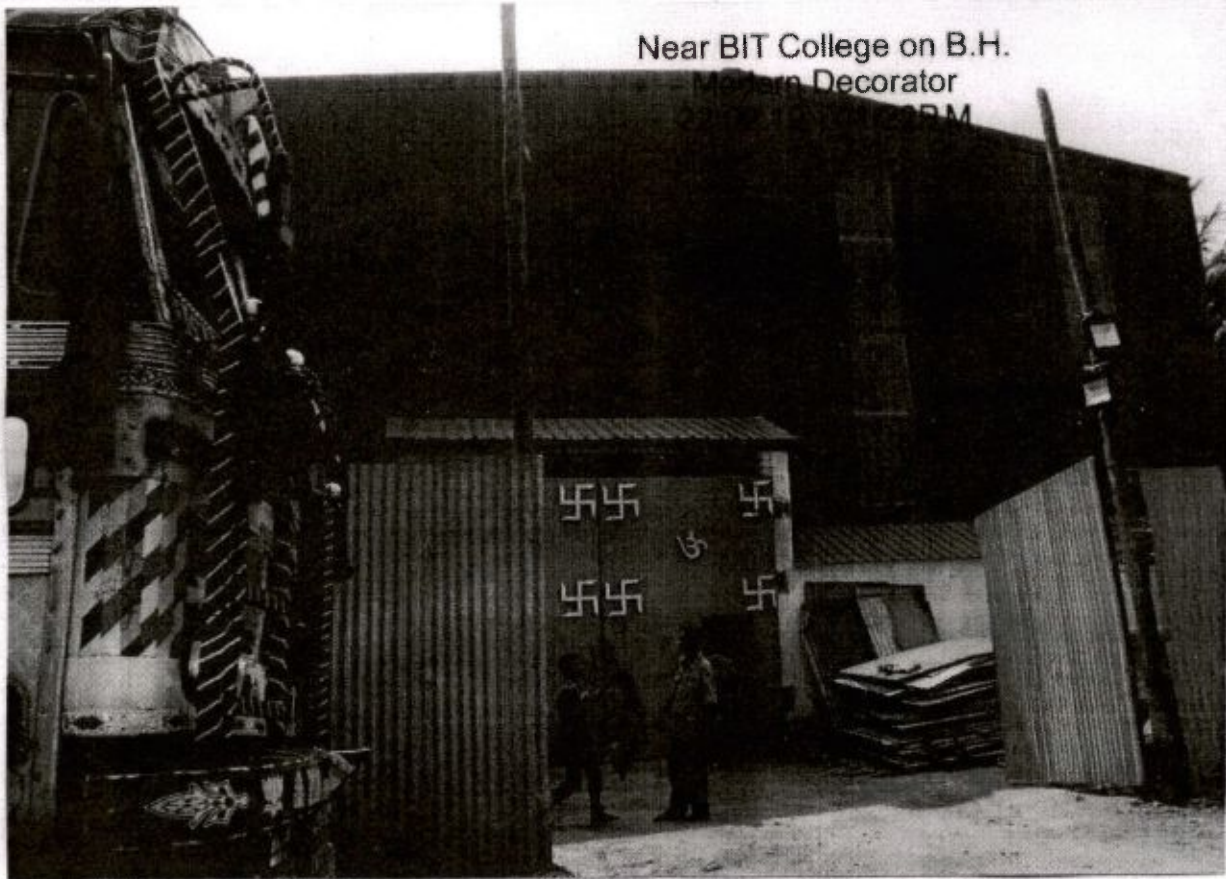
Crossing of Bamanghata & Jalpath  
(Decorator)  
22.02.19 - 01:17P.M



Photographs taken on different dates showing different establishment of business adjacent to Basanti High Way



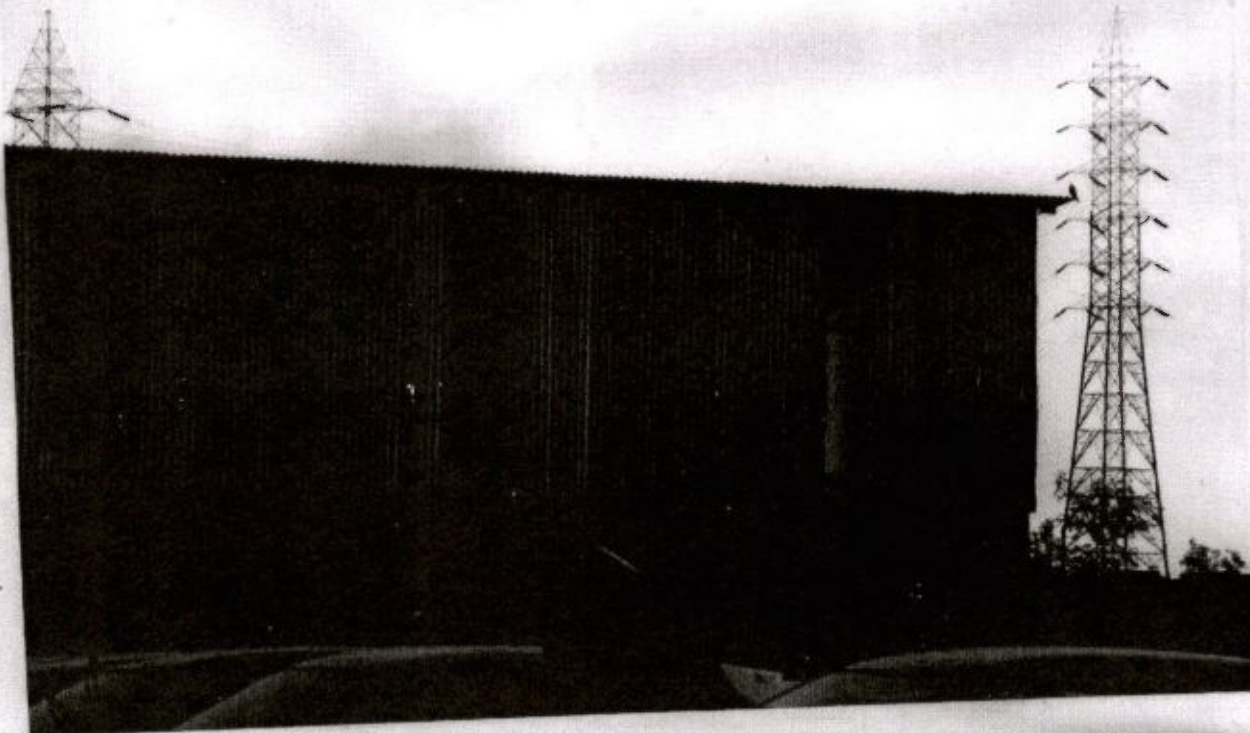
Passing of Bamanghata & Jalpaiguri  
22.02.19 - 01:17P.M



Near BIT College on B.H.  
Modern Decorator  
1938 P.M

Photographs taken on different dates showing different establishment of business adjacent to Basanti High Way

Car Godown  
Basanti Highway  
01.05.2019



B.I.T  
Basanti Highway  
01.05.2019



Photographs taken on different dates showing different establishment of business adjacent to Basanti High Way

Guidance Academy  
Bantala  
01.05.2019



Chowbhaga (Paschim)  
Basanti Highway  
01.05.2019



Photographs taken on different dates showing different establishment of business adjacent to Basanti High Way

Car Godown  
Basanti Highway  
01.05.2019



Photograph taken on different dates showing different establishment of business adjacent to Basanti High Way

**Subhas Datta**  
Chartered Accountant  
Environmental Activist

Annexure - 20

Resi: 25/1, Guitendal Lane, Howrah-711 101  
216/1, Panchanantala Road, Howrah-711 101  
Office: S. R. Dutt Associates  
17, Sagar Dutta Lane, Calcutta-700 073

Contact: (033) 2638 3526, 9830752752 (M)  
Email: subhasdatta@rediffmail.com

02.05.2019

Ms. Mamata Banerjee,  
Chief Minister,  
State of West Bengal,  
Nabanna, Shibpur,  
Howrah

Madam,

Re: - Threats to East Kolkata Wetland

1. I like to draw your kind attention to the fact that there are reckless conversions of the East Kolkata Wetland, which is claimed to be the largest wastewater fed aqua culture system in the world. In the year 2002 this site had been included in the Ramsar list of "Wetlands of International Importance". There are increasing pressure of human settlement for which rampant filling up of the wetlands is going on. Unauthorised constructions and prohibited commercial and industrial activities are being indulged there causing acute environmental imbalances.
2. Realising the problems of this most important wetland of the country, enactment of the law in the name as The East Kolkata Wetlands (Conservation and Management) Act, 2006, had been made on 31<sup>st</sup> March, 2006. The preamble of the said Act goes as follows: -

*"WHEREAS the wetlands act as regulator of water regime, source for underground water recharging, mechanism for waste water treatment, air quality purifier and store of water for fire-fighting and have great ecological significance for human life;*

*AND WHEREAS there is an increasing pressure on land for human settlement leading to filling up of the wetlands;*

*AND WHEREAS the East Kolkata wetlands are ecologically and socio-economically very important;*

*AND WHEREAS it is expedient to provide for conservation and management of the East Kolkata wetlands and for matters connected therewith and incidental thereto;"*

3. The pious object of the said Act is the conservation and management of the unique waterbody, which is acting as the kidney of Calcutta. Very unfortunately reckless conversions and commercial exploitations are taking place, which may totally eliminate this historic and geographically important waterbody.
4. Considering the importance of the wetlands in the country, Ministry of Environment, Forest and Climate Change has also framed Rules titled as the Wetlands (Conservation and Management) Rules, 2017, the preamble of which reads as follows: -

*"Whereas the wetlands, vital parts of the hydrological cycle, are highly productive ecosystems which support rich biodiversity and provide a wide range of ecosystem services such as water storage, water purification, flood mitigation, erosion control, aquifer recharge, microclimate regulation, aesthetic enhancement of landscapes while simultaneously supporting many significant recreational, social and cultural activities, being part of our rich cultural heritage;*

*And whereas many wetlands are threatened by reclamation and degradation through drainage and landfill, pollution (discharge of domestic and industrial effluents, disposal of solid wastes), hydrological alternation (water withdrawal and changes in inflow and outflow), over-exploitation of their natural resources resulting in loss of biodiversity and disruption in ecosystem services provided by wetlands;"*

5. In order to arrest over exploitations of the natural resources of the wetlands certain activities had been restricted therein. Rule 4 of the Wetland (Conservation and Management) Rules, 2017 stands as follows: -

*"The following activities shall be prohibited within the wetlands, namely, -*

- I. *conservation for non-wetland uses including encroachment of any kind;*
- II. *setting up of any industry and expansion of existing industries;*
- III. *manufacture or handling or storage or disposal of construction and demolition waste covered under the Construction and Demolition Waste Management Rules, 2016; hazardous substances covered under the Manufacture, Storage and Import of Hazardous Chemical Rules, 1989 of the Rules for Manufacture, Use, Import, Export and Storage of Hazardous Micro-organisms Genetically engineered organisms or cells, 1989 or the Hazardous Wastes (Management, Handling and Transboundary Movement) Rules, 2008; electronic waste covered under the E-Waste (Management) Rules, 2016;*
- IV. *solid waste dumping;*

V. discharge of untreated wastes and effluents from industries, cities, towns, villages and other human settlements;

VI. any construction of a permanent nature except for boat jetties within fifty metres from the mean high flood level observed in the past ten years calculated from the date of commencement of these rules;

6. As per the Section 4(k) of the East Kolkata Wetlands (Conservation and Management) Act, 2006, it has entrusted the East Kolkata Wetlands Management Authority (hereinafter called as EKWMA) with the power to enforce land use control in the substantially waterbody-oriented areas and other lands in the East Kolkata Wetland area. Further vide Section 4(r) of the said Act it has empowered the EKWMA for imposing absolute or reasonable restriction for the use of the East Kolkata Wetland area. In line with Section 4 of the said Act an Order has been passed Vide Memo No. EN/2158/(S) dated 20<sup>th</sup> September, 2012, by the Environment Department, Govt. of West Bengal which has prescribed imposition of such restrictions on use of land of East Kolkata Wetland in the following manner: -

- a. *That the local authority should not issue any license or building plan for any residential, commercial or industrial activities without considering the clearance from the EKWMA;*
- b. *That the Land and Land Reforms Department of the concerned area is also directed not to issue any certificate for change of the character of land under Section 4(c) of the West Bengal Land and Land Reforms, Act 1955, without considering the clearance from the EKWMA;*
- c. *That the occupiers of the East Kolkata Wetlands area can transfer land to any person or persons in any manner through registered Deed or through providing lease or tenancy right, and such owner may mutate such transferred land in their name. But any construction activities in the said area shall be subject to written permission/prior clearance of the EKWMA;*  
*Provided further that the change of character or mode of use of land by any purchaser shall be subject to and in conformation with the provisions of the said Act, 2006;*
- d. *Any owner/occupier of the land in the EKW area, with prior permission of the EKWMA shall have the right of vegetative fencing their demarcated area*



*utilizing sal, eucalyptus, bamboo made pole and barbed wire, but shall not be permitted to make any construction for fencing their boundary;*

*Provided that on receipt of any information of violation, EKWMA may take such action as it is necessary for conservation and management of the EKW area in accordance with provisions of the East Kolkata Wetlands (Conservation and Management) Act, 2006."*

The copy of the order dated 26<sup>th</sup> September 2012 is enclosed and marked as Annexure 1.

7. It has been mandated that any construction in the wetland area changing the character and mode of use of land should be backed by prior sanction from the EKWMA. In the absence of No Objection Certificate (NOC) from such authority any construction within the wetland area is considered to be illegal and as per Section 11 of the East Kolkata Wetlands (Conservation and Management) Act, 2006, there should be restoration of such converted land to its original character or mode of use.
8. The undersigned has surveyed different parts of the East Kolkata Wetland areas and it has been observed that there are hundreds/thousands of constructions made for other different purposes. Photographs have been taken of such illegalities which clearly show that various commercial/industrial activities are going on there by not observing any Environmental Laws and Rules and also by not following the Rules/Procedures as prescribed in the East Kolkata Wetland (Conservation and Management) Act, 2006.
9. In the matter of illegal conversions of East Kolkata Wetland, the official website of East Kolkata Wetland Management Authority has uploaded a status report showing details of cases filed from 2007 to 2014 by different police stations like Sonarpur, Kolkata Leather Complex, Tiljala, Pragati Maidan, Anandapur and Bidhannagar (South). From the said status report, it is evident that 266 occurrences of illegal constructions have taken place there from 2007 to 2014, out of which 201 cases have been filed by the police on which 154 charge sheets have been submitted. It is very alarming and dangerous situation that within 8 years such huge number of illegalities have been surfaced prompting police actions. But the ground reality is that there are several thousands of such illegal conversions on which no intervention/monitoring by any of the controlling

authorities has taken place. No status report is available for the period from 2015 to 2019 (till April). It is apprehended that during the said period a greater number of conversions have taken place were the eyes and ears of the authorities did not reach. Even the website of EKWMA does not state anything whether and to what extent the restorations have taken place or not. It is therefore, clear that the purposes of constitution of the body like EKWMA have not been fulfilled. For the kind reference, the photocopy of the said status report is enclosed and marked as Annexure - 2.

10. That the process of illegal conversion of East Kolkata Wetland is still continuing in full swing and the concerned authorities are not simply acting as silent spectators to those misdeeds, they are sometimes compelled to indulge such illegalities under local political pressures for which the purposes of enactment of several Acts and Rules thereof, both by the State Govt. as well as by the Central Govt. have been frustrated.
11. That as per Rule 4(2) (iv) of the Wetland (Conservation and Management) Rules, 2017 dumping of solid waste is prohibited but it is evident that dumping of various types of solid waste is taking place here and there and no action of any sorts has been initiated by the prescribed authority. In this context I like to refer to the newspaper report published in The Telegraph on 29<sup>th</sup> April 2019 with the caption "New Town hunt for dumping ground" which has stated that the existing solid waste dumping site at Mollar Bheri has become saturated. The said Bheri falls within the East Kolkata Wetland and instead of appropriate solid waste management, as envisaged in Solid Waste Management Rules (SWM), 2016, the New Town authority is dumping solid waste in that area. The copy of the newspaper report of The Telegraph, dt 29<sup>th</sup> April 2019, is enclosed and marked as Annexure - 3.
12. It has been painfully observed that at the road side of Basanti High Way the waste items from Bantala Leather Complex are further processed illegally, which is a good source of bad air pollution in the whole area. Such burning process using fossil fuel is being indulged by the miscreants in large numbers. Earlier the said process used to be performed just on the road side and because of complaints lodged in this regard, the venues have been shifted to little interior parts adjacent to Basanti High Way. Such industrial activities are not allowed as

per The East Kolkata Wetlands (Conservation and Management) Act, 2006 and Wetlands (Conservation and Management) Rules, 2017 and the same smacks of clear violations of The Environmental Protection Act, 1986 and The Air (Prevention and Control of Pollution) Act, 1981 and The Water (Prevention and Control of Pollution) Act, 1974. Industry brings about financial prosperity but we all have to act for the posterity and save the wetlands. This illegal and highly polluting practices should not be allowed within the East Kolkata Wetland areas.

13. Reprocessing of plastic materials has become an industry in Bantala (Basanti High Way) road side areas where large scale plastic process is going on. Such polluting industrial activities are being indulged without any environmental monitoring by the State Pollution Control Board and there is no registration of any of such units that are engaged in plastic reprocessing process. There are total non-compliances of the provisions as laid down in the Plastic Waste Management Rules, 2016 and Plastic Waste Management (Amendment) Rules, 2018. It is a mystery that how such wrongful polluting activities are allowed in the East Kolkata Wetland area and why and how the East Kolkata Wetland Management Authority is acting as silent spectator to the misdeeds.
14. That the problem of rampant urbanization has already caused depletion of the East Kolkata Wetland area and it was reported in the newspapers, Times of India 2<sup>nd</sup> January 2015 and Anandabazar Patrika on 19<sup>th</sup> February 2015 stating that the local MLA was advocating for denotification of two mouzas from Ramsar Designated sites and demanding legalization of the illegal constructions there by the Kolkata Municipal Corporation. On such newspaper reports the undersigned had sent representations on 4<sup>th</sup> March 2015, to you and to the Principal Secretary, Department of Environment, Govt. of West Bengal, demanding that no such step should be initiated. The copies of the two letters are enclosed and collectively marked as Annexure - 4.
15. The survival of East Kolkata Wetland is very important to us because it works as waste water treatment for the sewage of the city of Kolkata. The sewage from the city gets treated in these wetlands. Before reaching the river Kulti in the downstream, the water quality of wastewater undergoes a positive change. The vast stretches of shallow fish ponds, around 4000 ha in spread, behave as oxidation ponds, which are known as the best option for treating municipal

wastewater in tropical countries. The blooms of algae are the grazing surface for the fishes grown - and they grow at a prolific rate without supplementary food if only wastewater is properly made available. Another outcome is the livelihood support. Fisheries provide support to about 1,00,000 wetland dwellers mainly in the form of fish farming in fish ponds (bheris), and related vocation. The official website of EKWMA has claimed that wetland of about 12,500 ha caters 150 Mt of fresh vegetables every day and 10500 Mt of table fish per annum. Thus there are two-fold financial benefits arising out the said wetlands. First, the huge one-time cost of setting-up of sewage treatment plant and operational and maintenance expenses thereof can be avoided and secondly the livelihood of about one lakh of people can be provided.

Thus, it needs no further elaboration that the East Kolkata Wetland should be preserved, controlled and appropriately monitored not only for the present generation but also for the posterity. I hope and trust that appropriate steps should be initiated from your good end at the earliest.

Thanking You,  
Yours Faithfully,

  
(Subhas Datta)

C.c.

1) To

The Additional Chief Secretary,  
Department of Environment,  
5<sup>th</sup> Floor, Pranisampad Bhawan,  
Block LB-II; Slat Lake, Sec-III,  
Bidhannagar, Kolkata - 700 106

3) To

The Principal Secretary,  
Home Department,  
Nabanna,  
13<sup>th</sup> Floor, 325, Sarat Chatterjee  
Road, Shibpur, Howrah - 711102

2) To

The Principal Secretary,  
Urban Development & Municipal  
Affairs,  
Nagarayan, Sec-I, Block DF-8,  
Bidhannagar, Kolkata - 700 064

4) To

The Member Secretary,  
East Kolkata Wetland Management  
Authority,  
Pranisampad Bhawan, 5<sup>th</sup> Floor,  
Block LB-2, Sec-III, Slat Lake,  
Bidhannagar, Kolkata - 700 106

5) To

The District Magistrate,  
South 24 Pargana,  
25, Belvedere Road, Alipore  
Police Line, Alipore, Kolkata -  
700027

6) To

The District Magistrate,  
North 24 Pargana,  
39, Katgola Banamalipur,  
Barasat - 700124

subhasdatt@gmail.com

भारतीय डाक  
 RW246535651 IN IVR: 828724653565  
 RL HOWRAH HO (711101)  
 Counter No: 9, 04/05/2019, 12:42  
 To: HAMATA BANERJ, CHIEF MINISTER W  
 PIN: 711102, Sibpur SC  
 From: SUBHAS DATT, 25/1 DUITENDAL L  
 Wt: 95gms  
 Amt: 42.00 (Cash)  
 (Track on [www.indiapost.gov.in](http://www.indiapost.gov.in))  
 (Dial 1800 266 6868)



subhasdatt@gmail.com

भारतीय डाक  
 RW246536569 IN IVR: 8287246536569  
 RL HOWRAH HO (711101)  
 Counter No: 9, 04/05/2019, 12:57  
 To: DIST MAGISTRATE, NORTH 24 PGS  
 PIN: 700124, Barasat HO  
 From: SUBHAS DATT, 25/1 DUITENDAL L  
 Wt: 96gms  
 Amt: 42.00 (Cash)  
 (Track on [www.indiapost.gov.in](http://www.indiapost.gov.in))  
 (Dial 1800 266 6868)



subhasdatt@gmail.com

भारतीय डाक  
 RW246535665 IN IVR: 8287246535665  
 RL HOWRAH HO (711101)  
 Counter No: 9, 04/05/2019, 12:57  
 To: THE PRINCIPAL, SEC, HOME DEPARTMENT  
 PIN: 711102, Sibpur SC  
 From: SUBHAS DATT, 25/1 DUITENDAL L  
 Wt: 95gms  
 Amt: 42.00 (Cash)  
 (Track on [www.indiapost.gov.in](http://www.indiapost.gov.in))  
 (Dial 1800 266 6868)



subhasdatt@gmail.com

भारतीय डाक  
 RW246536436 IN IVR: 8287246536436  
 RL HOWRAH HO (711101)  
 Counter No: 9, 04/05/2019, 12:57  
 To: DIST MAGISTRATE, SOUTH 27 PGS  
 PIN: 700027, Alipore HO  
 From: SUBHAS DATT, 25/1 DUITENDAL L  
 Wt: 90gms  
 Amt: 42.00 (Cash)  
 (Track on [www.indiapost.gov.in](http://www.indiapost.gov.in))  
 (Dial 1800 266 6868)



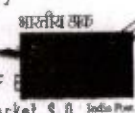
subhasdatt@gmail.com

भारतीय डाक  
 RW246535905 IN IVR: 8287246535905  
 RL HOWRAH HO (711101)  
 Counter No: 9, 04/05/2019, 12:57  
 To: THE ADDL CHIEF, WEILAND MANAGME  
 PIN: 700106, Bidhan Nagar IB Market S.O  
 From: SUBHAS DATT, 25/1 DUITENDAL L  
 Wt: 95gms  
 Amt: 42.00 (Cash)  
 (Track on [www.indiapost.gov.in](http://www.indiapost.gov.in))  
 (Dial 1800 266 6868)



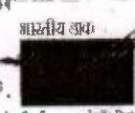
subhasdatt@gmail.com

भारतीय डाक  
 RW246539775 IN IVR: 8287246539775  
 RL HOWRAH HO (711101)  
 Counter No: 9, 02/05/2019, 13:42  
 To: THE ADDL CHIEF, DEPARTMENT OF E  
 PIN: 700106, Bidhan Nagar IB Market S.O  
 From: SUBHAS DATT, 25/1 DUITENDAL L  
 Wt: 95gms  
 Amt: 42.00 (Cash)  
 (Track on [www.indiapost.gov.in](http://www.indiapost.gov.in))  
 (Dial 1800 266 6868)



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भारतीय डाक  
 RW246535784 IN IVR: 8287246535784  
 RL HOWRAH HO (711101)  
 Counter No: 9, 02/05/2019, 13:42  
 To: THE PRINCIPAL, URBAN DEVELOP.  
 PIN: 700064, Bidhannagar CC Block S.O  
 From: SUBHAS DATT, 25/1 DUITENDAL L  
 Wt: 95gms  
 Amt: 42.00 (Cash)  
 (Track on [www.indiapost.gov.in](http://www.indiapost.gov.in))  
 (Dial 1800 266 6868)



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