

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

Original Application No 1015/2018
(M.A. No. 1709/2018)

Veterans Forum for Transparency in Public Life

Applicant(s)

Versus

Delhi Pollution Control Committee & Ors.

Respondent(s)

Date of hearing: 29.04.2019

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

For Applicant(s):

Mr. Rabin Majumder, Advocate with Dr. B. P. Singh, Applicant in person

For Respondent (s):

Mr. Pradeep Misra and Mr. Daleep Dhyani, Advocates for UPSPCB
Mr. Rajkumar, Advocate for CPCB

ORDER

1. The issue for consideration is compliance of Bio-Medical Waste (Management and Handling) Rules, 2016.
2. Vide order dated 30.11.2018, the Tribunal directed the Uttar Pradesh State Pollution Control Board (UPSPCB) and the Delhi Pollution Control Committee (DPCC) to inventorise the occupiers as per the said Rules and take other steps.
3. The report of the UPSPCB dated 02.03.2019 is that 16,075 Health Care Facilities (HCFs) have been identified. Authorisation has been granted only to 9,540 HCFs. Notices have been issued to the remaining. We are informed by the learned Counsel for the UPSPCB

that after filing of the said report, some more authorizations have been issued which covers about 80% of the total HCFs and the remaining 20% may be completed by 30.06.2019.

4. Mere authorization will not meet the mandate of law. The compliance of the Rules must ensure scientific disposal of medical waste to prevent damage to the environment and the public health. Meaningful steps in the matter may be taken so as to ensure compliance of the said Rules in the State of UP by 30.06.2019 and stringent action taken in terms of prosecution and recovery of compensation against HCFs which are found to be non-compliant. Proper monitoring regime may be ensured in this regard.

5. As regards DPCC, as against authorization of 4,275 HCFs, the total units operating are 7,602 as per the data of Common Biomedical Waste Treatment Facilities (CBWTFs). DPCC has given notice to the defaulting HCFs. As directed in respect of State of UP, DPCC must also ensure due compliance of Bio-Medical Waste (Management and Handling) Rules, 2016 and apart from registration, it must have a mechanism for inspections and prosecution against the defaulters as well as recovery of compensation for the damage by 30.06.2019. The monitoring must also include CBWT Facility.

6. A report in the matter be furnished by the UPSPCB and the DPCC on or before 15.07.2019 by e-mail at ngt.filing@gmail.com.

List for further consideration on 21.08.2019

Adarsh Kumar Goel, CP

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

April 29, 2019
Original Application No 1015/2018
DV

