

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

Original Application No. 231/2014

(With report dated 20.10.2019)

Doaba Paryavaran Samiti

Applicant(s)

Versus

State of U.P & Ors.

Respondent(s)

Date of hearing: 21.10.2019

CORAM:

**HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE S.P WANGDI, JUDICIAL MEMBER
HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

For Applicant(s): None

For Respondent(s): Mr. Pradeep Mishra, Advocate for UPPCB
Mr. Rajkumar, Advocate for CPCB

ORDER

1. The issue for consideration is the remedial measures for the industrial or other pollution in Kali Nadi, Krishni and Hindon Rivers resulting in diseases and deaths of inhabitants of the area. The Tribunal considered the matter earlier in the light of site inspection by team of experts.
2. Vide order dated 08.8.2018, after referring to certain studies, it was noted as follows:

“That more than 71 persons died from cancer and more than 47 persons are bed ridden in the Gagnoli village in Baghpat District in Uttar Pradesh. More than 1000

people are affected by diseases in the area. Inhabitants of 154 villages were affected. The polluting industries in question are sugar mills, distilleries, paper mills, electroplating, slaughter houses, wet blue hides, etc. Reference was made to the fact that the issue had been highlighted in several newspapers and that this Tribunal found that there was contamination of ground water. On 16.01.2018, a Committee comprising representatives of the Central Pollution Control Board (CPCB), Uttar Pradesh Pollution Control Board (UPPCB), Uttar Pradesh Jal Nigam and Dr. A.B. Akolkar, former member of CPCB carried out a survey by testing the samples. The Committee found that 124 industries were not meeting the standards. The Tribunal observed that the State of Uttar Pradesh and UPPCB must perform their statutory duties and the District Magistrate should also take cognizance of the matter at the District level. The Tribunal constituted a Committee headed by Justice S.U. Khan, former Judge, Allahabad High Court with representatives of the CPCB and the Ministry of Environment, Forest and Climate Change as members to prepare time bound action plan to deal with the problem. The Chief Secretary, Uttar Pradesh was to provide logistics to enable the functioning of Committee.”

3. The matter was last reviewed vide order dated 20.09.2019. The Tribunal noted that Justice S.U. Khan who was heading the Monitoring Committee constituted by this Tribunal had expressed his inability to continue. He was relieved from the assignment vide order dated 25.07.2019 subject to the Chief Secretary, UP suggesting an alternative mechanism. Such mechanism has been suggested and considered by a separate order passed today in O.A. No. 670/2018, *Atul Singh Chauhan Vs. Ministry of Environment, Forests and Climate Change & Ors.*

4. On merits, this Tribunal noted, on 20.09.2019, that water supply was made available in 41 villages out of 148, DPRs for several projects were pending approval. The Tribunal found that the information with regard to the health surveys and water supply to all the affected areas was not adequate. The estimated dates for completion of the actions for treatment of sewage gap in the river was too long. There were need for immediate interim arrangement by way of phyto-remediation or bio-remediation. The Tribunal also noted that the information with regard to recovery of compensation was not adequate. Accordingly, the Tribunal directed:

“14. Let the Chief Secretary, Uttar Pradesh look into the matter within three weeks from today, take action against erring officers and ensure further remedial action is taken in terms of augmenting water supply to such villages rather than whole issue getting stuck up in cumbersome bureaucratic procedures. The Chief Secretary may also examine the possibility of sending such high powered committee which approves the DPRs to the area in question for expediting approvals so that work is not delayed inordinately. Compliance report may be filed by the Chief Secretary before the next date by email at judicial-ngt@gov.in. In the event the Chief Secretary is unable to ensure the above, we may have no choice but to summon the Chief Secretary to remain present in person.”

5. Accordingly, report dated 20.10.2019 has been filed by the Chief Secretary, UP stating that:
- i. Further steps have been taken on the subject of water supply to all the affected areas and till then safe drinking water will be supplied through tankers.
 - ii. With regard to health camps, directions have been issued for treating all the patients in higher referral specialised hospitals.
 - iii. With regard to STPs, steps are in progress and by way of interim arrangement, bio-remediation work will commence from

November 2019. It is mentioned that one of the reasons for the delay is non-availability of land.

- iv. Action has been initiated against the defaulting officers.
- v. Performance guarantee has been directed to be furnished.
- vi. Compensation of Rs. 2.75 crores has been recovered and till the defaulting units pay the assessed compensation, their consent to operate will not be renewed.

6. The State may continue the necessary steps in the matter which may be overseen by the Committee set up for the purpose by separate order passed today in *O.A. No. 670/2018, Atul Singh Chauhan Vs. Ministry of Environment, Forests and Climate Change & Ors.*

7. With regard to tender process/DPR, the procedures may be curtailed by using the GeM portal to the extent possible. More goods and services required for the purpose may be got incorporated on the GeM portal or any other similar portal as the State Government may decide.

8. With regard to land, use of land covered by the legacy waste may be explored for STPs/waste processing plants/green belts/bio-diversity parks if the use is otherwise permissible under the relevant environmental law. A part of the cost of the project may be used for clearing the waste from the land. As far as possible, procedure for clearing the legacy waste referred to in our order dated 17.07.2019 in *O.A. No. 519/2019 News item published in "The Times of India" Authored by Jasjeev Gandhiok & Paras Singh Titled "Below mountains of trash lie poison lakes"* may be followed.

The matter may now be listed on 10.02.2020 to consider the report of the Committee.

Adarsh Kumar Goel, CP

S.P Wangdi, JM

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

October 21, 2019
Original Application No. 231/2014
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