

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Original Application No. 985/2019

In Re: Water Pollution by Tanneries at Jajmau Kanpur Uttar Pradesh

WITH

Original Application No. 986/2019

In Re: Water Pollution at Rania Kanpur Dehat & Rakhi Mandi Kanpur
Nagar Uttar Pradesh

WITH

Original Application No. 528/2023

News report published in Dainik Jagran dated 14.08.2023 "**highlights a growing concern regarding industrial pollution in the Godhrauli village**"

Date of hearing: 13.05.2024

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Applicant: Ms. Katyayni, Adv. (Amicus Curiae in OA Nos. 985 & 986 of 2019)

Respondent: Mr. Daleep Dhyani, Adv. for UPPCB (Through VC)
Mr. Raj Kumar, Adv. for CPCB (Through VC)
Ms. Priyanka Swami, Adv. for the State of UP

ORDER

1. In these original applications, the issue of failure to scientifically handle and dispose of chromium dumps at Rania, Kanpur Dehat and Rakhi Mandi, Kanpur Nagar (OA No. 986/2019) and continuing water pollution by tanneries discharging untreated industrial effluents containing toxic chromium into the Irrigation Canal through improperly functioning Common Effluent Treatment Plants (CETPs) at Jajmau, UP (OA No. 985/2019) and industrial pollution at Godhrauli Village and

issue of discharge of chromium into groundwater by industrial units in that area (OA No. 528/2023) are involved.

2. The Tribunal on 04.03.2024 had considered the report dated 01.02.2024 submitted by the Uttar Pradesh Pollution Control Board (UPPCB) and had noted that though the Environmental Compensation (EC) was imposed upon the defaulting units but the EC was not recovered. The Tribunal had also considered the prayer made by the UPPCB seeking permission for payment of Rs. 211 lakhs with applicable GST (18%) from the environment compensation account of the State for study by the CSIR-Indian Institute of Toxicology Research for development and installation of a pilot project for removal of Chromium-VI metal from the ground water contaminated site at Khanchandpur Rania, Kanpur Dehat. Hence, the Tribunal had flagged the issue of non-recovery of EC from the units to whom it was already imposed. The Tribunal had also noted the spot inspection report of the three Member Committee in respect of inspection done on 24.01.2024 finding the contaminated solid dumps at different places and also the presence of chromium in the water samples collected and further the statement in the report that on account of hazards waste dumping in the area, serious adverse consequences in future are expected. In this view of the matter, the Tribunal on 04.03.2024 had directed as under:

- “xxxxxx.....xxx
10. *Learned Amicus has submitted that the survey should be conducted by the District Magistrate, Kanpur Nagar, Kanpur Dehat and Fatehpur to find out the other areas where all kinds of hazardous waste have been dumped and which are creating health hazard and contaminating the ground water. We are of the view that this exercise should be carried out by concerned three District Magistrates and the report should be submitted before the Tribunal at least one week before the next date of hearing.*
11. *Learned Amicus has also referred to the earlier order of the Tribunal and has flagged the issue that on the contaminated*

ground, the State Authorities are permitting setting up of schools, charitable hospitals and other establishments of public utility.

12. Learned Counsel for the State has submitted that now those activities are no longer permitted. She is directed to place on record the report in this regard by competent authority of the State.

13. The UPPCB though has submitted the action plan but there is no time bound action plan to remediate the situation, inspite of the fact that more than three decades have passed and the problem has not been remediated till now. Hence, we require the Member Secretary, UPPCB to place on record a time bound action plan to remediate the situation at all the places which are under consideration before the Tribunal in these three matters.

14. The UPPCB will also carry out the ground water profiling of the areas under consideration.

15. Counsel for UPPCB has stated that 77,000 and odd tons of the chromium waste has been remediated. UPPCB is directed to disclose full particulars of the manner in which the said waste has been treated and disposed of.”

3. One report along with covering letter of the District Magistrate, Kanpur Dehat dated 02.05.2024 has been filed but the report filed along with covering letter is not by the District Magistrate but by a Committee of Regional Officer, UPPCB, Kanpur Dehat and Deputy Commissioner, District Industries and Entrepreneurship Promotion Centre, Kanpur Dehat. As per the direction of the Tribunal, the report was required to be filed by the District Magistrate.

4. Learned Amicus Curiae appearing in the matter has also expressed surprise on such a report which states that during inspection no contaminated dump was found which could cause any groundwater contamination or create health hazard. In view of the material which is available on record, we find it difficult to accept such a report.

5. Learned Counsel appearing for the State of UP has submitted that the District Magistrate had directly filed that report without sharing it with her.

6. We are of the view that if a party is represented through an Advocate, then all the filing should be done through the Advocate and if the party himself chooses to file the material, then he/she should personally appear before the Tribunal and apprise the Tribunal/defend the case. Thus, in future if any such reports are directly filed by the District Magistrates without routing it through the Counsel, then they will be required to personally appear in the matter and assist the Tribunal.

7. Learned Amicus Curiae has referred to the submission filed on 09.05.2024 and has pointed out that the entire history of the contamination, especially chromium contamination in that area has been traced out. She has also referred to the chart on page no. 2292 indicating the level of chromium and mercury found in the blood of inhabitants of Rakhi Mandi and Rania, Kanpur. She has given an example of a female child aged about 13 years at sl. no. 34 in that table on page no. 2293 wherein the chromium contents were found to be 58.250 ng/ml and has submitted that such high chromium content has created health hazards. She has also submitted that this is only a small sample, if the health survey of all the residents of the area is conducted the results will be found to be shocking. She has pointed the survey result of 44 persons of Rakhi Mandi and 40 of Rania, Kanpur in respect of chromium and mercury in the blood and has submitted that this report is with the State Government, therefore, the State is now required to disclose as to what health facilities or aid have been extended to these affected persons.

8. In the next report, the State will give status of affected persons in Rania, Kanpur Dehat and Rakhi Mandi, Kanpur Nagar and the health facilities/aid extended to them. We make it clear that if District Magistrate, Kanpur Dehat or any other District Magistrate wishes to

directly file the report before the Tribunal, then he will personally appear before the Tribunal and appraise the Tribunal about the report. The next report will be filed by all the concerned District Magistrates in the form of their own affidavit. Let the same be filed within a period of six weeks by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.

9. List on 14.08.2024.

Prakash Shrivastava, CP

Arun Kumar Tyagi, JM

Dr. A. Senthil Vel, EM

May 13, 2024
OA No. 985/2019,
OA No. 986/2019,
OA No. 528/2023
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