

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-

Ministry of Environment, Forest & Climate Change

.....Respondents

INDEX

| Sl No. | Particulars | Pages |
|--------|----------------------|------------|
| 1. | Synopsis of the case | A-B |
| 2. | List of the dates | D |
| 3. | Main Application | 1-19 |
| 4. | Verification | 20 |
| 5. | Annexure-P/1 | 41-46 |
| 6. | Annexure-P/2 | 47 |
| 7. | Annexure-P/3 | 48 |
| 8. | Annexure-P/4 | 49 |
| 9. | Annexure-P/5 | 50-51A,51B |
| 10. | Annexure-P/6 | 52-59 |
| 11. | Annexure-P/7 | 60-75 |
| 12. | Annexure-P/8 | 76-80 |
| 13. | Annexure-P/9 | 81-84 |
| 14. | Annexure-P/10 | 85-87 |
| 15. | Annexure-P/11 | 88-90 |
| 16. | Annexure-P/12 | 91-97 |

Applicant

SubhasDatta

SUBHAS DATTA

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

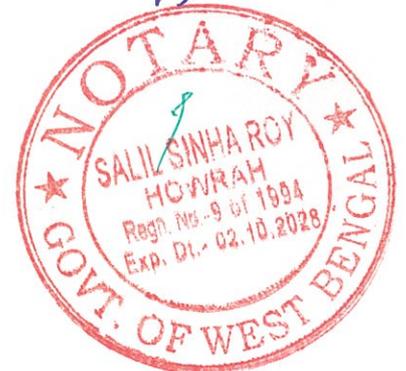
Residence: 55/2, Panchanantala Road,

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

Telephone : 033 -2638 3526.

Mobile : 09830 752 752

Email : subhasdatta@rediffmail.com.\



07 MAR 2024

SYNOPSIS OF THE CASE

Indian Botanic Garden at Howrah had been set-up in the year 1787 and is claimed to be as one of the best and oldest landscaped gardens in the world, having more than 12000 species of trees, herbs, climbers etc. Spread in 273 acres, this garden is under the control and management of the Botanical Survey of India (BSI) under the Ministry of Environment, Forest and Climate Change, Govt. of India. This is the largest and oldest MAN-MADE-PLANT-KINGDOM in the whole South-East Asia. The applicant is actively working in the matter of different environmental aspects concerning the said Botanical Garden named as Acharya Jagadish Chandra Bose Indian Botanical Garden, Howrah. Presently certain actions/activities of the local management of the garden are not truly beneficial for the long-term sustainability of this historic and heritage garden, which is a MILESTONE for our Nation. The ill actions are briefed as follows:-

GARDEN TURNING INTO PARK

This garden, meant for research and conservation of Rare, Endangered and Threatened (RET) plants has now changing to a park, mostly with avenue and common plants.

GREEN COVER REDUCING

The total green cover of this oxygen hot-spot for Calcutta and Howrah is reducing very fast, which can be evident from the downloaded satellite images.

INLET OUTLET SLUICE GATES TO DRAW WATER FROM GANGA NOT OPERATING AND INTER CONNECTIVITY OF THE LAKES LOST

There are 24 lakes which were internally connected to each other where Ganga water used to flow through the circular canal but this system is not operative now. Earlier migratory birds used to visit this Garden in large numbers but due to mismanagement and upkeep of the same, they have now migrated to other places.



07 MAR 2024

B

USES OF NOISY AND SMOKY MECHANICAL DEVICES IN THE GARDEN

There are rampant uses of various types of mechanical devices like JCB, tractors, hot-mix plants, Brush cutters, Chain Saw etc but earlier most of the works used to be performed manually. The overall ambiances is degraded there.

CUTTING DOWN AND INTERNAL USE OF VARIOUS TREES/TIMBERS

There are several media reports of cutting down the trees in the garden for which cases have been registered against the local authority in Howrah Court. The garden has been found using mehagony logs for making furniture like open round tables, sitting arrangements, swing etc for the Cafeteria now being ^{built} ~~built~~ there.

GARDEN TURNED INTO LOG-YARD FOR FALLEN, DAMAGED AND CUT-DOWN TREES

Thousands of old and totally damaged woods/logs are heaped and scattered here and there inside the garden for long period giving a look as if it is the scrap yard for old/unusable logs/woods.

MAKING CONCRETE/METALIC CONSTRUCTION

In the name of making a massive parking space huge green cover of the garden has now been concretised although as per the order of the High Court Calcutta, the entry of motor vehicles is not allowed, other than for very urgent and official purposes.

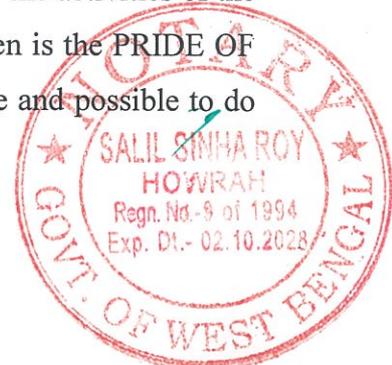
HUGE NUMBER OF OLD DILAPIDATED BUILDINGS

There are huge number of very old, abandoned ad dilapidated buildings inside the garden, which are not in consonance with the ambience of the garden.

There are various other small factors on the ill maintenance of the garden.

This oldest and largest garden of the country should be saved and the activities of the local management need to be vouched properly and regularly. This garden is the PRIDE OF THE NATION and without judicial intervention it will not be practicable and possible to do the needful. Hence this application

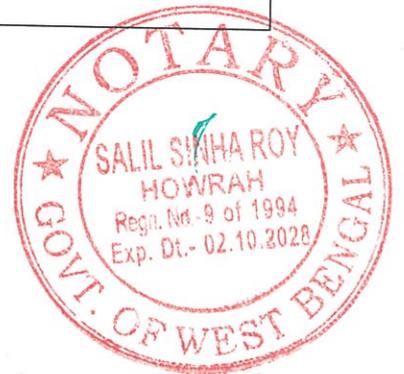
07 MAR 2024



C

LIST OF DATES

| SI No. | Dates | Particulars |
|--------|------------|---|
| 1. | 1787 | The Indian Botanic Garden, Howrah had been set-up |
| 2. | July 2022 | Illegal cutting down of tree happened news on which compliant case was lodged. |
| 3. | 20.02.2023 | Anadabazar Patrika published the news on use of hot-mix plant for road repairing in the garden. |
| 4. | 28.01.2024 | Online issue of Anandabazar Patrika news published describing the use of hot-mix plant there. |
| 5. | 10.02.2024 | Visited the Botanic Garden, Howrah to view the position. |
| 6. | 01.03.2024 | Memorandum sent to the concerned Authorities. |



07 MAR 2024

**-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-

Ministry of Environment, Forest & Climate Change

..... Respondents

IN THE MATTER OF:

1. Subhas Datta

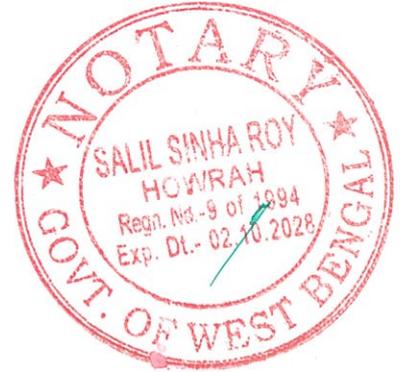
Son of Late Baneswar Datta,

25/1, Guitendal Lane,

P.O. + P.S. + District – Howrah

Pin code – 711101, West Bengal

..... Applicant



1) MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

(Notice through the Joint Secretary),

Govt. of India,

2nd Floor, Agni Block, Indira Paryavaran Bhawan, Jorbagh Road,

New Delhi – 110003

01 MAR 2024

Tel – 91-11-20819220

Spalte sahnk@cag.gov.in *mameeta.prasad@gov.in*

2) STATE OF WEST BENGAL,

(Notice through the Chief Secretary),

Govt. of West Bengal,

Nabanna, 325, Sarat Chatterjee Road,

Shibpur, Howrah - 71102

Tel -033-22535130

cs-westbengal@nic.in

3) BOTANICAL SURVEY OF INDIA,

(Notice through the Director),

CGO Complex
3rd MSO Building
6th/6thFloor
DF BlockSector I
, Calcutta – 700064

Tel – 9436105299

Spalte aamo@bsi.gov.in
aamo208@gmail.co

4) AJC BOSE INDIAN BOTANICAL GARDEN,

Spalte Head of the office & Scientist in-charge
(Notice through the Joint Director),

Botanical Survey of India,

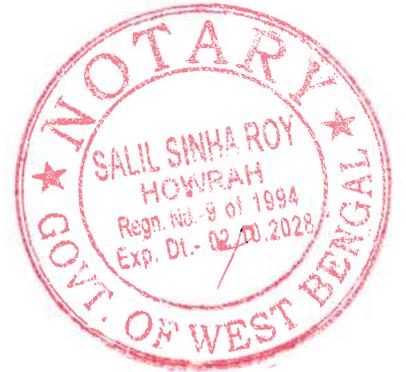
Shibpur, Howrah- 711103

Tel- 033-67323/35

Spalte hoo-ajcibig@bsi.gov.in
ibg_bsi@rediffmail.com

5) DEPARTMENT OF ENVIRONMENT,

(Notice through the Principal Secretary),

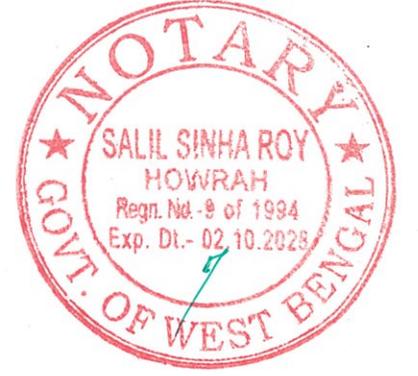


Govt. of West Bengal,
Environment Department,
5th Floor, Pranisampad Bhawan,
Block LB-II, Slat Lake, Sec-III,
Bidhannagar, Kolkata - 700 106
Tel-033-2335-2742
psecy.env-wb@gov.in

6) 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



.....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 issues of various types of disorders being caused in the Indian Botanic Garden Howrah due to wrong actions and non-action of the part of local management of the garden. At present the historic and heritage garden is being converted into a park and the green cover of the oxygen hotspot of the city of Calcutta is reducing very fast. Several ill acts are being performed there causing severe damages to this largest man-made plant

07 MAR 2024

kingdom of the country for which the kind intervention of the Hon"ble Court has become necessary.

SPN, Most Respectfully Sweath: *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:-

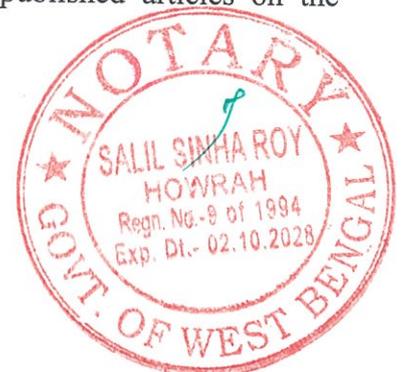
FACTS IN BRIEF:

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 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.



0 / MAR 2024

- 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.
- 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.



07 MAR 2024

e) He had visited London/Glasgow in 2013 and met the respective ^{of-} 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.

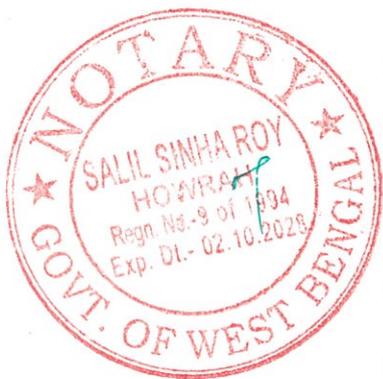
5. That during the past forty years the applicant has been continuously fighting hard to save and protect the environment and ecology of the State of West Bengal and some of the Eastern and North Eastern States of the country. The applicant has brought about one hundred and thirty environmental matters 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.

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

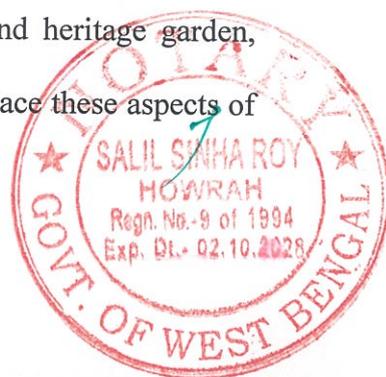


07 MAR 2024

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 the Indian Botanic Garden at Howrah had been set-up in the year 1787 and is claimed to be as one of the best and oldest landscaped gardens in the world having more than 12000 species of trees, hurbs, climbers etc. Spread in 273 acres. This garden is under the control and management of the Botanical Survey of India (BSI) under the Ministry of Environment, Forest and Climate Change, Govt. of India. This is the largest and oldest MAN-MADE-PLANT-KINGDOM in the whole South-East Asia.
8. That the applicant is actively working in the matter of different environmental aspects concerning the said Botanical Garden named as Acharya Jagadish Chandra Bose Indian Botanic Garden at Howrah. In the year 2002 one Writ Petition (No WP 2856(W) of 2002) had been moved by the applicant before the Environment Bench, popularly called as Green Bench of the High Court at Calcutta on which several directions have been passed by the Hon'ble Court. Other environmental matters were being regularly heard by the said Green Bench of the High Court at Calcutta. After the constitution of National Green Tribunal (NGT) and it's functioning got started all the environment petitions filed by the applicant before the Calcutta High Court were transferred to the Eastern Zone bench of National Green Tribunal. But the petition on Indian Botanic Garden, Howrah was not transferred for which the applicant could not do anything before the Judicial Forum afterwards.
9. That presently certain actions/activities of the local management of the garden are not truly beneficial for the long-term sustainability of this historic and heritage garden, which is a MILESTONE for our Nation. The applicant prefers to place these aspects of wrong actions in the subsequent paragraphs.

07 MAR 2024



GARDEN TURNING INTO A PARK

10. That this garden had been set up for the conservation and preservation of research oriented rare plants. The authority had decided to introduce Rare, Endangered and Threatened (RET) indigenous plant species in the garden. But now the actions of the local authority appear to be shifting the priority and just to make it more attractive and beautiful to the visitors/tourists the focus has been shifted to make it a Park with avenue plants and common plants. The research and study aspects of the plants are in the second gear now. In the process of changing the garden into a Park the ground biodiversity of the area has badly been disturbed. The fauna of this place, where huge number of foxes, civet-cats, different types of reptiles and creepers exist, have been troubled considerably.

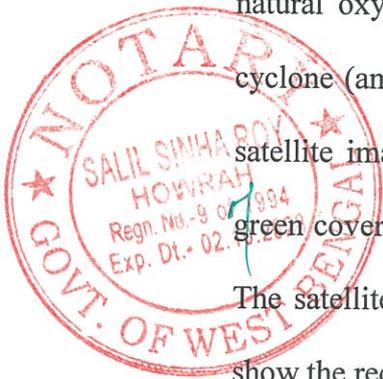
REDUCTION OF TOTAL GREEN COVER

11. That there has been considerable reduction in the green cover of this oxygen hot spot of the highly polluted city of Calcutta/Howrah but due to the reduction in green cover, the natural oxygen supply to the people at large got substantially adversed. During the cyclone (amphan on 20.5.2020) about one thousand trees were destroyed. The present satellite images have revealed that even after the said cyclone damages, the present green cover has further been reduced after May 2020. The green is reducing very fast. The satellite images of this garden before and after the cyclone Amphan will clearly show the reduction in the green cover. The differential images of the green cover of this garden at different spots as well as total view of this garden are enclosed to this Application as ANNEXURE-P/1.

INTER CONNECTIVITY OF THE LAKES LOST

12. That there are total 24 lakes in the garden which are connected to each other through underground pipes. These lakes are connected indirectly to the river Ganga through the circular canal, which is/was a good source of fertile surface water for the plants.

07 MAR 2024



Unfortunately, the said interconnectivity of the lakes is now lost and because of such situation the water of the lakes has become stagnant, causing damage and pollution of the water of the lakes. Some of the lakes are not under proper upkeepment

INLET, OUTLET SLUICE GATES AND THE CIRCULAR CHANNEL FROM RIVER GANGA INOPERATIVE

13. a. That all the lakes of the garden used to be catered by the flow of Ganga water through small circular channel but the said water channel, other than a very small portion at the Southern side of the garden, is totally lost and has almost become part of the land area of the garden where even wastes materials are dumped. Such changing of geography will be a great danger for the conservation of rare, endangered and threatened plant species of the garden.

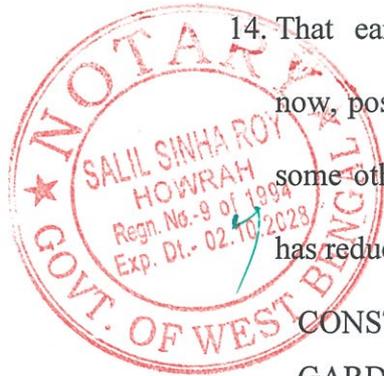
b. The applicant is in a possession of a photograph taken on 13th April 2013 showing the lock gate through which the water used to be introduced into LEERAM LAKE. This lock gate is now history because concreted car parking space is being constructed there. The photo of such lock gate is enclosed and marked as ANNEXURE – P/2.

MIGRATORY BIRDS NOT COMING TO LAKES

14. That earlier thousands of migratory birds used to come to the lakes of the garden but now, possibly due to improper upkeepment of the water-bodies, they have migrated to some other places. This position gives the signal that overall ambience of the garden has reduced and not favourable to the birds.

CONSTRUCTION OF BITUMEN ROAD/AVENUE RECKLESSLY INSIDE THE GARDEN

15. a) That there are numerous wide/small roads and footpaths inside the garden which have been widened and repaired by bitumen/asphalt. Through this process, considerable damages have happened there. The authority had adopted the prohibited practice of using road-side hot-mix plant causing tremendous air pollution through the burning of



07 MAR 2024

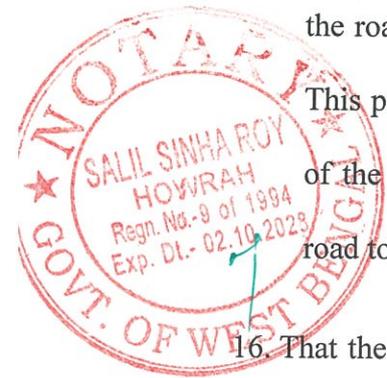
fossil fuel and generating excessive sound inside the garden. Earlier there had been pebble road and/or soft surface metallic roads but now in order to make the road motorable, bitumen and asphalt are and/or have been used. There is no need all to change all the roads into metallic because the High Court at Calcutta had restricted the entry of motor vehicles inside the garden other than for very important/urgent official purposes. Following such order the green (battery/electric) vehicle for visitors had been introduced. The constructions of such bitumen/asphaltic roads have even created problems for the fauna to cross such roads because during day time the road surface becomes too hot. Moreover, such metallic road cover is an obstruction for rain water seepage into underground. In one hand, the surface Ganga water for the trees is not available, on the other hand the underground water level is not adequately leveled-up for which there is a possibility of lack of natural nourishment of the plant kingdom .

b) That comparison of the photographs taken recently and the photo of earlier period of the road stretching to Grand Banyan Tree spot will clearly indicate such differences.

This practice is not in consonance with the preservation and conservation of the trees of the Botanical Garden. Two photographs before and after metallic restoration of road towards the great Banyan Tree are enclosed and marked as ANNEXURE – P/3.

16. That the news of such road repairing inside the Botanical Garden got published in the Anandabazar Patrika, the largest circulation Bengali newspaper in the country, on 20th February, 2023. The said news created huge sensation and the environmental activists had reacted to this aspect and objected to such ill actions of the authority. In this context it is pertinent to mention that this Hon'ble Tribunal had earlier restricted the use of road-side hot mix plants by burning fossil fuel for the repair of the roads in the entire State of West Bengal because such practice is highly polluting. When the media persons had brought before the Garden management this aspect of restrictions being imposed by

07 MAR 2024



the Green Tribunal, the local authority of the garden had pleaded ignorance. The photograph of such news clearly shows the emission of smoke and the wrong activity of the authority. The facsimile of the news published in Anandabazar Pathika dated 20th February, 2023 is enclosed and marked as ANNEXURE – P/4. .

17. That again on 28th February 2024 the same news has appeared in Anandabazar Patrika Online. The applicant has been able to collect one hard copy of the news on Botanical Garden's road repairing, following which the Social Media has become very vocal. The applicant prefers to enclose the hard copy of the online news with translation into English and enclose the same as ANNEXURE – P/5.

Since both the news are the same one copy of the translation is only enclosed.

18. That with regard to the reckless burning of fossil fuel inside the garden it is pertinent to mention that the botanic authority had put up a notice board on 15.11.2022 that smokers inside the garden will be penalised with a fine of Rs. 500/-. Where the local management is not allowing even Cigarette/Biri smoking inside the garden, how they can indulge such highly polluting road repairing process there and also how such massive construction/repairing of road is undertaken there. This garden is the most environmentally sensitive area where the activities/actions of all concerned should be environment friendly. Unfortunately this has now become a far cry for the authority.

ILLEGAL CUTTING OF TREES

- Sd/-* 19. That there are reports of cutting down the valuable trees like Mehogany and *Sandal* *Sandle* Wood etc by not observing the formalities as envisaged in the West Bengal (Protecting and Conservation of Trees in Non-Forest Areas) Act 2006. The last such report was published by the media in January 2022 that illegal cutting down of trees has taken place in Botanical Garden for which a Compliant Case (No. 136/2022) had been lodged in the Court of the Ld. Chief Judicial Magistrate, Howrah. Earlier in August *Sd/-* 2008 the undersigned had lodged a *Complaint* ~~complain~~ before the Court on illegal cutting down of

07 MAR 2024

the trees in the said Garden for which the the erstwhile Director of the Botanical Garden had surrendered before the Chief Judicial Magistrate of Howrah. Such undesirable incidents are not uncommon in this historic and heritage garden.

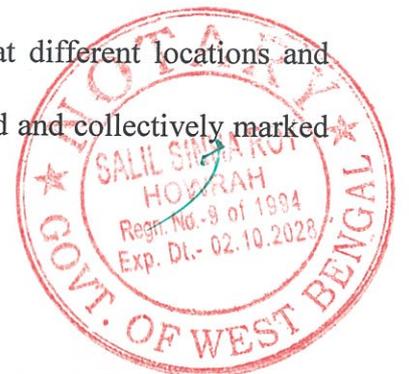
UNAUTHORISED USE OF TIMBER OF MEHAGONY TREE USED FOR AESTHETIC PURPOSE

20. That during the recent visit to the garden undertaken on 10th February 2024 it has been evident that valuable timbers/logs of Mahegony tree have been and/or are being used for making the round tables, sitting arrangements, swing at the spot named as Cafeteria. There is reportedly no authorization and/or Govt. approval for such internal use of valuable timbers inside the garden. Moreover, as per the order of the Hon'ble High Court, Calcutta, no restaurant or cafeteria type of entertainment facility is allowed there. But now it is evident that more emphasis is being given to upgrade this Botanical Garden as a tourist spot. Moreover, no picnic, cooking of food is allowed there. The overall ambience of the Garden is now jeopardized because of such unwarranted efforts of the local management. Several photographs have been taken on this score, which are enclosed and marked as ANNEXURE – P/6.

THOUSANDS OF FALLEN / DAMAGED / CUT-DOWN LOGS SCATTERED /HEAPED AT DIFFERENT PLACES

21. That during the recent visit undertaken to the applicant on 10th February, 2024 it has been evident that .thousands of fallen/damaged trees/logs have been heaped at different locations of the Garden. Such position gives a wrong impression that whether this is a Botanical Garden or the same is a timber/log yard for wood. It has also been evident that few logs have been originated from the recent cutting down of the trees. Several photographs of the fallen/damaged/cut-down trees heaped at different locations and scattered at various places have been taken which are enclosed and collectively marked as AANEXURE – P/7.

07 MAR 2024

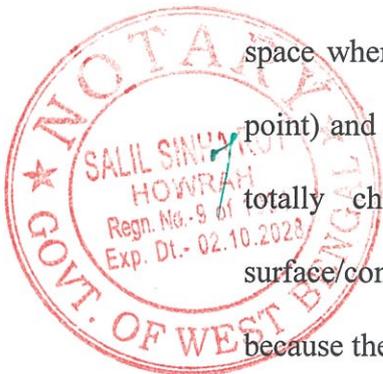


FREQUENT USES OF JCB, TRACTOR AND MULTIPLE MECHANICAL EQUIPEMENTS IN THE GARDEN

22. That it has been observed that there are frequent uses of various petrol/diesel driven mechanical equipments like JCB, Brush cutter, Chain Saw etc for several purposes of the garden. Such noise and smoke emitting devices create environmental hazards inside the garden, which are totally detrimental to the preservation/conservation of plant kingdom, flora and fauna. Such equipments are hired from various parties. Earlier the garden work had mostly been undertaken manually but such shifting/changing of devices is creating problems of the entire garden. These instruments are reportedly used even during night hours. The applicant has been able to collect some photographs showing the uses of various types of mechanical instruments which are deployed recklessly to destroy the ground diversity just to make the landscape from undulating to plain. The applicant feels that this is simply an act of HERA-KIRI for this historic and heritage botanic garden of the World. Few such photographs of uses of mechanical instruments taken by the activists (mostly morning walkers) are enclosed and marked as ANNEXURE – P/8.

CONSTRUCTION OF METALIC PARKING SPACE INSIDE THE GARDEN

23. That a big area of the garden, towards the IEST side, is being converted into a parking space where several trees had existed earlier. Moreover, there was sluice gate (outlet point) and circular channel for Ganga water at that side. Such geography is now being totally changed which is simply converting the green cover into concrete surface/constructions. There was no need at all to make such spacious parking space because the existing parking area at the same stretch is quite sufficient to cater the need. Moreover, there is no valid reason to convert the Botanical Garden into an attractive tourist spot. The applicant has taken some photographs of this location of construction which is not at all desirable. The garden management should undertake a survey that



07 MAR 2024

how much portion of the garden has now become metallic. This is a call for the garden that NO MORE CONCRETE AND METALIC COVER. The photographs on this score are enclosed and collectively marked as ANNEXURE – P/9.

DISCONTINUEANCE OF BATTERY DRIVEN AND/OR ELECTRICAL VEHICLES FOR VISITORS

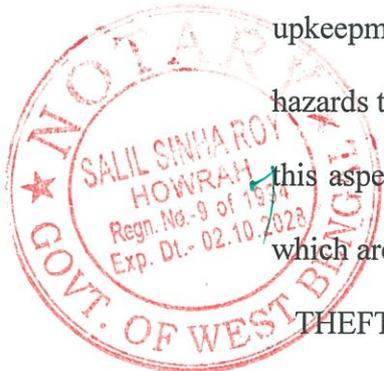
24. That earlier there had been use of green vehicle inside the garden for the visitors but at present this environment friendly mode of transport has been discontinued for a long period. This discontinuance of green vehicles has caused and/or is causing lot of inconveniences to about 5 millions of visitors annually who came here and have to travel a distance of 2.5 KM stretch from North to South end of the garden. Total road/pavement of garden is huge and the children and old people suffer a lot to commute entirely on foot.

PLENTY OF OLD AND ABANDONED CONCRETE STRUCTURES INSIDE THE GARDEN

25. That there are several old dilapidated buildings/stretches inside the garden, which are really heritage structures. These buildings are not properly maintained and there is no upkeppment at all. These deserted structures are now sources of various types of hazards to the garden. There is no apparent reason for the controlling authority to ignore this aspect. The photographs of these structures will clearly show the dismal position, which are enclosed and marked as ANNEXURE – P/10.

THEFT AND LOSS OF ALL HISTORICAL ITEMS FROM ROXBURGH MUSEUM

26. That there is /was abandoned building at the river side, which used to be the residence of William Roxburgh, who is known as founding father of Indian Botany. This building is more than 200 years old. The said structure was converted into Roxburgh Museum where various valuable/ historic items, belonging to Roxburgh, had been preserved by



07 MAR 2024

the authority. The undersigned had visited the said museum/building as back as in the year 2002/2003 but surprisingly during the recent visit undertaken on 10th February, 2024 no such museum items could be traced there. The said structure is totally empty now. It is gathered that most of the historical items of the Museum have been stolen. This position clearly indicates that the local management has totally failed to preserve the heritage objects as well as the historical structures of the Botanical Garden. The present photographs of inside the Roxburgh Museum are enclosed and marked as ANNEXURE – P/11.

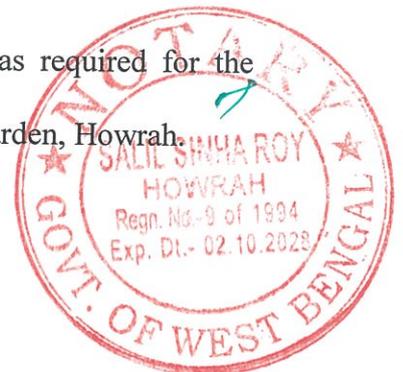
INSTALATION OF TALL LAMP POSTS INSIDE THE GARDEN

27. That earlier the lamp posts inside the Botanical Garden used to be of short height with head cover so that the lights do not spread to distances. Those lamp posts used to light up the path way only. But the present elevated lamp posts cause disturbances to the flora and fauna of the Garden. This practice should be changed at the earliest.
28. That considering the historical, geographical, environmental and social impact and incidences of this living collections of myriad of plants, all-out-efforts on war-footing basis should be ensured to protect this garden. If the green cover of this historical garden is damaged/destroyed like this, the same may cause disaster for us. It is strongly felt that without judicial intervention, cohesive and coordinated actions in the matter, position will never improve. The applicant has sent memorandum to all the concerned authorities on 1st March, 2024, the photocopy of which with postal receipt is enclosed and marked as ANNEXURE – P/12.

GROUNDS

- I. For that the Respondents have failed to take steps as required for the protection and preservation of the historic Botanical Garden, Howrah.

07 MAR 2024



- II. For that it is the bounden duty of the Respondents concerned to ensure proper conservation and upkeep of the heritage and historic man-made plant kingdom of Botanical Garden, Howrah.
- III. For that the Respondents have failed to discharge their statutory duties and obligations to arrest continuous decline of the green cover of the Botanical Garden, Howrah.
- IV. For that the Respondents should have taken urgent measures for the proper preservation and conservation of the oldest Botanical Garden of the Country.
- V. For that the Respondents concerned have failed to take steps to protect the environment, ecology, flora and fauna of the country's largest Botanical Garden, Howrah.
- VI. For that the Respondents concerned have failed to take steps in respect of inter connectivity of all the lakes of the Botanical Garden, Howrah.
- VII. For that the Respondents concerned should not have allowed to block the flow of the river Ganga through the circular canal of the Botanical Garden, Howrah.
- VIII. For that the Respondents concerned have wrongfully used the precious logs of Mahogany trees for making the Cafeteria at the Botanical Garden, Howrah.
- IX. For that the Respondents concerned have failed to take steps under The Water (Preservation and Control of Pollution) Act 1974.
- X. For that the Respondents have failed to take steps under The Environment (Protection) Act 1986.

LIMITATION

07 MAR 2024



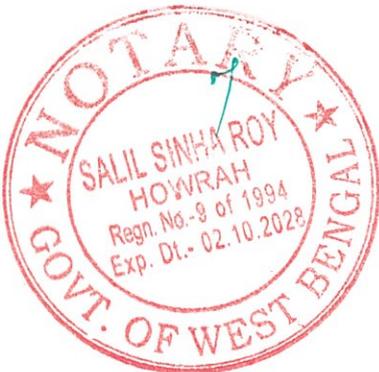
29. That the applicant states that the environmental and other problems being caused in the Indian Botanic Garden at Howrah are the outcome of continuous activities for a long period. The applicant has been working on various aspects of this historical garden for a long time. He has moved to various authorities on these scores for redressal. He has visited the place lastly on 10th February, 2024 and has sent memorandum to all the concerned Respondents on 1st March, 2024 . Therefore, the application is filed well within the period of limitation.

PRAYERS

30. 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 all the trees of Indian Botanic Garden, Howrah without any further delay.
- ii) To direct the Concerned Respondents to take steps for preserving green cover of the Botanic Garden, Howrah.
- iii) To direct the Respondents concerned not to allow any change of the garden built for research oriented rare plants species to a simple garden with avenue and common plants.
- iv) To direct the Concerned Respondents to initiate steps for the protection of all the grown-up and valuable trees of the Botanic Garden, Howrah.



07 MAR 2024

- v) To direct the Respondents concerned to stop any further metallic/concrete cover of the Botanic Garden, Howrah.
- vi) To direct the Concerned Respondents to restore the inter connectivity of all the lakes of the Botanic Garden, Howrah.
- vii) To direct for designating a Committee of Experts to carry out a detailed study for arriving at the true and correction position of the Botanic Garden, Howrah.
- viii) To direct the Respondents concerned not to use internally the valuable logs/woods of the garden for the purposes of tourism/beautification.
- ix) To direct the concerned Respondents to remove all the old logs/woods scattered/dumped inside the garden at the earliest
- x) To direct the Respondents concerned to reduce/avoid the deployment of mechanical devices/equipments in the Indian Botanic Garden, Howrah.
- xi) To direct the Concerned Respondents to take immediate steps as envisaged under The Water (Preservation and Control of Pollution) Act 1974.
- xii) To direct the Concerned Respondents to immediate steps as envisaged under The Environment (Protection) Act 1986.



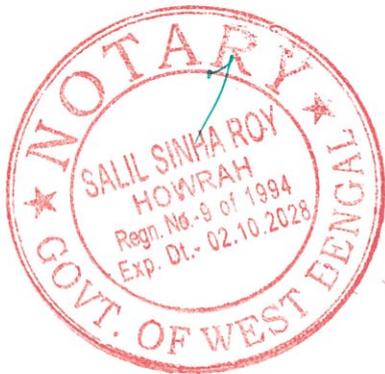
07 MAR 2024

- xiii) 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

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

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



07 MAR 2024

VERIFICATION

SI. NO. 2980

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. 7, 8, 11, 11, 12, 13, 15, 16, 17, 19-23, 25, 26, 28 are true to the best of knowledge and the contents of the paragraph nos. 9, 10, 14, 18, 24, 27 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
 DEPONENTS

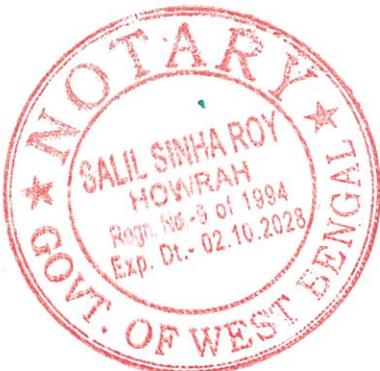
Prepared by me in my office

Subhas Datta
 (Subhas Datta)
 Applicant-in-person

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

Date : 07.03.2024

Place: Howrah.



SOLEMNLY AFFIRMED & DECLARED
 BEFORE ME ON IDENTIFICATION

Salil Sinha Roy
 SALIL SINHA ROY
 NOTARY HOWRAH

07 MAR 2024



Satellite image of full map of IBG, Howrah, May 2020

07 MAR 2024



Satellite image of full map of 1BG Howrah, November 2020

07 MAR 2024



Satellite image of full map of I. B.G., Howrah, March 2021

07 MAR 2024

24.



Satellite image of full map of IBG, Howrah, January 2022

07 MAR 2024



Satellite image of full map of IBG, Howrah

07 MAR 2024



Satellite image of full map of IBG, Howrah, West Bengal, November 2022

07 MAR 2024

27-



Satellite image of full map of IBG, Kolkata April 2023



07 MAR 2024



Satellite image of parking space in IBG, Howrah May 2020

07 MAR 2024



Satellite image of parking space in IBC, Howrah



07 MAR 2024



Satellite image of parking space in IBG, Howrah, West Bengal, India

07 MAR 2024



Satellite image of parking space in IBG, Howrah, April 2023

07 MAR 2024



Legend
 Acharya Jagadish Chandra Bose Indian Botanic Garden

Google Earth
 Image © 2024 Maxar Technologies

2020 May
 Write a description for your map.

NOTARY
 SRI SINHARAJ
 HOUSTON
 Exp. Dt. 22.10.2026
 OF WEST BENGAL

Satellite image of Taxonomy garden in IBG, Howrah, May 2020

07 MAR 2024



Satellite image of Taxonomy Garden site in IBG, Howrah, February 2021

07 MAR 2024



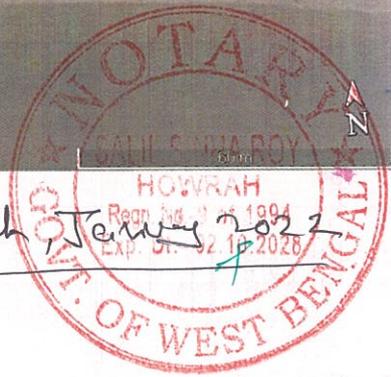
Satellite image of Taxonomy Garden ^{site} in IBG, Howrah, March 2021



07 MAR 2024



Satellite image of Taxonomy Garden ^{site} in IBG, Howrah



07 MAR 2024



Satellite image of Taxonomy Garden site in IBG. Taken March 2022

07 MAR 2024



Satellite image of Taxonomy Garden site in IGB, Howrah, April 2023

07 MAR 2024



Satellite image of Wried Edible Fruit Garden Site in I.B.G., Howrah, May 2020

07 MAR 2024



Satellite image of Wied Edible Forest Garden site in IBG, Howrah, January 2022

07 MAR 2024

40



Legend
Acharya Jagadish Chandra Bose Indian Botanic Garden

Google Earth
Image © 2024 Airbus

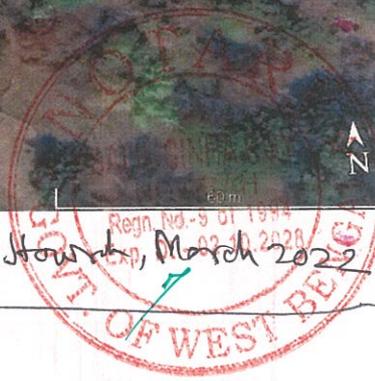
2022 January
Write a description for your map.

GOVT. OF WEST BENGAL
HOWRAH
Regn. No. 7 of 1994
Exp. Dt. - 02.10.2028

07 MAR 2024



Satellite image of Wild Edible Fruit Garden site in I.B.G, Howrah, March 2022



07 MAR 2024



Satellite image of Wild edible Fruit Garden site in IBG, Howrah
 April 2023

07 MAR 2024

43



Satellite image of Medicinal Garden Extension Site in IBG, Howrah
May 2020

07 MAR 2024



Google Earth

2021 March
Write a description for your map.

Satellite image of Medicinal growth Extension sites in I.B.G. Herbarium
March 2021

07 MAR 2024

45



Satellite image of Medicinal Garden Extension hbt in J. B. G. Howrah.
March 2022

07 MAR 2024



Satellite Image of Medicinal Garden Extension Site - I B.G. Howrah
April - 2023

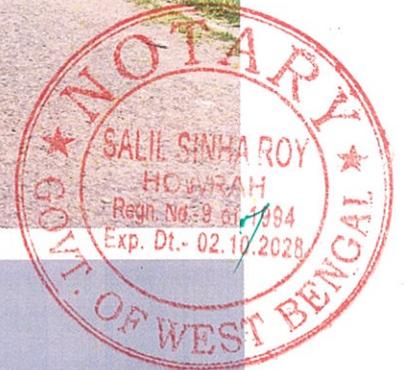
07 MAR 2024



Photograph taken on 13.04.2013 showing the Sluice Gate connected to Leeram Lake of Botanical Garden toward the IEST side



07 MAR 2024



Photographs taken few months back showing the road leading to the Great Banyan Tree site in Botanical Garden, Howrah before and after the metallic conversion of the road

07 MAR 2024

বিধি শিকেয়, পিচ গলিয়ে রাস্তা সারাই বটানিক্যাল

নিজস্ব সংবাদদাতা

বায়ুদূষণের হাত থেকে বছরের পর বছর পরিবেশকে রক্ষা করে চলেছে যে উদ্যান, হাওড়ার সেই বটানিক্যাল গার্ডেনের ভিতরেই এ বার পরিবেশ দূষণ ঘটানোর অভিযোগ উঠল খোদ কর্তৃপক্ষের বিরুদ্ধে। অভিযোগ, রাস্তা তৈরির জন্য প্রকাশ্যে হটমিক্স প্লাস্ট বসিয়ে পিচ না গলানোর বিষয়ে পরিবেশ আদালতের যে নির্দেশ রয়েছে, তা অমান্য করে উদ্যান কর্তৃপক্ষ গত এক সপ্তাহ ধরে সেখানকার শতাব্দীপ্রাচীন বটগাছের সামনের রাস্তা থেকে শুরু করে বিভিন্ন জায়গায় মেরামতির কাজ শুরু করেছেন। যার জেরে ঐতিহাসিক ওই উদ্যানের দূষণীয় বহু গাছপালা বায়ুদূষণে জর্জরিত। সেই সমস্ত গাছের স্বাস্থ্য নিয়ে আশঙ্কা প্রকাশ করেছেন পরিবেশকর্মীরা। হটমিক্স প্লাস্টের কালো ধোঁয়ায় ঢেকে যাচ্ছে আকাশ। উদ্যান কর্তৃপক্ষের বক্তব্য, আদালতের যে এই ধরনের কোনও রায় আছে, সেটাই নাকি তাঁরা জানতেন না। কেন্দ্রীয় পূর্ত দফতরকে এ বিষয়ে খোঁজ নিতে বলা হবে।

বছর আটেক আগে স্থানীয় এক কাঠের ব্যবসায়ীর বিয়েতে বটানিক্যাল গার্ডেন ভাড়া দেওয়া ও সেখানে উনুন জ্বালিয়ে রান্না করার ঘটনায় বিতর্ক দানা বেঁধেছিল। সেই খবর প্রকাশ্যে আসার পরেই উদ্যান কর্তৃপক্ষ ওই অনুষ্ঠান বন্ধ করে দিয়েছিলেন। সেই সময়ে রাজ্য পরিবেশ আদালত নির্দেশ দিয়েছিল, উদ্যানের ভিতরে রান্না অথবা এমন কোনও কাজ করা যাবে না, যাতে গাছপালার ক্ষতি হয়। এর পাশাপাশি, প্রকাশ্যে হটমিক্স প্লাস্ট বসিয়ে পিচ না গলানোর ব্যাপারেও নির্দেশ দেওয়া হয়েছিল। ২০২০ সালের ৩ ডিসেম্বর পরিবেশকর্মী সুভাষ দত্তের দায়ের করা মামলার প্রেক্ষিতেও রাজ্য পরিবেশ আদালত রাজ্য পরিবেশ দফতরকে একই নির্দেশ

দিয়েছিল। আর সেই নির্দেশের জন্যই হাওড়া সেতুতে হটমিক্স প্লাস্ট বসিয়ে পিচ গলানোর কাজ বন্ধ করতে বাধ্য হয়েছিলেন বন্দর কর্তৃপক্ষ। বিকল্প ব্যবস্থা না হওয়ায় হাওড়া সেতুর রাস্তা মেরামতির কাজ আজও শেষ হয়নি।

বটানিক্যাল গার্ডেন সূত্রে জানা গিয়েছে, সম্প্রতি ওই উদ্যানের পশ্চিম দিকের বহু রাস্তা থেকে পিচ উঠে যাওয়ায় কর্তৃপক্ষ কেন্দ্রীয় পূর্ত দফতরের মাধ্যমে মেরামতির কাজ শুরু করেন। কিন্তু অভিযোগ, রাজ্য পরিবেশ আদালতের নির্দেশের কোনও রকম তোয়াক্কা না করেই প্রাচীন বটগাছটির সামনে হটমিক্স প্লাস্ট বসিয়ে কাজ শুরু হয়। যার ফলে এখন প্রতিদিনই কালো ধোঁয়ায় ঢেকে যাচ্ছে উদ্যানের আকাশ। প্রাতঃপ্রমণকারীদের অভিযোগ, এ ব্যাপারে উদ্যান কর্তৃপক্ষকে একাধিক বার জানিয়েও কোনও লাভ হয়নি। উদ্যানের নিত্য প্রাতঃপ্রমণকারীদের তরফে স্মরজিৎ রায়চৌধুরী বলেন, “আদালতের নির্দেশ অমান্য করে এ ভাবে উদ্যানের পরিবেশ দূষণ বন্ধ না হলে আমরা আদালতে যাব।”

উদ্যানের ভিতরে হটমিক্স প্লাস্ট চলা নিয়ে পরিবেশকর্মী সুভাষ দত্ত বলেন, “এটা পুরোপুরি আইনবিরুদ্ধ কাজ। পরিবেশ আদালতের নির্দেশ আছে, প্রকাশ্যে হটমিক্স প্লাস্টে এ ভাবে পিচ গলিয়ে রাস্তা করা যাবে না। আমি কথা বলব উদ্যান কর্তৃপক্ষের সঙ্গে। প্রয়োজনে আদালতে যাব।”

উদ্যানের ভিতরে হটমিক্স প্লাস্ট বসিয়ে কাজ করার বিষয়ে পরিবেশকর্মী এবং উদ্ভিদ হলেও বিপদমাত্র উদ্বেগ শোনা যায়। উদ্যানের যুগ্ম-অধিকর্তা দেবেন্দ্র সিংহের গলায় তিনি বলেন, “আমি এ সব জানতাম না। কেন্দ্রীয় পূর্ত দফতর কাজটা করছে। ওদের সঙ্গে এ বিষয়ে আলোচনা করে ব্যবস্থা নেব।”

আমদানি-রাজস্ব বিভাগ কলকাতা সোমবার ২০ ফেব্রুয়ারি ২০২৩



■ অনিয়ম: হট মিক্স প্লাস্ট বসিয়ে পিচ গলানো চলছে হাওড়ার বটানিক্যাল গার্ডেনে। নিজস্ব চিত্র



07 MAR 2024

Botanical Garden বিধি শিকেয়, পিচ গলিয়ে রাস্তা সারাই শিবপুর বটানিক্যাল গার্ডেনের অন্দরে

রাজ্য পরিবেশ আদালতের নির্দেশের কোনও রকম তোয়াক্কা না করেই প্রাচীন বটগাছটির সামনে হটমিক্স প্লান্ট বসিয়ে কাজ শুরু হয়। যার ফলে এখন প্রতিদিনই কালো ধোঁয়ায় ঢেকে যাচ্ছে উদ্যানের আকাশ।



পাতা দিল্লিবাড়ির লড়াই কলকাতা পশ্চিমবঙ্গ দেশ বিদেশ সম্পাদকের পাতা খেলা বিনোদন জীবন + ধারা ভিডিও



অনিয়ম: হট মিক্স প্লান্ট বসিয়ে পিচ গলানো চলছে হাওড়ার বটানিক্যাল গার্ডেনে। নিজস্ব চিত্র।



বায়ুদূষণের হাত থেকে বছরের পর বছর পরিবেশকে রক্ষা করে চলেছে যে উদ্যান, হাওড়ার সেই বটানিক্যাল গার্ডেনের ভিতরেই এ বার পরিবেশ দূষণ ঘটানোর অভিযোগ উঠল খোদ কর্তৃপক্ষের বিরুদ্ধে। অভিযোগ, রাস্তা তৈরির জন্য প্রকাশ্যে হটমিক্স প্লান্ট বসিয়ে পিচ না গলানোর বিষয়ে পরিবেশ আদালতের যে নির্দেশ রয়েছে, তা অমান্য করে উদ্যান কর্তৃপক্ষ গত এক সপ্তাহ ধরে সেখানকার শতাব্দীপ্রাচীন বটগাছের সামনের রাস্তা থেকে শুরু করে বিভিন্ন জায়গায় মেরামতির কাজ শুরু করেছেন। যার জেরে ঐতিহাসিক ওই উদ্যানের দুস্প্রাপ্য বহু গাছপালা বায়ুদূষণে জর্জরিত। সেই সমস্ত গাছের স্বাস্থ্য নিয়ে আশঙ্কা প্রকাশ করেছেন পরিবেশকর্মীরা। হটমিক্স প্লান্টের কালো ধোঁয়ায় ঢেকে যাচ্ছে আকাশ। উদ্যান কর্তৃপক্ষের বক্তব্য, আদালতের যে এই ধরনের কোনও রায় আছে, সেটাই নাকি তাঁরা জানতেন না। কেন্দ্রীয় পূর্ত দফতরকে এ বিষয়ে খোঁজ নিতে বলা হবে।

07 MAR 2024

বহুর আটেক আগে স্থানীয় এক কাঠের ব্যবসায়ীর বিয়েতে বটানিক্যাল গার্ডেন '51' ভাড়া দেওয়া ও সেখানে উনুন জ্বালিয়ে রান্না করার ঘটনায় বিতর্ক দানা বেঁধেছিল। সেই খবর প্রকাশ্যে আসার পরেই উদ্যান কর্তৃপক্ষ ওই অনুষ্ঠান বন্ধ করে দিয়েছিলেন। সেই সময়ে রাজ্য পরিবেশ আদালত নির্দেশ দিয়েছিল, উদ্যানের ভিতরে রান্না অথবা এমন কোনও কাজ করা যাবে না, যাতে গাছপালার ক্ষতি হয়। এর পাশাপাশি, প্রকাশ্যে হটমিক্স প্লান্ট বসিয়ে পিচ না গলানোর ব্যাপারেও নির্দেশ দেওয়া হয়েছিল। ২০২০ সালের ৩ ডিসেম্বর পরিবেশকর্মী সুভাষ দত্তের দায়ের করা মামলার প্রেক্ষিতেও রাজ্য পরিবেশ আদালত রাজ্য পরিবেশ দফতরকে একই নির্দেশ দিয়েছিল। আর সেই নির্দেশের জন্যই হাওড়া সেতুতে হটমিক্স প্লান্ট বসিয়ে পিচ গলানোর কাজ বন্ধ করতে বাধ্য হয়েছিলেন বন্দর কর্তৃপক্ষ। বিকল্প ব্যবস্থা না হওয়ায় হাওড়া সেতুর রাস্তা মেরামতির কাজ আজও শেষ হয়নি।

বটানিক্যাল গার্ডেন সূত্রে জানা গিয়েছে, সম্প্রতি ওই উদ্যানের পশ্চিম দিকের বহু রাস্তা থেকে পিচ উঠে যাওয়ায় কর্তৃপক্ষ কেন্দ্রীয় পূর্ত দফতরের মাধ্যমে মেরামতির কাজ শুরু করেন। কিন্তু অভিযোগ, রাজ্য পরিবেশ আদালতের নির্দেশের কোনও রকম তোয়াক্কা না করেই প্রাচীন বটগাছটির সামনে হটমিক্স প্লান্ট বসিয়ে কাজ শুরু হয়। যার ফলে এখন প্রতিদিনই কালো ধোঁয়ায় ঢেকেযাচ্ছে উদ্যানের আকাশ। প্রাতর্ভ্রমণকারীদের অভিযোগ, এ ব্যাপারে উদ্যান কর্তৃপক্ষকে একাধিক বার

Botanical Garden | Air pollution is increasing due to the road repairing process inside the

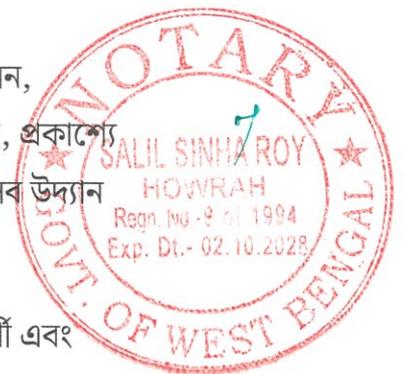
জানিয়েও কোনও লাভ হয়নি। উদ্যানের নিত্য প্রাতর্ভ্রমণকারীদের তরফে স্মরজিৎ রায়চৌধুরী বলেন, “আদালতের নির্দেশ অমান্য করে এ ভাবে উদ্যানের পরিবেশ দূষণ বন্ধ না হলে আমরা আদালতে যাব।”

উদ্যানের ভিতরে হটমিক্স প্লান্ট চলা নিয়ে পরিবেশকর্মী সুভাষ দত্ত বলেন, “এটাপুরোপুরি আইনবিরুদ্ধ কাজ। পরিবেশ আদালতের নির্দেশ আছে, প্রকাশ্যে হটমিক্স প্লান্টে এ ভাবে পিচ গলিয়ে রাস্তা করা যাবে না। আমি কথা বলব উদ্যান কর্তৃপক্ষের সঙ্গে। প্রয়োজনে আদালতে যাব।”

উদ্যানের ভিতরে হটমিক্স প্লান্ট বসিয়ে কাজ করার বিষয়ে পরিবেশকর্মী এবং প্রাতর্ভ্রমণকারীরা উদ্বিগ্ন হলেও বিন্দুমাত্র উদ্বেগ শোনা যায়নি উদ্যানের যুগ্ম-অধিকর্তা দেবেন্দ্র সিংহের গলায়। তিনি বলেন, “আমি এ সব জানতাম না। কেন্দ্রীয় পূর্ত দফতর কাজটা করছে। ওদের সঙ্গে এ বিষয়ে আলোচনা করে ব্যবস্থা নেব।”

(সবচেয়ে আগে সব খবর, ঠিক খবর, প্রতি মুহুর্তে। ফলো করুন আমাদের Google News, X (Twitter), Facebook, Youtube, Threads এবং Instagram পেজ)

07 MAR 2024



SIA

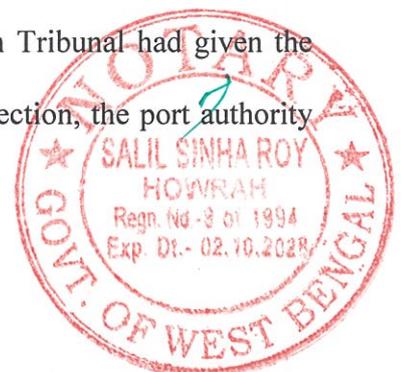
Rules strike out, Repair the road inside the Botanical Garden by melting tar.

Started the work by setting hot-mix plant besides the antique Banyan tree ignoring the order of State Environmental Court. As a result black smoke is emitting over the sky of the garden.

The garden which has been preventing the air-pollution years after years, that Botanical Garden of Howrah is creating pollution inside the garden as alleged against the authority. It is alleged that the open setting of hot-mix plant for melting tar for constructing road is restricted as per the order of Green Tribunal which the authority has violated for a week with the action commencing the repairing job right from the 100 years old Banyan tree to many other places. Consequently, the rare collection of many trees of this historical garden are badly affected by air-pollution. The Environmental activists have fearly expressed anxiety about the health of those trees. The black smoke emanating from hot-mix plant is spreading over the sky. According to the authority of the garden, they had no knowledge about the order of the Court. Central Public Works Department will be asked to enquire about the matter.

One controversy had arisen about 8 years back when a wood merchant had been given to host a marriage party in Botanical Garden with cooking arrangement. After leaking out the news the garden authority has stopped the function. At that time the Green Tribunal had directed not to cook or not to do any such work inside the garden which can harm trees. In addition to this, there was an order not to use open hot-mix plant. Based on the petition filed by Environment Activist, Subhas Datta on 3rd December, 2020 the Green Tribunal had given the same Direction to the State Environment Department. For the said Direction, the port authority

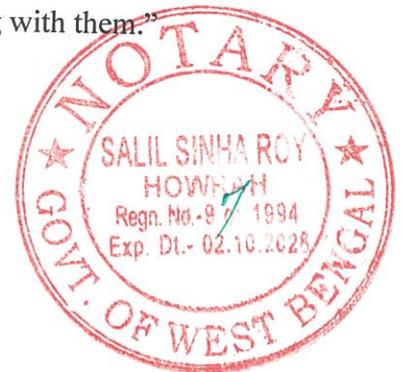
07 MAR 2024



was bound to stop tar melting operation through hot-mix plant for Howrah Bridge repair. In absence of alternative arrangement repairing work on Howrah Bridge has not yet been completed.

As per the sources Botanical Garden, as many thoroughfares of western side were badly damaged they have started the repairing work recently with the help of Central Public Works Department. But it is alleged, that the work started in front of ancient Banyan tree by with hot-mix plant without considering the consent of Environment Court. As a result of this, the sky of the garden become black with smoke. According to the morning walkers, despite several reminders to the authority, no result has yet been achieved. The representative of morning walker, Samarjit Roychowdhury asserted that he would go to the legal forum. On the use of hot-mix plant at the garden, the Environment Activists, Subhas Datta said, it is absolutely unlawful action. Green Tribunal has the directive, to construct the road, the use of tar melting through hot-mix plant is prohibited. I shall talk to the Garden authority. If needed. I will go to Court.

Though the Environment activists and the morning walkers have the great concern in the matter of using hot-mix plant inside the garden, the joint director of the garden Debendra Singh is not at all anxious. He said, it was not within his knowledge. The work is being carried out by Central Public Works Department. "I will take the action after discussing with them."



07 MAR 2024



Photographs taken on 10/02/2024 showing the newly constructed structural part of the Cafeteria inside Botanical Garden ,Howrah

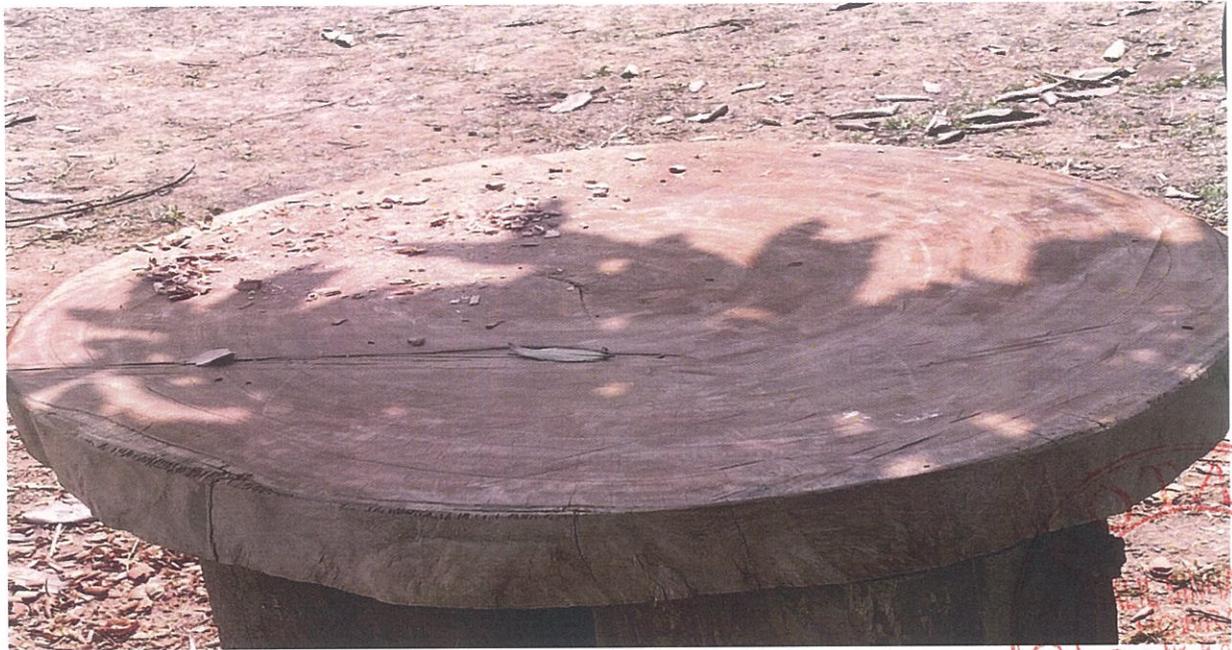
07 MAR 2024



Photographs taken on 10/02/2024 showing the newly constructed structural part of the Cafeteria inside Botanical Garden ,Howrah

07 MAR 2024

54r



Photographs taken on 10/02/2024 showing the making of furniture by Mahogany Log/wood in the cafeteria site of Botanical Garden, Howrah

07 MAR 2024

55



NOTARY
Exp. Dt.- 02.10.2028
BENGAL

Photographs taken on 10/02/2024 showing the making of furniture by Mahogany Log/wood in the cafeteria site of Botanical Garden, Howrah

07 MAR 2024

56



Photograph taken on 10/02/2024 showing the making of furniture by Mahogany Log/wood in the cafeteria site of Botanical Garden, Howrah

NOTARY
SAMI SINGHA ROY
HOWRAH
Reg. No. 9 of 1994
Exp. 10-10-2028
GOVT. OF WEST BENGAL

07 MAR 2024



Photographs taken on 10/02/2024 showing the making of furniture by Mahogany Log/wood in the cafeteria site of Botanical Garden, Howrah

07 MAR 2024

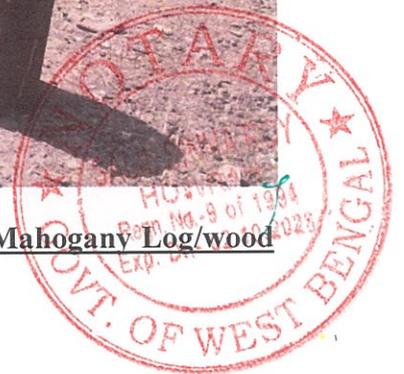


Photographs taken on 10/2 showing the erection of Swing made of Mehogany wood in the Cafeteria site of Botanical Garden, Howrah

07 MAR 2024



Photograph taken on 10/02/2024 showing the making of furniture by Mahogany Log/wood in the cafeteria site of Botanical Garden, Howrah



07 MAR 2024



WEST BENGAL
Regn. No. 8
EX-10-02.10.2024
OF WEST BENGAL

Photographs taken on 10/02/2024 showing the logs/cutdown/fallen/uprooted trees at different sites within Botanical Garden, Howrah

07 MAR 2024



Photographs taken on 10/02/2024 showing the logs/cutdown/fallen/uprooted trees at different sites within Botanical Garden,Howrah

07 MAR 2024

62



Photographs taken on 10/02/2024 showing the logs/cutdown/fallen/uprooted trees at different sites within Botanical Garden,Howrah

07 MAR 2024

63



07 MAR 2024

Photographs taken on 10/02/2024 showing the logs/cutdown/fallen/uprooted trees at different sites within Botanical Garden,Howrah



Photographs taken on 10/02/2024 showing the logs/cutdown/fallen/uprooted trees at different sites within Botanical Garden,Howrah

07 MAR 2024



Photographs taken on 10/02/2024 showing the logs/cutdown/fallen/uprooted trees at different sites within Botanical Garden,Howrah

07 MAR 2024



WEST BENGAL
REGISTRY
SRI GUNDA ROY
JHAR
Regn. No. 9 of 1994
Exp. on 02.10.2028



07 MAR 2024

Photographs taken on 10/02/2024 showing the logs/cutdown/fallen/uprooted trees at different sites within Botanical Garden, Howrah



Photographs taken on 10/02/2024 showing the logs/cutdown/fallen/uprooted trees at different sites within Botanical Garden, Howrah

07 MAR 2024



Photographs taken on 10/02/2024 showing the logs/cutdown/fallen/uprooted trees at different sites within Botanical Garden, Howrah

07 MAR 2024



Photographs taken on 10/02/2024 showing the logs/cutdown/fallen/uprooted trees at different sites within Botanical Garden, Howrah

07 MAR 2024



Photographs taken on 10/02/2024 showing the logs/cutdown/fallen/uprooted trees at different sites within Botanical Garden, Howrah

07 MAR 2024



Photographs taken on 10/02/2024 showing the logs/cutdown/fallen/uprooted trees at different sites within Botanical Garden, Howrah

07 MAR 2024



NOTARY
SAIL SMHA ROY
Regn. No. - 9 of 1994
10/02/2024
WEST BENGAL

Photographs taken on 10/02/2024 showing the logs/cutdown/fallen/uprooted trees at different sites within Botanical Garden, Howrah

07 MAR 2024



Photographs taken on 10/02/2024 showing the logs/cutdown/fallen/uprooted trees at different sites within Botanical Garden, Howrah

07 MAR 2024

74-



WEST BENGAL
SUNIL SHUKLA ROY
REGISTRAR
Regn. No. 12974
DI - 02.10.2028

Photographs taken on 10/02/2024 showing the logs/cutdown/fallen/uprooted trees at different sites within Botanical Garden, Howrah

07 MAR 2024



Photograph taken on 10/02/2024 showing the logs/cutdown/fallen/uprooted trees at different sites within Botanical Garden, Howrah



07 MAR 2024



Photographs taken in January/ February 2024 showing various types of mechanical instruments being deployed in the Botanical Garden, Howrah

07 MAR 2024



NOTARY
SALIM ROY
HOWRAH
10.2028
WEST BENGAL

Photographs taken in January/ February 2024 showing various types of mechanical instruments being deployed in the Botanical Garden, Howrah

07 MAR 2024



Photographs taken in January/ February 2024 showing various types of mechanical instruments being deployed in the Botanical Garden, Howrah

07 MAR 2024



Photographs taken in January/ February 2024 showing various types of mechanical instruments being deployed in the Botanical Garden, Howrah

07 MAR 2024



Photograph taken in January/ February 2024 showing various types of mechanical instruments being deployed in the Botanical Garden, Howrah.



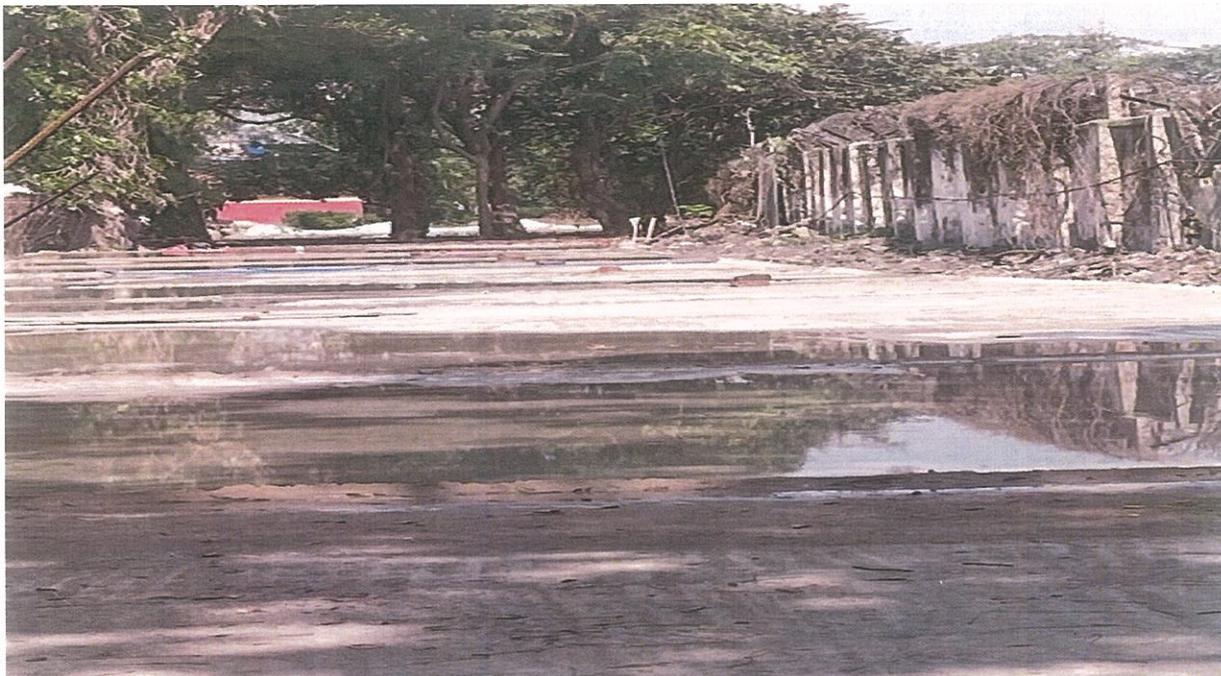
07 MAR 2024



Photograph taken on 10/02/2024 showing the construction of concrete/metallic parking space inside the Botanical Garden Howrah



07 MAR 2024



Photographs taken on 10/02/2024 showing the construction of concrete/metallic parking space inside the Botanical Garden Howrah

07 MAR 2024



Photographs taken on 10/02/2024 showing the construction of concrete/metallic parking space inside the Botanical Garden Howrah

07 MAR 2024



Photograph taken on 10/02/2024 showing the construction of concrete/metallic parking space inside the Botanical Garden Howrah



07 MAR 2024



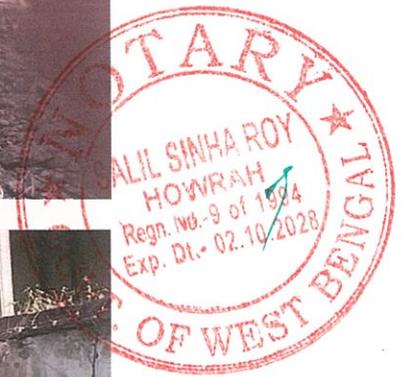
Photographs taken on 10/2/2024 showing the dilapidated/abandoned buildings within the Botanical Garden, Howrah

07 MAR 2024



Photographs taken on 10/2/2024 showing the dilapidated/abandoned buildings within the Botanical Garden, Howrah

07 MAR 2024



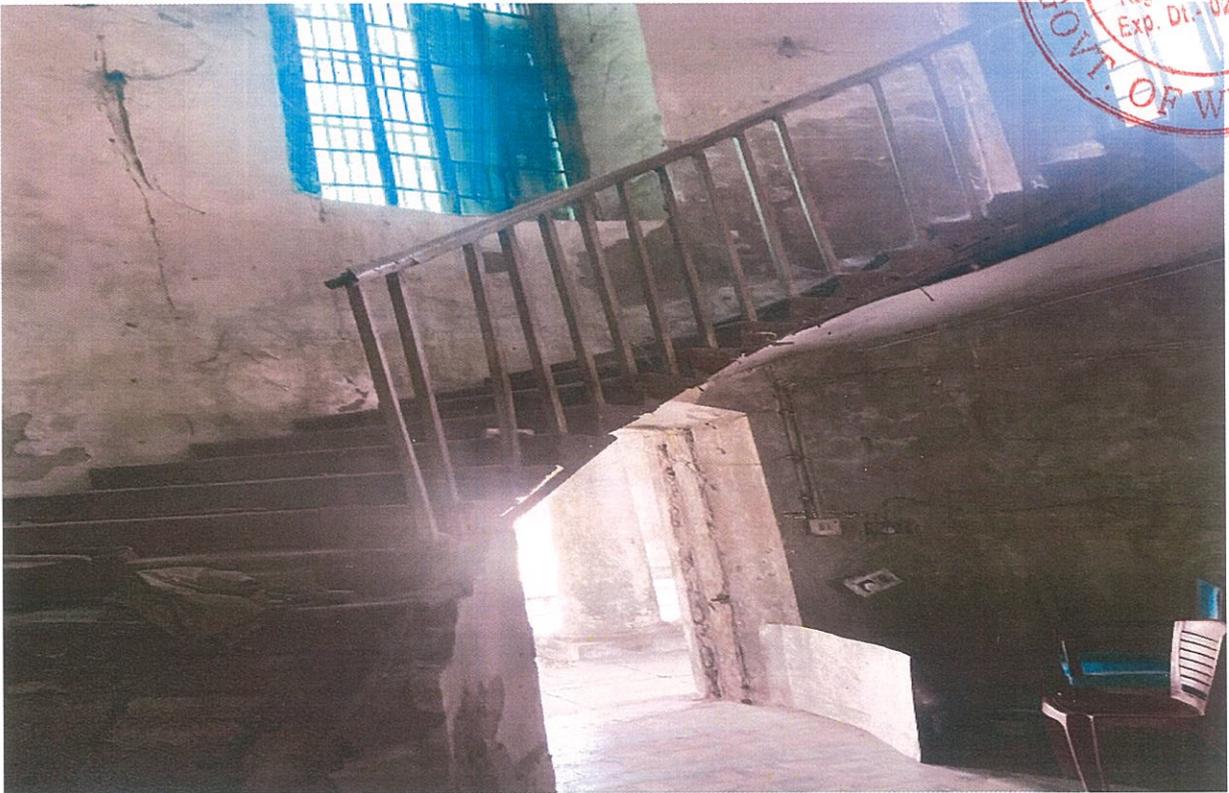
Photographs taken on 10/2/2024 showing the dilapidated/abandoned buildings within the Botanical Garden, Howrah

07 MAR 2024



Photographs taken .on 10/02/24 showing the empty inside of Roxburgh Museum within the Botanical Garden, Howrah

07 MAR 2024



Photographs taken .on 10/02/24 showing the empty inside of Roxburgh Museum within the Botanical Garden, Howrah

07 MAR 2024



ROY
HOWRAH
of 1994
2.10.2028
WEST BENGAL

Photographs taken .on 10/02/24 showing the empty inside of Roxburgh Museum within the Botanical Garden, Howrah

07 MAR 2024

Subhas Datta
Chartered Accountant
Environmental Activist

91

Annexure P/12

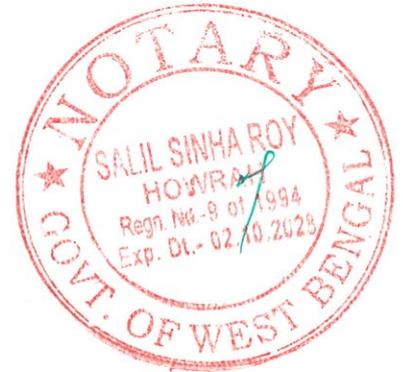
Resi: 25/1, Guitendal Lane, Howrah-711 101
55/2, Panchanantala Road, Howrah-711 101
Office: S. R. Dutt Associates
17, Sagar Dutta Lane, Calcutta-700 073

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

To

01.03.2024

- 1) **Mr. Narendra Modi,**
Prime Minister,
Govt. of India,
South Block, Raisina Hill,
New Delhi – 110011
- 2) **Ms. Mamata Banerjee,**
Chief Minister,
Govt. of West Bengal,
Nabanna (14th Floor),
325, sarat Chatterjee Road,
Mandirtala, Shibpur,
Howrah – 711102.
- 3) **Joint Secretary,**
Ministry of Environment, Forest and Climate Change,
Govt. of India,
2nd Floor, Agni Block, Indira Paryavaran Bhawan, Jorbagh Road,
New Delhi – 110003
- 4) **Chief Secretary,**
Govt. of West Bengal,
Nabanna, 325, sarat Chatterjee Road,
Mandirtala, Shibpur,
Howrah – 711102.
- 5) **Director,**
Botanical Survey of India,
P-8, Braboune Road,
Calcutta – 700001
- 6) **Joint Director,**
AJC Bose Indian Botanical Garden,
Botanical Survey of India,
Shibpur, Howrah- 711103
- 7) **Principal Secretary,**
Department of Environment,
Govt. of West Bengal,
5th Floor, Pranisampad Bhawan,
Block LB-II, Slat Lake, Sec-III,
Bidhannagar, Kolkata - 700 106
- 8) **Member Secretary,**
West Bengal Pollution Control Board



Paribesh Bhawan, 10A Block L.A, Sec-III,
Salt Lake, Bidhannagar, Kolkata - 700106

Respected Sir, Sub:- The present position of AJC Bose Indian Botanical Garden, Howrah requiring the kind intervention of all concerned

I like to bring to your kind attention the following position of the AJC Bose Indian Botanical Garden, Howrah for your kind intervention into the matter at the earliest:-

1. That this garden, spread over 273 acres, is the largest and oldest MAN-MADE-PLANT-KINGDOM in the whole South-East Asia. There are/were about 15000 plants in this garden, which was set up as back as in the year 1787. It is also one of the best landscaped gardens in the World.
2. That certain actions/activities of the local management of the garden are not truly beneficial for the long-term sustainability of this historic and heritage garden, which is a MILESTONE for our Nation. The brief on this score has been stated in the subsequent paragraphs.

GARDEN TURNING INTO A PARK

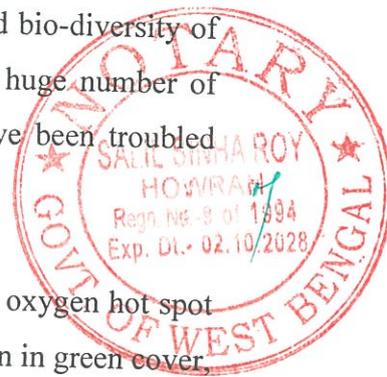
3. a) That this garden had been set up for the conservation and preservation of research and rare plants. The actions of the local authority appear to be shifting the priority and just to make it more attractive and beautiful to the visitors the focus has been shifted to make it a Park with avenue plants and common plants. The research and study aspects of the plants are in the second gear now.
- b) That in the process of changing the garden into a Park the ground bio-diversity of the area has badly been disturbed. The fauna of this place, where huge number of foxes, civet-cats, different types of reptiles and creepers exist, have been troubled considerably.

REDUCTION OF TOTAL GREEN COVER

4. That there has been considerable reduction in the green cover of this oxygen hot spot of the highly polluted city of Calcutta/Howrah but due to the reduction in green cover, the natural oxygen supply to the people at large got substantially adversed. During the cyclone (amphan on 20.5.2020) about one thousand trees were destroyed. The present satellite images have revealed that even after the said cyclone damages, the present green cover has further been reduced after May 2020.

INTER CONNECTIVITY OF THE LAKES LOST

5. That there are total 24 lakes in the garden which are connected to each other through underground pipes. These lakes are connected indirectly to the river Ganga through the circular canal, which is/was a good source of fertile surface water for the plants.



07 MAR 2024

Unfortunately, the said interconnectivity of the lakes is now lost and because of such situation the water of the lakes has become stagnant, causing damage and pollution of the water of the lakes. Some of the lakes are not under proper upkeepment.

INLET, OUTLET SLUICES GATES AND THE CIRCULAR CHANNEL FROM RIVER GANGA INOPERATIVE

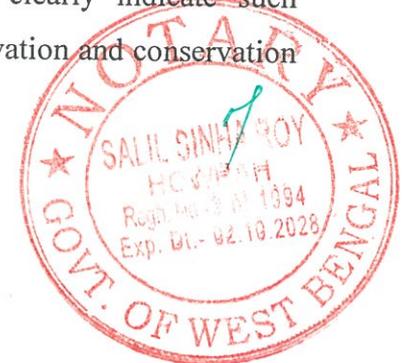
6. That all the lakes of the garden used to be catered by the flow of Ganga water through small circular channel but the said water channel, other than a very small portion at the Southern side of the garden, is totally lost and has almost become part of the land area of the garden where even wastes materials are dumped. Such changing of geography will be a great danger for the conservation of rare, endangered and threatened plant species of the garden.

CONSTRUCTION OF BITUMEN ROAD/AVENUE RECKLESSLY INSIDE THE GARDEN

7. a) That there are numerous wide/small roads and footpaths inside the garden which have been widened and repaired by bitumen/asphalt. Through this process, considerable damages have happened there. The authority had adopted the prohibited practice of using road-side hot-mix plant causing tremendous air pollution through the burning of fossil fuel and generating excessive sound inside the garden. Earlier there had been pebble road and/or soft surface metallic roads but now in order to make the roads, motorable bitumen and asphalt are and/or have been used. There is no need all to change all the roads into metallic because the High Court at Calcutta had restricted the entry of motor vehicles inside the garden other than for very important/urgent official purposes. Following such order the green (battery/electric) vehicle for visitors had been introduced. The constructions of such bitumen/asphaltic roads have created problems for the fauna to cross such roads because during day time the same became too hot. Moreover, such metallic road cover is an obstruction for rain water seepage into underground. In one hand, the surface Ganga water for the trees is not available, on the other hand the underground water level is not adequately leveled-up for which there is a possibility of lack of natural nourishment of the plant kingdom .

- b) That comparison of the photographs taken recently and the photo of earlier period of the road stretching to Grand Banyan Tree spot will clearly indicate such differences. This practice is not in consonance with the preservation and conservation of the trees of the Botanical Garden.

ILLEGAL CUTTING OF TREES



8. That there are reports of cutting down the valuable trees like Mehogany and Sandle Wood etc by not observing the formalities as envisaged in the West Bengal (Protecting and Conservation of Trees in Non-Forest Areas) Act 2006. The last such report was published by the media in January 2022 that illegal cutting down of trees has taken place in Botanical Garden for which a Compliant Case (No. 136/2022) had been lodged in the Court of the Ld. Chief Judicial Magistrate, Howrah. Earlier in August 2008 the undersigned had lodged a complain before the Court on illegal cutting down of the trees in the said Garden for which the the erstwhile Director of the Botanical Garden had surrendered before the Chief Judicial Magistrate of Howrah. Such undesirable incidents are not uncommon in this historic and heritage garden.

UNAUTHORISED USE OF TIMBER OF MEHAGONY TREE USED FOR AESTHETIC PURPOSE

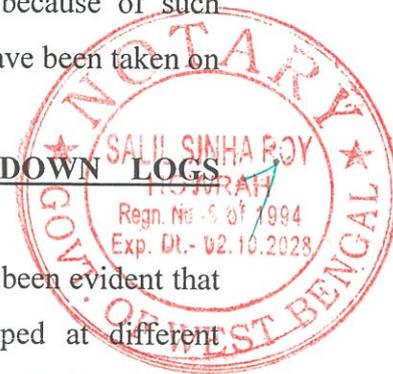
9. That during the recent visit to the garden undertaken on 10th February 2024 it has been evident that valuable timbers/logs of Mahegony tree have been and/or are being used for making the round tables, sitting arrangements, swing at the spot named as Cafeteria. There is reportedly no authorization and/or Govt. approval for such internal use of valuable timbers inside the garden. Moreover, as per the order of the Hon'ble High Court, Calcutta, no restaurant or cafeteria type of entertainment facility is allowed there. But now it is evident that more emphasis is being given to upgrade this Botanical Garden as a tourist spot. Moreover, no picnic, cooking of food is allowed there. The overall ambience of the Garden is now jeopardized because of such unwarranted efforts of the local management. Several photographs have been taken on this score.

HUNDREDS/THOUSANDS OF FALLEN/DAMAGED/CUT-DOWN LOGS SCATTERED/HEAPED AT DIFFERENT PLACES

10. That during the recent visit undertaken on 10th February, 2024 it has been evident that hundreds/thousands of fallen/damaged trees/logs have been heaped at different locations of the Garden. Such position gives a wrong impression that whether this is a Botanical Garden or the same is a timber/log yard for wood. It has also been evident that few logs have been originated from the recent cutting down of the trees I am having several photographs on this aspect.

FREQUENT USES OF JCB, TRACTOR AND MULTIPLE MECHANICAL EQUIPEMENTS IN THE GARDEN

11. That it has been observed that there are frequent uses of various petrol/diesel driven mechanical equipments like JCB, Brush cutter, Chain Saw etc for several purposes of the garden. Such noise and smoke emitting devices create environmental hazards



inside the garden, which are totally detrimental to the preservation/conservation of plant kingdom, flora and fauna. Such equipments are hired from various parties. Earlier the garden work had mostly been undertaken manually but such shifting/changing of devices is creating problems of the entire garden. These instruments are reportedly used even during night hours.

CONSTRUCTION OF METALIC PARKING SPACE INSIDE THE GARDEN

12. That a big area of the garden, towards the IEST side, is being converted into a parking space where several trees had existed earlier. Moreover, there was sluice gate (outlet point) and circular channel for Ganga water at that side. Such geography is now being totally changed which is simply converting the green cover into concrete surface/constructions. There was no need at all to make such spacious parking space because the existing parking area at the same stretch is quite sufficient to cater the need. Moreover, there is no valid reason to convert the Botanical Garden into an attractive tourist spot.

DISCONTINUEANCE OF BATTERY DRIVEN AND/OR ELECTRICAL VEHICLES FOR VISITORS

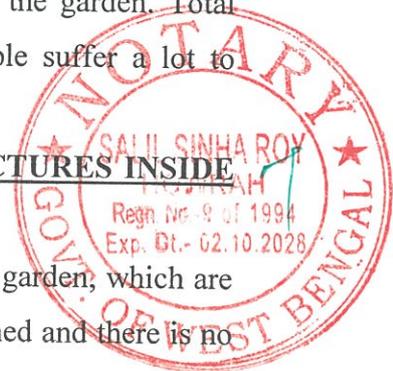
13. That earlier there had been use of green vehicle inside the garden for the visitors but at present this environment friendly mode of transport has been discontinued for a long period. This discontinuance of green vehicles has caused and/or is causing lot of inconveniences to about 5 millions of visitors annually who came here and have to travel a distance of 2.5 KM stretch from North to South end of the garden. Total road/pavement of garden is huge and the children and old people suffer a lot to commute entirely on foot.

PLENTY OF OLD AND ABANDONED CONCRETE STRUCTURES INSIDE THE GARDEN

14. That there are several old dilapidated buildings/stretches inside the garden, which are really heritage structures. These buildings are not properly maintained and there is no upkeepment at all. These deserted structures are now sources of various types of hazards to the garden. There is no apparent reason for the controlling authority to ignore this aspect. The photographs of these structures will clearly show the dismal position.

THEFT AND LOSS OF ALL HISTORICAL ITEMS FROM ROXBURGH MUSEUM

15. That there is /was abandoned building at the river side, which used to be the residence of William Roxburgh, who is known as founding father of Indian Botany. This building is more than 200 years old. The said structure was converted into



Roxburgh Museum where various valuable/ historic items, belonging to Roxburgh, had been preserved by the authority. The undersigned had visited the said museum/building as back as in the year 2002/2003 but surprisingly during the recent visit undertaken on 10th February, 2024 no such museum items could be traced there. The said structure is totally empty now. It is gathered that most of the historical items of the Museum have been stolen. This position clearly indicates that the local management has totally failed to preserve the heritage objects as well as the historical structures of the Botanical Garden.

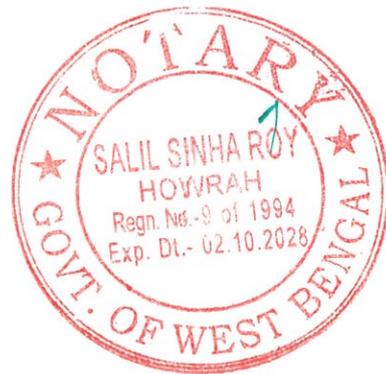
INSTALATION OF TALL LAMP POSTS INSIDE THE GARDEN

16. That earlier the lamp posts inside the Botanical Garden used to be of short height with head cover so that the lights do not spread to distances. Those lamp posts used to light up the path way only. But the present elevated lamp posts cause disturbances to the flora and fauna of the Garden.

The environment friendly people are now very much worried and upset with the present irritational and unbalanced position of the PRIDE OF THE NATION and they beg/solicit the kind intervention of the Hon'ble Prime Minister of the Country with the high hope for early solution of the problem.

Regards & best wishes,

Subhas Datta
(Subhas Datta)



07 MAR 2024

EW0698022391N IVR:6987069802391
 SP HOWRAH HD <711101>
 Counter No:1,01/03/2024,16:12
 To:MR. NARENDRA, GOVT OF INDIA
 PIN:110011, Nirjan Bhawan SO
 From:SUBHAS DUTT,25/1 GUITENDAL L
 Wt:30gms
 Amt:41.30(Cash)Tax:6.30
 <Track on www.indiapost.gov.in>
 <Dial 18002666668> <Wear Masks, Stay Safe>



EW069803951N IVR:6987069803951
 SP HOWRAH HD <711101>
 Counter No:1,01/03/2024,16:12
 To:KAMATA BANERJ,325 SAKAT CHATTE
 PIN:711102, Sibpur SO
 From:SUBHAS DUTT,25/1 GUITENDAL L
 Wt:30gms
 Amt:17.70(Cash)Tax:2.70
 <Track on www.indiapost.gov.in>
 <Dial 18002666668> <Wear Masks, Stay Safe>



EW069802242IN IVR:6987069802242
 SP HOWRAH HD <711101>
 Counter No:1,01/03/2024,16:12
 To:CHIF SECRETARY, GOVT. OF W B
 PIN:711102, Sibpur SO
 From:SUBHAS DUTT,25/1 GUITENDAL L
 Wt:30gms
 Amt:17.70(Cash)Tax:2.70
 <Track on www.indiapost.gov.in>
 <Dial 18002666668> <Wear Masks, Stay Safe>



EW069803948IN IVR:6987069803948
 SP HOWRAH HD <711101>
 Counter No:1,01/03/2024,16:12
 To:PRINCIPAL SEC,DEPARTMENT OF EN
 PIN:700106, Bidhan Nagar IB Market SO
 From:SUBHAS DUTT,25/1 GUITENDAL L
 Wt:30gms
 Amt:41.30(Cash)Tax:6.30
 <Track on www.indiapost.gov.in>
 <Dial 18002666668> <Wear Masks, Stay Safe>



EW069802561N IVR:6987069802561
 SP HOWRAH HD <711101>
 Counter No:1,01/03/2024,16:12
 To:MEMBER SECTAR, WB POLICE CONTR
 PIN:700106, Bidhan Nagar IB Market SO
 From:SUBHAS DUTT,25/1 GUITENDAL L
 Wt:30gms
 Amt:41.30(Cash)Tax:6.30
 <Track on www.indiapost.gov.in>
 <Dial 18002666668> <Wear Masks, Stay Safe>



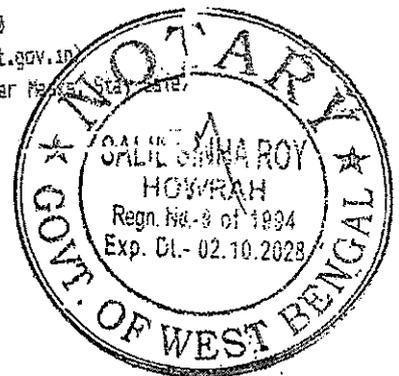
EW069803934IN IVR:6987069803934
 SP HOWRAH HD <711101>
 Counter No:1,01/03/2024,16:12
 To:THE JOINT SEC,GOVT INDIA MINIS
 PIN:110003, Lodi Road HD
 From:SUBHAS DUTT,25/1 GUITENDAL L
 Wt:30gms
 Amt:41.30(Cash)Tax:6.30
 <Track on www.indiapost.gov.in>
 <Dial 18002666668> <Wear Masks, Stay Safe>



EW069803965IN IVR:6987069803965
 SP HOWRAH HD <711101>
 Counter No:1,01/03/2024,16:12
 To:THE DIRECTOR,BOTANICAL SERVEY
 PIN:700001, KOLKATA SO
 From:SUBHAS DUTT,25/1 GUITENDAL L
 Wt:30gms
 Amt:41.30(Cash)Tax:6.30
 <Track on www.indiapost.gov.in>
 <Dial 18002666668> <Wear Masks, Stay Safe>



EW069803925IN IVR:6987069803925
 SP HOWRAH HD <711101>
 Counter No:1,01/03/2024,16:12
 To:JOINT DIRECTO,ACHARYA JASADISH
 PIN:711103, Bgarden SO
 From:SUBHAS DUTT,25/1 GUITENDAL L
 Wt:30gms
 Amt:17.70(Cash)Tax:2.70
 <Track on www.indiapost.gov.in>
 <Dial 18002666668> <Wear Masks, Stay Safe>



07 MAR 2024