



स्पीड पोस्ट
उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड
UTTAR PRADESH POLLUTION CONTROL BOARD

संदर्भ सं०
Ref. No.....

C-2/ (A)-322/ एल/च/अ/10

दिनांक
Date.....

23-12-10

5581/MS
27/12/2010

सेवा में,

सदस्य सचिव
केन्द्रीय प्रदूषण नियंत्रण बोर्ड
परिवेश भवन, पूर्वी अर्जुन नगर
दिल्ली।

विषय:- मा० उच्च न्यायालय इलाहाबाद द्वारा जनहित रिट याचिका सं०-4003/2006 रि : गंगा प्रदूषण के अन्तर्गत दिनांक 08.12.2010 एवं 21.12.2010 को पारित आदेशों के अनुपालन के सम्बन्ध में।

महोदय,

उपरोक्त विषयक मा० उच्च न्यायालय इलाहाबाद में जनहित याचिका सं०-4003/2006 के अन्तर्गत दिनांक 08.12.2010 एवं 21.12.2010 को पारित आदेश में केन्द्रीय प्रदूषण नियंत्रण बोर्ड को दिये गये निर्देशों के अनुपालन हेतु उपरोक्त आदेशों की प्रतिलिपि संलग्न कर अग्रिम आवश्यक कार्यवाही हेतु प्रेषित की जा रही है।

संलग्नक-उपरोक्तानुसार।

भवदीय,

(डा० सी०एस० भट्ट)
सदस्य सचिव

H. URGENT

put up for file

27-12-10

29.12.10

Court No. - 36

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 4003 of 2006

Petitioner :- Re: Ganga Pollution

Respondent :- State Of U.P. And Others

Petitioner Counsel :- Vijay Chandra Srivastava, A.K. Gupta, A.K. Srivastava, Anil Tiwari, Arun Kumar, Arvind Agarwal, Baij Nath Yadav, Baleshwar Chaturvedi, D.B. Mishra, D.S. Mishra, Jagdish Tewari, K.C. Pandey, P.N. Mishra, S.K. Srivastava, Shailesh Singh, Sharad Kr. Srivastava, Sunita Sharma, V.B. Singh, V.C. Mishra, Vivek Mishra

Respondent Counsel :- C.S.C., A.K. Mishra, Ajay Bhanot, Anjani Kumar Mishra, C.L. Pandey, Chandan Sharma, Dr. H.N. Tripathi, H.N. Singh, Hem Pratap Singh, Iqbal Ahmad, M.C. Chaturvedi, N. Misra, P.S. Baghel, R.B. Shukla, Rajiv Lochan Shukla, S.A. Lari, S.M.A. Kazmi, S.P. Kesharwani, S.P. Singh, T.M. Khan, Vivek Birla, Vivek Verma, W.A. Hashmi

Hon'ble Ashok Bhushan, J.

Hon'ble Arun Tandon, J.

Heard Shri Rajiv Lochan Shukla, counsel on behalf of owners of the Tanneries at Kanpur, Shri S.P. Kesarwani, Additional Chief Standing Counsel, Shri S.G. Hasnain, Additional Advocate General on behalf of the State, Shri Arun Kumar Gupta, amicus curiae, Dr. H.N. Tripathi on behalf of U.P. Pollution Control Board and Shri Ajay Bhanot on behalf of Union of India.

Shri Rajiv Lochan Shukla, contended that large number of tanneries are closed for years together. The tanners are suffering great hardship. It is submitted that several tanneries which were granted no objection to run as a Chrome Industries are now ready to give an undertaking for using dry process only for job works which does not require use of water.

Dr. H.N. Tripathi, submits that the industries have been registered and no objection has been granted to run as

a Chrome industries and no application has been received from such tanneries to permit them to run as a dry process industries.

We in our earlier orders had directed the State Government to take steps for shifting of the tanneries from Kanpur to other suitable places so as to stop the trade effluent from entering into the river Granger.

Learned amicus curiae relying on the judgment of the Apex Court in the case of M.C.Mehta vs. Union of India and others reported in 1997 (2) SCC, 411, submits that on account of pollution created by the tanneries in the State of West Bengal, the Apex Court had directed the shifting of the entire leather industry and for reallocating the same to places as identified by the Government of West Bengal on concessions provided by the State Government.

Learned Additional Advocate General as well as Additional Chief Standing Counsel seek time to obtain instructions in the matter and as to what concessions shall be offered to those who are ready to shift their tanneries. The State Government must disclose the concessions and the benefit to be provided to the tanneries which are ready to shift. We are of the view that unless adequate concessions are not extended by the State, there shall be no incentive for the tanneries to shift to the alternate places. The Secretary concerned must file an affidavit in that regard, by the next date fixed.

So far as the running of tanneries by dry process is concerned, the U.P. Pollution Control Board may come up with the suggestions and mechanism as to whether permission as prayed can be granted or not. An affidavit in this regard may also be filed by the next date fixed.

In the affidavit filed by General Manager, Ganga Pollution Control Unit, Kanpur dated 06.12.2010, it has been stated in paragraph 4 that as per the test report of I.I.T, Kanpur the contents of Chromium in the tannery effluent received at the inlet of the CETP ranges between 37.3 mg./ltr, 156.90 mg./ltr. as against the permissible limit of 2 mg./ltr. as provided in the No Objection Certificate (NOC) granted by the U.P. Pollution Control Board. The common effluent treatment plant as well as primary treatment plant are not functioning properly and the discharge of chromium is of a very high level.

The Central Pollution Control Board under Section 16 of The Water (Prevention and Control of Pollution) Act, 1974 is required to provide statistical data relating to water pollution and the measures for its effective prevention and control. Therefore, we direct that the Central Pollution Control Board shall get an spot inspection done at Kanpur for ascertaining the reasons for discharge of Chromium, functioning of CSTP and STP at Kanpur and for suggesting concrete solutions to ensure that waste/dirty water does not enter in river Ganges at Kanpur. Responsibilities of the

officers/employees for the situation noticed above be also fixed and disclosed. A team of expert be constituted by the Central Pollution Control Board for the purpose. The inspection be done and report submitted by the next date. Affidavit containing the report be brought on record, by the next date fixed.

It has been stated in the affidavit of U.P. Jal Nigam that discharge of 36 MLD STP Plant and 130 MLD STP Plant are operational and treated water thereof is being discharged in irrigation channels only.

We are of the view that even after treatment through STP, the water is not reported to be potable. Hence, it is desirable that the treated water be not flown to the river Ganges rather it should be channelized by channels for agricultural purposes and for other purposes. The State of U.P. through its Irrigation Department and the U.P. Jal Nigam may take all necessary effective measures so that even the treated water of STP in not discharged in river Ganges. Appropriate steps to be taken within the fixed time frame in that regard be brought on record in the form of an affidavit, by the next date fixed.

With regard to Magh Mela budget allocation, an affidavit has been filed by the Magh Mela Officer dated 01.12.2010 which discloses the demand of money under different heads only. Learned Additional Chief Standing Counsel may file a better affidavit furnishing the details of different heads for which money is to be utilized.

List for further hearing on 04.01.2011 at 2:00 p.m.

Dated : 08.12.2010
VR/PIL (WP) 4003/06

Court No. - 36

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 4003 of 2006

Petitioner :- Re: Ganga Pollution

Respondent :- State Of U.P. And Others

Petitioner Counsel :- Vijay Chandra Srivastava,A.K. Gupta,A.K. Srivastava,Anil Tiwari,Arun Kumar,Arvind Agarwal,Baij Nath Yadav,Baleshwar Chaturvedi,D.B. Mishra,D.S. Mishra,Jagdish Tewari,K.C. Pandey,P.N. Mishra,S.K. Srivastava,Shailesh Singh,Sharad Kr. Srivastava,Sunita Sharma,V.B. Singh,V.C. Mishra,Vivek Mishra

Respondent Counsel :- C.S.C.,A.K. Mishra,Ajay Bhanot,Anjani Kumar Mishra,C.L.Pandey,Chandan Sharma,Dr. H.N.Tripathi,H.N. Singh,Hem Pratap Singh,Iqbal Ahmad,M.C. Chaturvedi,N. Misra,P.S. Baghel,R.B. Shukla,Rajiv Lochan Shukla,S.A. Lari,S.M.A. Kazmi,S.P. Kesharwani,S.P. Singh,T.M.Khan,Vivek Birla,Vivek Verma,W.A. Hashmi

Hon'ble Ashok Bhushan,J.

Hon'ble Arun Tandon,J.

Heard Shri A. K. Gupta, learned amicus curiae, Shri S.G. Hasnain, Additional Advocate General assisted by Shri S.P. Kesharwani, Additional Chief Standing Counsel for the State-respondents, Shri Ajay Bhanot, Advocate for the Union of India and Dr. H.N.Tripathi, for the U.P. Pollution Control Board.

Shri Ajay Bhanot, Advocate for the Union of India submitted that in pursuance of our earlier order dated i.e. 6.12.2010 the Ministry of Urban Development could not constitute the Committee for necessary inspection. He seeks further time to take appropriate steps for compliance of our earlier order dated 6.12.2010. We further grant three weeks' time to the

Union of India, Ministry of Urban Development to take all necessary steps including constitution of expert committee for inspection of the laying down of sewer lines at Allahabad, and for report being submitted as per our earlier direction.

Shri Ajay Bhanot, Advocate further submits that qua STP at Fort, Allahabad, the Integrated Headquarters, Ministry of Defence has decided to advance the project during the current financial year itself. It has been further stated that work shall commence at the earliest.

Since permission has already been granted for the current financial year. We direct that all formalities be completed by 31.3.2011 and the commissioning of the S.T.P. must start on or before 1.4.2011.

In respect of STP at New and Old Cantt, Allahabad it has been stated that the approval is likely to be received in near future. Commissioning of STP's at New and Old Fort, Allahabad is of utmost urgency since large quantity of sewage, without treatment is being permitted to flow into the river from the said areas. We direct that necessary formalities with regard to STPs at New and Old Cantt must also be completed by 31.3.2011 and all concerned may do the needful by that date. We direct that necessary affidavit with regard to the status of STPs must be filed by the Office of Engineer Chief, Integrated Headquarters, Ministry of Defence (Army) on the next date.

For the transfer of defence land at Morri Gate, it has been stated by Shri Bhanot, Advocate that the proposal has been forwarded to Integrated Headquarters of Ministry of Defence (Army) on 31.10.2010 and actual transfer of land can only

take place after receipt of the orders of the Ministry of Defence.

We in the backgrounds of the orders passed earlier and the urgency for transfer of land at morri gate for construction of sewerage pumping station direct the Ministry of Defence to take a decision on the proposal by 31.1.2011. An affidavit in that regard be filed by an Officer not below the rank of Joint Secretary, Ministry of Defence within three weeks.

Shri A. K. Gupta, learned amicus curiae has filed an affidavit enclosing a newspaper report published in Danik Jagan dated 18.12.2010. It has been reported that colour of river water at bathing ghats at Allahabad had become black. He submits that it is due to discharge of trade effluent by tanneries as well as sugar and paper industries. He submits that U.P. Pollution Control Board is not interested in monitoring the trade discharge, and has failed in its duties, for which prompt and strict action must be taken.

Dr. H.N.Tripathi, Advocate for U.P. Pollution Control Board submits that the main reason for change in the colour of the water is the dirty water received from the tributaries of river Ganga namely Kosi, Dhela and Ram Ganga. He submits that river Kosi comes from Kashipur area of Uttrakhand State and merges into river Ram Ganga near Shahabad, District Rampur. Dhela comes from Kashipur area of Uttrakhand State and merges into Ganga upstream at Moradabad and river Ram Ganga comes from Kalagarh area of Uttrakhand State and enters into U.P. At Bijnore. To similar effect is the affidavit filed on behalf of tanneries.

There is no specific statement in the affidavit that the trade

effluent of the industries including paper and sugar industries on the banks of river Ganga in the State of U.P. had not been discharged in the river Ganga. The affidavits try to oversimplify and to transfer the entire responsibility upon the State of Uttarakhand. We do not appreciate such affidavits.

Shri H.N. Tripathi, Advocate submits that letters have been written to the Members Secretary Uttarakhand Pollution Control Board dated 28.10.2010 and dated 15.12.2010 pointing out the aforesaid facts. He further submits that Members Secretary of Central Pollution Control Board had also been informed of the same on 20.12.2010.

We record that it is the duty of the Central Pollution Control Board to constantly monitor the quality of the water flowing from the aforesaid tributaries which merge in the river Gange at different places. We direct that daily tests be carried out and reports be submitted qua the quality of water in rivers entering State of U.P. From State of Uttarakhand. A copy of the report be sent daily to the Pollution Control Board, Uttarakhand as well as Central Pollution Control Board as also to the Registrar General of this Court for being kept on record of this petition.

U.P. Pollution Control Board shall ensure that the trade effluent of different industries which are situate on the banks of river Ganga is not discharged in river Ganga. We further direct that the Central Pollution Control Board shall continue a Monitoring Committee comprising of Officers of the Central Pollution Control Board and U.P. Pollution Control Board, Uttarakhand Pollution Control Board to monitor the quality of

the water of the tributaries which merge with river Ganga. The Chairman, Central Pollution Control Board shall constitute the monitoring committee within two weeks from today. The U.P. Pollution Control Board shall forward a copy of this order to the Central Pollution Board within one week.

Shri Gupta, Advocate has further submitted that the quantity of water which is being released from Narora has to be increased. He submits that large quantity of water is being diverted to Noida, Greater Noida and Delhi for domestic use and the mainstream is being denied good quantity and quality of water.

Shri S.P. Kesharwani in reply states that a detailed programme for release of the water has been issued on 16.11.2010 by the Engineer in Chief. He however submits that the programme shall be revised and a fresh programme with the details of the quantity of water which shall be released from Narora during the Magh Mela shall be filed day after tomorrow. We impress upon the authorities to start releasing more quantity of water from last week of December 2010 itself.

Put up this matter date after tomorrow at 3.30 P.M for considering the question of the release of the water.

Order Date :- 21.12.2010

Puspendra