

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:

Subhas Datta

.....Applicant

-Versus-

State of Bihar and Others

.....Respondents

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Applicant

Subhas Datta

SUBHAS DATTA

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

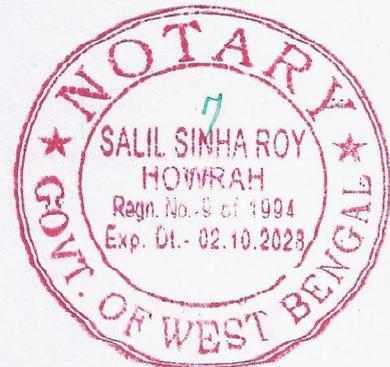
Residence: 55/2, Panchanantala Road,

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

Telephone : 033 -2638 3526,

Mobile : 09830 752 752

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SYNOPSIS OF THE CASE

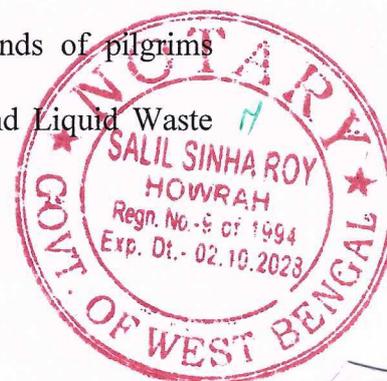
Spelt Kabartal Wetland in Begusarai District, ~~of~~ claimed to be the largest Oxbow Lake in India and Asia and the same is the first Ramsar site of Bihar. This site was notified as Bird Sanctuary in 1989, which is called as PARADISE OF MIGRATORY BIRDS.

The areas in and around the lake is becoming encroached upon for cultivation, developmental works, innumerable human habitations, industrial and for commercial exploitations. It is a wetland cluster having 16/17 water-bodies in total. For various human activities the total water carrying capacity of the wetland has reduced considerably. This is a catchment area for rainwater sourcing drinking water to about 3 millions of people.

It is a mandatory requirement that there should be an ^{Integrated} ~~Integrated~~ Management Plan for the conservation and proper use of this historical, geographical, environmental and heritage water-body but unfortunately this has not been done. Although 35 years time has elapsed, the Management Plan for its conservation has not yet seen the light of the day. Presently certain ^{threatening} ~~threatening~~ activities through draining in and draining out of water, obstruction of water by damming and canalization have become rampant.

Innumerable concrete and various types of other constructions have been and/or are being made inside the forest area. Even a big temple complex has been developed where thousands of pilgrims visit everyday. One Police Post has been constructed, naming JAI MANGLA POLICE POST, MANJHUAL, O.P. The said Police Post, now abandoned and dilapidated, various other human habitations, temple site colony, thousands of pilgrims visiting everyday etc generate huge wastes but there is no Solid Waste and Liquid Waste Management Plan and Programme.

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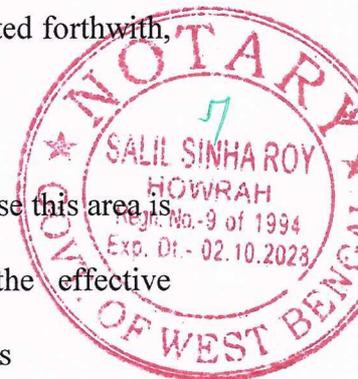
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Industrial activities like brick fields, other various forms of Non-Forest activities are being performed there for which the freshwater of this wetland cluster is getting polluted. Use of plastic and other non-degradable wastes and Solid wastes are dumped here and there. Rampant cultivation activities well within the wetland area are performed during the entire non monsoon periods. Chemical fertilizer, pesticides, herbicides, weedicides and other chemical products are reportedly being used for cultivation. Such acts pollute the water of the area and is very harmful for the marine bio-diversity.

Due to undesirable man made actions, the hydrological connectivity of this wetland complex (having 16/17 separate water bodies) with the nearby Burhi Gandak and further inter-connectivity of all the water bodies have been impeded. All the man made factors should be addressed appropriately to ensure that the mandate prescribed by the Wetlands (Conservation and Management) Rules 2017 are appropriately adhered to.

There is rapid shrinkage of the wetland regime owing to some man-made as well as God-made factors. The drying rate of wetland has reportedly become double during 1976-2017. The drying, shrinkage and frog-cultivation have become acute at the western side of the wetland. Such decay of wetland is due to the conversion of the same to agriculture. Agriculture and land-grabbing^s for other various purposes have resulted such dismal position. If this process of change of the geography into history cannot be arrested forthwith, the entire posterity will be endangered.

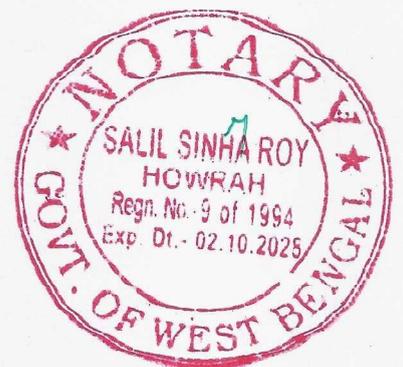
Considering the historical, geographical, environmental aspects and because this area is important only for the ecological and/or for other scientific reasons, the effective conservation and protection of the flora, fauna and bio-diversity protection of this



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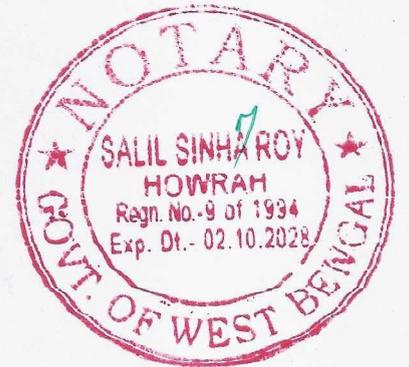
environmentally fragile place should be ensured. If such rampant acts of illegality are allowed to continue, the Bird Sanctuary/ Water Catchment Zone will face permanent damages. It is, therefore, strongly felt that without judicial intervention, cohesive and co-ordinated actions, it will not be possible to achieve the same. Hence this application.



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LIST OF DATES

Sl No.	Dates	Particulars
1.	1982	Study undertaken on the Kabartal Wetland.
2.	20.02.1989	Notification was issued by Bihar Govt. on Kabartal Wetland.
3.	2019	Report prepared on Kabartal Wetland.
4.	13.06.2024	Applicant had visited the site at Kabartal Wetland.
5.	14.06.2024	Applicant had visited the site at Kabartal Wetland.
6.	21.06.2024	Memorandum sent to different authorities in the matter of Kabartal Wetland.



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-BEFORE THE NATIONAL GREEN TRIBUNAL

(EASTERN ZONE BENCH, KOLKATA)

ORIGINAL APPLICATION

National Green Tribunal Act, 2010

O. A. No. of 2024/EZB

In the matter of:

SubhasDatta

.....Applicant

-Versus-

State of Bihar 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 BIHAR

(Notice through the Chief Secretary)

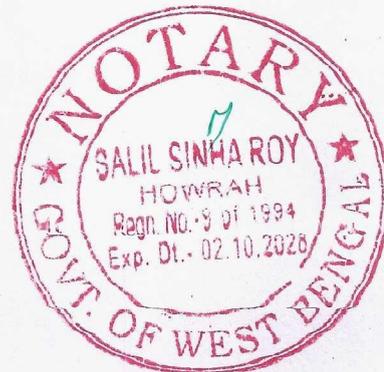
Main Secretariate,

Patna – 800015

Tel – 0612-2215804

cs-bihar@nic.in

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2. WATER RESOURCE DEPARTMENT

(Notice through the Principal Chief Secretary)

Government of Bihar,

Sinchai Bhawan,

Patna, Bihar – 800001

Tel- 0612-2215331

wrd-bih@nic.in

**3. THE ENVIRONMENT, FOREST AND CLIMATE CHANGE
(Notice through the Secretary),**

Govt. of Bihar,

Irrigation Building,

Main Secretariate,

Patna – 800015

Tel- 0612-2217713

efd-bih@nic.in

4. BIHAR STATE POLLUTION CONTRL BOARD

(Notice through the Member Secretary),

Parivesh Bhawan, Plot No. NS-B/2,

Pataliputra Industrial Area,

Pataliputra, Bihar – 800010

Tel- 0612-2261709

msbspb-bih@gmail.com

5. BIHAR STATE WETLAND AUTHORITY,

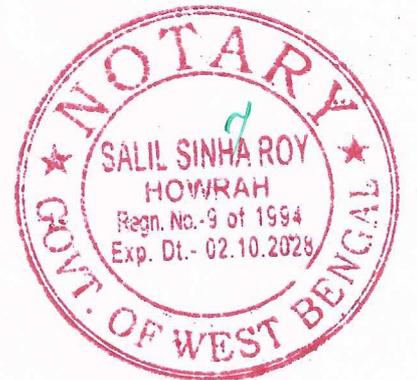
(Notice through the Member Secretary),

Aranya Bhawan, Shaheed Peer Ali Khan Marg,

Patna, Bihar - 800014

Tel- 8986153145

ccf.cc.bih@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.

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- 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 and other hazards caused by inappropriate and improper management, several types of disorders at Kabartal Wetland, the first Ramsar Site of Bihar and other types of disorders are taking place due to wrong actions and inactions on the part of Respondents. The ill actions and wrongful activities cannot be arrested without the kind intervention of the Hon'ble Court. Hence this application is filed.

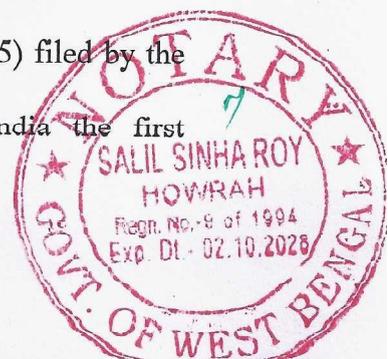
Most Respectfully Sheweth:

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

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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.

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.”

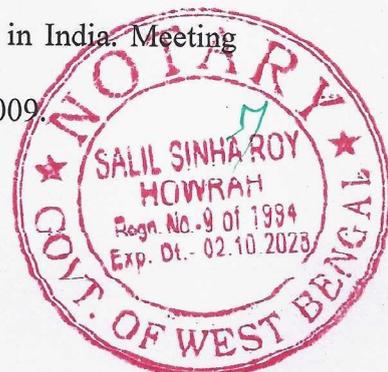
e) The Telegraph, one leading English daily published from Calcutta and National Insurance Company had given “True Legends Award 2018” to the applicant.

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.

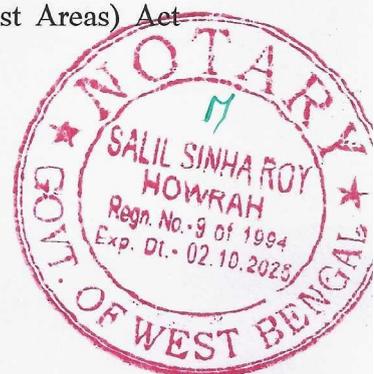
b) European Green Party leaders had invited the applicant in 2009 to Brussels, Belgium to discuss the possibility of forming Green Party in India. Meeting had been held with U. K. Green Party leader in London in 2009.

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- 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 biodiversity for adopting the same process by the Calcutta Port Trust.
- 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.

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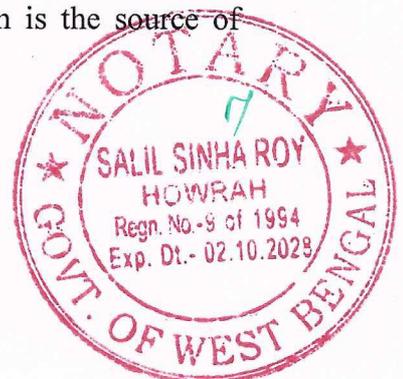


b) Based on his petition before the High Court, Calcutta, compensation under The Public Liability Insurance Act 1994 had been awarded to the victims of air pollution caused by a reputed industrial house for the first time in the country.

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.

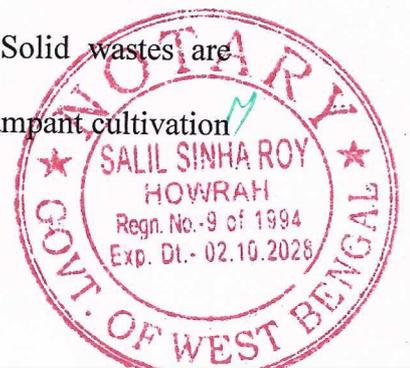
7. That Kabartal Wetland in Begusarai District of Bihar is part of extensive flood plain wetland complex formed in the lower part of Gandak-kasi interfan in North of Bihar which stands at a distance of 21 Km from Begusarai town. This wetland is claimed to be the largest Oxbow Lake in India and Asia and the same is the first Ramsar site of Bihar. This site was notified as Bird Sanctuary, which is called as PARADISE OF MIGRATORY BIRDS. As per a study undertaken as back as in 1982 in this paradise seventy thousand of ducks and other of birds used to be captured and sold in the market during the winter. It appeared that instead of Paradise of birds this wetland had turned into the paradise for the poachers.
8. That the areas in and around the lake is becoming encroached upon for cultivation, developmental works, innumerable human habitations, industrial and for commercial exploitations. It is a wetland cluster having 16/17 water-bodies in total. For various human activities the total water carrying capacity of the wetland has reduced considerably. This is a catchment area for rainwater, which in turn is the source of drinking water to about 3 millions of people.

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9. That it is a mandatory requirement that there should be an ~~integrated~~ ^{Integrated} Management Plan for the conservation and proper use of this historical, geographical, environmental and heritage water-body but unfortunately this has not been done so far although it was declared as BIRD SANCTUARY by the Govt. of Bihar vide Notification dated 20th June 1989. Although 35 years time has elapsed, the Management Plan for its conservation has not yet seen the light of the day. If the planning for conservation is so remote, the question of preservation does not arise. Presently this has become an orphan wherein certain ~~threatening~~ ^{threatening} activities by draining in and draining out of water, obstruction of water by damming and canalization have become rampant. This Wildlife Sanctuary is constantly being threatened by the wild acts of human-being. The photocopy of the Notification of Govt. of Bihar is enclosed and marked as ANNEXURE – P/1.
10. That innumerable concrete and various types of other constructions have been and/or are being made inside the forest area. Even a big temple complex has been developed there where thousands of pilgrims visit everyday. One Police Post has been constructed there, naming JAI MANGLA POLICE POST, MANJHUAL, O.P. The said Police Post, now almost abandoned and dilapidated, various other human habitations, temple site colony, thousands of pilgrims visiting everyday etc generate huge wastes but there is no Solid Waste and Liquid Waste Management Plan and Programme for which the underground water quality is reportedly being jeopardized and the same cause various types of other environmental and other types of health shazards.
11. That industrial activities like brick fields, other various forms of Non-Forest activities are being performed there for which the freshwater of this wetland cluster is getting polluted. Use of plastic and other non-degradable wastes are being generated there. Prohibited plastics of huge quantity is generated here everyday. Solid wastes are dumped here and there. In this context it is pertinent to mention that rampant cultivation

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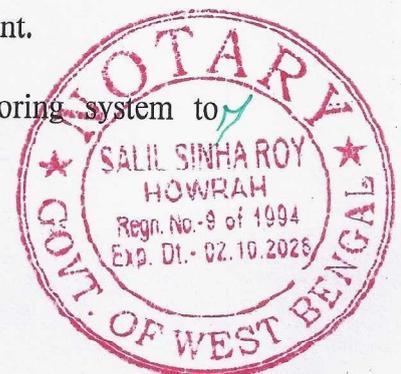
activities well within the wetland area are performed during the entire non monsoon periods. There is evidence of using tractor for cultivation where the chemical fertilizer, pesticides, herbicides, weedicides and other chemical products are reportedly being used. Such acts pollute the water of the area and is very harmful for the marine biodiversity. There should be an embargo on such acts of HARA-KIRI.

12. That due to some undesirable man made actions, the hydrological connectivity of this wetland complex (having 16/17 separate water bodies) with the nearby Burhi Gandak and further inter-connectivity of all the water bodies have been impeded. All the man made factors should be addressed appropriately without any further delay, so as to ensure that the mandate prescribed by the Wetlands (Conservation and Management) Rules 2017 are appropriately adhered to by all the stake holders and the State is the main custodian for the same.

13. That immediate Management Plan is to be framed and such planning is characterised by the following specific that aspects have to be kept in mind :-

- Using wetland ecological character and basin-level land and water management interactions to set management objectives and targets.
- Integrating wetland management within sectoral development programming, particularly water resources, agriculture, fisheries, rural livelihoods, and disaster risk reduction.
- Balancing the needs of biodiversity conservation with securing the livelihoods of wetland-dependent communities.
- Promoting cross-sectoral institutional arrangements and involvement of local communities and stakeholders in wetland management.
- Integrated wetland inventory, assessment, and monitoring system to support decision-making.

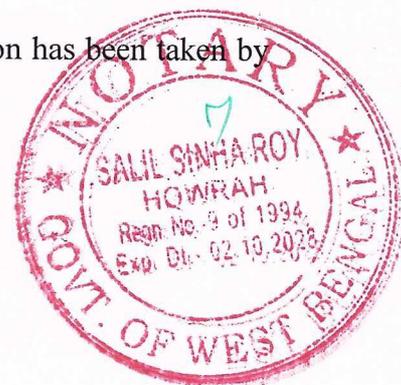
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- Preventive measures for combating the root cause rather than symptomatic handling of indicators of adverse changes in wetland ecological character
- Integrating traditional knowledge and practices with assessments and management planning process.
- Periodic monitoring and evaluation with a focus on achieving goals and objectives.

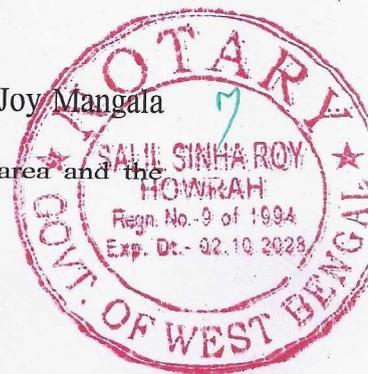
14. That the Ramsar site spans 2620 HA and is a mosaic of open water and marshes interspersed with plantation. It is the report that in 2019 post-monsoon, nearly 82% of the Ramsar site area was a marsh (of which 25% cultivated), 16% as open water and the rest as plantation or borrow land. As the wetland progresses towards pre-monsoon period, the open water area was reportedly to have reduced to only 3% of the Ramsar site area while the area under marshes increased to 88% of the Ramsar site area. Agriculture by this time accounts for 47% of the area under marshes.
15. That there is rapid shrinkage of the wetland regime owing to some man-made as well as God-made factors. The drying rate of wetland has reportedly become double during 1976- 2017. The drying, shrinkage and frog-cultivation have become on the western side of the wetland. Such decay of wetland owes it original primarily to the conversion of the same to agriculture. Agriculture and land-grabbing for other various purposes have resulted such dismal position. If this process of change of the geography to history cannot be arrested forthwith, the entire posterity will be endangered.
16. That after being informed about the decayed position of the wetland the applicant had visited the Kabartal site on 13th & 14th June 2024 and has observed the delayed position of this Ramsar site and Bird Sanctuary. Photographs of the situation has been taken by the applicant, the brief of which is stated as follows:-

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- a) Photographs taken on 13th June 2024 which show the decayed position of Kabartal and the same are enclosed as ANNEXURE –P/2.
- b) Photographs taken on 13th June 2024 from the boat showing the position of the water body of the Oxbow Lake within the Bird Sanctuary of Kabartal depicting few birds also, which are enclosed and collectively marked as ANNEXURE – P/3.
- c) Photographs taken on 14th June 2024 showing different types of constructions within the Bird Sanctuary area depicting temple and other human settlements, which are enclosed and collectively marked as ANNEXURE – P/4.
- d) Photographs taken on 14th June 2024 showing the inlet/outlet position of the canal found full of water hyacinth. The photographs have been taken from the temple side of the Bird Sanctuary, which are enclosed and collectively marked as ANNEXURE – P/5.
- e) Photographs taken on 14th June 2024 showing the chimney of two brick kilns within the Bird Sanctuary area, one of which was found in operations. The same are enclosed and collectively marked as ANNEXURE – P/6.
- f) Photographs taken on 14th June 2024 and May 2024 showing the agricultural lands well within the Bird Sanctuary and Kabartal Lake area, which have been enclosed and collectively marked as ANNEXURE – P/7.
- g) Photographs taken on 14th June 2024 showing the solid wastes (mostly non-degradable) dumped and/or scattered here and there within the temple complex and adjacent colony inside the Bird Sanctuary area, which are enclosed and collectively marked as ANNEXURE – P/8.
- h) Photographs taken on 14th June 2024 showing the signboard of Joy Mangala Tourist Police Post, Monjhaul – OP within the Bird Sanctuary area and the

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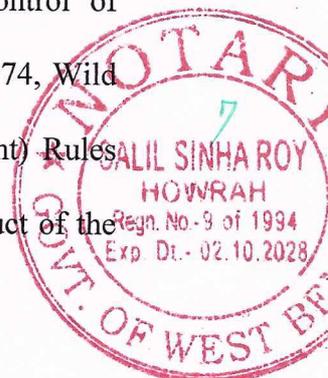


dilapidated and abandoned Police Post, which are enclosed and marked as ANNEXURE – P/9.

- i) Photographs taken on 14th June 2024 showing different structures within the ~~Jay~~ ^{Jai} Mangla Temple area, which are enclosed and collectively marked as ANNEXURE – P/10.
- j) Photograph taken on 14th June 2024 showing the construction of toilet within the Kabartal Wetland and Bird Sanctuary within the temple site, which are enclosed and marked as ANNEXURE – P/11.
- k) Photographs taken on 14th June 2024 showing eatery within the temple complex of the Bird Sanctuary where fossil fuel is used, which are enclosed and collectively marked as ANNEXURE – P/12.

17. That considering the historical, geographical, environmental aspects and because this area is important only for the ecological and/or for other scientific reasons, the effective conservation and protection of the flora, fauna and bio-diversity protection of this environmentally fragile place should be ensured. If such rampant acts of illegality are allowed to continue, the Bird Sanctuary/ Water Catchment Zone will face permanent damages. It is, therefore, strongly felt that without judicial intervention, co-hensive and co-ordinated actions, it will not be possible to achieve the same. The applicant has sent representations to various authorities on 21st June 2024, the photocopy of which with postal receipt is enclosed and marked as ANNEXURE – P/13.

18. That such wrong actions and or non-action of the concerned authorities show 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, Wild Life (Protection) Act 1972 and The Plastic Waste Management (Amendment) Rules 2022. Without judicial intervention there is no possibility of setting the conduct of the



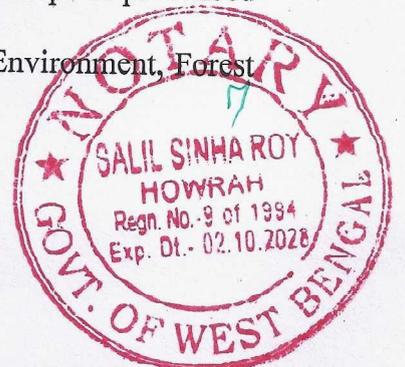
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concerned authorities into right track. For the sake of health, safety and security of the posterity, specific directions warranting time bound actions of the respective authorities have become necessary. In this context it is pertinent to mention that there is no other alternative but to approach this temple of justice for redressal of this environmental problems.

GROUNDS

- I. For that the Respondents have failed to take steps as required for the protection and preservation of the historic and the oldest Bird Sanctuary of the State.
- II. For that it is the bounden duty of the Respondents concerned to ensure proper conservation and upkeep of the heritage and historic Wild Life Sanctuary of the State.
- III. For that the Respondents have failed to discharge their statutory duties and obligations to arrest the decline of the largest Oxbow Wetland of the Country at the most eco-sensitive zone of the State
- IV. For that the Respondents should have taken urgent measures for the proper preservation and conservation of the first Ramsar Site of the State.
- V. For that the Respondents concerned have failed to take steps to protect the environment, ecology, flora and fauna of the Bird Sanctuary of the State.
- VI. For that the Respondents concerned have failed to take steps as prescribed in the Gazette Notification issued by the Ministry of Environment, Forest and Climate Change.

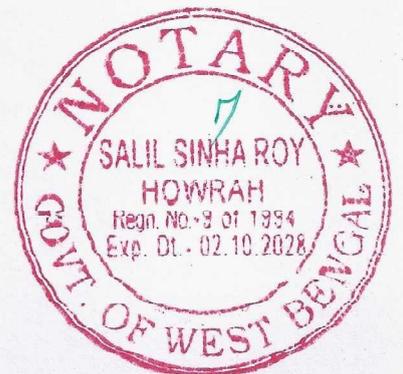
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- VII. For that the Respondents concerned should not have allowed concrete and other structures within the Bird Sanctuary area.
- VIII. For that the Respondents concerned have wrongfully allowed the prohibitive acts in this eco-sensitive zone.
- IX. For that the Respondents concerned have failed to take steps in preparing Management Plan as prescribed in the Gazette Notification of Ministry of Environment, Forest and Climate Change.
- X. For that the Respondents concerned have failed to take steps under The Water (Prevention and Control of Pollution) Act 1974.
- XI. For that the Respondents concerned have not taken steps as prescribed in The Air (Prevention and Control of Pollution) Act 1981.
- XII. For that the Respondents have failed to take steps under The Environment (Protection) Act 1986.

LIMITATION

19. That the applicant states that the environmental and other problems being caused at the Wild Life Sanctuary and at the Wetland area are the outcome of continuous activities for a long period. The applicant has been working very actively to prevent such wrong activities in this Eco-Sensitive Zone. He has met and moved to various persons/authorities on these scores for redressal. He has visited the place 13th and 14th June, 2024 and sent memorandum to all the concerned Respondents on 21st June, 2024 . Therefore, the application is filed well within the period of limitation.



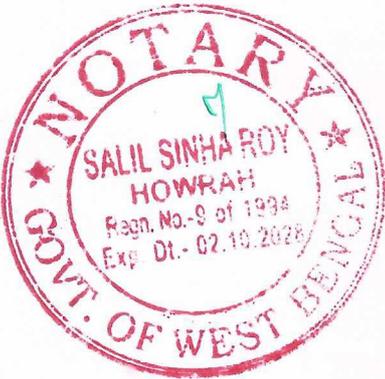
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PRAYERS

20. This application is made bonafied and for the ends of justice.

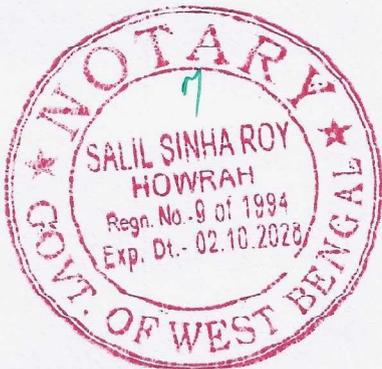
Your applicant therefore humbly prays Your Honour for the following orders:-

- i) To direct the Concerned Respondents to initiate actions for the proper upkeep and preservation of the Asia's largest Oxbow Wetland, named as Kabartal in Bihar, without any further delay.
- ii) To direct the Concerned Respondents to take steps for preserving the Wetland and green cover of the Bird Sanctuary and the Water Catchment Zone for ~~Begusarai~~ ^{Begusarai} district of Bihar.
- iii) To direct the Respondents concerned to remove/stop all industrial activities within the Ramsar Site Wetland and Bird Sanctuary of Bihar.
- iv) To direct the concerned Respondents not to allow any further agricultural activities within the Wetland area of Kabartal.
- v) To direct the Respondent concerned to restore the connectivity of the largest Oxbow Wetland of Asia with the river Burih-Gandak.
- vi) To direct for the restoration of the inner connectivity of all the lakes within the Wetland of Kabartal.
- vii) To direct the Respondents concerned to take steps for stopping any hunting of Birds at the Bird Sanctuary of Kabartal.



29 JUN 2024

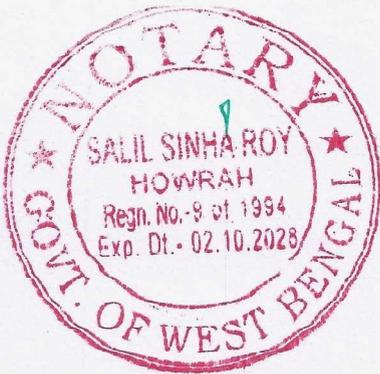
- viii) To direct the Respondents concerned to remove all the concrete encroachments with structures from the Bird Sanctuary area of Kabartal.
- ix) To direct the Respondents concerned not to allow any change in the eco-sensitive zone of the Wetland and Bird Sanctuary named as Kabartal.
- x) To direct the Respondents concerned not to allow human habitations in the Wetland and Bird Sanctuary area of Kabartal.
- xi) To direct the concerned Respondents to stop operation/ use of any toilet/latrine built without proper sewage management system.
- xii) To direct the Respondents concerned to appropriately enforce total banning of plastic items in the Wetland and Bird Sanctuary area at Kabartal.
- xiii) To direct the Respondents concerned to prepare the Management Plan for the Kabartal Wetland, the first Ramsar site of Bihar
- xiv) To direct all concerned to ensure proper Rain Water Harvesting System at the Bird Sanctuary area of Kabartal Catchment Zone.
- xv) To direct the concerned Respondents to take appropriate steps as envisaged under The Water (Prevention and Control of Pollution) Act, 1974.



29 JUN 2024

- xvi) To direct the Respondents concerned to take immediate steps as envisaged under The Environment (Protection) Act 1987.
- xvii) 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



29 JUN 2024

VERIFICATION

F3623

~~71. NO.~~

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

S. Datta nos. 1-6, 9, 10, 11, 16, 17 & 19 are true to the best of knowledge
S. Datta and the contents of the paragraph nos. 7, 8, 12, 14 & 15

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

Subhas Datta
Prepared by me in my office

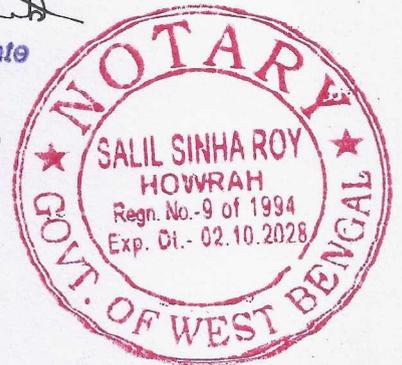
(Subhas Datta)
Applicant-in-person

Date : 01.07.2024
Place: Howrah.

IDENTIFICATION BY ME & DEPONENT
SIGNED/LTI TAKEN IN MY PRESENCE

Jibanjis Chakraborty
Advocate

JIBANJIS CHAKRABORTY
Advocate
Howrah Judges Court
WB-1448/2000



SOLEMNLY AFFIRMED & DECLARED
BEFORE ME ON IDENTIFICATION

Salil Sinha Roy
SALIL SINHA ROY
NOTARY HOWRAH

29 JUN 2024

Government of Bihar Notification for proclamation of Kanwar
as Bird Sanctuary

Bihar Gazette (extraordinary) 20th June 1989

The 20th June 1989

S.O. 781 — Whereas the Governor of Bihar is satisfied that the area of villages mentioned in Schedule with Thana numbers, plot numbers, area and boundaries under columns 4, 5, 6 and 7 respectively appended hereto situated in the district of Begusarai are of adequate ecological, faunal, flora, geo-morphological and natural significance and it is necessary to protect, propagate and develop Wildlife and its habitat in these areas.

Now, therefore, in exercise of the powers conferred under sub-section (4) of section 18 of the Wildlife (Protection) Act, 1972 (No. 53 of 1972), the Governor of Bihar is pleased to declare the areas specified in the schedule hereto annexed situated in the district of Begusarai as a "Sanctuary".

2. This "Sanctuary" shall be called "The Kanwar Lake Bird Sanctuary".

3. This notification would take effect from the date of publication in the Gazette.

[Man-Fran] — 42/89]

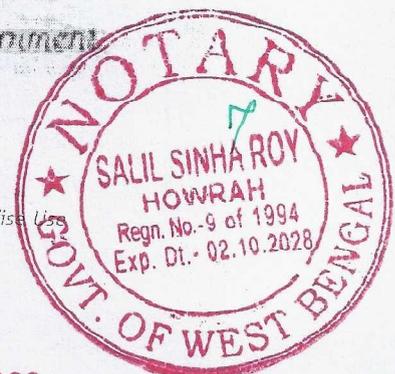
By order of the Governor of Bihar,

A. N. P. SINHA,

Special Secretary to Government



Kanwar Jheel : An Integrated Management Action Plan for Conservation and Wis



29 JUN 2024



NOTARY
SALIL SINHA ROY
HOWRAH
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Exp. Dt.- 02.10.2028
GOVT. OF WEST BENGAL



Photographs taken on 13.06.2024 showing the present decayed position Kabartal Lake

29 JUN 2024

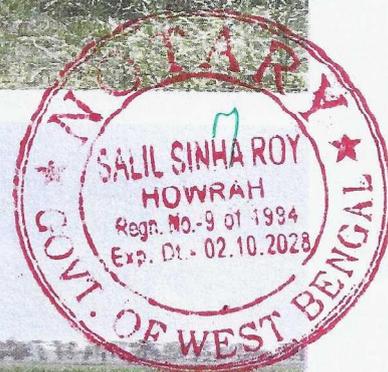
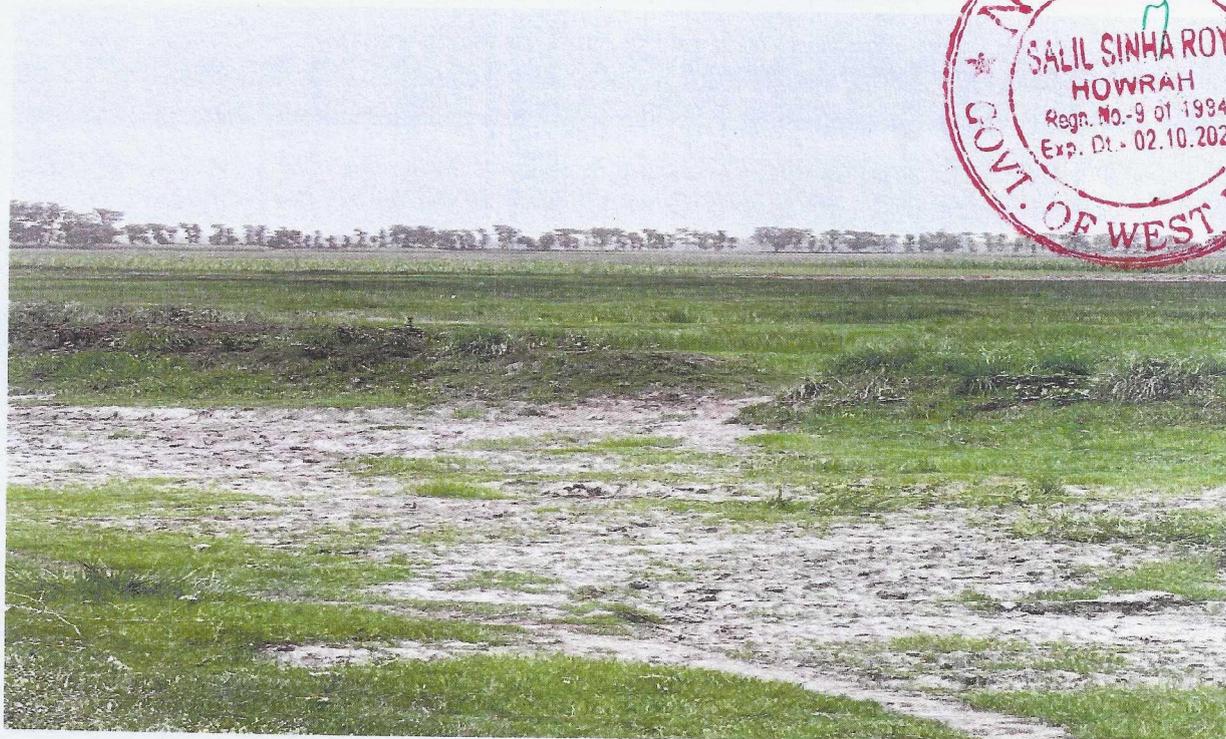


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SALIL SINHA ROY
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Exp. Dt.- 02.10.2028
GOVT. OF WEST BENGAL

Photographs taken on 13.06.2024 showing the present decayed position Kabartal Lake

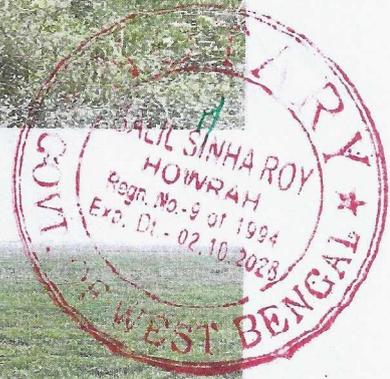
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Photographs taken on 13.06.2024 showing the present decayed position Kabartal Lake

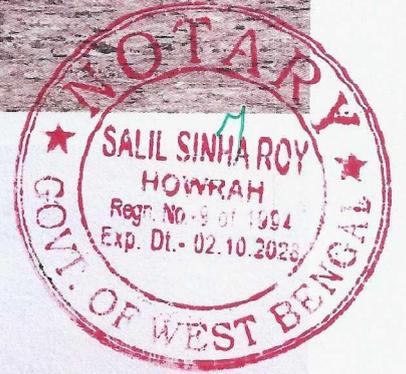
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Photographs taken on 13.06.2024 showing the present decayed position Kabartal Lake

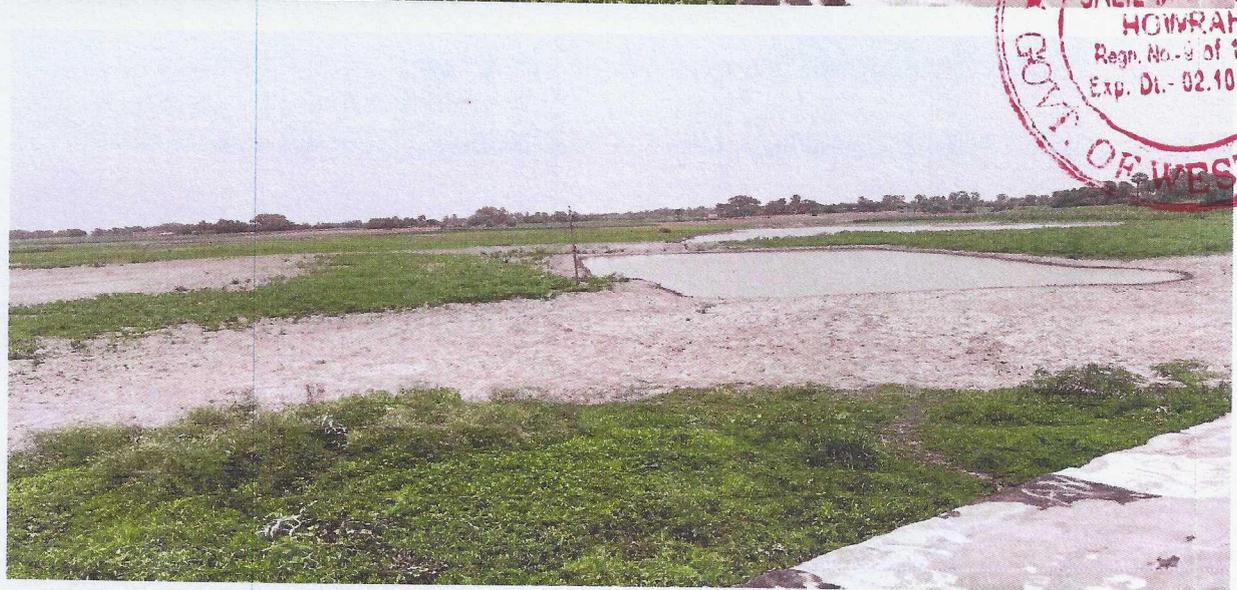
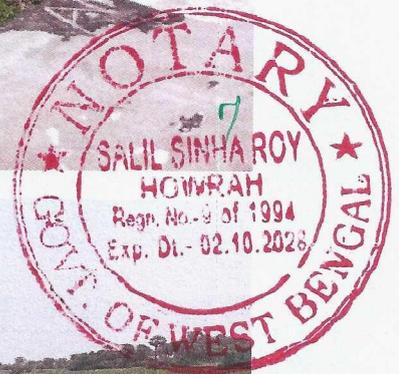
29 JUN 2024

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Photographs taken on 13.06.2024 showing the present position of Kabartal wetland t

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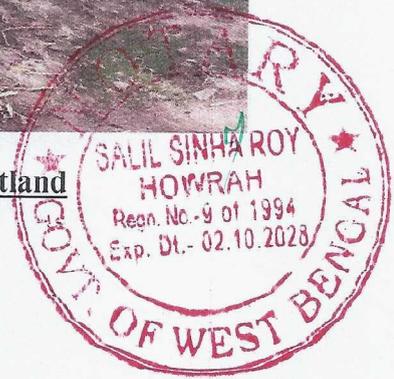
Photographs taken on 13.06.2024 showing the present position of Kabartal wetland

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Photograph taken on 13.06.2024 showing the present position of cover wetland



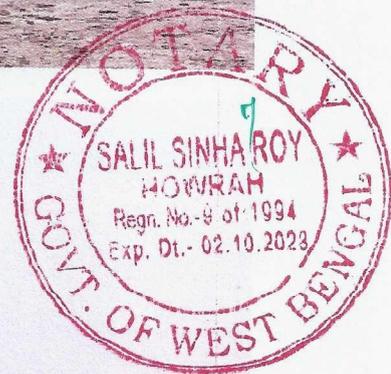
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Photographs taken on 13.06.2024 showing the present decayed position Kabartal Lake

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Photographs taken on 13.06.2024 showing the present decayed position Kabartal Lake

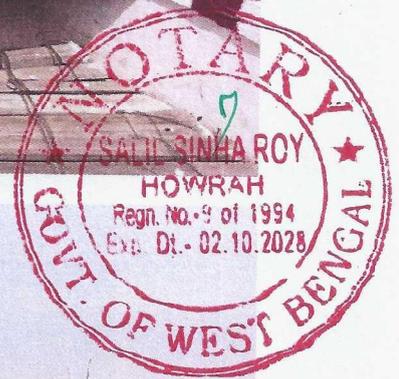
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GOVT OF WEST BENGAL

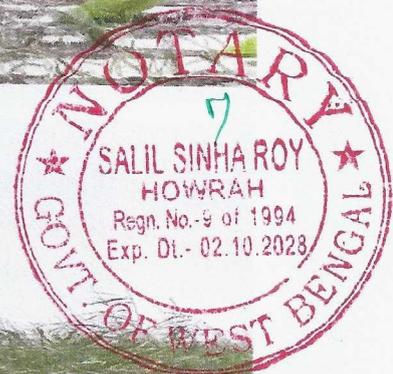
Photographs taken on 13.06.2024 showing the present position of Kabartalwetland through boat journey

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Photographs taken on 13.06.2024 showing the present position of Kabartal wetland through boat journey

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Photographs taken on 13.06.2024 showing thpresent position of Kabartal wetland through boat journey

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Photographs taken on 13.06.2024 showing the present position of Kabartal wetland through boat journey

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Photographs taken on 13.06.2024 showing the present position of Kabartal wetland through boat journey

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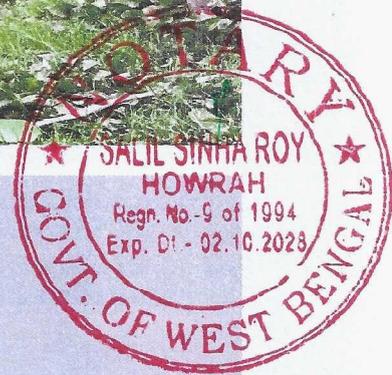


NOTARY
SALIL SINHA ROY
HOWRAH
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WEST BENGAL

Photographs taken on 13.06.2024 showing the present position of Kabartal wetland through boat journey

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Photographs taken on 13.06.2024 showing the present position of Kabartal wetland through boat journey

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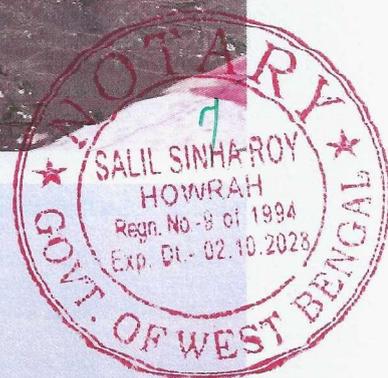


GOVT OF WEST BENGAL
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HOWRAH
Regn. No.-9 of 1994
Exp. Dt.- 02.10.2028

Photographs taken on 13.06.2024 showing the present position of Kabartal wetland through boat journey

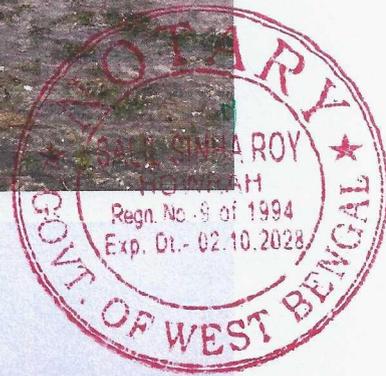
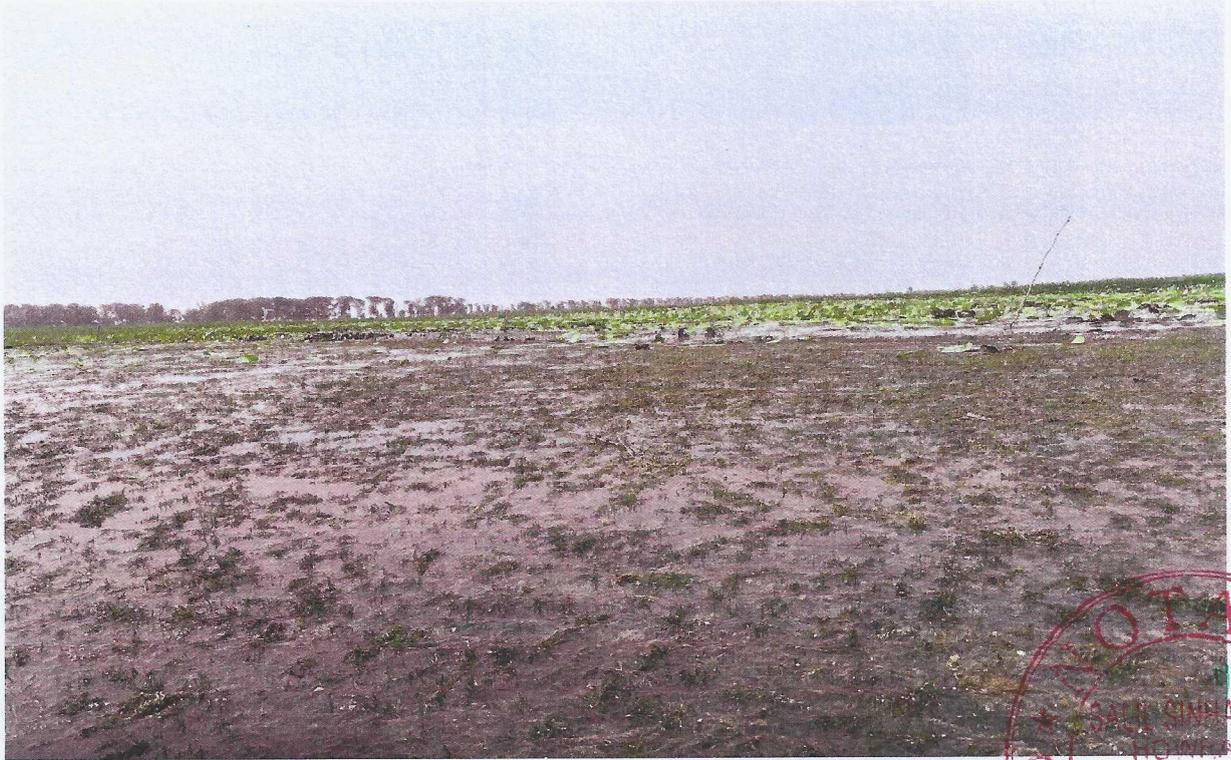
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Photographs taken on 13.06.2024 showing the present position of Kabartal wetland through boat journey

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Photographs taken on 13.06.2024 showing the present position of Kabartal wetland through boat journey

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NOTARY
SALIL SINHA ROY
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Regn. No. 9 of 1994
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GOVT. OF WEST BENGAL



Photographs taken on 13.06.2024 showing th present position of Kabartal wetland through boat journey

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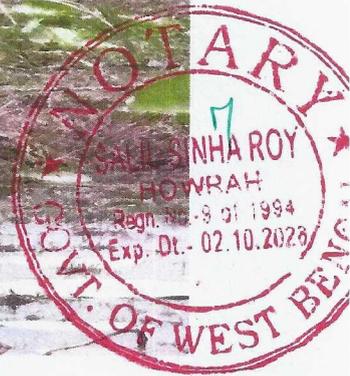


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GOVT OF WEST BENGAL

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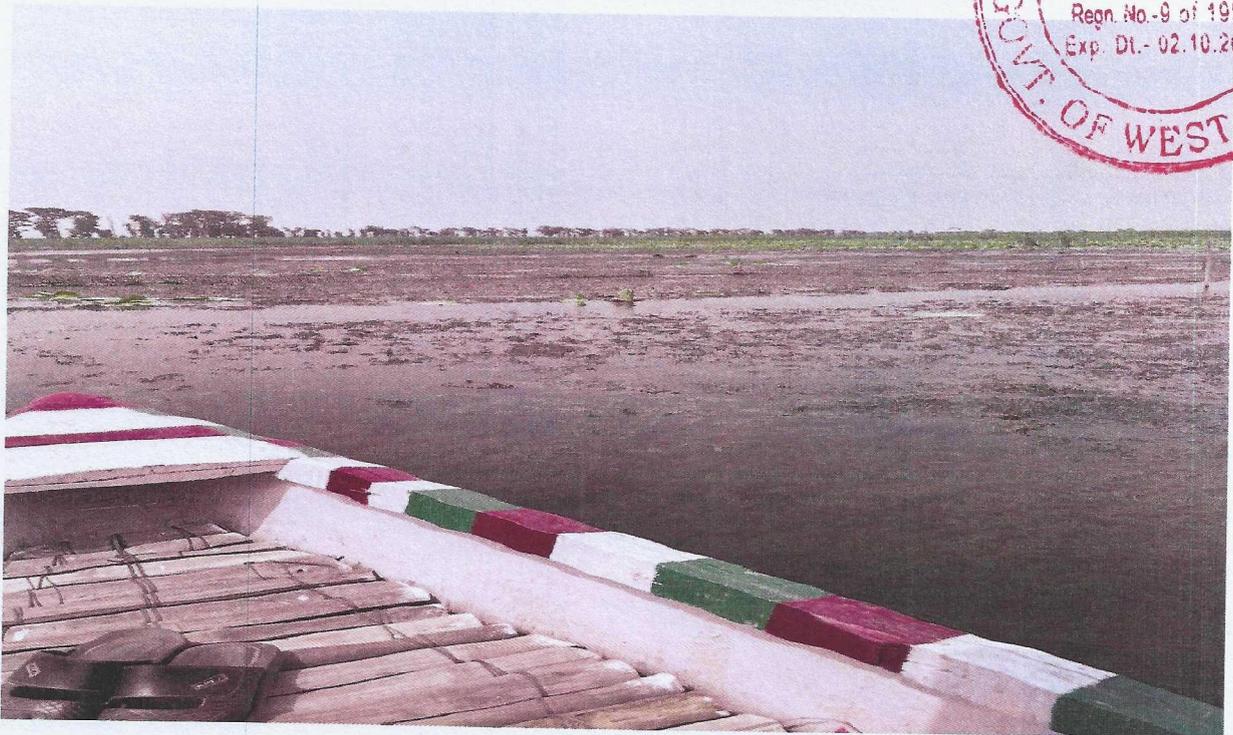
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Photographs taken on 13.06.2024 showing the present position of Kabartal wetland through boat journey

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Photographs taken on 13.06.2024 showing the present position of Kabartal wetland through boat journey

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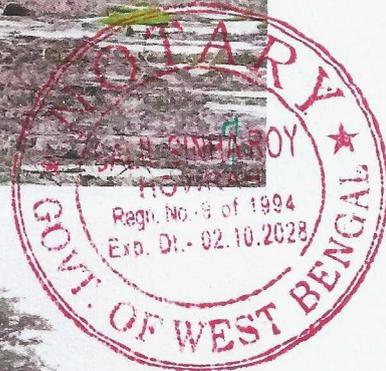


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Regn. No. 9 of 1994
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WEST BENGAL



Photographs taken on 13.06.2024 showing the present position of Kabartal wetland through boat journey

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Photographs taken on 13.06.2024 showing the present position of Kabartal wetland through boat journey

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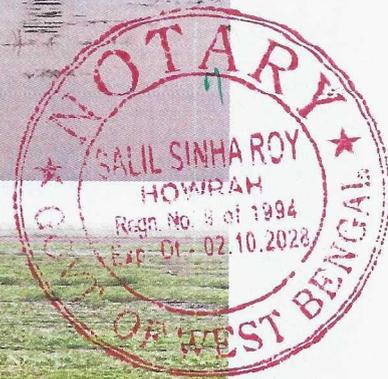


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HOWRAH
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Exp. Date: 10.2028
WEST BENGAL

Photographs taken on 13.06.2024 showing the present position of Kabartal wetland through boat journey

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Photographs taken on 13.06.2024 showing the present position of Kabartal wetland through boat journey

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Photographs taken on 14.06.2024 showing different types of constructions made within the Bird Sanctuary area f Kabartal Lake

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Photographs taken on 14.06.2024 showing different types of constructions made within the Bird Sanctuary area of Kabartal Lake

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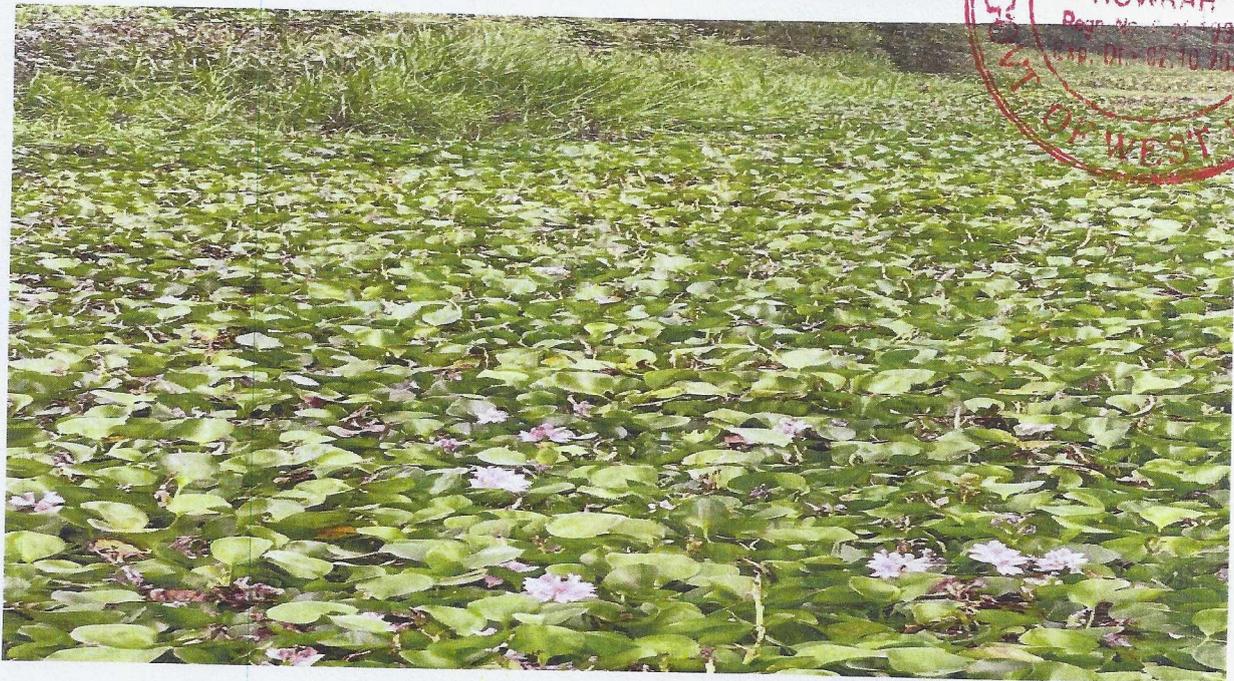
Photograph taken on 14.06.2024 showing different types of constructions made within the Bird Sanctuary area f Kabartal Lake

29 JUN 2024



Photographs taken on 14.06.2024 showing the inlet/outlet position of the canal full of water hyacinth of the wetland of Kabartal taken from the temple side

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Photographs taken on 14.06.2024 showing the inlet/outlet position of the canal full of water hyacinth of the wetland of Kabartal taken from the temple side

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Photographs taken on 14.06.2024 showing the inlet/outlet position of the canal full of water hyacinth of the wetland of Kabartal taken from the temple side

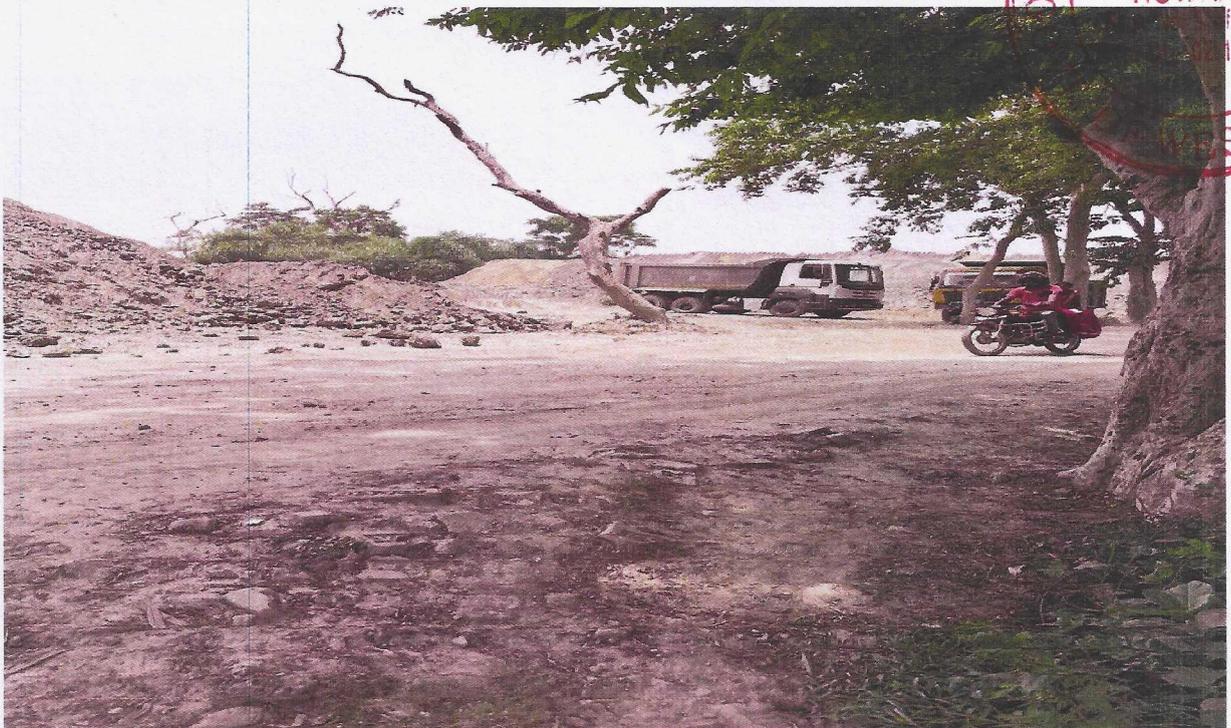
29 JUN 2024



Photographs taken on 14.06.2024 showing the brick kilns within the Bird Sanctuary area of Kabartal

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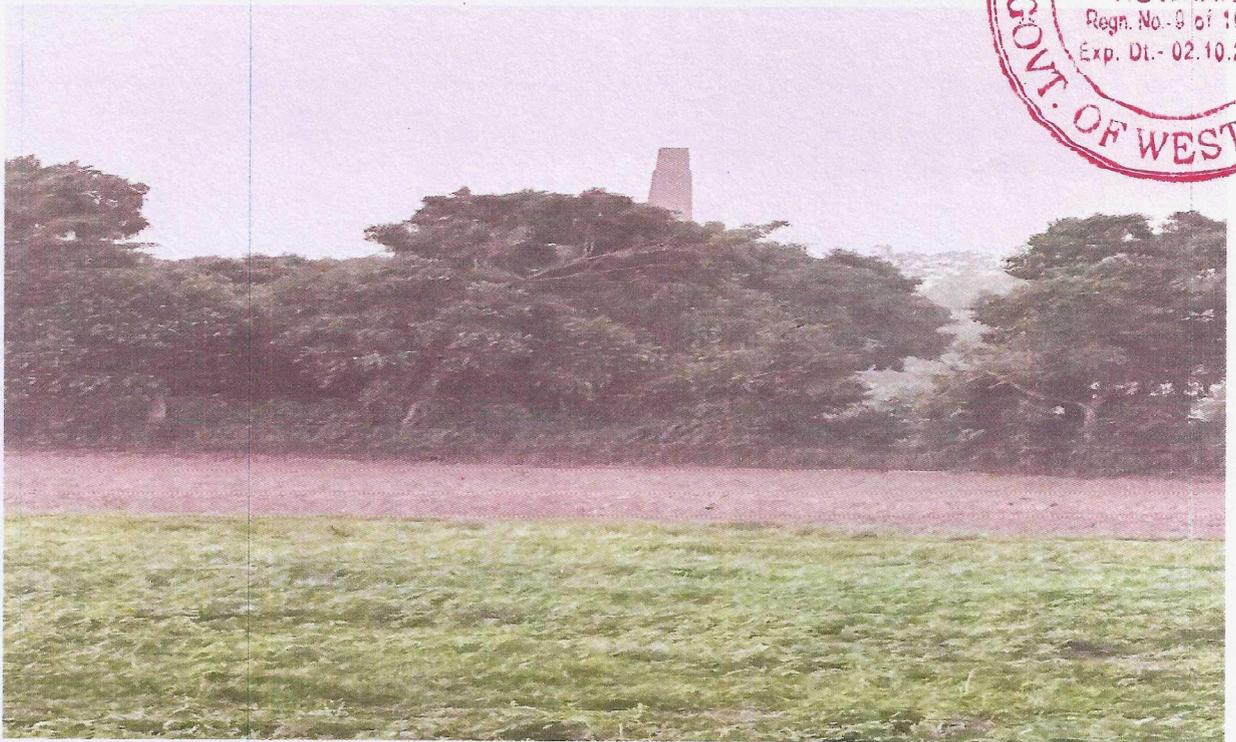
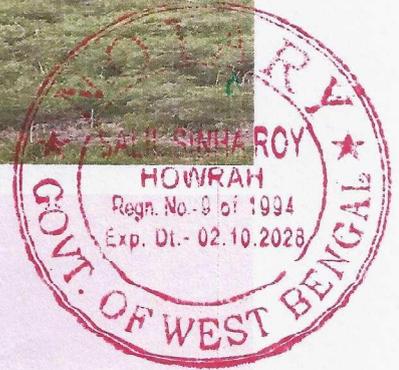


NOTARY
SALIL SINHA ROY
HOWRAH
1994
10.2028
WEST BENGAL

Photographs taken on 14.06.2024 showing the brick kilns within the Bird Sanctuary area of Kabartal

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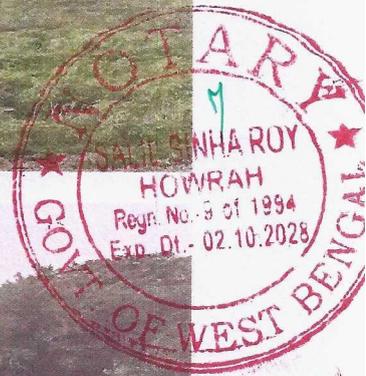
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Photographs taken on 14.06.2024 showing the brick kilns within the Bird Sanctuary area of Kabartal

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Photographs taken on 14.06.2024 showing the brick kilns within the Bird Sanctuary area of Kabartal

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Photographs taken on May 2024 showing the agricultural field within the Bird Sanctuary area of Kabartal

29 JUN 2024

57.



Photographs taken on 14.06.2024 showing the agricultural field being tendered by tractor well within the Bird Sanctuary area of Kabartal

29 JUN 2024



Photographs taken on 14.06.2024 showing garbage being dumped/scattered in & around the temple/residences within the Bird Sanctuary of Kabartal

29 JUN 2024

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WEST BENGAL
GOVERNMENT
HOURA
Act No. 2 of 1994
Exp. Dt: 02.10.2028

Photographs taken on 14.06.2024 showing garbage being dumped/scattered in & around the temple/residences within the Bird Sanctuary of Kabartal

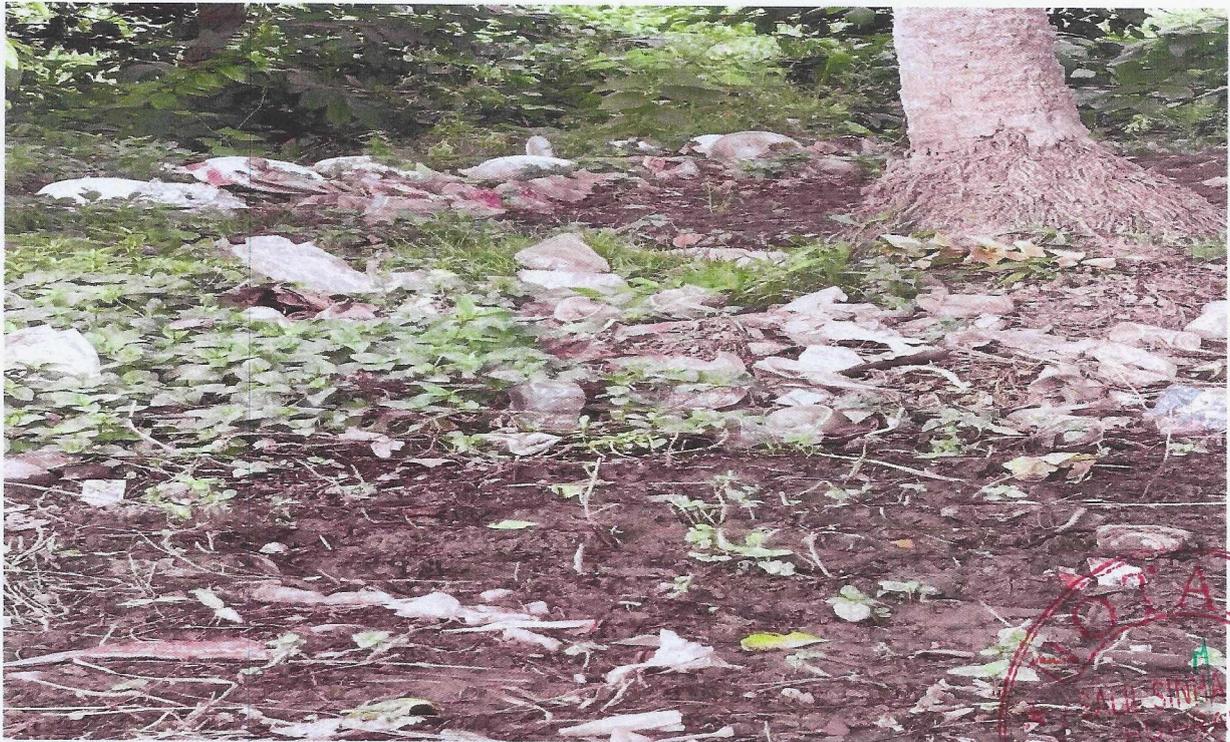
29 JUN 2024



Photographs taken on 14.06.2024 showing garbage being dumped/scattered in & around the temple/residences within the Bird Sanctuary of Kabartal

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Photographs taken on 14.06.2024 showing garbage being dumped/scattered in & around the temple/residences within the Bird Sanctuary of Kabartal



WEST BENGAL
S. K. ROY
1994
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Photographs taken on 14.06.2024 showing garbage being dumped/scattered in & around the temple/residences within the Bird Sanctuary of Kabartal

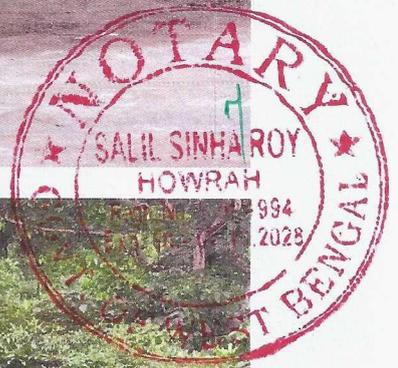
29 JUN 2024



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WEST BENGAL

Photographs taken on 14.06.2024 showing garbage being dumped/scattered in & around the temple/residences within the Bird Sanctuary of Kabartal

29 JUN 2024



Photographs taken on 14.06.2024 showing garbage being dumped/scattered in & around the temple/residences within the Bird Sanctuary of Kabartal

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WEST BENGAL
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Photographs taken on 14.06.2024 showing garbage being dumped/scattered in & around the temple/residences within the Bird Sanctuary of Kabartal

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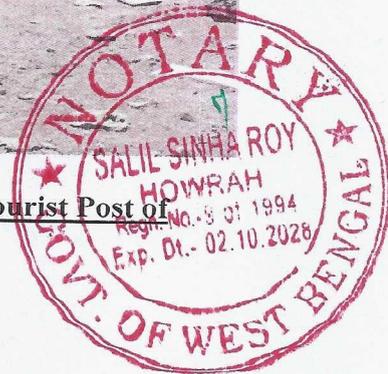
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29 JUN 2024



Photograph taken on 14.06.2024 showing the signboard of Jay Mangala Tourist Post of State police within the Bird Sanctuary area of Kabartal



29 JUN 2024



Photograph taken on 14.06.2024 showing the abandoned & dilapidated police outpost building within Bird Sanctuary area of Kabartal Lake

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SALIL SINHA ROY
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Regn. No.-9 of 1994
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GOVT. OF WEST BENGAL

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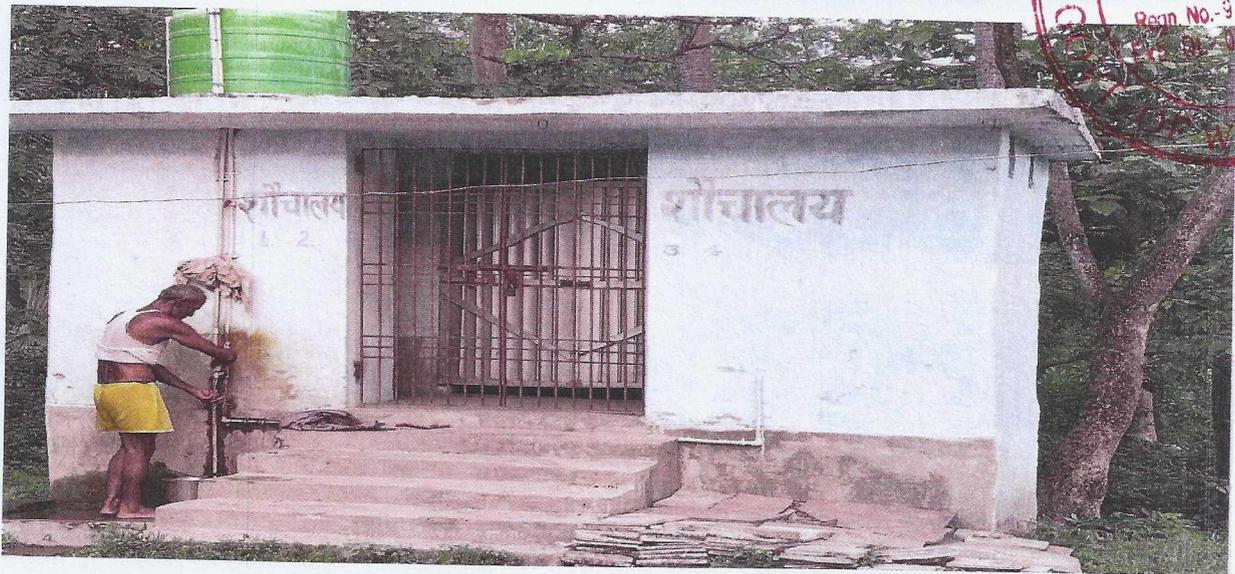
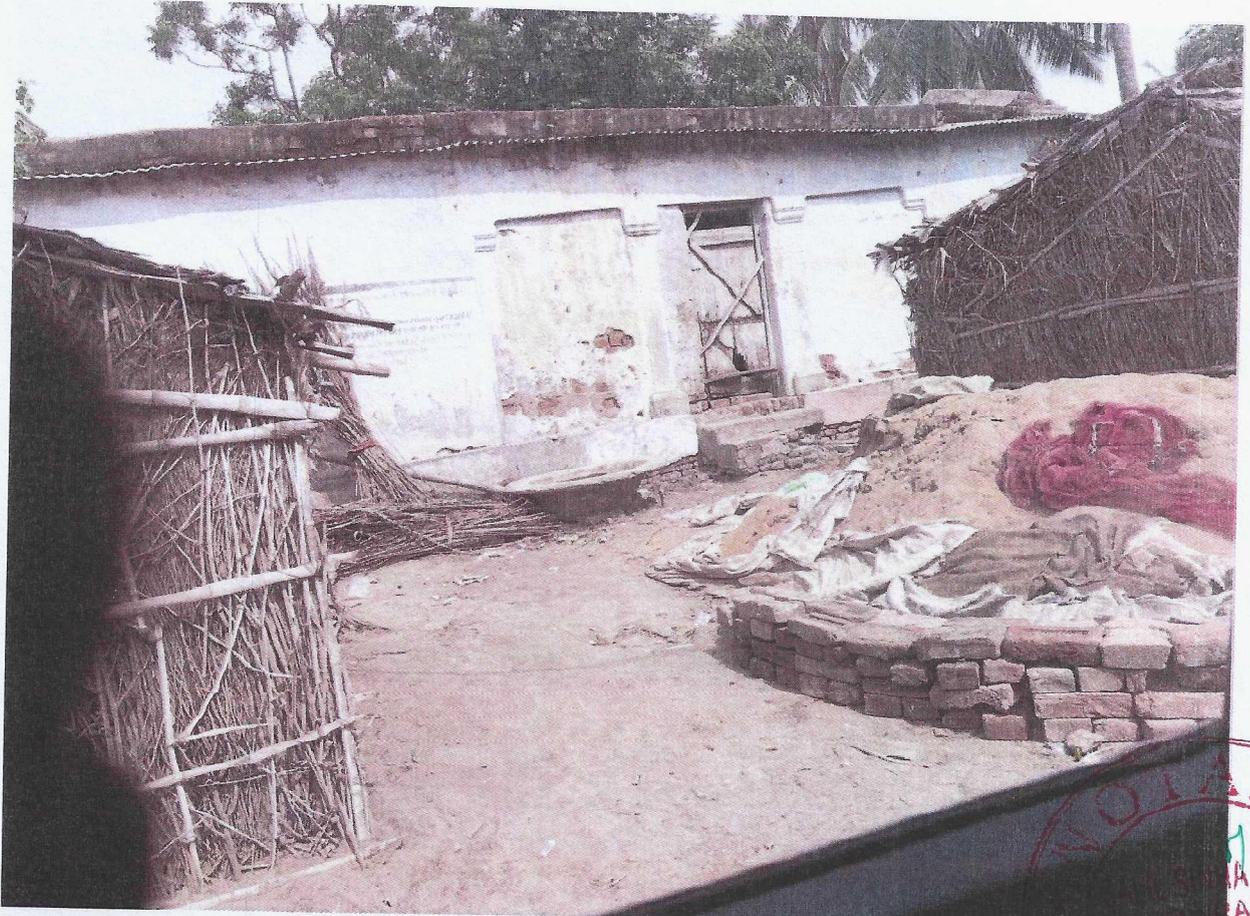


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EX. No. 02/10.2028
GOVT. OF WEST BENGAL



Photographs taken on 14.06.2024 showing different types of constructions made within the Bird Sanctuary area f Kabartal Lake

29 JUN 2024



ROY
RAH
Form No.-9 of 1994
12.10.2023
WEST BENGAL

Photographs taken on 14.06.2024 showing the toilet constructed within the temple complex of Bird Sanctuary

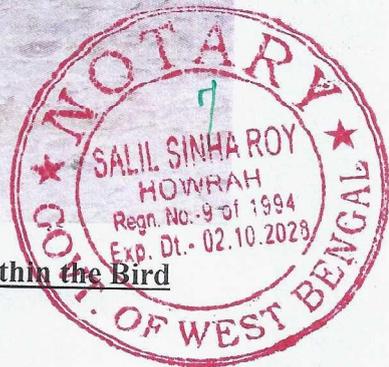
29 JUN 2024

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Annexure - P/1



Photograph taken on 14.06.2034 showing eatery being run by fissile fuel within the Bird Sanctuary area of Kabartal Lake



29 JUN 2024

Subhas Datta
Chartered Accountant
Environmental Activist

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Annexure P/13

Resi: 25/1, Guitendal 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
Mr. Brijesh Mishra,
Chief Secretary,
Govt. of Bihar,
Main Secretariate,
Patna – 800015

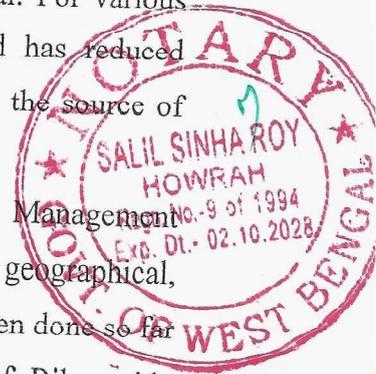
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Sir,

Sub:- Dismal position of Kanwar Lake in Begusarai, Bihar

I beg to draw your kind attention to the dismal position of Kanwar Lake in Begusarai District of Bihar, which is claimed to be the largest Oxbow Lake in India and Asia. It is a Notified Bird Sanctuary being called as the PARADISE OF MIGRATORY BIRDS and the same is the first Ramsar Site of Bihar. The recent visit undertaken by the undersigned has revealed certain wounds, damages and irregularities which are briefed as follows:-

1. That the areas in and around the lake is becoming encroached upon for cultivation, developmental works, innumerable human habitations, industrial and for commercial exploitations. It is a wetland cluster having 16/17 water-bodies in total. For various human activities the total water carrying capacity of the wetland has reduced considerably. This is a catchment area for rainwater, which in turn is the source of drinking water to about 3 millions of people.
2. That it is a mandatory requirement that there should be an Intrigated Management Plan for the conservation and proper use of this historical, geographical, environmental and heritage water-body but unfortunately this has not been done so far although it was declared as BIRD SANCTUARY by the Govt. of Bihar vide Notification dated 20th June 1989. Although 35 years time has elapsed, the Management Plan for its conservation has not seen the light of the day. If the planning for conservation is so remote, the question of preservation does not arise. Presently this has become an orphan wherein certain threating activities by draining in and draining out, obstruction of water by damming and canalization have become rampant. This Wildlife Sanctuary is constantly being threatened by the wild acts of human-being.
3. That innumerable concrete and various types of other constructions have been and/or are being made inside the forest area. Even a big temple complex has been developed



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there where thousands of pilgrims visit everyday. One Police Post has been constructed there, naming JAI MANGLA POLICE POST, MANJHUAL, O.P. The said Police Post, now almost abandoned and dilapidated, various other human habitations, temple site colony, thousands of pilgrims visiting everyday etc generate huge wastes but there is no Solid Waste and Liquid Waste Management Plan and programme for which the underground water quality is reportedly being jeopardized and the same cause various types of other environmental hazards.

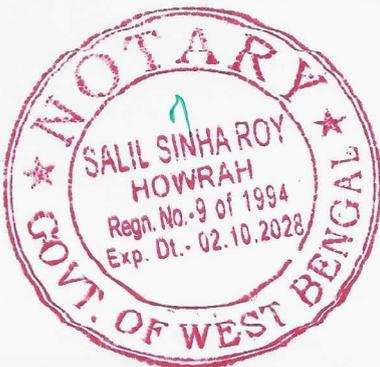
4. That industrial activities like brick fields, other various forms of Non-Forest activities are being performed there for which the freshwater of this wetland cluster is getting polluted. Use of plastic and other non-degradable wastes are being generated there. Prohibited plastics of huge quantity is generated here everyday. Solid wastes are dumped here and there. In this context it is pertinent to mention that rampant cultivation activities well within the wetland area are performed during the non-entire monsoon periods. There is evidence of using tractor for cultivation where the chemical fertilizer, pesticides, herbicides, weedicides and other chemical products are reportedly being used. Such acts pollute the water of the area and is very harmful for the marine bio-diversity. There should be an embargo on such acts of HARA-KIRI.
5. That due to various non-forest activities being indulged there the CRITICALLY ENDANGEREEO SPECIES of this protected area have become totally unprotected.
6. That due to some undesirable man made actions, the hydrological connectivity of this wetland complex (having 16/17 separate water bodies) with the nearby Burhi Gandak and further inter-connectivity of all the water bodies have been impeded. All the man made factors should be addressed appropriately without any further delay, so as to ensure that the mandate prescribed by the Wetlands (Conservation and Management) Rules 2017 are appropriately adhered to by all the stake holders and the State is the main custodian for the same.

It had been my extraordinary privilege for me to photograph the present deplorable position of these blessings of MOTHER NATURE and therefore urge upon you to initiate steps into the matter at the earliest.

Thanking You,

Yours Faithfully,

Subhas Datta
(Subhas Datta)



29 JUN 2024

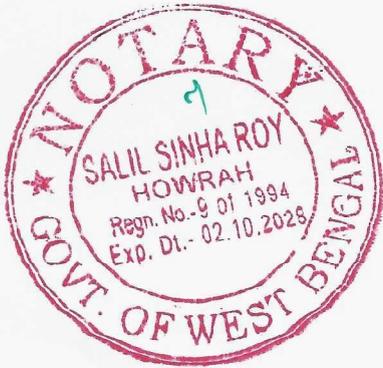
C.c. To

1. The Principal Secretary,
Water Resource Department,
Sinchai Bhawan,
Patna, Bihar – 800001

2. Secretary,
Environment, Forest and
Climate Change,
Govt. of Bihar,
Irrigation Building,
Main Secretariate,
Patna – 800015

3. The Member Secretary,
Bihar State Pollution Control Board,
Parivesh Bhawan,
Plot No. NS-B/2,
Pataliputra Industrial Area,
Pataliputra, Bihar – 800010

4. The Member Secretary,
Bihar State Wetland Authority,
Aranya Bhawan, Shaheed Peer Ali Khan Marg,
Patna, Bihar - 800014



1
29 JUN 2024

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EW004674379 IN IVR:6987004674379
 SP HOWRAH HD <711101>
 Counter No:1,22/06/2024,11:54
 To:THE MEMBER SE,BIHAR POLLUTION
 PIN:800010, Sadaquat Ashram SO
 From:SUBHAS DUTTA ,25/1 G LN
 Wt:20gms
 Amt:41.30,Tax:6.30,Amt.Paid:41.00(Cash)
 <Track on www.indiapost.gov.in>
 <Dial 18002666868> <Wear Masks, Stay Safe>



EW004674382 IN IVR:6987004674382
 SP HOWRAH HD <711101>
 Counter No:1,22/06/2024,11:54
 To:THE SECRETARY ,E F & C CHANGE
 PIN:800013, Patna Sectt SO
 From:SUBHAS DUTTA ,25/1 G LN
 Wt:20gms
 Amt:41.30,Tax:6.30,Amt.Paid:41.00(Cash)
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 <Dial 18002666868> <Wear Masks, Stay Safe>



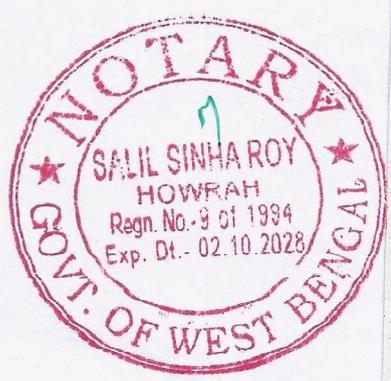
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 SP HOWRAH HD <711101>
 Counter No:1,22/06/2024,11:54
 To:THE PRINCIPAL,WATER RESOURCE D
 PIN:800001, Patna SPO
 From:SUBHAS DUTTA ,25/1 G LN
 Wt:20gms
 Amt:41.30,Tax:6.30,Amt.Paid:41.00(Cash)
 <Track on www.indiapost.gov.in>
 <Dial 18002666868> <Wear Masks, Stay Safe>



EW004674405 IN IVR:6987004674405
 SP HOWRAH HD <711101>
 Counter No:1,22/06/2024,11:54
 To:THE CHIEF SEC,GOVT OF BIHAR
 PIN:800015, Patna Sectt SO
 From:SUBHAS DUTTA ,25/1 G LN
 Wt:20gms
 Amt:41.30,Tax:6.30,Amt.Paid:41.00(Cash)
 <Track on www.indiapost.gov.in>
 <Dial 18002666868> <Wear Masks, Stay Safe>



EW004674419 IN IVR:6987004674419
 SP HOWRAH HD <711101>
 Counter No:1,22/06/2024,11:54
 To:THE MEMBER SE,BIHAR STATE LAND
 PIN:800014, BV College SO
 From:SUBHAS DUTTA ,25/1 G LN
 Wt:20gms
 Amt:41.30,Tax:6.30,Amt.Paid:41.00(Cash)
 <Track on www.indiapost.gov.in>
 <Dial 18002666868> <Wear Masks, Stay Safe>



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