

**HIGH COURT OF JUDICATURE AT ALLAHABAD**

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**PUBLIC INTEREST LITIGATION (PIL) 4003 of 2006**

(Re - Ganga Pollution v. State of U.P. and others)

With

(PIL Nos.37019 of 2011, 45456 of 2012, 46398 of 2012, 69796 of 2015, 30703 of 2017, 31229 of 2005, 8864 of 2006, 27206 of 2012, 22459 of 2017, 35250 of 2017 and 1059 of 2019)

**Counsel for Petitioners :** Mr. Vijay Chandra Srivastava, Mr. Shiv Kant Mishra, Mr. Sanjay Kumar Mishra, Mr. Ashish Mishra, Ms. Sunita Sharma, Mr. Shailesh Singh Advocates

Mr. Arun Kumar Gupta, Amicus Curiae

**Counsel for Respondents :** Mr. Neeraj Tripathi, Additional Advocate General with Mr. Shashank Shekhar Singh, Additional Chief Standing Counsel for the respondents -State, Mr. Rajesh Tripathi, Central Government Counsel for Union of India and Mr. Anoop Trivedi, Senior Advocaes with Mr. Vibhu Rai Advocate for Prayagraj Development Authority, Mr. S. D. Kautilya, Advocate for Nagar Nigam and Mr. Manoj Kumar Singh Advocate for Ordinance Depot.

**CORAM : HON'BLE RAJESH BINDAL, CHIEF JUSTICE  
HON'BLE MANOJ KUMAR GUPTA, JUDGE  
HON'BLE AJIT KUMAR, JUDGE**

**ORDER**

1. In terms of the earlier order passed by this Court on July 7, 2022, explanation of the official concerned has been received. Let the same be placed on the administrative side.
2. Order dated 29.10.2021 records the stand of U.P. Pollution Control Board that samples drawn by it were found meeting general standard

prescribed for discharge of pollutants in the river. The order also records that Sri A.K. Gupta, learned Amicus Curiae and Sri V.C. Srivastava, learned counsel had disputed the correctness of statement made by learned counsel appearing for U.P. Pollution Control Board. In order to assess the ground situation, as agreed between the parties, a Committee was constituted for drawing samples to be got tested from independent agencies apart from U.P. Pollution Control Board. Regional Officer, U.P. Pollution Control Board along with his team of technicians were required to be present when the samples were to be drawn.

3. Four number of samples were drawn from each point. One sample was sent to U.P. Pollution Control Board. Two sets of each sample were sent for testing to I.I.T., Kanpur and I.I.T., B.H.U. The Director, I.I.T., Kanpur and Director, I.I.T., B.H.U. were requested to send their reports in sealed cover. The reports have been submitted in sealed cover. The sealed covers were opened today in Court. The reports are taken on record.

4. The samples taken from seven different places were not found to be meeting the required parameters. The reports of I.I.Ts are to the same effect. Even as per testing report received from the U.P. Pollution Control Board, the sample was not meeting the required standards. However, there was variation in results as compared to the reports of I.I.Ts.

5. Learned counsel appearing for U.P. Pollution Control Board seeks time to respond to the aforesaid reports and apprise the Court as to what action is proposed to be taken against the agencies entrusted with the work of treatment of the effluents. He will also apprise the Court as to how many samples were taken by different authorities from industries who have set up their ETPs and

were not found to be meeting the required parameters and what action is to be taken against them.

6. As regards discharge of treated water from the STPs set up in Allahabad, the stand taken by learned counsel for the State is that in case, the effluent which comes in STP is more than the capacity, the parameters of discharge of treated water are relaxed.

7. It was further pointed out that the functioning of the effluent treatment plants set up by different authorities in the State is being supervised by the Jal Nigam, which apparently does not have any expert team for water treatment, especially the sewerage effluent.

8. Due to lack of planning, it is evident that the STPs set up in different cities, as we see from the example at Allahabad, are not of required capacity. Meaning thereby, chance is given to violate the parameters required for the treatment of effluent. May be, some other agency is required, having the experts, for supervising the working of STPs in the State which may properly monitor STPs.

9. From the planning of the U.P. Jal Nigam, it is evident that major factor for increase and discharge in these drains has not been taken into consideration i.e, transit population in the city, which runs in crores.

10. Learned Amicus Curiae has pointed out that in the counter affidavit filed by P.K. Mishra, Scientist 'E' & Incharge CPCB, Zonal Office (North), Lucknow dated December 23, 2016, details of various polluting industries which are causing pollution in river Ganga, have been furnished. In Uttar Pradesh, there are 687 units which are generating 269 MLD of waste water. Besides that, there

are number of STPs set up by the local bodies to prevent discharge of sewage effluent from different cities. The U.P. Pollution Control Board had not been taking any action against any of the persons or authorities who are violating the provisions of various statutes dealing with pollution.

11. We had asked the U.P. Pollution Control Board to draw samples from the STPs set up in the State of Uttar Pradesh which may be discharging water in river Ganga and the STPs in different cities on the bank of river Ganga. The report should also suggest the ways and means to local authorities to ensure that untreated, polluted sewage water is not discharged in river Ganga. We all know that thousands of crores of rupees have already been spent to clean river Ganga under Namami Gange Project but with hardly any result.

12. In the aforesaid factual matrix, we are constrained to direct Central Pollution Control Board to collect samples from all the industries as mentioned in affidavit dated December 23, 2016 and the STPs set up in the cities on the embankment of river Ganga and submit a report to this Court as to whether these meet the prescribed standards. Needful may be done in due course. However, test reports of samples collected and reports prepared before the next date of hearing be submitted in Court.

13. At the time of hearing, it was pointed out that Namami Gange project is being monitored by the Director General, National Commission for Clean Ganga under Ministry of Jal Shakti, Central Government.

14. We direct the Director General, National Commission for Clean Ganga, under Ministry of Jal Shakti, Central Government to apprise the Court as to how much amount has been spent on cleaning river Ganga and how much has

been allocated and disbursed to State of Uttar Pradesh, the purpose therefor and as to whether the amount was spent for the purpose assigned.

15. From the affidavit of P.K. Mishra, Incharge, Central Pollution Control Board dated December 23, 2016, it is evident that certain developments have taken place for shifting of tanneries in Kanpur and Unnao. As to whether it has served the purpose of collection and treatment of effluent, the Court need to be apprised.

16. A copy of this order be sent to the Chairman, Central Pollution Control Board, Delhi to ensure compliance thereof.

17. Let copies of reports of I.I.T., Kanpur and I.I.T., BHU be given to Sri V. C. Srivastava learned counsel, learned Amicus Curiae and learned counsel for the State.

18. Adjourned to August 31, 2022. To be taken up at 2:00 p.m. along with all connected matters.

19. Copy of this order be placed on record of connected cases.

(Ajit Kumar, J.) (Manoj Kumar Gupta, J.) (Rajesh Bindal, C.J.)

Allahabad  
27.07.2022  
SKV/SL