

**REPORT OF THE OVERSIGHT COMMITTEE, NGT, U.P, LUCKNOW**

**IN THE MATTER OF:-**

**ORIGINAL APPLICATION NO. 985-986/2019**

**IN RE : WATER POLLUTION BY TANNERIES AT JAJMAU,  
KANPUR, UTTAR PRADESH WITH IN RE : WATER POLLUTION  
AT RANIA, KANPUR DEHAT & RAKHI MANDI, KANPUR  
NAGAR, UTTAR PRADESH**

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**SUPPLEMENTARY REPORT OF THE OVERSIGHT COMMITTEE IN COMPLIANCE OF THE ORDER  
OF HON'BLE THE NATIONAL GREEN TRIBUNAL PASSED IN THE O.A. No. 985/2019 IN RE:  
WATER POLLUTION BY TANNERIES AT JAJMAU, KANPUR, UTTAR PRADESH WITH THE O.A. No.  
986/2019 IN RE: WATER POLLUTION AT RANIA, KANPUR DEHAT & RAKHI MANDI, KANPUR  
NAGAR, UTTAR PRADESH**

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**I. INTRODUCTION**

The Hon'ble NGT dealing with the matter of O.A. No. 985/2019 with O.A. No. 986/2019 vide order dated 15.11.2019 considered the issue related to the scientific disposal of Chromium dumps at Rania, Kanpur Dehat and Rakhi Mandi, Kanpur Nagar which have been in existence since 1976 and have inter-alia resulted in contamination of groundwater, depriving the inhabitants of access to a proper quality drinking water.

**II. ORDERS PASSED BY THE HON'BLE NGT**

1. **Vide order dated 16.07.2020**, the Hon'ble National Green Tribunal reviewed the report filed by Chief Secretary, UP on 04.02.2020 and 11.06.2020, and the CPCB on 14.07.2020. The report of the Chief Secretary, UP stated that an action plan has been prepared for restoration of the environment and certain steps have been taken for supply of water to the inhabitants. Further, the report submitted on 11.06.2020 stated that the matter of remediation is at the tender stage. While, the report of the CPCB was of a general nature.
2. Further, the Hon'ble Tribunal noted that the chromium dump containing toxic chemicals has not been shifted to the TSDF as required under the law for which failure of the State of U.P is continuing in spite of repeated directions showing lack of sensitiveness on the part of the concerned officers. Hazard to public health and environment continues. The process of remediation can only start only after shifting of the waste to operational TSDF.
3. In view of the seriousness of the situation, the Hon'ble Tribunal directed the Chief Secretary, UP to ensure prompt action on priority basis in a time bound manner which may be personally monitored by the Chief Secretary, UP himself.

4. **Vide order dated 08.02.2021**, the Hon'ble Tribunal considered the report of the UPPCB mentioning that the Chief Secretary, Government of U.P. has also reviewed the status of compliance through review meetings of the officials of concerned Departments on 09.07.2020 and 02.12.2020. The Chief Secretary, Government of U.P. also reviewed the Status of compliance of observations/ recommendations made by the Oversight Committee through its report dated 23.12.2020 on 28.01.2021.
5. In view of the above, the Hon'ble Tribunal directed as follows:
  - i. *“Accordingly, in the light of above discussion, the State of UP may take further remedial action. Remediation of hazardous waste sites departmentally may be explored, as tender process has not succeeded in the last several years and the dump sites have been in existence for the last 45 years which continue to be hazard to the lives of the inhabitants. The additional sites pointed out above may also be remediated. This needs to be tackled on emergency basis at the highest level in the State and monitored at the level of the Chief Secretary and also the Oversight Committee. CPCB may be consulted in the process for the remedial action which should be as per rules. The action plan may also ensure provision for water supply to all affected areas. Further, it must be ensured that contamination does not affect the food chain. The stand of the State of UP with regard to compensation is not as per earlier order dated 15.11.2019, para 13. If the amount is not recovered from the companies for want of effective legal steps for recovery within reasonable time, liability of the State for its negligence and inaction will continue.”*

### **III. REVIEW OF THE PROGRESS BY THE OVERSIGHT COMMITTEE, NGT, LUCKNOW**

On finding from the progress report received from the UPSIDA that practically nothing has happened towards the compliance of directions passed by the Hon'ble NGT in **O.A. No. 985/2019** with **O.A. No. 986/2019** since the last review meeting taken by The Oversight Committee on 15.07.2021, this review meeting was scheduled for 09.11.2021 with the Additional Chief Secretaries of the Departments of Industrial Development, Urban

Development and Forest, Environment and Climate Change amongst others. But no one participated from the Department of Forest, Environment and Climate Change.

The highlights of the meeting are as follows:

1. DM, Kanpur Dehat informed that they had received the first letter from UPSIDA on 20/10/2021 requesting for the resumption of 15 acres of land for the creation of landfill site whereas in the last review meeting dated 15/07/2021, UPSIDA had informed this Committee that the proposal has been sent to the DM Kanpur Dehat for resumption of land and handling it over free of cost for this project. The Committee directed the DM Kanpur Dehat to take decision in this matter within 3 weeks and the Secretary, Department of Infrastructure and Industrial Development to look into if a misrepresentation was made to this Committee in the last meeting and take appropriate actions against the person found responsible for this.
2. In the last review meeting, it was informed that as per the report of the IIT-Kanpur, the actual volume of Chromium waste lying at the site is much higher (1,22,800 m<sup>3</sup>) in comparison to the volume reported in the earlier DPR of the CPCB (37,712 m<sup>3</sup>). The Committee directed the CPCB and the IIT Kanpur to carry out a joint inspection to ascertain the correct quantity of Chromium Dump as it has a direct bearing on the final cost of the project. But the report submitted to the UP Government is prepared by the IIT Kanpur with input from the CPCB. The Secretary, Department of Infrastructure and Industrial Development expressed difficulty in accepting this report and granting necessary approvals although a date for this meeting has been fixed. She also informed that the Department has already released Rs. 23 Cr in the ESCROW account of the DM, Kanpur Dehat. But this fund is not being utilized because of the above mentioned dispute in the estimation of volume. The Oversight Committee directed the CPCB and IIT Kanpur to complete the joint inspection report by 20/11/2021. The Committee also directed the Secretary, Infrastructure & Industrial Development Department, UP to ensure that the competent authority takes decision on this by 27/11/2021.

3. Earlier the UPPCB had imposed the environmental compensation of Rs. 280.01 Cr on 6 defaulting industries. Now, 05 other defaulting units engaged in production of basic chrome sulphate, which were responsible for the illegal dumping of chrome waste on said site, has been identified by the UPPCB and show cause notices have been issued against them for the imposition of environmental compensation. After getting response from these 05 units and following due process of law, appropriate orders will be passed by the UPPCB. It was clarified by the UPPCB in the meeting that total EC will remain the same only their distribution amongst the parties will change.

The detailed minutes of the meeting is annexed as **Annexure I**.

#### **IV. RECOMMENDATIONS BY THE OVERSIGHT COMMITTEE**

In view of the above, we recommend as follows:

1. CPCB and IIT Kanpur may be directed to conduct a joint inspection and determine the volume of the chromium waste scientifically for its remediation so that once this process is complete, the site is completely free from this hazardous waste.
2. The Chief Secretary, UP may be directed to personally supervise the project on monthly basis and ensure that all the formalities are completed at the earliest so that the actual work of scientific disposal of chromium dump is started without any further delay and completed in the shortest possible time. The Chief Secretary, UP may also be directed to submit a monthly progress report in this regard to the Oversight Committee for submission to the Hon'ble NGT.
3. There are mechanisms available to recover EC from the defaulter industries which are in operation. For closed down units when efforts are made to recover EC as arrear of land revenue, several legal and other complications arises and EC remains unrecovered. So there is an urgent need to develop a mechanism to recover the EC from the closed units. Attention of the Central Government may be drawn towards

it so that by way of amendment in law effective mechanism is introduced to recover EC as arrear of land revenue or by any other effective mode to facilitate the recovery from the closed units also.

The Member Secretary, UPPCB is directed to send this report to the Registrar General, National Green Tribunal, Principal Bench, New Delhi for placing the same before the Hon'ble Tribunal with a copy to the Chief Secretary, Government of Uttar Pradesh for necessary action. The report also be uploaded on the website of the Committee.

12-11-2021

12-11-2021

**X** Anant Kumar Singh

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Anant Kumar Singh  
Member, Oversight Committee  
Signed by: ANANT KUMAR SINGH

**X** SVS Rathore

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Justice SVS Rathore  
Chairman, Oversight Committee  
Signed by: SURENDRA VIKRAM SINGH RATHORE

Nov 12, 2021

Annexure: As above

Please visit our website: [oscngt.upsdc.gov.in](http://oscngt.upsdc.gov.in) for more information.

**Meeting No. 127**

**MINUTES OF THE MEETING OF THE OVERSIGHT COMMITTEE, NGT, UP LUCKNOW,  
HELD ON 09.11.2021 AT 12:00 NOON IN OA NO. 985/2019 IN RE: WATER POLLUTION BY TANNERIES  
AT JAJMAU, KANPUR WITH OA NO. 986/2019 IN RE: WATER POLLUTION IN RANIA, KANPUR DEHAT &  
RAKHI MANDI, KANPUR NAGAR ORGANIZED THROUGH VIDEO-CONFERENCING**

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**Present: Hon'ble Mr. Justice S.V.S Rathore, Chairman  
Hon'ble Mr. Anant Kumar Singh, Member**

**Other dignitaries present:**

1. Smt. Neena Sharma, Secretary, Infrastructure & Industrial Development Department, UP
2. Shri Anurag Yadav, Urban Development Department
3. Shri D.K. Soni, CPCB, Lucknow
4. Shri Rajendra Singh, UPPCB
5. Shri J.P. Singh, District Magistrate, Kanpur Dehat
6. Shri J.P. Maurya, RO, UPPCB, Kanpur Dehat
7. Shri Sanjay Tiwari, ACO, UPSIDA
8. Prof (Dr) Abhas Singh, IIT Kanpur

On finding from the progress report received from the UPSIDA that practically nothing has happened towards the compliance of directions passed by the Hon'ble NGT in **O.A. No. 985/2019** with **O.A. No. 986/2019** since the last review meeting taken by The Oversight Committee on 15.07.2021, this review meeting was scheduled with the Additional Chief Secretaries of the Departments of Industrial Development, Urban Development and Forest, Environment and Climate Change amongst others. But, no one participated from the Department of Forest, Environment and Climate Change.

The minutes of the meeting are presented below:

1. Shri. Rajendra Singh, UPPCB informed that the chromium dump at Rakhi Mandi, Kanpur has already been sent to the TSDF and remediation work has been completed. He was requested to share the details of it in writing.

2. With regard to the resumption of land for creation of landfill site, the DM, Kanpur Dehat informed that they received the first letter from UPSIDA on 20/10/2021 requesting for the resumption of 15 acres of land for the creation of landfill site. He further informed that the land, which is to be resumed for landfill site, was in the jurisdiction of Gaon Sabha. Recently, it has been notified as Nagar Panchayat area. However, the new local body is yet to be constituted.

The Secretary, Urban Development clarified that The Collector has all the powers for land resumption whether the land is in the rural area or the urban area. The Committee directed the DM, Kanpur Dehat to clarify all his doubts in this regard with Secretary, Urban Development and by consulting the relevant Revenue Rules and ensure that a decision is taken within 3 weeks.

The Committee also directed the Secretary, Infrastructure & Industrial Development Department, UP to enquire into if a misrepresentation was made to this Committee in the last meeting that the proposal has been sent to the DM Kanpur Dehat by UPSIDA for resumption of land and handling it over free of cost for this project. Appropriate actions may be taken against the person found responsible for this.

3. Prof (Dr) Abhas Singh, IIT Kanpur informed that the final volume of the chromium dump is 1,22,800 m<sup>3</sup>. CPCB had calculated the volume of the dump using a software which was based on the assumption that chromium is concentrated in the dump as hotspots (the estimation was for top 2 m of the waste dump) which according to him is practically not possible. Therefore, they have calculated the volume of the entire waste from top 2 m of the dump. The area of dump considered by them is also more than what the CPCB had taken. Due to this reason, there is difference in the waste volume estimated by the CPCB and his team.

The Secretary, Infrastructure & Industrial Development Department, UP informed that she has fixed a meeting on 16.11.2021 for taking decision on the report of the IIT Kanpur but it will be difficult to accept this report in the light of earlier report of the CPCB. Both expert agencies should put their heads together and come up with an agreed volume through a joint report, as directed in the last meeting of the Oversight

Committee, which ensures that after this process is complete, the site is completely free from this hazardous waste. Taking the convenience of both the parties into account, it was decided that they will complete the joint report by 20.11.2021. The Secretary, Infrastructure & Industrial Development Department, UP will ensure that competent authority takes decision on this by 27.11.2021.

The Secretary, Infrastructure & Industrial Development Department, UP also informed that the Department of Infrastructure and Industrial Development has already released Rs. 23 Cr in the ESCROW account of DM Kanpur Dehat for remediation work. But the huge difference between the previous estimation of the CPCB and the current estimation by the IIT Kanpur is causing delay in getting the approval and release of budget. The Committee directed the Secretary, Department of Infrastructure and Industrial Development to coordinate with all the agencies involved in this process and expedite the implementation of the order of the Hon'ble NGT in its letter and spirit. In case of any difficulty in complying with the direction of the Hon'ble NGT, she should bring it immediately to the notice of this Committee to apprise the Hon'ble NGT accordingly for further necessary order and direction.

4. Prof (Dr) Abhas Singh informed that ferrous sulphate will be used for remediation of chromium dump as it is found to be the most cost-effective technology amongst those tested.
5. With regard to the three other dump sites at Nauraiya Khera- Kanpur, Juhi Bahuraiya- Kanpur, and Panki Industrial area- Kanpur, the representative of UPPCB informed that the sites have already been cleared off and no dump is lying in any of these three areas. He was requested to share the details of it in writing.
6. The representatives of UPPCB informed that in compliance with the order of the Hon'ble NGT, the hearing was done on 16/03/2021. On the basis of the information given by the applicants during hearing, 05 other defaulting units engaged in production of basic chrome sulphate have been identified which were responsible for the illegal dumping of chrome waste on said site. UPPCB has issued show cause notice for the imposition of environmental compensation against 05 newly identified units. After

getting the response from these 05 units and following the due process of law appropriate orders will be passed by the UPPCB for imposing environmental compensation. It was clarified that total EC will remain the same only their distribution amongst the parties will change.

09-11-2021

09-11-2021

**X** Anant Kumar Singh

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Anant Kumar Singh  
Member, Oversight Committee  
Signed by: ANANT KUMAR SINGH

**X** SVS Rathore

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Justice SVS Rathore  
Chairman, Oversight Committee  
Signed by: SURENDRA VIKRAM SINGH RATHORE

Nov 09, 2021

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