



BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
ORIGINAL APPLICATION NO. 34/2023/EZ

In Re-News Item Published in The Times of India Newspaper,
Calcutta edition dated 23.02.2023 titled "Kolkata Water
Table Dips 2m in 5 years, Experts flag rise in arsenic salinity"

VERSUS

Central Ground Water Authority & Ors.

COMPLIANCE REPORT IN THE FORM OF AFFIDAVIT BY THE
PRINCIPAL SECRETARY, ENVIRONMENT DEPARTMENT,
GOVERNMENT OF WEST BENGAL

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Filed by

Barnati Dey
ADVOCATE

28 JUN 2023



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Most Respectfully Sheweth

I, Roshni Sen, daughter of late Saibal Kanti Sen, aged about 56 years, by faith -Hindu, by Occupation- Government Service, working as the Principal Secretary, Department of Environment, Government of West Bengal, having office at 5th floor, Prani Sampad Bhawan, LB-2, Sector-II, Salt Lake, Kolkata-700106, do hereby solemnly declare and say as follows:-

1. That I have made myself well acquainted with the facts and circumstances of the instant case and have gone through the documents and reports pertaining to the subject matter of the

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instant Original Application. I am competent to affirm the instant affidavit before the Hon'ble Tribunal.



2. That, this affidavit is being affirmed in pursuant to the solemn Order passed by the Hon'ble National Green Tribunal, Eastern Bench dated 27.04.2023 wherein Additional Chief Secretary, Environment Department was directed to examine the affidavit filed by Ms. Aparna Samaddar, Superintendent Engineer, IPD Circle, State Water Investigation Directorate (SWID) and take a decision as to whether such an affidavit should have been filed by her or not and what action should be taken against her.
3. That in pursuant to the order of this Hon'ble Tribunal, Special Secretary, Department of Environment on 08.05.2023 issued a letter to Ms. Aparna Samaddar, Superintendent Engineer, IPD Circle, State Water Investigation Directorate (SWID) to appear for hearing in the chamber of the Principal Secretary, Environment Department on 12.05.2023 at 12:00 noon to answer with reference to the following queries/gaps identified in her affidavit dated 26.04.2023.
 - i. The allegations raised in the news report published in the Times of India, Newspaper, Calcutta Edition dated 23.03.2023 not been properly addressed.

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- ii. The extraction of groundwater in South 24 Parganas not been addressed.
- iii. Higher arsenic contamination of groundwater not been addressed.

Copy of the letter dated 08.05.2023 is annexed herewith and marked as **ANNEXURE- R/1**.

4. That Ms. Aparna Samaddar, Superintendent Engineer, IPD Circle, (SWID) with additional charge of Superintending Geologist & Member Secretary, State Level Ground Water Authority and Ms. Mousumi Adhikary, Senior Geologist, SWID attended the hearing on 12.05.2023 at 12:00 noon in the chamber of the Deponent.

At the beginning Ms. Aparna Samaddar, Superintendent Engineer, IPD Circle, (SWID) sought sincere apology for not able to address properly the allegations raised in the newspaper report published in the Times of India, Newspaper, Calcutta Edition dated 23.03.2023 due to her inability to comprehend the exact directives given upon the Respondent No. 3, State Water Investigation Directorate. Before giving point-wise reply to the queries raised by the Deponent she prayed that she may kindly be excused for her unintentional mistake and stated that henceforth, she will give a detailed affidavit before the Hon'ble Tribunal with supporting documentary evidence, and shall due diligently comply with all the directions of the Tribunal. She also

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submitted written documents to Environment Department vide Memo No. 245/NGT-2023 dated 17.05.2023 in which she provided detailed information in support of her claim.



The copy of the documents submitted by Superintendent Engineer, IPD Circle, (SWID) dated 17.05.2023 is annexed herewith and marked as **ANNEXURE- R/2.**

5. On hearing the submissions of Ms. Aparna Samaddar, Superintendent Engineer, IPD Circle, (SWID) and based on the written submissions, a Record of Proceedings has been prepared wherein she is directed “ to file a proper affidavit with full data and graphical analysis in support of their reply before the next date of hearing. Henceforth, Director, SWID has been advised to file affidavit before the Hon’ble NGT.”

The copy of the Record of Proceedings is annexed herewith and marked as **ANNEXURE- R/3.**

That the reply is true to my knowledge and belief, which I derived from the office record.

DEPONENT

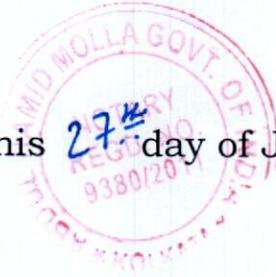
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VERIFICATION



I, Roshni Sen, Principal Secretary, Department of Environment, Government of West Bengal, do hereby verify that the contents of the report in the form of affidavit are true to the best of my knowledge and belief. No part of the Report is false and nothing has been concealed.

Verified at Kolkata this 27th day of June, 2023.



Roshni Sen
DEPONENT

Identified by me
Barnali Dasg.
F-175/2009
ADVOCATE
ENROL NO.

28 JUN 2023

ABDUL HAMID MOLLA
NOTARY
Advocate, High Court, Calcutta
Regd. No. 9380 / 2011
Government of India
High Court Calcutta
Gate No. 'E'
M:-9831104098



Government of West Bengal
Department of Environment

Prani Sampad Bhawan, 5th Floor, LB-2, Sect-III, Saltlake, Kolkata-106.

Memo No: 967/EN/3C- 21/2023

Date: 08/05/2023

From
The Special Secretary
to the Government of West Bengal.

To
Ms Aparna Samaddar
Superintending Engineer, I.P.D Circle
State Water Investigation Directorate (SWID)

Sub: Hearing regarding affidavit affirmed in the matter of Original Application No. 34/2023, Eastern Zone Bench [In Re-News Item published in The Times of India Newspaper, Calcutta edition dated 23.03.2023 titled Kolkata Water Table Dips 2m in 5 years, Experts flag rise in arsenic, salinity Vs Central Ground Water Authority & Ors.]

Sir

With reference to the above mentioned subject matter, please find enclosed herewith the Order of the Hon'ble National Green Tribunal, Eastern Zone Bench dated 27.04.2023 in which the Hon'ble Tribunal has directed Additional Chief Secretary, Environment Department to examine the affidavit filed by SWID. [Copy enclosed].

From the detail perusal of the affidavit, it appears that the affidavit is very sketchy in view of the following points:

- i. It has not addressed properly the allegations raised in the news report published in the Times of India, Newspaper, Calcutta Edition dated 23.03.2023.
- ii. The extraction of ground water in South 24 PGS has not been addressed.
- iii. Higher arsenic contamination in ground water has not been addressed.

In this regard, you are requested to appear for hearing before the Principal Secretary, Environment Department at her chamber on 12th May, 2023 at 12:00 p.m with reference to the queries/gaps identified.

This is for your information and necessary action in this regard.

Encl: As stated

Yours faithfully

08/5/2023
Special Secretary
to the Government of West Bengal

SLD
25/6/23

Government of West Bengal
Water Resources Investigation & Development Department
Office of the Superintending Geologist, Geological Circle
State Water Investigation Directorate



&
Office of the Member Secretary
Corporation Level Ground Water Resources Development Authority
Bikash Bhawan, 4th Floor (South Block), Bidhan Nagar, Kolakata- 700091
Email:sgswid@gmail.com; Tele Fax: 033-23372388

MEMO NO. 245/NGT-2023

DATED, KOLKATA, THE 17.05.23

TO
THE SPECIAL SECRETARY
TO THE GOVERNMENT OF WEST BENGAL
DEPARTMENT OF ENVIRONMENT
PRANI SAMPAD BHAWAN, 5TH FLOOR, LB-2
SECTOR-III, SALT LAKE, KOLKATA - 106



Sub: Hearing regarding affidavit affirmed in the matter of Original Application no. 34/2023, Eastern Zone Bench [In Re-News Item published in the Times of India Newspaper, Calcutta Edition dated 23.03.2023 titled Kolkata Water Table Dips 2m in 5 years, experts flag rise in arsenic, salinity Vs Central Ground Water Authority & Ors.]

Ref: Letter from your good office vide Memo no. 867/EN/3C-21/2023 Dated 08/05/2023 regarding to be present in the hearing before the Principal Secretary, Environment Department at her chamber on 12th May at 12:00 p.m. with reference to the queries

Sir,

With reference to the above you are hereby informed that the undersigned was present before the Principal Secretary, Environment Department at her chamber on 12th May at 12:00 noon as directed by you. As directed by Principal Secretary, Environment Department a brief report has been prepared and attached herewith as Annexure-I for necessary perusal.

This is for your information and required action.

Thanking you,

Yours sincerely,

Encl: As stated above

Asamadda
17/05/23
Superintending Geologist (In Charge)
Geological Circle, S.W.I.D

&
Member Secretary, S.L.A & C.L.A, WBGWR Act,2005

Annexure-I: Report for the Environ Department



- i. At first a sincere apology is solicited for not able to address properly the allegations raised in the news report published in the Times of India, Newspaper, Calcutta Edition dated 23.03.2023. The very reason of it was the inability to comprehend the exact directives given by the Hon'ble Green Tribunal upon the Respondent No. 3, State Water Investigation Directorate.

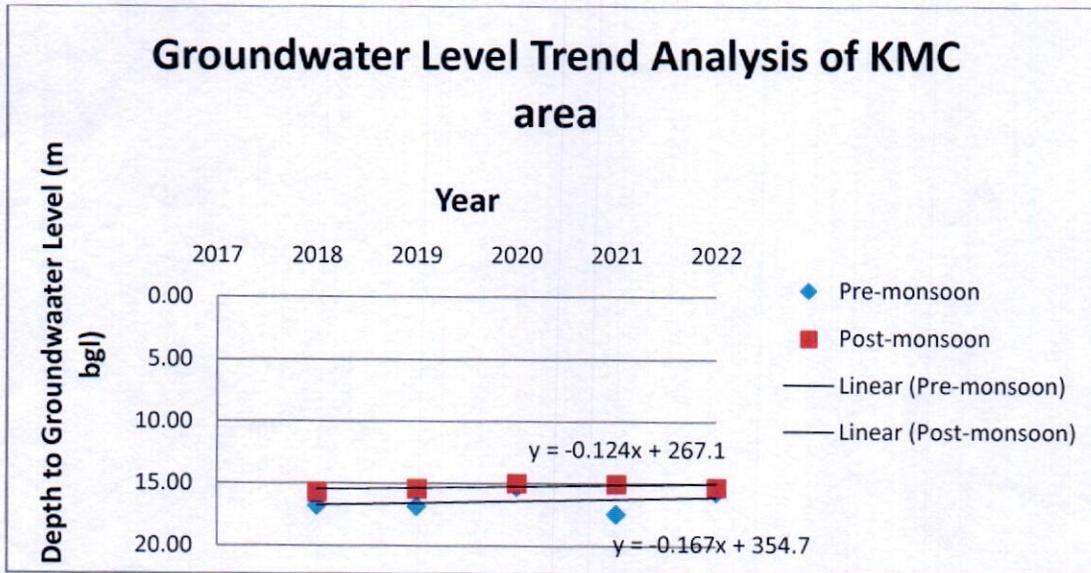
The Point No. 2 of the Judgment Order of the Hon'ble Green Tribunal dated 24.03.2023 read as "The article states that the data submitted by the Central Ground Water Board shows that between 2017-21 the ground water level in Kolkata has dropped by 2.1 m which is a decline of 18.6% over the level recorded five years ago. For south 24 Parganas, the drop in ground water level is 2.5 m, or 27.8% from what it was five years ago. If the depletion in ground water in Kolkata is not checked, the fall in ground water level would reach 44% by 2025 as per the research data. It is also reported that higher arsenic contamination has already reported in Kolkata and South 24 Parganas which is likely to increase due to depletion of ground water.' And the point no. 3 was "Matter requires consideration". Based on these 2 points the Hon'ble Tribunal had given direction to file a counter affidavit to all of the respondents.

Now as the Hon'ble Tribunal had mentioned in the order that the initial report was prepared by Dr. Nirmala K, a senior researcher at Switch On Foundation, who had analyzed the CGWB Data to arrive at the ominous forecast based on which the article in the newspaper was prepared, it was exclusively based on the data from Central Ground Water Board not from S.W.I.D therefore no data was produced by the undersigned in the affidavit submitted before the learned Tribunal.

Though the last five (5) years average data of Kolkata as obtained from the Data Processing Cell (D.P Cell), S.W.I.D shows that in Kolkata instead of the declining trend a rising trend of the depth to the water level (DTWL) data both in Pre Monsoon (16 cm) & Post monsoon (12 cm) season has been observed. Average DTWL data of last 5 years (2018-2022) of Kolkata as well as the graph of the relevant data from which the trend analysis have been derived are shown below.

Kolkata

Year	2018	2019	2020	2021	2022
Pre-monsoon	16.81	16.84	15.26	17.41	15.69
Post-monsoon	15.66	15.37	14.92	14.98	15.23

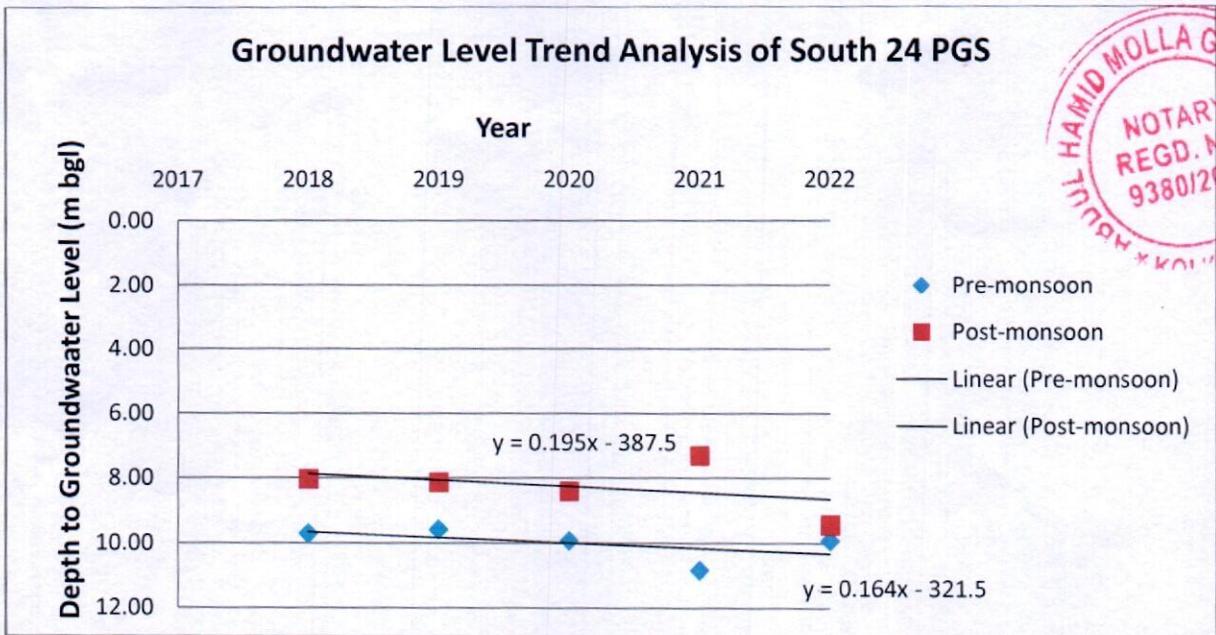


- ii. In the same way the data of South 24 Parganas had also not been provided in the earlier affidavit because the same data from the Central Ground Water Board was not available with us.

However the data obtained from the Data Processing Cell, S.W.I.D shows that for South 24 Parganas, from the average DTWL data of last five (5) years (2018-2022) and the graph prepared with this data consisting of the trend analysis, a declining trend of the DTWL data in both in Pre Monsoon (16 cm) & Post monsoon (19 cm) season can be observed. The relevant data and the graph with the trend analysis are given below.

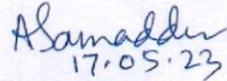
South 24 Parganas

Year	2018	2019	2020	2021	2022
Pre-monsoon	9.72	9.59	9.92	10.83	9.92
Post-monsoon	8.04	8.13	8.40	7.30	9.43



Also after receiving the Order of Hon'ble Tribunal to comply it expeditiously a letter has been sent to the Regional Director, Central Ground Water Board, Eastern Region, Kolkata vide Memo No. 227/N.G.T2023 Dated, Kolkata, the 10th May, 2023 with a request to provide the detailed Ground Water Level data of Kolkata (K.M.C) and South 24 Parganas Districts in reference to the aforementioned report published in the 'Times of India' newspaper, Kolkata edition, dated 23.03.2023 (attached herewith).

- iii. As per the chemical analysis data from the D.P cell, S.W.I.D it shows that in K.M.C area only in 4 locations that is in Ward No 96, 122, 55 & 113 a comparatively higher arsenic concentration (< 0.01 p.p.m as per W.H.O guidelines) & the highest being 0.0299 p.p.m in Ward No 55 in ground water samples has been encountered. As per the SWID report of Chemical Wing, S.W.I.D in South 24 Parganas district sporadic occurrence of arsenic has been observed in total 10 number of Blocks namely Jaynagar-I, Baruipur, Bhangore-I, Bhangore-II, Sonarpur, Bishnupur-I, Bishnupur-II, Budgebudge-II, Mograhat-II & Basanti where higher concentration of arsenic has been reported with the highest amount being 0.5 p.p.m in Bhangore-I Block.


 17.05.23
 Superintending Geologist
 Geological Circle, SWID
 State Water Investigation Dte.
 Govt. of West Bengal
 Kolkata



RECORD OF PROCEEDINGS IN O.A.34/2023/EZ

The Hon'ble National Green Tribunal, Eastern Bench in Original Application No.34/2023/EZ In Re-News Item published in The Times of India Newspaper, Calcutta edition dated 23.03.2023 titled "Kolkata Water Table Dips 2m in 5 years, Experts flag rise in arsenic, salinity" Versus Central Ground Water Authority & Ors. vide Order dated 27.04.2023 has directed " the Additional Chief Secretary, Environment to examine this affidavit filed by the deponent i.e., Ms. Aparna Samaddar and take a decision as to whether such an affidavit should have been filed by her and if not, what action should be taken against her."

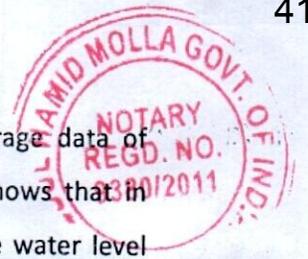
In pursuance of the above-mentioned Order, on 08.05.2023 Special Secretary, Department of Environment issued letter to Ms. Aparna Samaddar, Superintendent Engineer, IPD circle, SWID to appear for hearing in the chamber of the Principal Secretary, Environment Department on 12.05.2023 at 12.00 noon to answer with reference to the following queries/gaps identified in her affidavit dated 26.04.2023:

- i. The allegations raised in the news report published in the Times of India, Newspaper, Calcutta Edition dated 23.03.2023 not been properly addressed.
- ii. The extraction of groundwater in South 24 Parganas not been addressed.
- iii. Higher arsenic contamination of groundwater not been addressed.

On 12.05.2023 Ms. Aparna Samaddar, Superintendent Engineer, IPD circle, SWID with additional charge of Superintending Geologist & Member Secretary, State level Ground Water Authority and Ms. Mousumi Adhikary, Senior Geologist, SWID attended the hearing before the undersigned. She was asked to reply on the gaps identified in the affidavit .

At the beginning, Ms. Aparna Samaddar sought sincere apology for not able to address properly the allegations raised in the news report published in the Times of India, Newspaper, Calcutta Edition dated 23.03.2023. The very reason of it was the inability to comprehend the exact directives given upon the Respondent No. 3, State Water Investigation Directorate.

- i. Regarding point No.1, she stated that the article mentioned in the newspaper report was prepared by Dr. Nirmala K, a senior researcher at Switch On Foundation, who has analyzed the data of Central Ground Water Board (CGWB) and not taken data from



State Water Investigation Directorate (S.W.I.D). The last five years average data of Kolkata as obtained from the Data Processing Cell (D.P Cell), S.W.I.D shows that in Kolkata instead of the decline, there is a rising trend of the depth to the water level (DTWL) data both in Pre Monsoon (16cm) & Post monsoon (12cm) season.

- ii. Regarding point No.2, she stated that the data of South 24 Parganas could not be countered properly as the data of CGWB was not available with them. However, the data obtained from the Data Processing Cell, S.W.I.D for the district of South 24 Parganas (of last five years) shows that there has been a declining trend of DTWL data in both Pre Monsoon (16cm) and Post monsoon(19cm)season. Additionally, SWID has also requested the Regional Director, CGWB , Eastern Region, Kolkata vide Memo No.227/N.G.T2023 dated 10.05.2023 with a request to provide the detail Ground Water Level Data of Kolkata and South 24 parganas in reference to the aforementioned report published in the 'Times of India' Kolkata edition dated 23.03.2023.
- iii. Regarding point No.3, she stated that as per the chemical analysis data from the D.P cell, S.W.I.D it shows that in K.M.C area only in 4 locations i.e. in Ward No 96, 122, 55 & 113 a comparatively higher arsenic concentration (< 0.01 p.p.m as per W.H.O guidelines) & the highest being 0.0299 p.p.m in Ward No 55 in ground water samples has been encountered. As per the S.W.I.D report of Chemical Wing, S.W.I.D in South 24 Parganas district sporadic occurrence of arsenic has been observed in total 10 number of Blocks namely Jaynagar-I, Baruipur, Bhangore-I, Bhangore-II, Sonarpur, Bishnmupur-I, Bishnupur-II, Budgebudge-II, Mograhat-II & Basanti where higher concentration of arsenic has been reported with the highest amount being 0.5 p.p.m in Bhangore-I Block.

The undersigned requested Ms. Aparna Sammadar to file a proper affidavit with full data and graphical analysis in support of their reply before the next date of hearing. Henceforth, Director, S.W.I.D has been advised to file affidavit before the Hon'ble NGT.

Rishu Sen

Principal Secretary

Department of Environment