

**BEFORE THE NATIONAL GREEN TRIBUNAL**

**(EASTERN ZONE BENCH, KOLKATA)**

**O.A. No. of 2024/EZB**

**ORIGINAL APPLICATION**

**under National Green Tribunal Act' 2010**

In the matter of:

SubhasDatta

.....Applicant

-Versus-

State of West Bengal and Others

.....Respondents

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Applicant

*Subhas Datta*  
SUBHAS DATTA

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

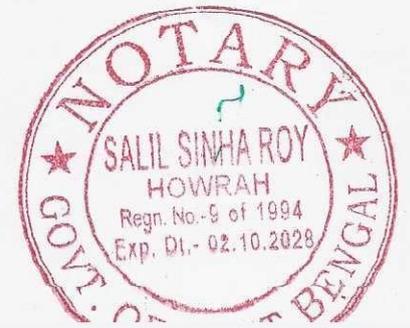
Residence: 55/2, Panchanantala Road,

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

Telephone : 033 -2638 3526,

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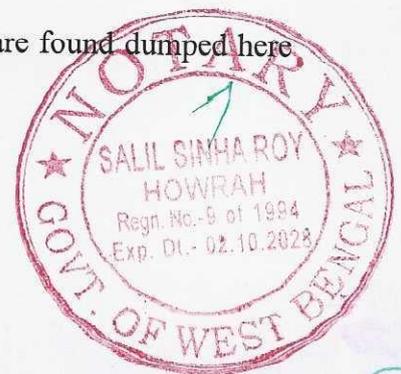
### SYNOPSIS OF THE CASE

That the Solid Wastes Dumping Grounds are major source of air/water pollution and the same are causing severe health hazards to the people at large. Most of the solid wastes dumping sites are under total mismanagement and the concerned authorities are totally negligent to take appropriate measures as envisaged under the Solid Wastes Management Rules 2016. The legacy wastes have now become a challenge to the society as a whole.

That there are various types of environmental disorders arising out of the total failure of the civic authority of Howrah that are causing pollution. Very recently the report has been published that SWACHH SURVEKSHAN award for 2023 has been declared by the Ministry of Housing and Urban Affairs Department, Govt. of India which has described the city of Howrah as the dirtiest city in the country. Howrah is traditionally being discredited as the “dirtiest, most backward and badly managed municipality” since 1889. The tradition of the worst city of the country is still continuing and the people of Howrah are badly suffering since one and half century.

That from 1977 the applicant has been very vigil about the solid waste mismanagement of the city and has moved several times before the Judicial Forum (Supreme Court and High Court at Calcutta) as well as before the peoples’ forum. Unfortunately other than few steps, the major problems are still continuing. The notable problems are briefed as follows:-

- a) Howrah has now become a CITY OF WASTES, which are found dumped here and there and scattered all over the city.



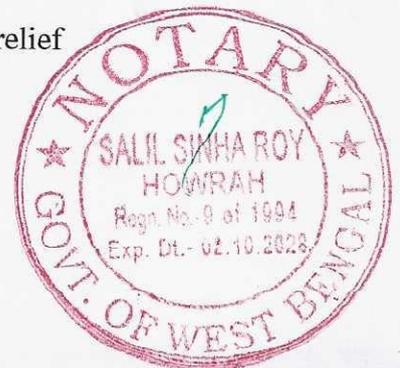
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- b) The dumping ground has become saturated long back but in spite of several judicial mandates and legal dictums, the alternative dumping ground has not been set-up.
- c) The garbages are even dumped/thrown in to the open drain.
- d) The leaches/slurry of the dumped garbages are finally flowing through the adjacent open drain and finally polluting the river Ganga during monsoon.
- e) Smoke frequently comes out from the dumped garbages at Belgachia but without any water sprinkler system there.
- f) Bio-mining is done for very small quantity of wastes.
- g) The collected and sorted materials from the dumping ground is being sent/transferred to the gray market and not sent for recycling.
- h) Door to door collection of garbage has not properly been initiated.

Photographs of all the solid waste mismanagement aspects have duly been taken.

That such wrong actions and or non-action of the concerned authorities smack of serious lapses which are punishable offence under The Air (Prevention and Control of Pollution) Act 1981, The Water (Prevention and Control of Pollution) Act 1974, The Solid Waste Management Rules, 2016 and The Plastic Waste Management (Amendment) Rules 2022. Without judicial intervention there is no possibility of getting any relief

Hence this application.



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**LIST OF DATES**

| SI No. | Dates      | Particulars   |
|--------|------------|---|
| 1.     | 1889       | Howrah was considered to be the dirtiest city.  |
| 2.     | 1977       | The applicant started movement on the solid waste and other issues of Howrah Municipal Corporation.                   |
| 3.     | 1995       | Moved a Writ Petition before the Supreme Court on various civic issues including solid waste mismanagement at Howrah. |
| 4.     | 2002       | Moved a Writ Petition before the High Court at Calcutta on Howrah City's failure to manage the solid wastes.          |
| 5.     | 2023       | Howrah city has been declared as the dirtiest city in India by SWACHH SURVEKSHAN.                                     |
| 6.     | 06.04.2024 | Have visited the Belgachia Dumping Ground to take the stock.  |
| 7.     | 08.04.2024 | Have sent memorandum to various authorities on the solid waste mismanagement of Belgachia Dumping Ground.             |

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In the matter of:

SubhasDatta

.....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 – 711101, West Bengal

..... Applicant

**1. STATE OF WEST BENGAL,**

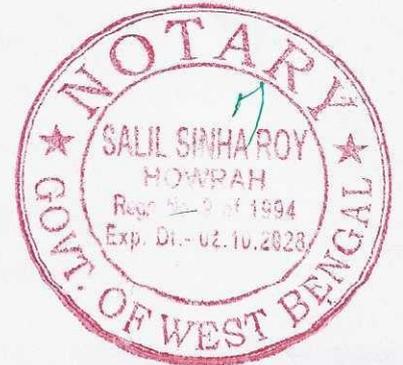
(Notice through the Chief Secretary),

Nabanna, 325, Sarat Chatterjee Road,

Shibpur, Howrah - 711102

Tel -033-22535130

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cs-westbengal@nic.in

**2. URBAN DEVELOPMENT AND MUNICIPAL AFFAIRS**

**DEPARTMENT**

(Notice through the Principal Secretary),

Govt. Of West Bengal,

Nagarayan, DF -8, Sec – I, Salt Lake City,

Kolkata – 700064,

Tel – 033-2334-9356

[secy.ma-wb@gov.in](mailto:secy.ma-wb@gov.in)

**3. DEPARTMENT OF ENVIRONMENT,**

Govt. of West Bengal,

(Notice through the Principal Secretary),

Environment Department,

5th Floor, Pranisampad Bhawan,

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

Bidhannagar, Kolkata - 700 106

Tel-033-2335-2742

[psecy.env-wb@gov.in](mailto:psecy.env-wb@gov.in)

**4. WEST BENGAL POLLUTION CONTROL BOARD**

(Notice through the Member Secretary),

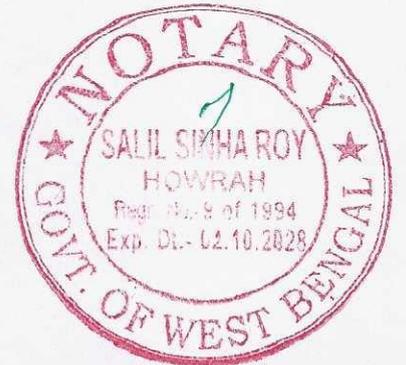
Paribesh Bhawan, 10A Block L.A, Sec-III,

Salt Lake, Bidhannagar, Kolkata - 700106

Tel-0332335-8213

[ms.wbpcb-wb@bangla.gov.in](mailto:ms.wbpcb-wb@bangla.gov.in)

**5. District Magistrate & Collector, Howrah**



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3<sup>rd</sup> Floor, New Collectorate Building,

6, Wrishi Bankim Chandra Road,

Howrah – 711101

Tel- 033-2641-2024

dm-how-wb@nic.in

**6. Commissioner**

Howrah Municipal Corporation,

4, Mahatma Gandhi Road,

Howrah – 711101

Tel – 033-2638-3211

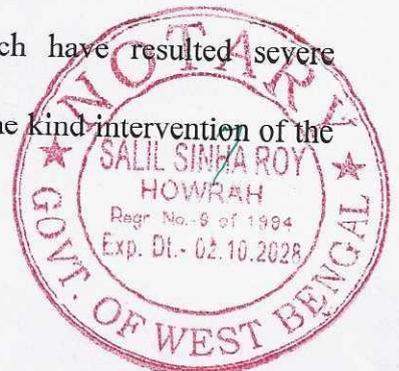
commissioner.howra@gmail.com

.....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 and e-mail details 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 the issue of the dismal position of environmental degradations arising from the non-disposal and or inappropriate disposal of solid wastes from the solid waste dumping ground at Belgachia, Howrah Municipal Corporation. In fact the entire garbage of Howrah city is brought to this site, which is already saturated long back and there is no scope for proper dumping of the solid wastes. There are directions of the Hon'ble High Court to relocate the dumping ground but it is not done so far. The effects and impacts of such improper disposal of solid wastes are manifolds, which have resulted severe environmental and health hazards to the people for which the kind intervention of the Hon'ble Court has become necessary.

Most Respectfully Sweath:

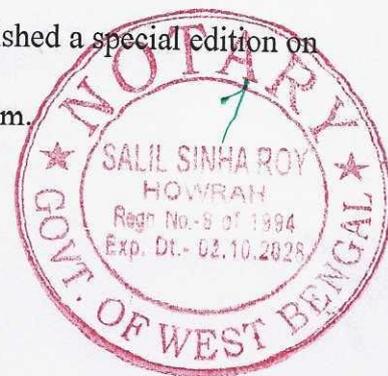
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I, Subhas Datta, aged about 74 years, son of Late Baneswar Datta, by Religion – Hindu, occupation Chartered Accountant, residing at 25/1, Guitendal Lane, P.S+P.O+Dist. - Howrah, Pincode-711101, do hereby solemnly declare and say as follows:-

**FACTS IN BRIEF:**

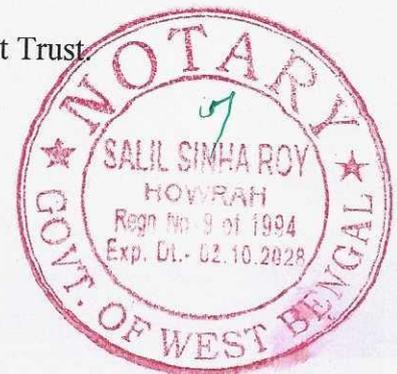
1. That the applicant is the environmental activist and public spirited person. He is engaged in different social, environmental and philanthropic activities since 1977. The applicant is second to none in the fields of ventilating the grievances of the common people. There is hardly any major public issue in the State of West Bengal on which the applicant has not tried to project the peoples' demands before different appropriate authorities.
2. That the applicant has organized series of movements on ecology, 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 the 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 in June 1996.
3. That various activities of the applicant have been recognized by several media giants during the past few decades, brief of which is as follows: -
  - a) Times of India, the leading English daily had projected the applicant as the "Hero of the Country" in the year 2007.
  - b) India Today, the prestigious English Weekly had recognized the applicant as one of the "fifty pioneers of the country" and published a special edition on 7th July 2008, detailing the activities undertaken by him.



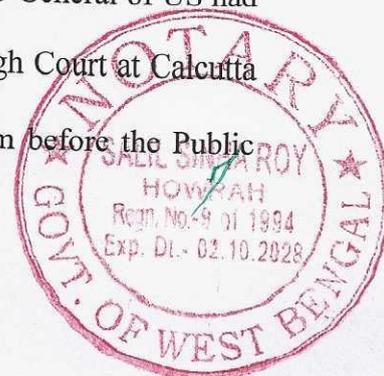
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- c) Hindusthan Times, the leading English daily had recognized the applicant in 2012 as one of the “25 change makers of the country” and given felicitation.
- d) Times of India, the English daily, had nominated the applicant as “Hero of Calcutta – 2013.”
- e) The Telegraph, one leading English daily published from Calcutta and National Insurance Company had given “True Legends Award 2018” to the applicant.
4. That several other forms of recognitions have been given to the applicant from time to time, the brief of some of which is as follows:
- a) Research work had been carried out by one German Scholar covering the applicant’s activities in 2000, which was afterwards published as book titled “Taking the State to Court” by the Oxford University Press, London.
- b) European Green Party leaders had invited the applicant in 2009 to Brussels, Belgium to discuss the possibility of forming Green Party in India. Meeting had been held with U. K. Green Party leader in London in 2009.
- c) In order to adopt the same practices for Ganga cleaning the applicant had participated in Thames River cleaning operation in London, organized by Thames 21, in 2005.
- d) Several weeklies in different languages have published articles on the applicant’s activities during the last few decades.
- e) He had visited London/Glasgow in 2013 and met the respective port authorities to ascertain the methodology of dredging by saving the marine bio-diversity for adopting the same process by the Calcutta Port Trust.

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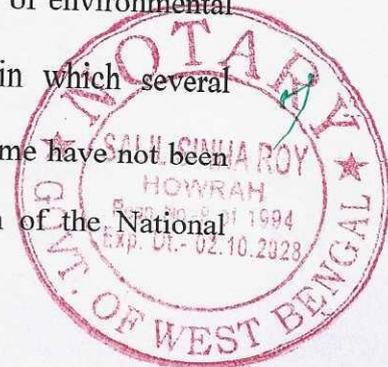
- f) There are about thirteen thousand newspaper clippings on various news covering the activities of the applicant carried out during the last more than three decades.
5. That during the past forty years the applicant has been continuously fighting hard to save and protect the environment and ecology of the State of West Bengal and some of the Eastern and North Eastern States of the country. The applicant has brought about one hundred and thirty environmental matters and also various matters of public interest before the Hon'ble Apex Court of the Country, Environment Bench (Green Bench) and Public Interest Litigation Bench of the High Court at Calcutta, National Green Tribunal and also have been interacting on various related issues and assisting/assisted the Hon'ble Courts (High Court and NGT) as Amicus Curiae in some matters.
6. That few of the moves of the applicant have been recognized otherwise by and or before the Judicial forum, the brief of which is as follows:-
- a) On the basis of the pleadings/petition before the High Court at Calcutta The West Bengal Trees (Protection and Conservation in Non-Forest Areas) Act 2006 was enacted.
  - b) Based on his petition before the High Court, Calcutta, compensation under The Public Liability Insurance Act 1994 had been awarded to the victims of air pollution caused by a reputed industrial house for the first time in the country.
  - c) Six Supreme Court Judges from Thailand came to Calcutta and had interactive sessions with the applicant where the Consulate General of US had also been present. The Hon'ble Judges had visited the High Court at Calcutta to view/hear proceedings and the arguments made by him before the Public Interest Litigation Bench of the High Court at Calcutta.



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7. That the applicant has extensively worked in different Solid Wastes Dumping grounds of Calcutta, Howrah, Burdwan, Bolpur, Diamond Harbour, Siliguri, Jalpaiguri, Alipurduar, Puri, Bally in Howrah and had moved to different judicial forums highlighting the problems and demanding the solutions thereon. The Hon'ble courts had passed several orders/directions by which the environmental hazards could have been eliminated and or are in the process or being addressed.
8. That it needs no further elaboration that the Solid Wastes Dumping Grounds are major source of air/water pollution and the same are causing severe health hazards to the people at large. Most of the solid wastes dumping sites are under total mismanagement and the concerned authorities are totally negligent to take appropriate measures as envisaged under the Solid Wastes Management Rules 2016. The legacy wastes have now become a challenge to the society as a whole.
9. That the applicant has been moving from pillars to post on the various civic issues concerning the city of Howrah since 1977. One petition had been moved by him before the Supreme Court of the Country (Writ Petition No. 385 of 1995) in which the solid waste management aspects in Howrah had been figured in detail. The matter was ultimately transformed to the High Court at Calcutta after designating a separate Bench to hear the environmental pollution matters of the State of West Bengal, which had been popularly known as GREEN BENCH. The said assigned matter before the High Court, Calcutta had finally been disposed of long back.
10. That in the year 2002 one fresh Writ Petition (No. 15206 (w) of 2002) was moved by the applicant before the Hon'ble High Court, Calcutta on the issues of environmental and other hazards concerning the Belgachia Trenching ground in which several directions had been passed by the Court from time to time but the same have not been implemented by the concerned Respondents. After the constitution of the National

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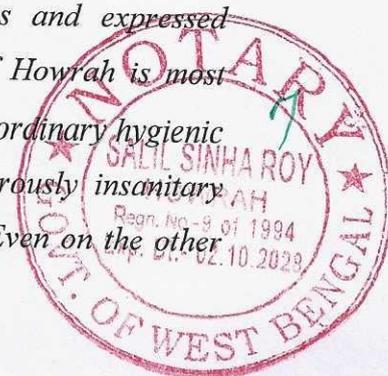
Green Tribunal (NGT) and the same got functional since 2011/2012, all the environmental matters pending before the Green Bench of Calcutta High Court, were transferred to the National Green Tribunal but the petition concerning the Dumping Ground of Howrah was not transformed. Meanwhile, the concerned file could not be traced. There is/was no hearing of this matter for almost a decade

11. That the environmental health of this megacity Howrah is traditionally very bad and the same has been deteriorating further. Recently one Report has been prepared and published in the media that SWACHH SURVEKSHAN awards has been declared for 2023, which has described the city of Howrah as the dirtiest city in the country. The said Swachh Survekshan survey had been initiated by the Ministry of Housing and Urban Affairs, Govt. of India in the year 2016.

The downloaded copy of the news on Swachh Survekshan 2023 is enclosed and marked as ANNEXURE-P/1.

12. That Howrah city is being dishonoured with this stigma traditionally from 19<sup>th</sup> Centaury. It is evident as per the book titled as "Howrah Civic Companion" Volume I, published by the then Howrah Municipality in the year 1955 in page 32, Chapter 13, under the caption DRAWBACK, our beloved city has been defamed by the following castigated remarks, which reads as follows:-

*"In 1889 the Sanitary Commissioner, who inspected the city, remarked – "of all the large municipalities of Bengal which I have inspected and I have inspected nearly all of them. Howrah is without exception the dirtiest, most backward and badly managed municipality, I have ever seen." In 1893 another Sanitary Commission endorsed the above views and expressed "generally speaking the sanitary condition of the town of Howrah is most deplorable. On every side one is met by violent breaches of ordinary hygienic laws. I have never in fact seen a town in such a dangerously insanitary condition and I should be very sorry to live in it myself." Even on the other*

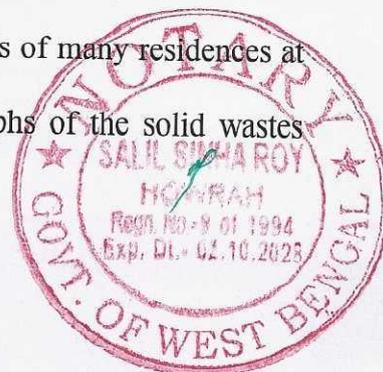


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*day a Judge sitting on the Boundary Commission in 1947 for the Partition of Bengal expressed that in his experience Howrah was the district town.*

13. The book titled as "Howrah Civic Companion" published by the then Howrah Municipality, now the Howrah Municipal Corporation has been misplaced and no copy is available in the market. The applicant prefers to place one copy of the book, temporarily collected from the Howrah District Central Library at the time of hearing of the matter. The photocopy of the cover page of the book and page 32 are enclosed and marked as ANNEXURE-P/2.
14. That the day-to-day life in the city of Howrah has now become unbearable due to poorest solid waste management, which is far from the proper waste management, as envisaged in the Solid Waste Management Rules 2016. Howrah Municipal Corporation is carrying the flag of dishonour traditionally where severe environmental disorders and health hazards are being caused to the people due to the total failure of the civic authority.
15. That Howrah city has now practically been turned into the CITY OF WASTES, which is found dumped and scattered all over the city. The applicant has taken some photographs of the waste/dust bins and road-side scattered waste found at different places within the city of Howrah, which are enclosed and collectively marked as ANNEXURE-P/3.
16. That in the city of Howrah garbages are frequently found dumped in the open drains and the scavengers are daily removing such wastes, which become almost slurry. Due to accumulation of garbages in the open drains of the city, the water flow of those drains gets obstructed causing sewage water accumulation in the city area during heavy rains. The logged rain water mostly finds its way inside the courtyards of many residences at the low laying areas. The applicant has taken some photographs of the solid wastes

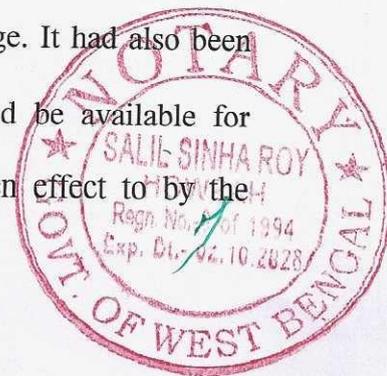
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being thrown/dumped in the open drains, which are enclosed and collectively marked as ANNEXURE-P/4.

17. That during the past 50 years the geographical areas of Howrah Municipal Corporation and the total pollution therein have increased considerably. In one hand there is greater need for more land for dumping of garbage in the city of Howrah and on the other hand the total area of this trenching ground has considerably been reduced. The Belgachia Trenching Ground has become saturated long back and it is not practically possible now to dump any further garbage there properly. The total area of the dumping ground was initially about 150 bighas of land but most of the land is not available now for garbage dumping because of encroachments and other uses of the land.
18. That the applicant has visited the said dumping ground several times during the last 3 decades and on 6<sup>th</sup> April 2024 he has reached the trenching ground and it is observed that the dumping ground has almost become full, the photographs of which have been taken and enclosed as ANNEXURE-P/5.
19. That there are evidences of smoke coming out of the dumped waste, which possibly is arising due to methane gas that exists there. Such smoke emission is causing serious air-pollution in the entire area but no water sprinkler has been found in operation at the dump sites. The photographs taken on the smoke emission from the dumped garbage at Belgachia Dumping ground are enclosed and marked as ANNEXURE-P/6.
20. That the Hon'ble High Court, Calcutta had passed several orders concerning the Belgachia Dumping Ground on various occasions in the Writ Petition (No. 15206 (w) of 2002. Vide the order, dated 5<sup>th</sup> December 2008, the Hon'ble Court had directed the "State Government to find an alternative site," for dumping garbage. It had also been directed to remove the encroachments, so that more space could be available for grounding the garbage. None of these directions have been given effect to by the

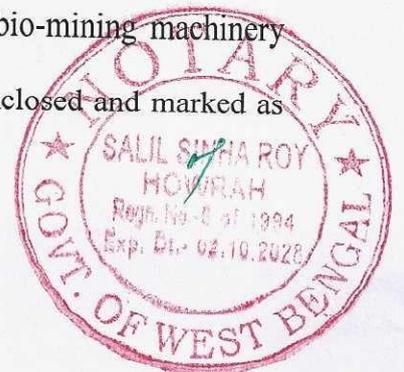
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concerned Respondents due to which the dumping the garbage properly at Belgachia has become more and more difficult. The applicant prefers to enclose the copy of the order of the Calcutta High Cour, dated 05.12.2008, which is marked as ANNEXURE-P/7.

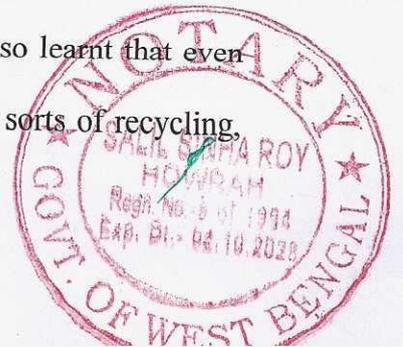
21. That as per Rule 12 of The Solid Waste Management Rules 2016 it has been stated that it is the duty of the District Magistrate to identify suitable land for setting up solid waste processing and disposal facilities. These is specific and repeated orders by the High Court, Calcutta that the State Government should find out alternative site for dumping wastes but such site could not be found so far and the dumping of garbage at Belgachia appropriately has become impossible.
22. That it has been evident on 6<sup>th</sup> April 2024, while visiting the dumping ground at Belgachia that the garbage has been dumped in such a manner very next to open high drain that during monsoon the leaches and slurry of the dumping ground flow to the drain and finally pollute the river Ganga. This is one of the highest sources of Ganga pollution. The applicant has taken some photographs of such open drain next to the heap of garbage at Belgachia, which are enclosed and marked as ANNEXURE-P/8.
23. That the applicant has observed on 6<sup>th</sup> April 2024 that in Belgachia Trenching Ground the bio-mining process has been initiated and an agency, named as Aakanksha Enterprise has been engaged for such work. The capacity of the bio-mining project and utilisation of the same do not appear to be adequate. Moreover it has been gathered that the plastic portion of the wastes goes to the cement industry but the “gooder” and “inner” parts of the wastes goes to outside and the same are not reportedly disposed of appropriately. The applicant has taken the photographs of the bio-mining machinery installed at the dumping ground, on 6<sup>th</sup> April 2024, which are enclosed and marked as ANNEXURE-P/9.

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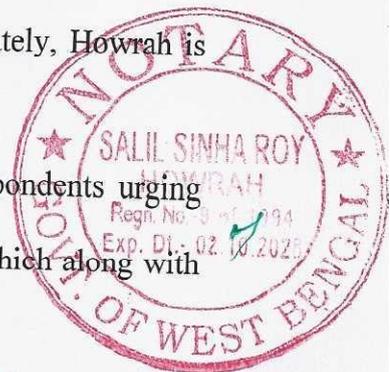
24. That in one portion of the Belgachia Trenching Ground one project titled as "Plastic Waste Management and Livelihood Project" has been initiated, which is reportedly controlled by the Howrah Municipal Corporation. It is a matter of surprise that huge quantity of different types of plastic materials (like bottle, pouch, packets, carry bags, packing materials etc) are stored there and after sorting these collected plastic materials, the same goes to the gray market. It is a matter of surprise that how such prohibited plastic items are used within the Howrah Municipal Corporation area and how such wastes can be generated and/or collected. Moreover, it is a matter of serious concern that all such collected and sorted materials are sent/taken to/by the gray markets. The information gathered by the applicant from the local people that all the plastic items are sold to some persons who are stationed at the dumping ground itself and after collecting the bottles these are dispatchwd to water bottling plants. The site of collection of bottles at the dumping ground is well guarded by some miscreates who do not allow any photography there. However, when the applicant had taken the photographs of the dumping ground, it was evident that huge number of bottles have been collected in big sacks at the dumping ground and waiting for final despatches. The applicant has searched from the social media (Google) and has been able to download few photographs of the collected plastic bottles/materials, which are enclosed and marked as ANNEXURE-P/10.
25. That the applicant has taken the photographs of "Plastic Waste Management and Livelihood Project" Centre at the Belgacia Dumping Ground where from it will be evident that huge plastic items are collected, reportedly from only ten wards of the Howrah Municipal Corporation area. The plastic materials of the rest forty wards are allowed to go without any further checking and controlling. It is also learnt that even the collected materials at the processing centre are not sent for any sorts of recycling.

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which totally is transported to the gray market. The photographs of the Plastic Waste Management Centre and the items collected and sorted have been taken by the applicant, which are enclosed and marked as ANNEXURE-P/11.

26. That the wrong actions of the concerned authorities smack of serious lapses which are punishable offence under The Air (Prevention and Control of Pollution) Act 1981, The Water (Prevention and Control of Pollution) Act 1974, The Solid Waste Management Rules 2016, and The Plastic Waste Management (Amendment) Rules 2022. Unfortunately the concerned authorities are not at all bothering for this very important environmental aspects which have engulfed the city of Howrah, and the same is presently being discredited as the DIRTIEST CITY in the country. Without judicial intervention there is no possibility of setting the conduct of the authorities into right track. For the sake of healthy, safety and environmental security of the people, specific directions warranting time bound actions of the civic body and of the State Government have become necessary. In this context it is pertinent to mention that there is no other alternative but to approach this temple of justice for redressal of the environmental problems.
27. That as per the Solid Waste Management Rules of 20016 the civic body is to prepare a "Solid Waste Management Plans" but it is not know whether Howrah Municipal Corporation has prepared such Management Plan or not. The arrangement for door-to-door collection of waste from the households is not operative. Due to the failure of the Municipal Authority of Howrah to manage the solid wastes appropriately, Howrah is still bearing the stigma of being the dirtiest city in the country.
28. That the applicant has sent representations to all the concerned Respondents urging upon them to take immediate steps into the matter, the photocopy of which along with the postal receipts is enclsed and marked as ANNEXURE- P/12



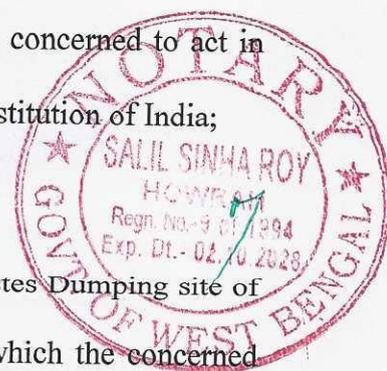
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**GROUND**

- I. For that the Respondents concerned have failed to take appropriate steps as per The Municipal Solid Wastes (Management and Handling) Rules 2016;
- II. For that the concerned Respondents have not taken steps as envisaged under the Plastic Wastes Management Rules;
- III. For that there is failure on the part of Respondents concerned to discharge their statutory duties by not taking steps to arrest the pollution from Belgachia, Dumping Ground, Howrah;
- IV. For that the Respondents concerned have failed to take steps as envisaged under The Water (Prevention and Control of Pollution) Act, 1974;
- V. For that the Respondents concerned have not taken any step as should have been taken under The Air (Prevention and Control of Pollution) Act, 1981;
- VII For that it is the bounden duty of the Respondents concerned to take all measures and steps as envisaged under the Environment (Protection) Act, 1986;
- VIII. For that the Respondents concerned have failed to take appropriate steps as required under Article 21 of the Constitution of India;
- IX. For that there is failure on the part of the Respondents concerned to act in terms of the mandate as set out under Article 48A of the Constitution of India;

**LIMITATION**

29. That the problems of environmental disorders arising from the wastes Dumping site of Belgachia, Howrah are continuing for several hundred years on which the concerned Respondents have failed to take appropriate and timely steps. This problem is continuous in nature. The dismal positions of the solid waste dumping site at Belgaciaha have been published in electronic as well as in print and social media from



16 APR 2024

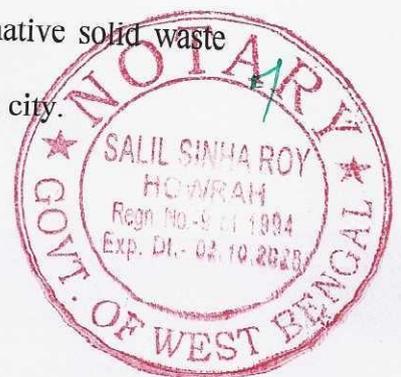
time to time. The applicant has visited the Dumping site on 6<sup>th</sup> April, 2024 and sent representation to various authorities on 8<sup>th</sup> April, 2024. Hence the application is within the time limit.

30. This application is made bonafied and for the ends of justice. The applicant humbly prays Your Honour for the following orders:-

**PRAYERS**

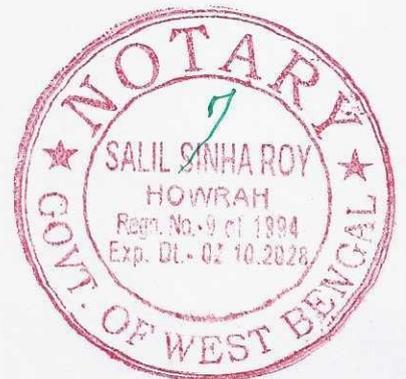
- i. To direct the concerned Respondents to take all steps and measures as envisaged in The Municipal Solid Waste (Management and Handling Rules), 2016 for Belgachia dumping site.
- ii. To direct the Respondents concerned not to dump/ the solid wastes at the dumping ground at Belgachia, so that the same flow to the adjacent drain and finally pollute the river Ganga.
- iii. To direct the Respondents concerned to take preventive steps to arrest the fire and smoke emission at the Belgachia Dumping Ground.
- iv. To direct the concerned Respondents to send the collected and segregated plastic wastes for proper recycling.
- v. To direct the concerned Respondents to immediately find out the alternative solid waste dumping ground for the Howrah city.

16 APR 2024



- vi. To direct the Respondents concerned to take steps for the proper and fast disposal of legacy and fresh wastes at Belgachia Dumping Site
- vii. To direct the Respondents concerned to prepare the "Solid Waste Management Plans" and implement such plan forthwith.
- viii. To direct the Respondents concerned to assess the environmental damages in and around the dumping site of Howrah city that have caused due to improper disposal of the solid wastes.
- ix. To direct the Respondents concerned to take immediate steps under The Air (Prevention and Control of Pollution) Act, 1981.
- x. To direct the concerned Respondents to take appropriate steps as envisaged under The Water (Prevention and Control of Pollution) Act, 1974.
- xi. Such other and/or further order or orders be made and/or direction or directions be given as Hon'ble Tribunal may deem fit and proper.

*Subhas Datta*  
Subhas Datta



16 APR 2024

VERIFICATION

Sl. NO. ~~.....~~ 9-2377

I, Sri Subhas Datta, son of Late Baneswar Datta, aged about 74 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. 9-13, 15, 16, 18, 19, 20, 22, 24, 25 & 28 are true to the best of knowledge and the contents of the paragraph nos. 14, 17, 21 & 23 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

Subhasdatta  
DEPONENTS

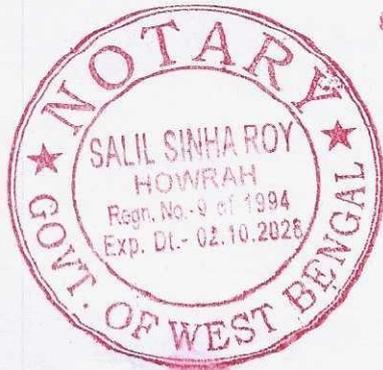
Prepared by me in my office

Subhasdatta  
(Subhas Datta)  
Applicant-in-person

IDENTIFICATION BY ME &  
SIGNED/L.T.I. TAKEN IN MY PRESENCE  
Kalipada Dhali  
Advocate

Date : 16.04.2024  
Place: Howrah.

Kalipada Dhali (Army Rtd)  
Advocate, M.A., LL.B  
Registration No.- WB/669/2007  
Judges' Court, Howrah



SOLEMNLY AFFIRMED & DECLARED  
BEFORE ME ON IDENTIFICATION  
16.4.24

SALIL SINHA ROY  
NOTARY HOWRAH

16 APR 2024

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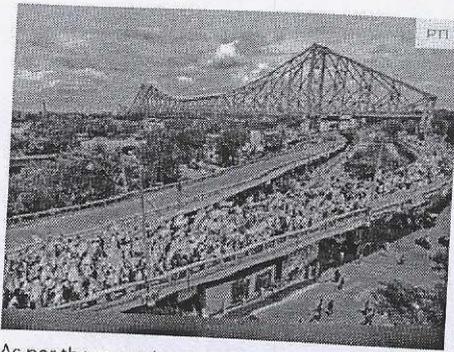
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Business News > News > India > Swachh Survekshan 2023: Here are 10 dirtiest cities in India and all are in West Bengal

## Swachh Survekshan 2023: Here are 10 dirtiest cities in India and all are in West Bengal

### Synopsis

Curiously, West Bengal houses all ten cities with populations over 100,000 ranked as the dirtiest in India. Indore in Madhya Pradesh has clinched the title of the cleanest city in India for the seventh consecutive time. Maharashtra, Madhya Pradesh, and Chhattisgarh have been acknowledged as the cleanest states in the country.



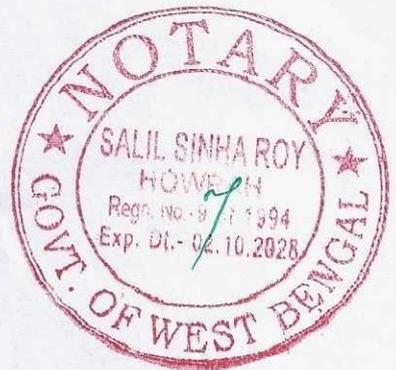
As per the recently released annual cleanliness 'Swachh Survekshan', Howrah in West Bengal has been ranked as the dirtiest city in India.

In the recent 'Swachh Survekshan' annual cleanliness survey, Howrah in West Bengal has been ranked as the dirtiest city in India. Notably, all ten cities with populations over 100,000 at the bottom of the cleanliness ranking are from West Bengal.

The list includes Kalyani, Madhyagram, Krishnanagar, Asansol, Rishra,

Bidhannagar, Kanchrapara, Kolkata, and Bhatpara, with cleanliness scores below 1,000, except for Kolkata and Bhatpara.

Except for Kolkata and Bhatpara, the remaining eight cities scored less than 1,000 in cleanliness.



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SECTIONS Swachh Survekshan 2023: Here are 10 dirtiest cities in India and all are in West Bengal

# Growth and Global Trends

These cities were evaluated based on their cleanliness and sanitation practices.

In contrast, Indore in Madhya Pradesh secured the title of the **cleanest city in India** for the seventh consecutive time. It was followed by Surat in Gujarat, Navi Mumbai in Maharashtra, Visakhapatnam in Andhra Pradesh, and Bhopal in Madhya Pradesh.

Maharashtra, Madhya Pradesh, and Chhattisgarh were recognized as the cleanest states in India, setting high standards for sanitation.

On the other hand, Arunachal Pradesh, Mizoram, Rajasthan, and Nagaland were found to be the least clean.

In the category of the cleanest cantonment boards, the Mhow Cantonment Board in Madhya Pradesh ranked first, while Nainital Cantonment ranked last.

The Swachh Survekshan Awards 2023 were announced in a ceremony attended by President Droupadi Murmu and several other dignitaries.

This cleanliness survey, with the participation of 4,447 urban local bodies and over 12 crore citizen responses, holds the distinction of being the largest cleanliness survey in the world.

### List of top 10 cleanest cities in India:

| Ranking | 2023              | 2022          | 2021        |
|---------|-------------------|---------------|-------------|
| 1       | Indore & Surat    | Indore        | Indore      |
| 2       | NA                | Surat         | Surat       |
| 3       | Navi Mumbai       | Navi Mumbai   | Vijayawada  |
| 4       | Visakhapatnam     | Visakhapatnam | Navi Mumbai |
| 5       | Bhopal            | Vijayawada    | NDMC        |
| 6       | Vijayawada        | Bhopal        | Ambikapur   |
| 7       | NDMC              | Tirupati      | Tirupati    |
| 8       | Tirupati          | Mysuru        | Pune        |
| 9       | Greater Hyderabad | NDMC          | Noida       |
| 10      | Pune              | Ambikapur     | Ujjain      |

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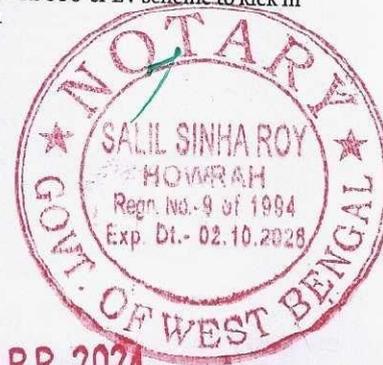
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# Swachha Survekshan rankings 2023: Here's list of 10 dirtiest cities, all from one state

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Swachh Survekshan has enthused cities with a healthy spirit of competitiveness to improve urban sanitation and ensure best service delivery to their citizens. President Droupadi Murmu gave the Swachh Survekshan awards 2023 to the winners at a ceremony in Delhi.

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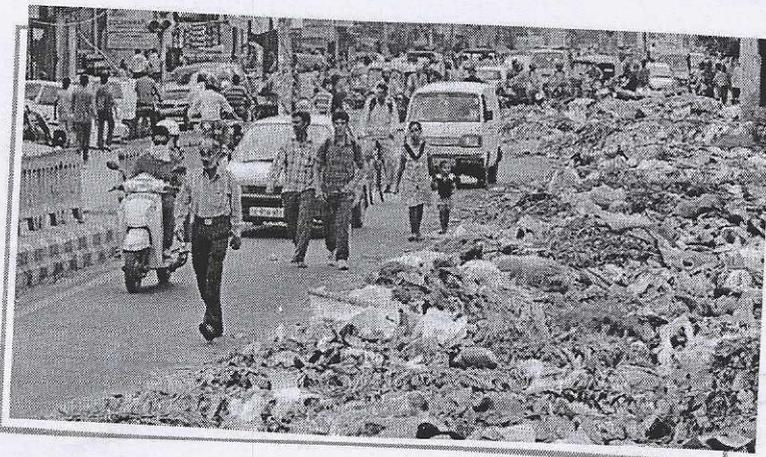
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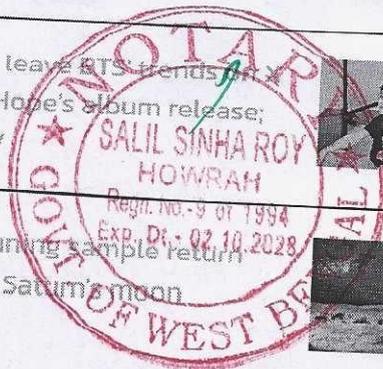
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All 10 dirtiest cities are from one state Pic source: PTI (Representational pic)



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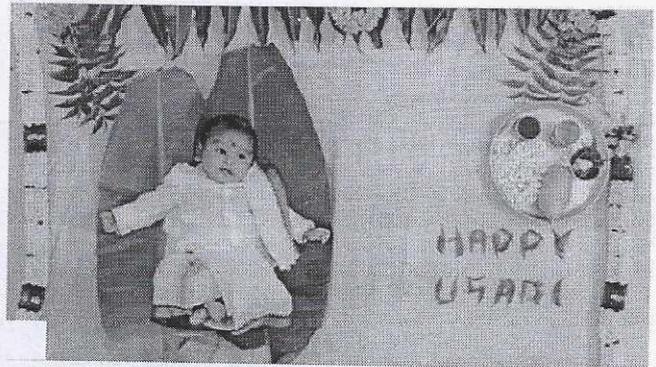
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## Gudi Padwa fun: Easy DIY baby photoshoot at home

Ram Navami baby photoshoot ideas [PICS]



Gudi Padwa fun: Easy DIY baby photoshoot at home



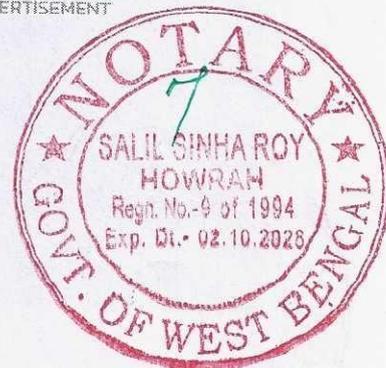
Sparkling sarees for Gudi Padwa [2024]



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**New Delhi:** While Indore bagged the title of India's 'cleanest city' for the seventh time in a row, Howrah in West Bengal has been adjudged the dirtiest city in the country, as per Swachh Survekshan 2023 – the annual survey of cleanliness, hygiene and sanitation that is conducted in India since 2016.

According to the survey, the the results of which were announced Thursday, the 10 dirties citieshaving a population of over 1 lakh are all from West Bengal.

## These are India's 10 dirtiest cities

Besides Howrah, the other nine dirtiest cities include, Kalyani, Madhyagram, Krishnanagar, Asansol, Rishra, Bidhannagar, Kanchrapara, Kolkata and Bhatpara, the survey report showed. These cities, excluding West Bengal's capital and Bhatpara, have a cleanliness score of less than 1,000. Meghalaya's Shillong and Khagaria and Sithamarhi in Bihar have also been occupied the bottom positions in the cleanliness rankings.

### ALSO READ

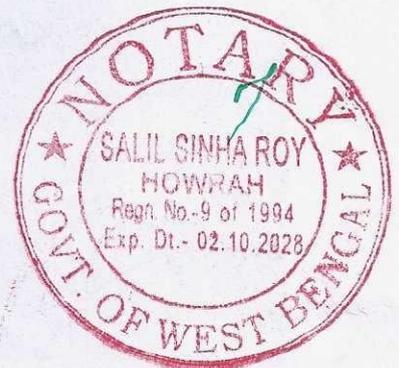


spot in the Central government's annual cleanliness survey, followed by Visakhapatnam in Andhra Pradesh) and Bhopal in Madhya Pradesh. In addition, Maharashtra bagged the top rank in the category of the best performing states, followed by Madhya Pradesh and Chhattisgarh. The least clean states include, Andhra Pradesh, Mizoram, Rajasthan and Nagaland.

## President praises all for moving forward on path of 'cleanliness to prosperity'

President Droupadi Murmu presented the Swachh Survekshan awards to the winners at a ceremony held in Delhi. Many other eminent dignitaries were present at the event. Speaking on the occasion, the President said that the Swachh Survekshan conducted with wide participation is an important step towards raising the level of cleanliness. She appreciated all for moving forward on the path of 'cleanliness to prosperity'. She noted that cleanliness campaigns are creating opportunities for economic self-reliance of women.

Originally designed as a competitive monitoring tool, Swachh Survekshan was introduced under the aegis of Ministry of Housing and Urban Affairs in 2016, with an objective to sanitation, helping cities to achieve the goal of sustainable sanitation and waste management in a fast-track competitive manner.



16 APR 2024

# HOWRAH CIVIC COMPANION

VOLUME I

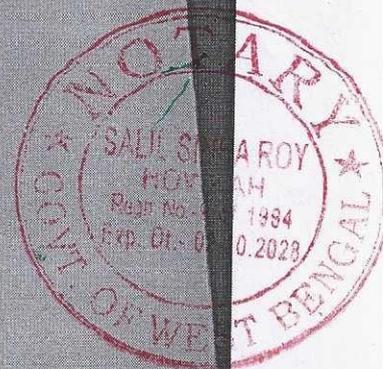
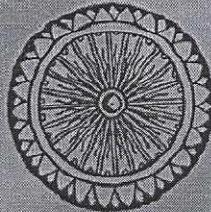
A Handbook of Essential Facts and Figures  
—Historical, Statistical, Municipal & General.

31543  
Howrah (I)

REFERENCE

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Secretary, Howrah Municipality.

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HOWRAH CIVIC COMPANION

13. DRAWBACK.

Howrah has grown into a big city from a small unprosperable village belonging to Mr. Levett in 1882 under combination of various circumstances without any forethought or planning. The rapid growth of industry and development of the city had its natural consequence and however important the town it always overlooked the sanitary side and it had earned the notoriety of being a 'Cooly Town'. The city developed over-stepping or out-speeding the sanitary improvements. In 1889 the Sanitary Commissioner, who inspected the city, remarked "of all the large municipalities of Bengal which I have inspected and I have inspected nearly all of them, Howrah is without exception the dirtiest, most backward and badly managed municipality, I have ever seen." In 1893 another Sanitary Commission endorsed the above views and expressed "generally speaking the sanitary condition of the town of Howrah is most deplorable. On every side one is met by violent breaches of ordinary hygienic laws. I have never in fact seen a town in such a dangerously insanitary condition and I should be very sorry to live in it myself." Even on the other day a Judge sitting on the Boundary Commission in 1947 for the Partition of Bengal expressed that in his experience Howrah was the dirtiest town.

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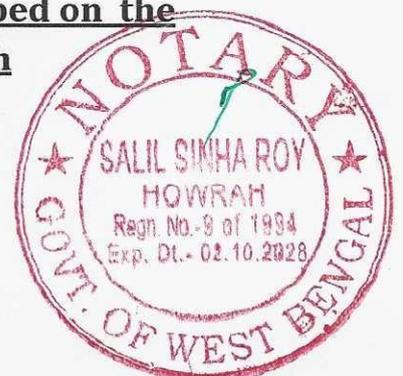
14. CONCLUSION.

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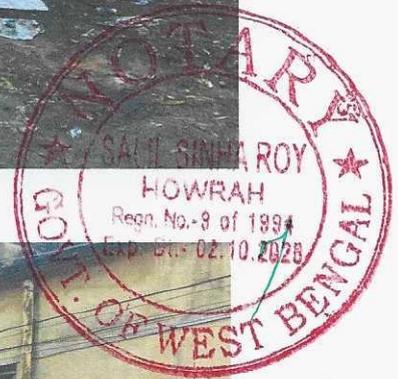
The pressin...



**Photograph taken on 06.04.2024 showing wastes dumped on the Panchanantala Road, near Belilious Lane point, Howrah**

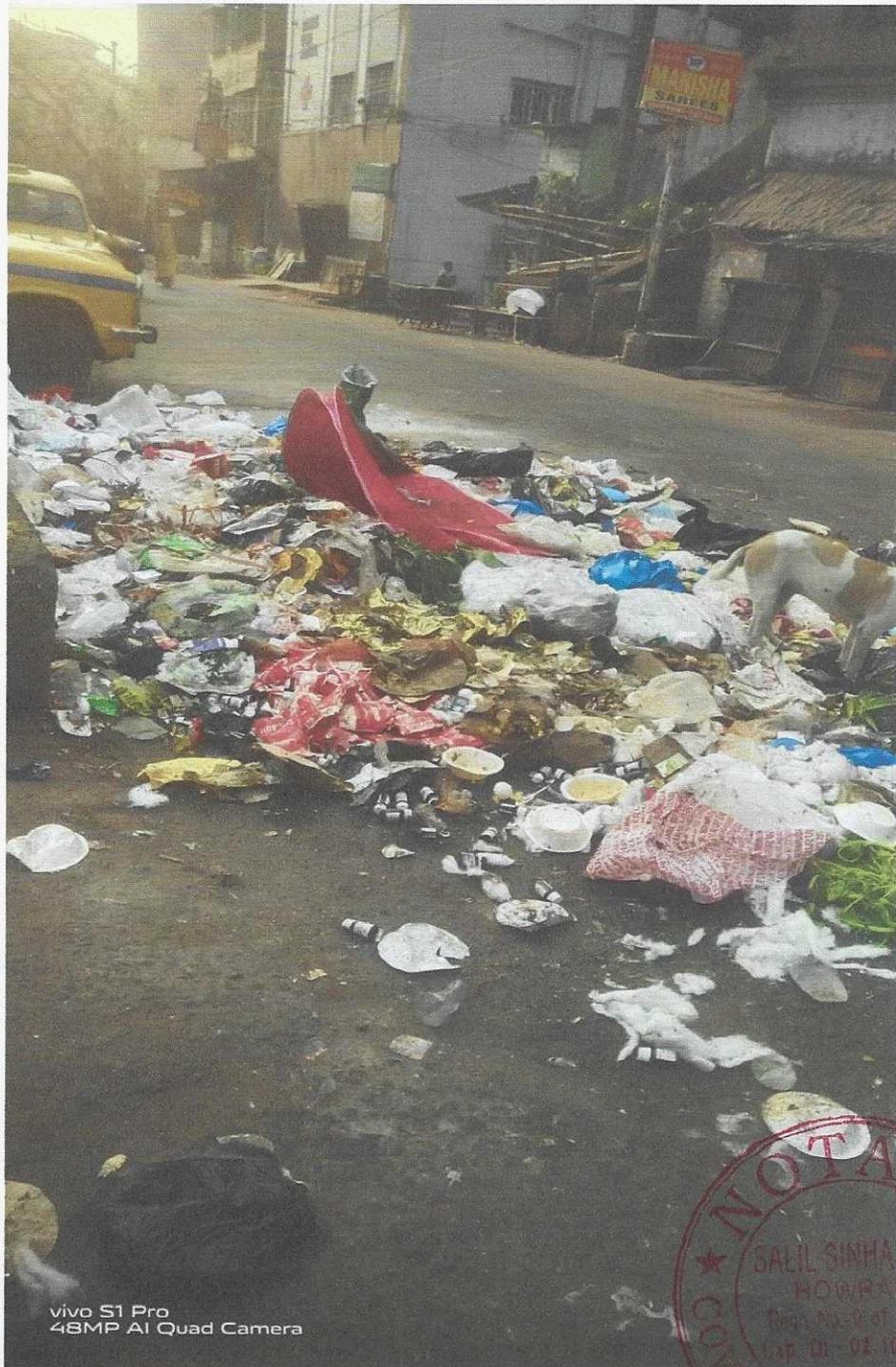


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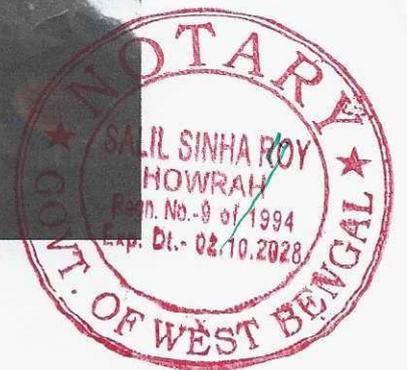
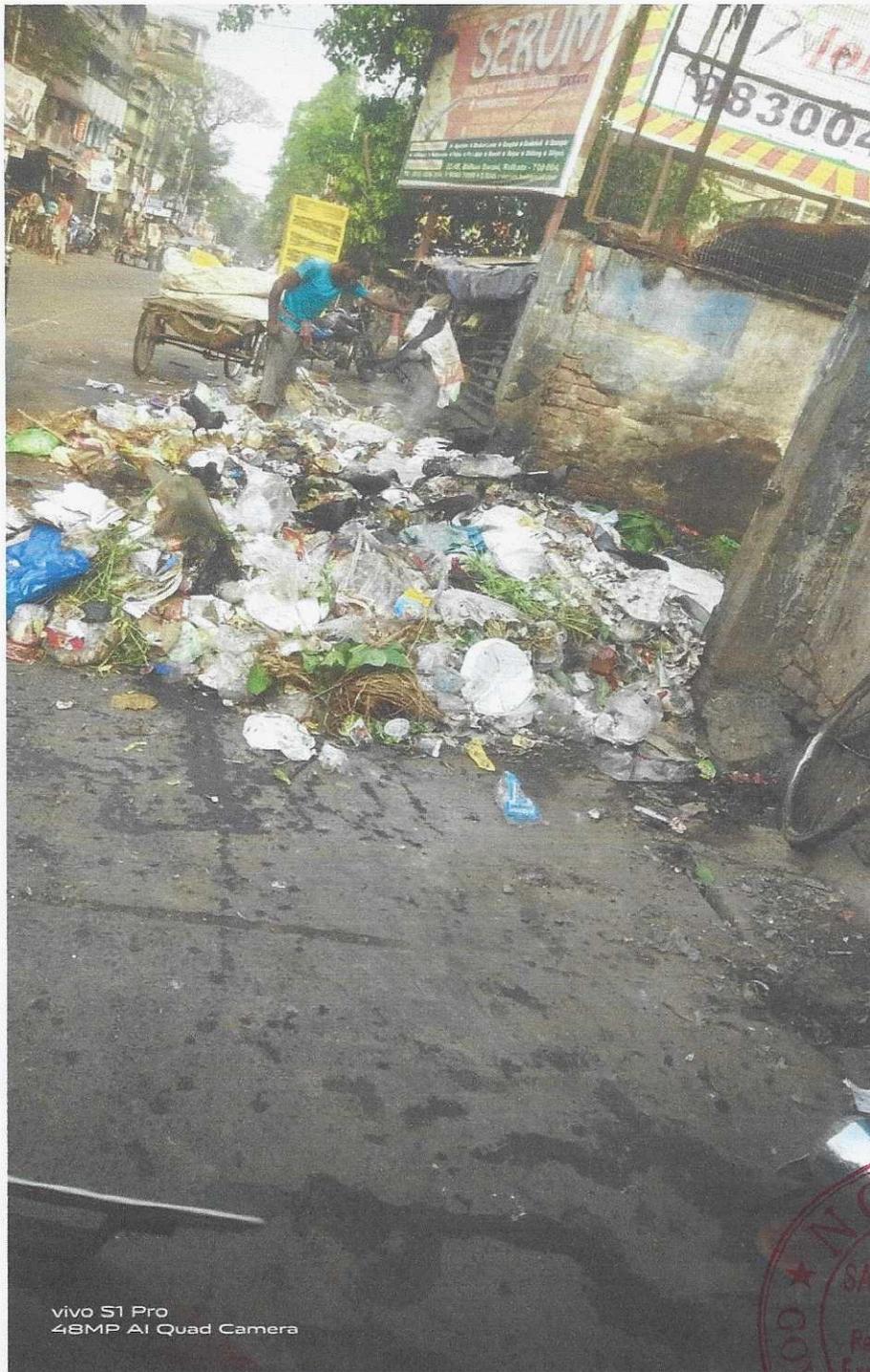
**Photographs taken on 12.10.2023 showing garbage vat at Panchanantala Road, near Gora Bazar, Howrah**

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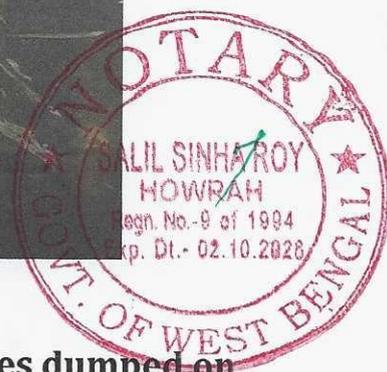
**Photograph taken on 06.04.2024 showing plastic wastes dumped on Nityadhan Mukherjee Road, Howrah**

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**Photograph taken on 06.04.2024 showing plastic wastes dumped on the Panchanantala Road, near Gora Bazar ,Howrah**

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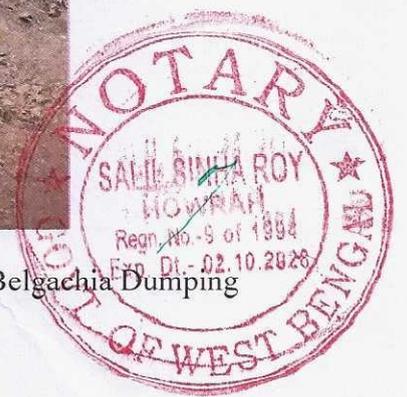


**Photograph taken on 06.04.2024 showing plastic wastes dumped on the Panchanantala Road, near Gora Bazar ,Howrah**

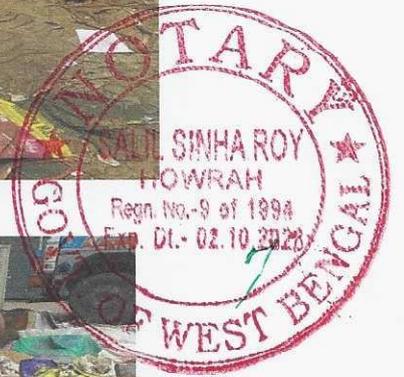
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Photograph taken on 06.04.2024 showing wastes on the J Road, way to Belgachia Dumping Ground, Howrah

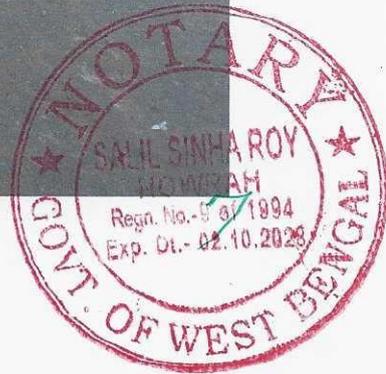


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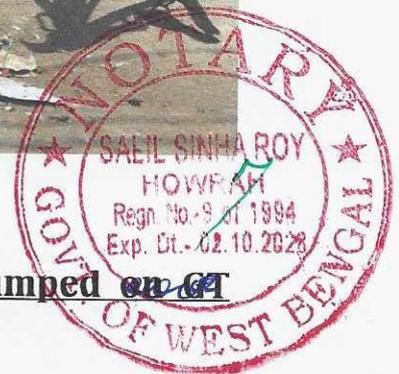
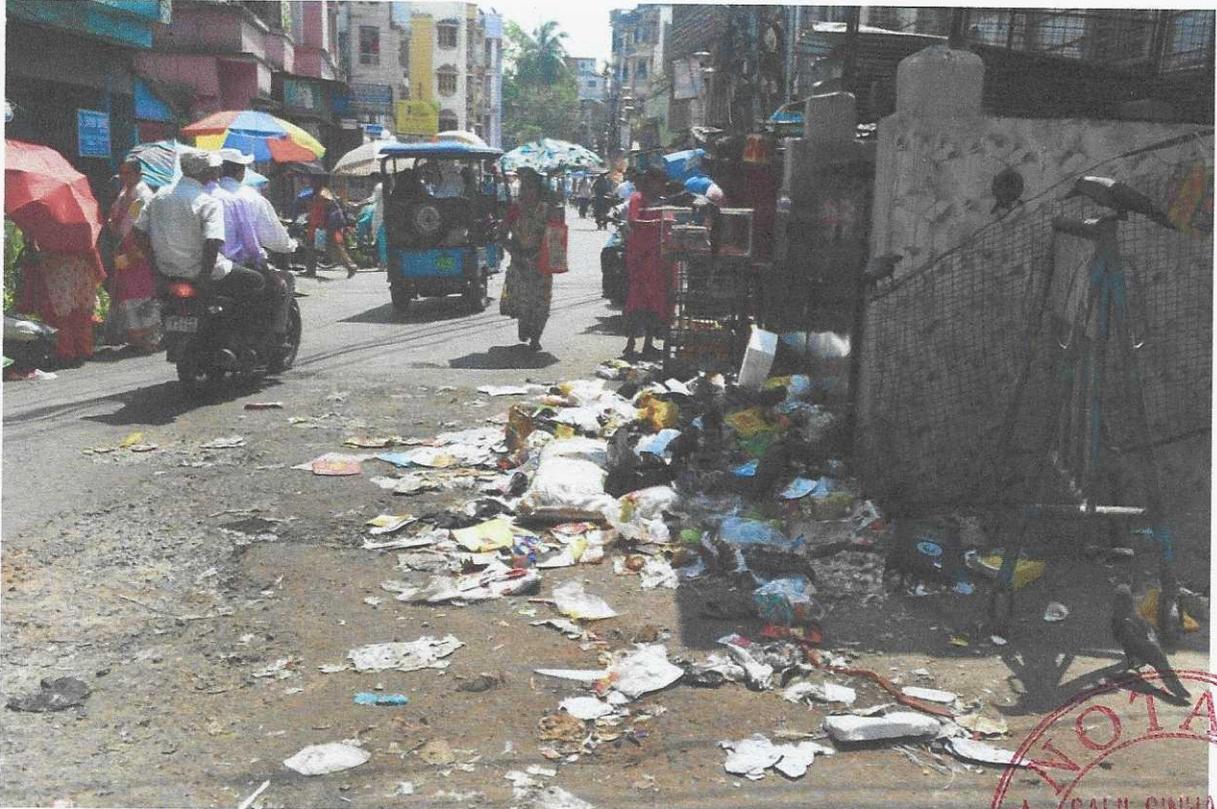
**Photograph taken on 06.04.2024 showing wastes on the western road side of the Belilious Park, partly blocking the big drain, Howrah**

16 APR 2024



**Photograph taken on 04.04.2024 showing garbage dumped on the road from Kajipara to Nabanna, State H Q at Howrah**

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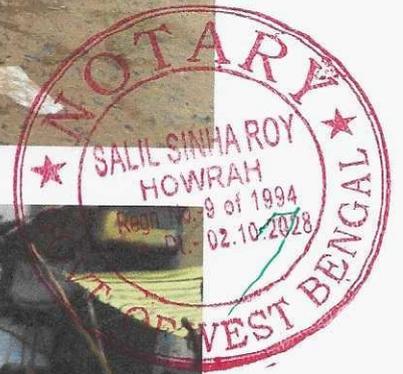
Photograph taken on 03.04.2024 showing garbage dumped on ~~at~~  
Road Sandhaya Bazar at Howrah  
*near Chelbije Hat*

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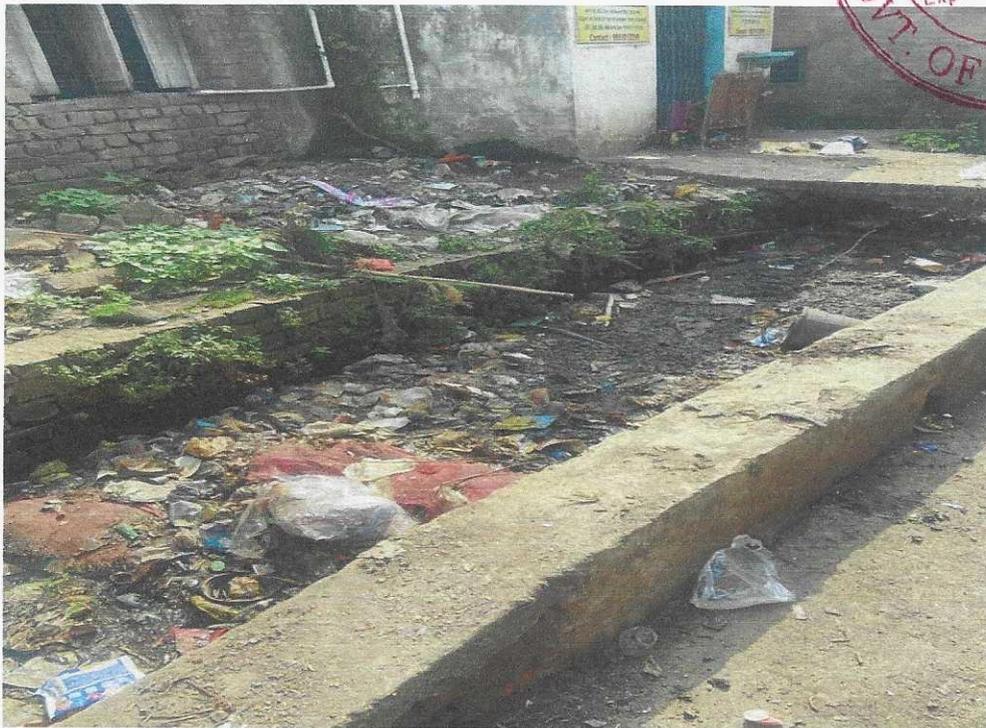
**Photograph taken on 03.04.2024 showing garbage dumped on GT Road Sandhaya Bazar at Howrah**

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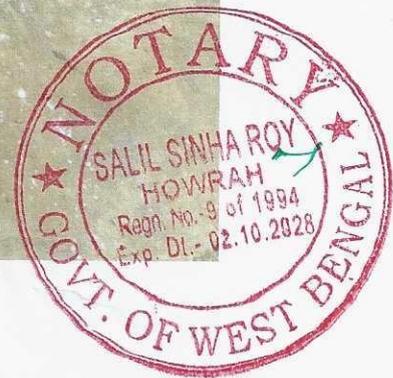
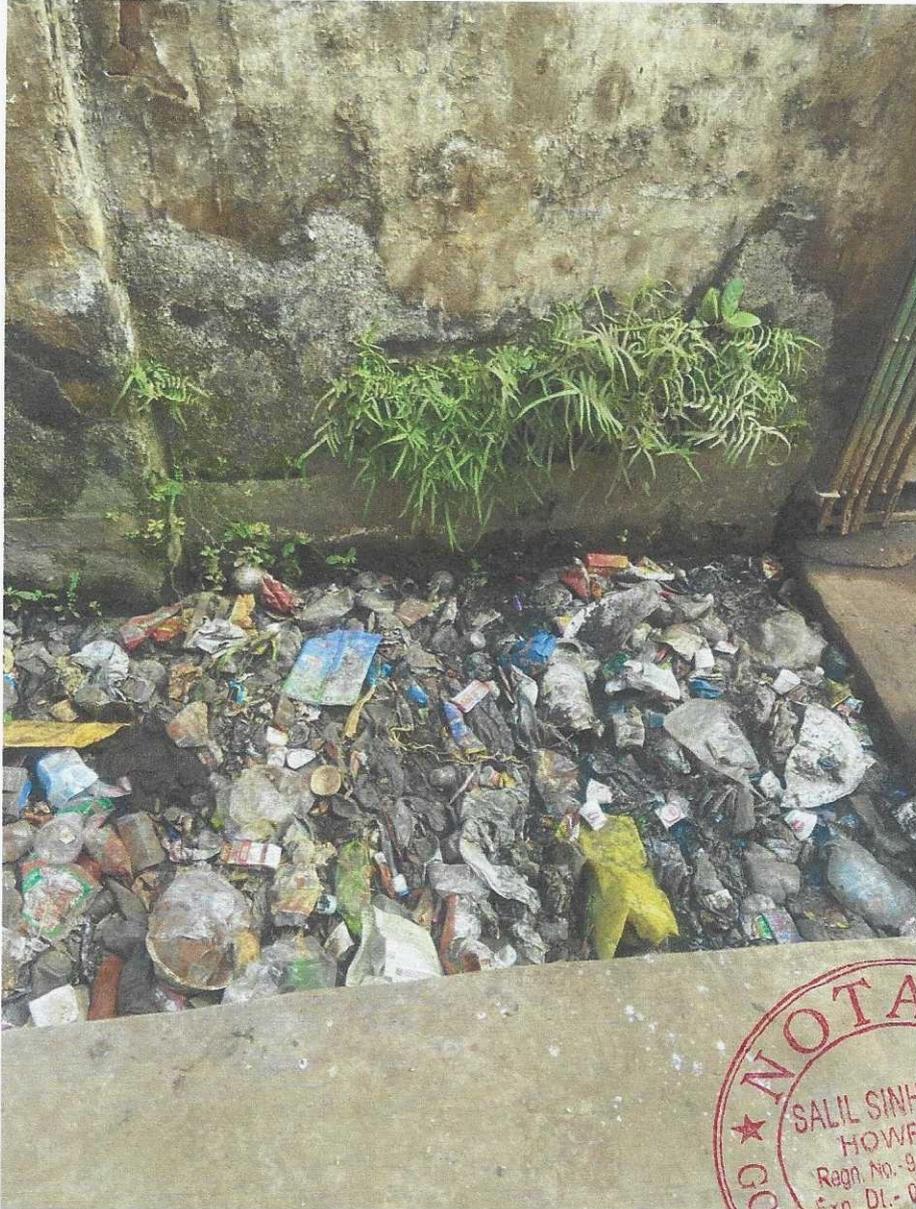
Photograph taken on 04.04.2024 showing garbage dumped on GT Road, near Shibpur Bazar, Howrah

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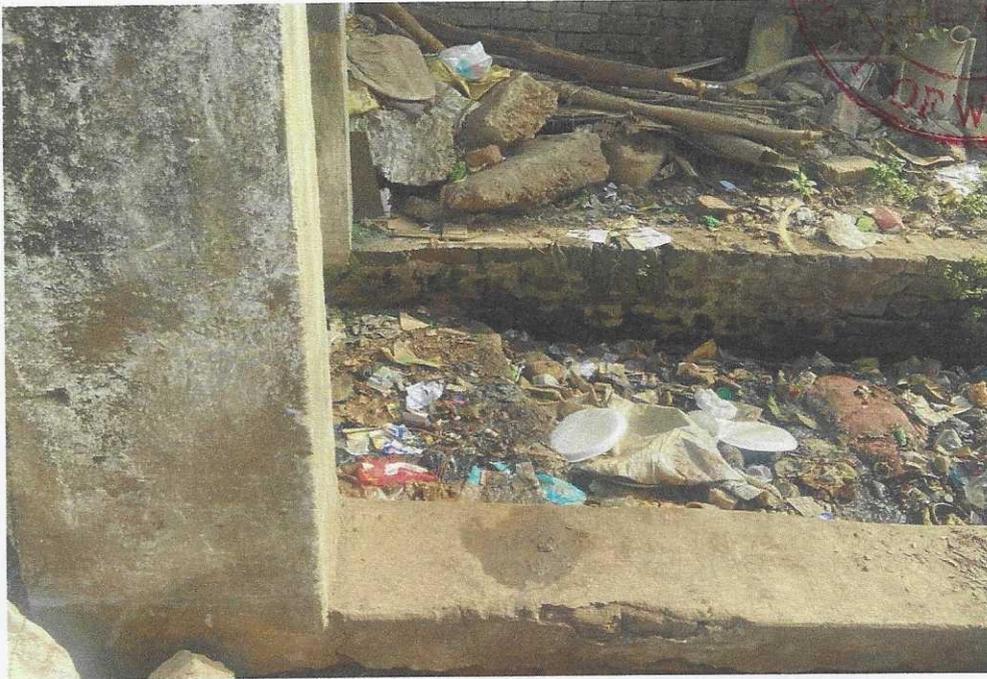
**Photographs taken on 04.01.2024 showing garbage being dumped on the open drain in Belilious Lane, Howrah.**

16 APR 2024



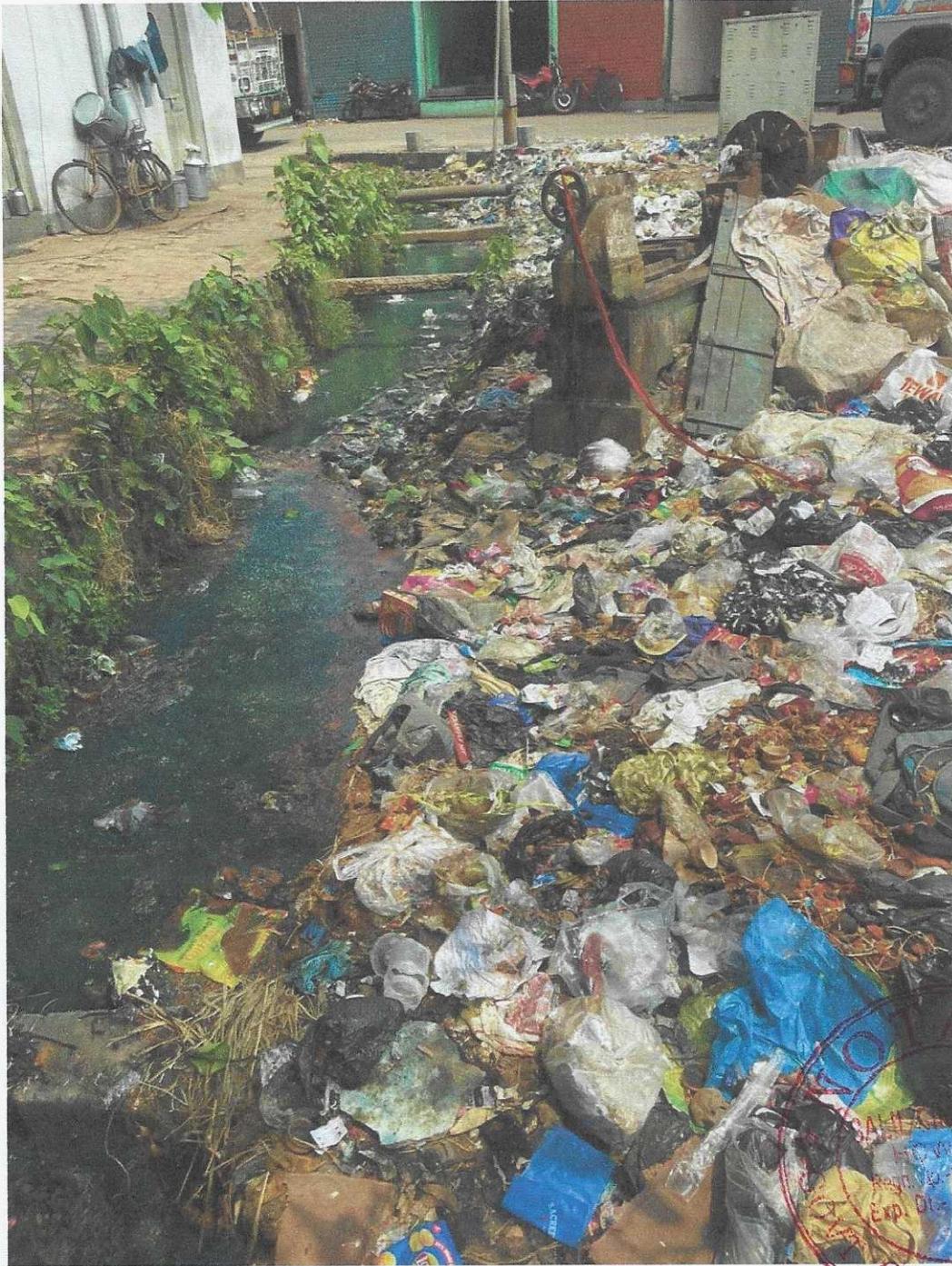
**Photographs taken on 04.01.2024 showing garbage being dumped on the open drain in Belilious Lane, Howrah.**

16 APR 2024



**Photographs taken on 04.01.2024 showing garbage being dumped on the open drain in Belilious Lane, Howrah.**

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**Photograph taken on 06.04.2024 showing wastes dumped on the western side of Belilious Park, partly blocking the big drain,Howrah**

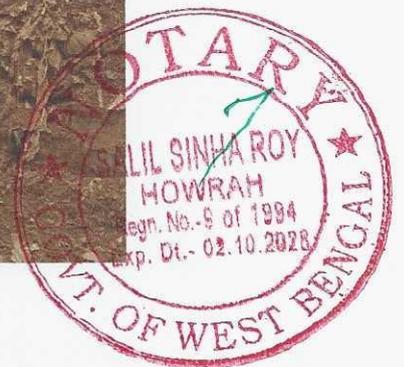
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Photograph taken on 06.04.2024 showing wastes on the western road side of the Belitious Park, partly blocking the big drain, Howrah



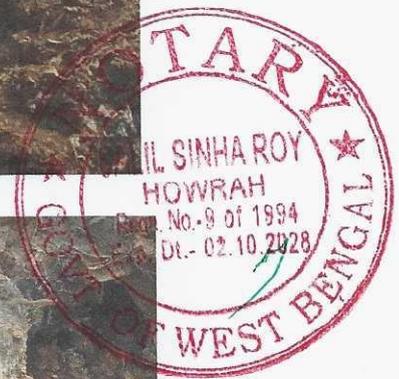
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Photograph taken on 06.04.2024 showing heap of wastes at the Belgachia Dumping Ground, Howrah

16 APR 2024

42



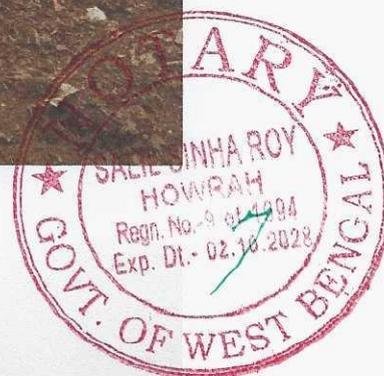
Photograph taken on 06.04.2024 showing heap of wastes at the Belgachia Dumping Ground, Howrah

16 APR 2024



Photograph taken on 06.04.2024 showing heap of wastes at the Belgachia Dumping Ground, Howrah

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Photograph taken on 06.04.2024 showing heap of wastes at the Belgachia Dumping Ground, Howrah

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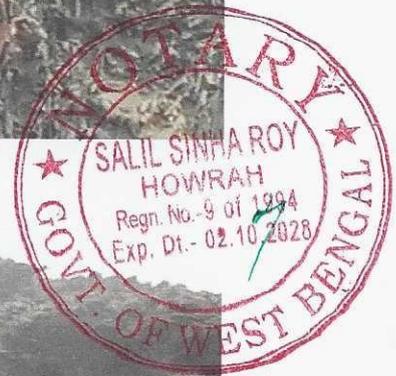
45

Annexure P/6



**Photograph taken on 06.04.2024 showing smoke coming out from the heap of wastes at the Belgachia Dumping Ground, Howrah**

16 APR 2024



**Photograph taken on 06.04.2024 showing smoke coming out from the heap of wastes at the Belgachia Dumping Ground, Howrah**

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... petitioner in Person

**Mr. Debaprosad Mukherjee,****Ms. Smritikana Mukherjee,****Mr. Debjit Mukherjee.**

... For the H.M.C.

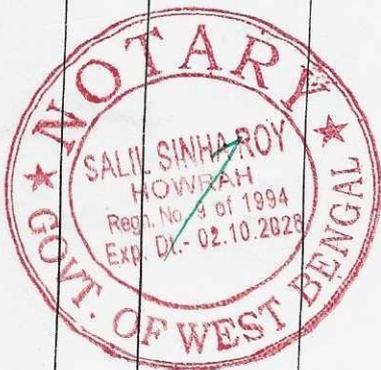
**Mr. Kallol Basu.**

... For WBPCB.

As noticed in the order dated 22<sup>nd</sup> August, 2008, this writ petition has been pending in this Court since September, 2002. Taking note of the serious health hazard is caused by the illegal dumping of the waste at the trenching ground as well as illegal encroachments thereon, the Division Bench directed as follows :

"In so far as the trenching grounds are concerned, in our opinion, some via media would have to be found out. The learned counsel for the Corporation and Mr. Dutta are unanimous on the point that even the part of trenching grounds are encroached, it would be better if those encroachments are removed by the concerned authorities. We direct the authorities to remove the encroachments on the public trenching grounds as early as possible. The Corporation can also think in terms of using the human waste and the other wastes for the purposes of creating agricultural manure. A scheme could be thought of by the Corporation and for that purpose the Corporation could engage the experts. That would at least take care of the stored waste and the bio-medical waste. The Corporation may also think of finding out some new grounds to dump the waste with a clear objective of using that waste for the purpose of manufacturing the manure which would be an additional source of income to the Corporation. The Corporation, therefore, is giving six weeks time to come out with a scheme on these terms." 16 APR 2024

*S. Dutta*  
17.12.08  
**Asstt. Registrar**  
(Court)  
Appellate Side High Court  
Calcutta



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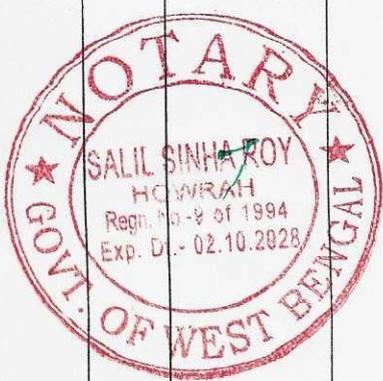
Office notes, reports, Orders or proceedings with signature

~~A perusal of the above would show that~~

the Corporation was directed to prepare the necessary scheme within a period of six weeks. Mr. Dutta points out that except for making lame excuses no tangible action has been taken by the Municipal Corporation. He points out that in fact showing serious concern, this Court on 22<sup>nd</sup> August, 2008 imposed costs on the Corporation for not carrying out the orders passed by this Court from time to time.

We are of the considered opinion that no further time can be granted to the Corporation for compliance of the orders which had been issued by this Court from time to time. As long ago as on 25<sup>th</sup> April, 2003 a Division Bench of this Court expressed its hope and trust that the Corporation would ensure the enforcement of the provisions of the Municipal Act. Six months time was given to the Corporation to ensure that no further human waste was stored at the trenching grounds. (Directions were issued to the State Government to find an alternative site.) Thereafter, a series of orders had been issued reposing trust in the Municipal Corporation. We are constrained to observe that this Corporation has not been able to justify the trust reposed by this Court in its ability to combat pollution and health hazards and to provide clean water. Even today Mr. Mukherjee merely submits that the Corporation has entered into a Memorandum of Understanding with a company for taking remedial measures. Mr. Mukherjee also expresses the inability of the Corporation in demolishing all the structures erected by trespassers on Government land. He states

*C. Dutta*  
17-12-08  
Auth. Registrar  
(Court)  
Appellate Side High Court  
Calcutta



16 APR 2024

| Issued by Office or Advocate | Serial No. | Date |
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Office notes, reports, Orders or proceedings with signature that the Corporation has been partially successful in removing some of the structures. In this state of affairs, to protect human life in the locality we direct the Corporation to positively remove all encroachments and to clean the trenching site so that the same is free from pollution and other health hazards by 15<sup>th</sup> January, 2009. We also direct the District Administration of Howrah to ensure that these directions are complied with by the Corporation.

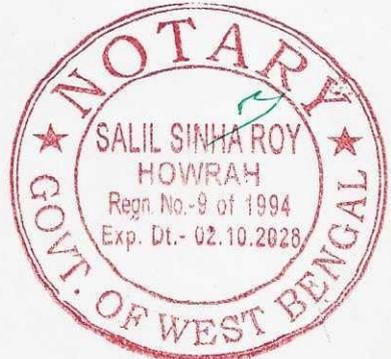
The office is directed to serve a copy of this order upon the concerned District Magistrate forthwith.

Let a photostat plain copy of this order duly countersigned by the Assistant Registrar (Court) be given to learned counsel for the parties on the usual undertaking.

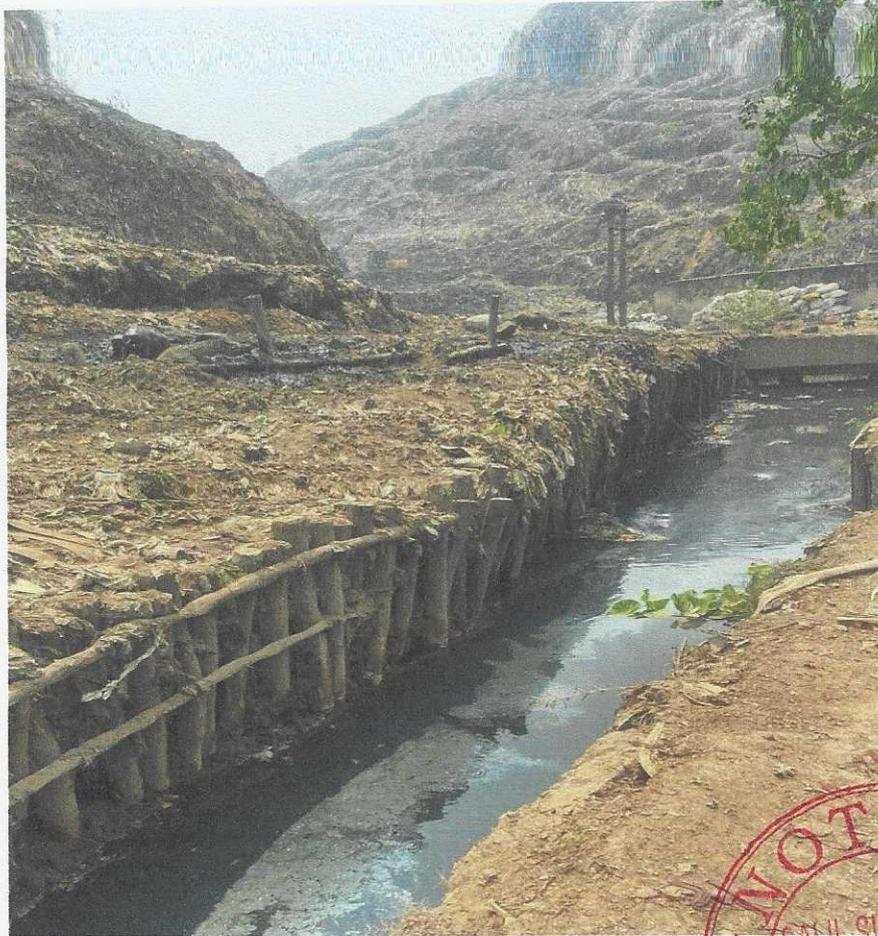
*C. S. Sethi*  
17.12.08  
Asst. Registrar  
(Court)  
Local Side High Court  
Calcutta

*Sd/-* (SURINDER SINGH NIJJAR, C.J.)

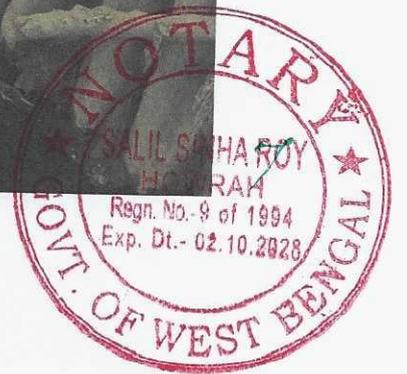
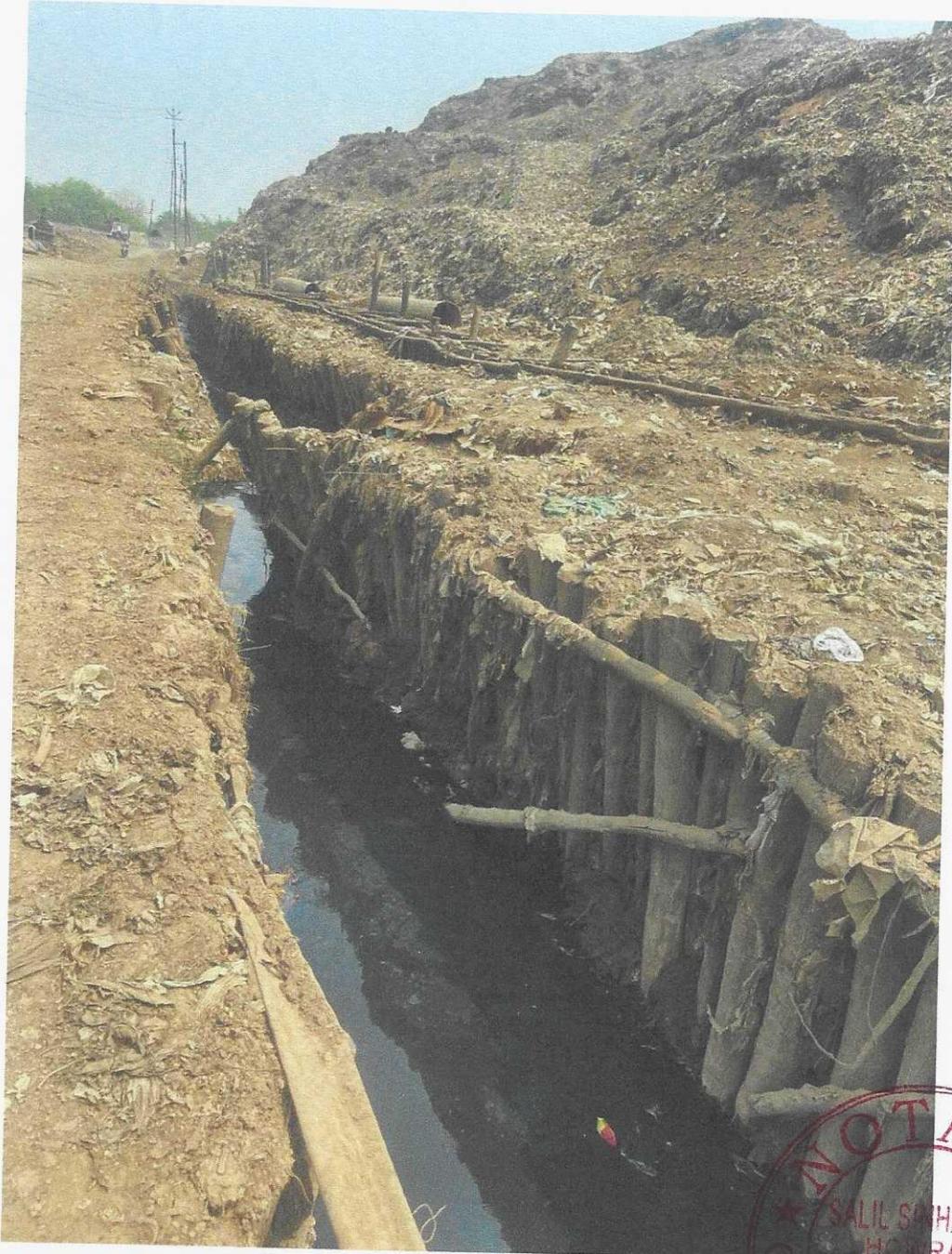
*Sd/-* (SANJIB BANERJEE, J.)



16 APR 2024



**Photograph taken on 06.04.2024 showing the open high drain which carries leaches from the heap of wastes during monsoon at the Belgachia Dumping Ground that is finally flowing to river Ganga.**



**Photograph taken on 06.04.2024 showing the open high drain which carries leaches from the heap of wastes during monsoon at the Belgachia Dumping Ground that is finally flowing to river Ganga.**



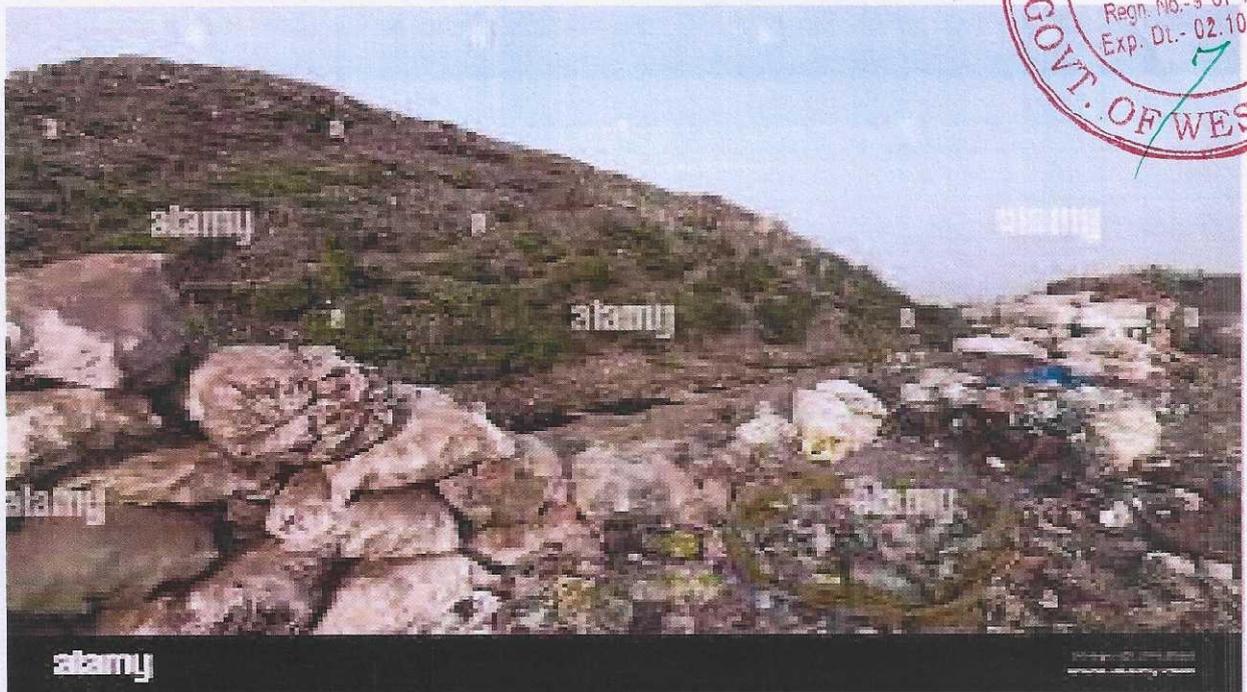
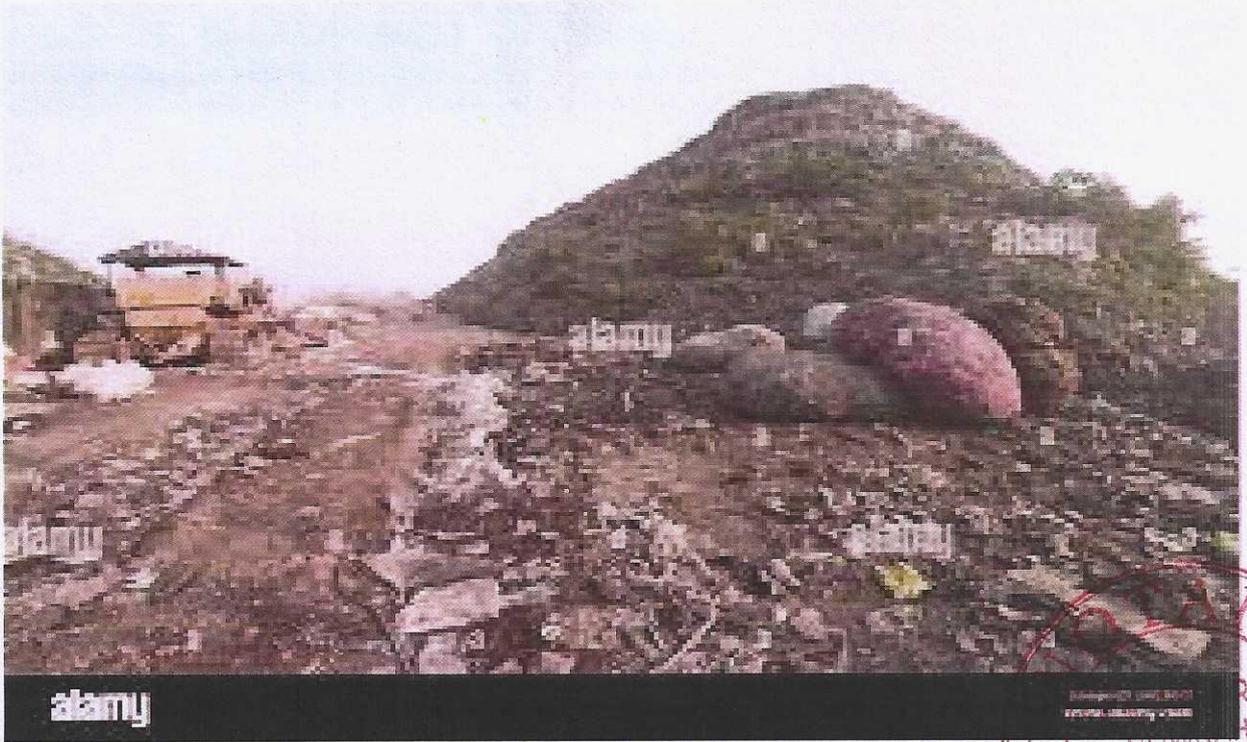
NOTARY  
SALIL SINHARROY  
HOWRAH  
Regn. No.-9 of 1994  
Exp. Dt.- 02.10.2028  
GOVT. OF WEST BENGAL



**Photographs taken on 06.04.2024 showing the bio-mining process in the Belgachia Dumping Ground at Howrah**

16 APR 2024

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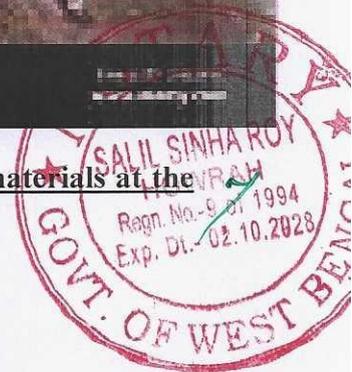
ROY  
HOV  
Regn. No.-9 of 1994  
Exp. Dt.- 02.10.2028  
7  
GOVT. OF WEST BENGAL

Photographs downloaded from Google showing collection of plastic bottles/materials at the Belgachia Dumping Ground

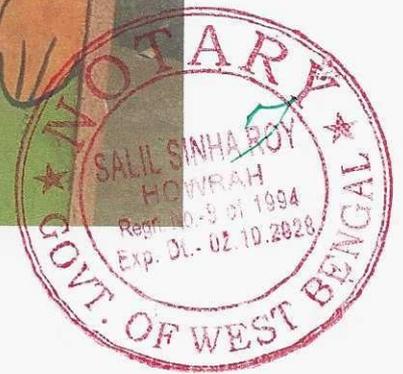
16 APR 2024



Photograph downloaded from Google showing collection of plastic bottles/materials at the Belgachia Dumping Ground

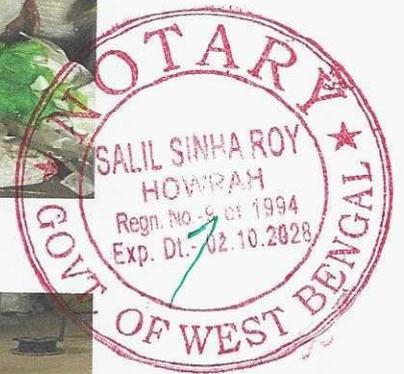


16 APR 2024



**Photograph taken on 06.04.2024 showing Plastic Waste Management Centre of HMC, near Belgachia Dumping Ground,Howrah**

16 APR 2024



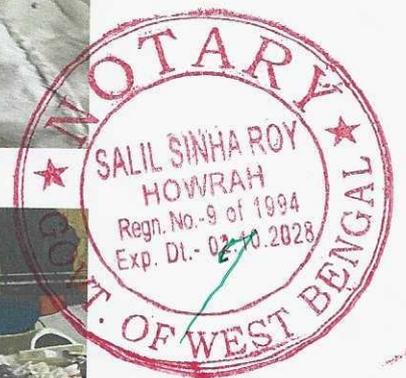
**Photograph taken on 06.04.2024 showing waste collected at the Plastic Waste Management Centre of HMC, near Belgachia Dumping Ground, practically not going for recycling at Howrah**

16 APR 2024



**Photograph taken on 06.04.2024 showing waste collected at the Plastic Waste Management Centre of HMC, near Belgachia Dumping Ground, practically not going for recycling at Howrah**

16 APR 2024



**Photograph taken on 06.04.2024 showing waste collected at the Plastic Waste Management Centre of HMC, near Belgachia Dumping Ground, practically not going for recycling at Howrah**

16 APR 2024

**Subhas Datta**  
Chartered Accountant  
Environmental Activist

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Jc

Annexure-P/12

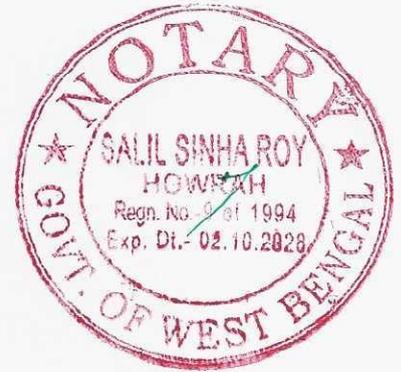
Resi: 25/1, Guitendai Lane, Howrah-711 101  
55/2, Panchanantala Road, Howrah-711 101  
Office: S. R. Dutt Associates  
17, Sagar Dutta Lane, Calcutta-700 073

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

To

08.04.2024

1. **The Chief Secretary,**  
Govt. of West Bengal  
325, Sarat Chatterjee Road,  
Howrah – 711102..
2. **The Principal Secretary,**  
Department of Urban Development and Municipal Affairs,  
Nagarayan Bhavan, Block-DF -8, Sec – I, Salt Lake City,  
Kolkata – 700064.
3. **The Principal Secretary,**  
Department of Environment,  
Govt. of West Bengal,  
5th Floor, Pranisampad Bhawan,  
Block LB-II, Slat Lake, Sec-III,  
Bidhannagar, Kolkata - 700 106
4. **The Member Secretary,**  
West Bengal Pollution Control Board  
Paribesh Bhawan, 10A Block L.A, Sec-III,  
Salt Lake, Bidhannagar, Kolkata - 700106
5. **District Magistrate & Collector, Howrah**  
3<sup>rd</sup> Floor, New Collectorate Building,  
6, Wrishi Bankim Chandra Road,  
Howrah - 711101
6. **Cmmissiner**  
Howrah Municipal Corporation,  
4, Mahatma Gandhi Road,  
Howrah – 711101



Madam/Sir,

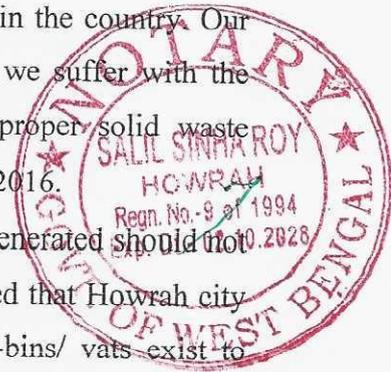
Sub:- Garbage mismanagement within Howrah Municipal Corporation area

I beg to draw your kind attention to the dismal position of Howrah City Dumping site at Belgachia, Howrah and to the solid waste mismanagement within the Howrah Municipal Corporation area for immediate redressal measures, The brief position stands as follows:-

16 APR 2024

1. I hope you are well aware of the position that in the recent "Swachh Survekshan" rankings of 2023, Howrah in West Bengal has been ranked as the dirtiest city in India. Howrah city is being dishonoured with this stigma traditionally from 19<sup>th</sup> century. It is evident as per the book titled as "Howrah Civic Companion." Volume I, published by the then Howrah Municipality in the year 1955 in page 32, Chapter 13, under the caption DRAWBACK, our beloved city has been defamed by the following castigated remarks, which reads as follows:-
 

*"In 1889 the Sanitary Commissioner, who inspected the city, remarked – "of all the large municipalities of Bengal which I have inspected and I have inspected nearly all of them. Howrah is without exception the dirtiest, most backward and badly managed municipality, I have ever seen." In 1893 another Sanitary Commission endorsed the above views and expressed "generally speaking the sanitary condition of the town of Howrah is most deplorable. On every side one is met by violent breaches of ordinary hygienic laws. I have never in fact seen a town in such a dangerously insanitary condition and I should be very sorry to live in it myself." Even on the other day a Judge sitting on the Boundary Commission in 1947 for the Partition of Bengal expressed that in his experience Howrah was the district town.*
2. The people of Howrah city are still continuing with the said historical stigma and in the year 2023 our city has further been graded as the worst city in the country. Our day-to-day experience smacks of the said worst position where we suffer with the utter mismanagement of solid wastes, which is far from the proper solid waste management, as envisaged in the Solid Waste Management Rules 2016.
3. As per the said Solid Waste Management Rules 2016 the wastes generated should not be thrown on the roads/ road-sides. In fact it has been experienced that Howrah city is full of thrown-up wastes here and there and very big waste-bins/ vats exist to accommodate garbages at every corner of the city. At the time of lifting wastes from those road side vats, the surrounding areas are engulfed with bad odour and the traffic movement is stalled during the period of waste lifting.
4. The Belgachia Trenching Ground has become saturated long back and it is not practically possible now to dump any further garbage there properly. The total area of the dumping ground was initially about 150 bighas of land but most of the land is not available now for garbage dumping because of encroachments and other uses of the land.
5. That as per the said Rules of 20016 the civic body is to prepare a "Solid Waste Management Plans" but it is not know whether Howrah Municipal Corporation has



16 APR 2024

prepared such Management Plan or not. The arrangement for door-to-door collection of wastes from the households is not operative.

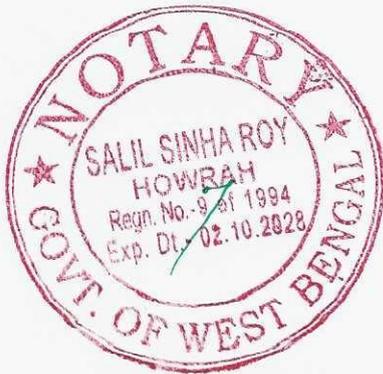
6. That due to failure of the Municipal Authority of Howrah to manage the solid wastes appropriately, Howrah is still bearing the stigma of being the dirtiest city in the country.
7. That the wrong actions of the concerned authorities smack of serious lapses which are punishable offence under The Air (Prevention and Control of Pollution) Act 1981, The Water (Prevention and Control of Pollution) Act 1974, The Solid Waste Management Rules 2016, and The Plastic Waste Management (Amendment) Rules 2022. Photographs of the position have duly been taken to show such dismal position.

In view of the aforesaid deplorable condition of the dump site and the waste cleaning at Howrah I like to request you to initiate steps to address the problems without any further delay.

Thanking You,

Yours Faithfully,

*Subhas Datta*  
(Subhas Datta)



16 APR 2024

भारतीय डाक  
 India Post

EW014009165IN IVR:6987014009165  
 SP HOWRAH BPC (711101)  
 Counter No:4.08/04/2024.13:49  
 To:THE CHIEF SECRETARY,NABANNA  
 PIN:711102, Bidhan Nagar  
 From:B DATTA,HOWRAH  
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 <Dial 18002666060> <Wear Masks. Stay Safe>

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 India Post

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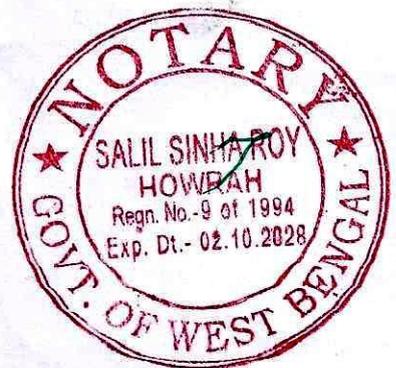
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 Counter No:4.08/04/2024.13:49  
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 From:B DATTA,HOWRAH  
 Wt:20gms  
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 Wt:20gms  
 Amt:17.70(Cash)/Tax:2.70  
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 <Dial 18002666060> <Wear Masks. Stay Safe>



16 APR 2024