

Court No. 1

**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

Versus

State of Uttar Pradesh & Ors.

Respondent(s)

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"

WITH

Original Application No. 934/2024

Rajat Verma

Applicant

Versus

Member Secretary, Uttar Pradesh
Pollution Control Board & Ors.

Respondent(s)

Date of hearing: 30.01.2025

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

Amicus: Ms. Katyayni, Adv. (Amicus Curiae in OA Nos. 985-986 of 2019 & OA 934/2024)

Respondent: Ms. Garima Prashad, AAG with Ms. Priyanka Swami, Adv. for the State of UP
Mr. Pradeep Misra & Mr. Daleep Dhyani, Advs. for UPPCB
Mr. Gigi. C. George & Mr. Ishwer Singh, Advs. for CGWA & NMCG
Mr. Raj Kumar, Adv. for CPCB in OA 985-986 of 2019 & OA 528/2023
Mr. Vikrant Pachnanda & Mr. Mukul Katyal, Advs. for CPCB in OA 934/2024

ORDER

1. In this original application, the Tribunal is considering the issue of chromium dumps at Rania, Kanpur Dehat, Rakhi Mandi, Kanpur Nagar and Fatehpur.

2. Learned Amicus in the earlier proceedings had pointed out that not only the issue of chromium dump is involved, but mercury, fluoride and iron have also been found in the groundwater. With the permission of the Tribunal, learned Amicus had visited the affected site and had submitted the report disclosing the pathetic condition therein. On 22.01.2025, Learned Amicus was permitted to give suggestions for consideration to the State Authorities for immediate remedial action. It has been pointed out that the suggestions were handed over by the learned Amicus to the learned AAG for State of UP on 22.01.2025. Learned Amicus has disclosed the affected areas where urgent intervention is required as under:

“Affected Areas for Urgent Intervention:

- A. *Kanpur Nagar- Gola Ghat, Juhi Baburiya, Rakhi Mandi, Afeem Kothi.*
- B. *Kanpur Dehat- Rania Industrial Area, Villages: Khanchandpur, Shivrathpurva, Gharampur, Umran, Akbarpur.*
- C. *Fatehpur- Gaudhrauli, Ashapur, Abhaypur, Baniyapur.”*

3. The recommendations of learned Amicus in the suggestions handed over during the argument today are as under:

“Recommendations:

- 1. *RO – NF Water Plants: Clean Water for All Domestic Purposes at centralised and decentralised installed RO- NF systems (Identify the usage of wells/handpumps/ borewells/ water source for animals and agriculture) Timeline: within 2 Months*

2. *Blood Sampling/ survey by Govt in the affected areas of Kanpur Nagar/ Dehat/ Fatehpur (Heavy Metal Analysis- Chromium, Mercury, Fluoride) Timeline: within 1-2 months*
3. *Improve Govt. Hospital's infrastructure to include multi-speciality diagnostic facilities Timeline- 3 months*
4. *List of all Industries (Regardless of Category/ legal/ illegal/ in-house)- Kanpur Nagar, Kanpur Dehat, Fatehpur Timeline- 1 month*
5. *Boundary Wall and Cover for Existing Cr Dump/ Plume (Fatehpur & Kanpur Dehat) Timeline- 2 weeks*
6. *Soil, Sludge and Water Analysis of- Panki/ Shanigawa Landfill Site/ STP @ Pankha, Sajari Timeline: 1.5 months*
7. *Operate Existing STP (Resolving Non- Compliance Within 2 Months)*

ACTION PLANS WITH TIMELINE (SPECIFIC)

Affected Areas: Kanpur Nagar, Kanpur Dehat, Fatehpur

8. *Drain Action Plan- Untapped & Over Flowing tapped Drains Timeline: 2 weeks*
9. *Permanent Monitoring Plan for Existing STP/ CETP/CCRU/ Landfills/ TSDFs Timeline: 3 weeks*
10. *Construction and Installation of sewage system and STP in Kanpur dehat and Fatehpur Timeline: 6- 12 months*
11. *Removal of Chromium, Mercury and Ash from the affected area Timeline: 5-6 months*
12. *Soil & Ground Water Remediation Timeline: 6 months*
13. *River Rejuvenation Plan (Senger/ Noon/ Pandu Rivers)- Including Flood Plain Zoning, Rain water harvesting, watershed development, encroachment removal, Eco- flow Timeline: 3 months*
14. *Government Multi-Speciality Medical Aid Facility for victims of Heavy metal contamination (can be established in existing Govt Hospitals in all three districts) Timeline- 6 months*

GROUND LEVEL POLICY ISSUES

Timeline: 5 months

15. *Induction Of Workforce in CPCB/ PCB*
16. *Technical Infrastructure to State PCB/ SGWB*
17. *Continuous supply of Electricity for STP/CETP/ Hospitals*
18. *Bye- Laws for Preventing Environmental Pollution from Mercury (in lines of Minamata Convention).*

SURVEY & MAPPING

INSTITUTIONS FOR ASSISTANCE: CPCB, CSIR-IITR, CGWB, ICMR IITR & AIIMS

Timeline: 2 months

- 19. Find out the source of Chromium, Mercury, Fluoride, and Iron in the eco-system.*
- 20. Survey And Mapping of (new/old) Dump Sites (of chromium, mercury, ash) in Fatehpur and Kanpur Dehat, Kanpur Nagar*
- 21. Survey and Mapping of Groundwater Contamination in Fatehpur and Kanpur Dehat, Kanpur Nagar*
- 22. Survey of People/ Cattle/ Food Chain- To Check Degree of Contamination and create an effective Remediation Plan Against Bio- Accumulation of Heavy Metals.”*

4. Learned AAG, State of UP has submitted that the recommendations no. 2,4,6,8,9,13,14,15,16 and 17 are acceptable to the State along with the timeline suggested by learned Amicus. She has submitted that in terms of the suggestions made by learned Amicus, the requisite action in respect of these suggestions will be taken within the timeline suggested by learned Amicus. So far as suggestion no. 1 is concerned, Learned AAG, State of UP, has submitted that a Committee was constituted which has suggested that a feasibility study needs to be done for all three districts before implementation of suggestion no. 1. She has submitted that this feasibility study will be completed within one month.

5. So far as suggestion no. 3 is concerned, Learned AAG submits that the suggestion is acceptable to the State, but a longer timeline is needed and that the timeline will be disclosed in the next affidavit. So far as suggestion no. 5 is concerned, the submission of Learned AAG is that since the extraction work from the dump site is in progress, therefore, at this stage, it is not feasible to construct the boundary wall as it would obstruct the extraction work. In the next affidavit, it is required to be disclosed at what rate the extraction is being done, the manner of safe

transportation of the extracted material and the steps taken to ensure that the vehicles transporting the same do not dump it at any other unauthorized place and also the manner of treatment of extracted contaminated material and the disposal of the residue. In the meantime, the authorities will also explore if a temporary fencing/tin protection can be erected to prevent the spread of the contaminated soil in the course of extraction. So far as suggestion no. 7 is concerned learned AAG has submitted that the suggestion is acceptable, but a longer timeline is needed because steps have been taken to remove the present vendor and to appoint a new vendor and technology upgrade for proper operation of the existing STPs.

6. In respect of suggestions at serial nos. 10 to 12, she has submitted that a longer timeline is needed having regard to the nature of the suggestions. In respect of the suggestion at serial no. 18, she has submitted that since the proposal for preparing the bylaws is to be routed through the Law Department and it may require the legislative process, a longer timeline is needed. In respect of suggestions no. 19 to 22, learned AAG has submitted that the suggestion is acceptable, and the communication has been sent to all these institutes on 23.01.2025 and also on 29.01.2025.

7. In respect of suggestions that have been accepted but the timeline has not been accepted, in the next affidavit, the State will disclose the timeline for completing the work as suggested. Let the affidavit be filed by the Principal Secretary, Environment within four weeks keeping in view the observations made above.

8. We also take note of the latest reply of the Secretary, Medical Health and Family Welfare, Govt. of UP dated 21.01.2025, wherein he has

stated that the Medical Health and Family Welfare Department had initiated health camps in the suspected areas, including Rakhi Mandi, Afeem Kothi in Kanpur Nagar and these camps reveal high levels of mercury and chromium in the blood samples of the residents requiring immediate medical intervention. The report further states that similar camps were organised in Kanpur Dehat, where widespread health issues, including respiratory ailments, neurological disorders, behavioural changes, and skin conditions, were identified. The report also says that J.K. Cancer Institute in Kanpur Nagar lacks in-house facilities for heavy metal testing. As per this report, health camps and surveys had identified high levels of chromium exposure among residents.

9. Learned Amicus has also referred to para 6 of the affidavit of the Secretary, of Medical Health, wherein it is mentioned that the hemodialysis facilities are operational in all 75 Districts of Uttar Pradesh, including Kanpur Nagar, Kanpur Dehat, and Fatehpur, to address severe cases of heavy metal toxicity. She submits that this indicates that the kidneys of the patients are getting affected on account of heavy metal consumption. The next affidavit of the State will cover the above aspects of the matter.

10. Learned Amicus has shown us the water collected from Fatehpur District, Ashapur Village borewell to demonstrate that the water not only has chromium but also mercury. She submits that though the presence of chromium can be seen, but the presence of mercury goes unnoticed. Hence, the villagers cannot ascertain if mercury is present. The authorities will keep the above aspect in view while taking steps to prevent the use of contaminated water.

11. List on 07.03.2025.

Prakash Shrivastava, CP

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

January 30, 2025
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