

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

Original Application No. 985/2019
(I.A. No.568/2024)

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: 27.11.2024

**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**

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

Respondents: Ms. Priyanka Swami & Ms. Simran Sehgal, Advs. for the State of UP
Mr. Raj Kumar, Adv. for CPCB
Mr. Pradeep Misra & Mr. Daleep Dhyani, Advs. for UPPCB (Through VC)
Mr. Gigi. C. George, Adv. for CGWA & NMCG

ORDER

1. In these matters, the Tribunal is considering the issue of failure to scientifically handle and dispose of chromium dumps at Rania, Kanpur Dehat, Kanpur Nagar and Rakhi Mandi and also the continuing water pollution by the tanneries discharging untreated and partially treated industrial effluents and industrial pollution caused in the Districts concerned and its effect on water sources.

2. Learned Amicus Curiae on 14.08.2024 had sought permission to visit the affected area, collect the information and submit her assessment before the Tribunal. Under the permission granted by the Tribunal, she visited Districts Kanpur Dehat, Kanpur Nagar, and Fatehpur. Learned Amicus Curiae has submitted the interim report dated 26.11.2024. In the said report, she has mentioned common environmental issues observed by her in 3 Districts:-

“Common environmental issues observed in the above noted 3 Districts:

- 1. Municipal Solid Waste*
- 2. Plastic Waste*
- 3. Choked drains*
- 4. Surface water pollution (in Rivers)*
- 5. Ground water contamination*
- 6. Soil contamination (especially Kanpur Dehat & Fatehpur)*
- 7. Non- operational STP (Kanpur Nagar)*
- 8. Lack of STPs and sewer network (Kanpur Dehat & Fatehpur)*
- 9. Health concerns and need for better medical infrastructure*
- 10. Construction on chemical/ hazardously contaminated sites*
- 11. Clean Drinking water*
- 12. Foul odour from sewers, drains and river.”*

3. Referring to the conditions noticed at Kanpur Nagar, she pointed out the status and extent of pollution in Atal Ghat Nawab Ganj, Kanpur. The lack of adequate basic facilities in JK Cancer Hospital. The status of Gola Ghat drain and the improper functioning of STP Bingawa. Learned Amicus Curiae submits that image 12 of the report reflects the choked sewage lines of Juhi Baburiya. The report also contains the details of the improper functioning of STP Jajmau. So far as the District Kanpur Dehat is concerned, learned Amicus Curiae has referred to the photographs in image 21 showing chromium deposits on the other side, that is, the left side of the excavated site and image 22 showing the deposits of chromium still lying in the area. Referring to image 23, she has pointed out that on the excavated site of chromium, the rainwater has filled up and a water body has been created but the said water body is on the

chromium dump. Image 24 reflects chromium contamination in the nearby area and referring to the said image, she has pointed out that this is the area between the two industrial units. She also referred to image 31 to show that though there is a warning in the hand pump about the contaminated water, the said water is being used for bathing purposes and drinking by the cattle. Referring to image 33 she has pointed out that ash has been dumped on the agricultural land by the industries and referring to image 35 she has pointed out that the ash is used for filling the lands for various purposes. She has submitted that during her visit, she, in fact, had to walk on chromium deposits. She has also submitted that during the interaction, she had found people/patients suffering from psychological, neurological disorders and behavioural changes and also patients with skin and asthmatic issues. She has stated that she has disclosed her observation about the lack of sufficient Doctors in the area and the lack of facilities with the Pollution Control Board to test the presence of chromium, mercury and other heavy metals. Even no proper testing facility for testing the heavy metals in the blood and serum of the affected persons is available.

4. Learned Amicus Curiae referred to image 36 and has submitted that Noon River is now converted into a tiny industrial discharge system, and it was even difficult for the representative of the CPCB to take the sample. She has also submitted that tributaries of River Yamna flowing from these three districts are highly contaminated and likely appear to have been carrying industrial as well as domestic waste to River Yamuna.

5. Referring to the status of Fatehpur she has pointed out that image No. 41 shows a chromium deposit outside M/s MLMP Food Pvt. Ltd. and referring to image 42, she has submitted that since the boundary wall of the unit M/s MLMP Food Pvt. Ltd. was turning green therefore she had

entered that unit which was lying closed and had found that chromium plume covered with the earth showing that the site was used as dumping yard. Image 46 shows ash and chromium deposited land near the water body, and image 48 is of a chromium plume lying on the Baniya Kheda Road. Similarly, images 49 and 50 reveal the chromium near the road at Baniya Kheda, and image 51 is the photograph of an ash dump on the village pathway located between Baniya Kheda Road and the railway crossing. Images 52 and 53 are pictures of Agricultural land near a railway crossing where the chromium is dumped in huge quantities. Referring to image 54 learned Amicus Curiae has submitted the construction of educational institutions is going on near the chromium dump.

6. The above interim report submitted by learned Amicus Curiae indicates a serious environmental pollution condition existing in the three districts namely Kanpur Dehat, Kanpur Nagar and Fatehpur.

7. Learned Amicus Curiae had made the following recommendations:-

“Recommendation

Urgent Action is required for safeguarding life and health of people in contaminated areas:

- a. Immediate medical camps for affected populations and blood/ serum sampling by CSIR- IITR, Lucknow.*
- b. Inquiry on non-operation of STPs in Kanpur Nagar due and immediate resolution of the same. In case, remediation will take long time then some temporary action plan must be pursued to stop pollution of Gangaji and Pandu River (keeping in mind the Maha Kumbh also).*
- c. Temporary remediation of sewage where the drains are yet to be tapped/ diverted to STPs.*
- d. Mapping and identification of heavy metal (chromium and ash) contaminated sites at Kanpur Dehat, Kanpur nagar and Fatehpur. The people of affected areas must be provided with adequate water for life sustenance (which must include other chore than just drinking water).*

- e. *Sampling of soil, groundwater and surface water of contaminated areas in the 3 districts and formulation of a time bound Action Plan.*
- f. *River water monitoring: Water Quality Monitoring Index must include all biological, chemical, physical parameter for assessment of river health like FC, TC, pH, turbidity, electrical conductivity (EC), total dissolved solids (TDS), total alkalinity (TA), total hardness (TH) and calcium hardness (CaH), chemical oxygen demand (COD), biochemical oxygen demand (BOD), Pathogens, algae, chlorophyll count, bacteria, phytoplankton, dissolved oxygen (D.O.), sulphate (as SO₄ 2-), nitrate (as NO₃) and chloride (Cl-), fluoride, arsenic levels. Some heavy metals like Iron, Zinc, Cadmium, Mercury, Nickel, lead and Chromium. temperature, turbidity, light transmission, sechi disk transmission etc. Similarly, GWQI (i.e. Ground water quality Index) with detailed parameters must be undertaken.*
- g. *No further construction be allowed on areas/ sites that have chromium deposition under the ground.”*

8. Referring to the report, the submission of the learned Amicus Curiae is that the condition existing in these three districts is such that an environmental emergency should be declared in those districts.

9. Referring to the reports filed by the authorities containing the figures of the patients having issues such as skin problems, lung diseases, liver disease, anaemia, general illness, etc. She has submitted that the correct numbers have not been disclosed because all symptomatic treatments are done, and the testing facilities also do not exist. She has also submitted that she visited the cancer Hospital at Kanpur Nagar where she found the patients in very bad condition just waiting to die.

10. Learned counsel for the State of UP has submitted that the Authorities considered the issue once the final report comes and will take action. Having regard to the nature of the disclosure made in the interim report we require the Principal Secretary/ACS, Environment, State of UP to respond to the interim report supported by his affidavit and also to appear virtually on the next date of hearing.

11. Member Secretaries, CPCB and UPPCB are also directed to file their response affidavit disclosing the action taken by them on pollution control from tanneries, compliance of STPs and management of chromium including sludge by each of the tannery and other sites identified by Learned Amicus Curiae in her interim report at least one week before the next date of hearing.

12. Considering the disclosure made in the report, we implead the following as additional Respondents:-

1. Central Ground Water Authority through its Chairman
2. Member Secretary, Health, State of UP
3. NMCG through its Director General

13. We would like to know the status of the installation of river osmosis (RO/installation of nanofiltration (NF) as directed by the Tribunal by order dated 30.09.2022 and 16.05.2023.

14. Ms. Priyanka Swami, Advocate accepts notice on behalf of Member Secretary, Health, State of UP and Mr. Gigi. C. George, Advocate accepts Notice on behalf of CGWA and NMCG. Let reply by way of an affidavit be filed within four weeks by these respondents at least one week before the next date of hearing.

15. List on 22.01.2025.

Prakash Shrivastava, CP

Arun Kumar Tyagi, JM

Dr. A. Senthil Vel, EM

November 27, 2024
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