

Item No. 02

(Court No.1)

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

(By Video Conferencing)

Original Application No. 126/2021

Varun Sheokand

Applicant

Versus

Central Pollution Control Board & Ors.

Respondent(s)

Date of hearing: 15.06.2021

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON  
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER  
HON'BLE MR. JUSTICE M. SATHYANARAYANAN, JUDICIAL MEMBER  
HON'BLE MR. JUSTICE BRIJESH SETHI, JUDICIAL MEMBER  
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

**ORDER**

1. Grievance in this application is against unscientific disposal of bio-medical waste in Faridabad, in violation of Bio-Medical Waste Management Rules, 2016 (BMW Rules). It is stated that while 14 to 15 tons of bio-medical waste is generated daily and there are 7422 bedded hospitals, there is only one Common Bio-Medical Waste Treatment Facility. This is resulting in unscientific disposal of the waste leading to creating hazard for public health. The applicant sent a representation on 02.03.2021 and 15.03.2021 to the Municipal Corporation and Deputy Commissioner, Faridabad, the State PCB and the Chief Secretary but to no effect. The issue also appeared in "*Dainik Jagran*" dated 19.05.2021. The applicant has also relied on order of this Tribunal dated 18.01.2021 in O.A. No. 710/2017, *Shailesh Singh v. Sheela Hospital & Trauma Centre, Shahjahanpur & Ors. and other connected matters* directing as follows:-

“11. From the above it is seen that there are huge gaps in the compliance of authorization regime. In some of the States, compliance is ranging from 17% to 38% only. We also note underutilization of the common bio-medical facilities at many places. Adequacy of facilities and their siting may need review. Such facilities must obtain requisite Environmental Clearance (EC). Recycling of waste will only be through authorized recyclers. As observed earlier, it is utmost necessary to ensure that hazardous bio-medical waste is not mixed with the general waste. CPCB needs to review the compliance status from time to time, atleast once in every quarter and issue directions based on the observations from the reports received.

12. CPCB may ensure that for strict compliance of the rules, the compensation regime is duly applied against the defaulters, following due process. Standards of handling of BMW need to be duly complied. The authorities must ensure that waste is disposed of only through authorized agencies, common facilities are located as per siting guidelines and they must have EC. There should be no pilferage by unauthorized recyclers. Adequate number of common bio-medical facilities should be set up. **The Chief Secretaries of all the States/UTs may oversee compliance atleast every quarter in terms of direction of this Tribunal vide order dated 16.01.2019 in O.A. No. 606/2018 followed by further orders. The Chief Secretaries may inter-alia ensure that authorization is secured by every health care facility in their respective jurisdiction and also there is adherence to the norms.** Similarly, the District Magistrates may, at their level, take necessary steps in their Districts, in accordance with the District Environmental Plans. As found by the Oversight Committee for UP, ETPs are either not provided or are not functional in various health care facilities as required under the Rules. Compliance in this regard may be ensured in all States/UTs. While permitting deep burials, it may be ensured that ground water contamination does not take place.”

2. Though none appears, we have considered the matter. Compliance of BMW Rules being significant for protection of environment and public health, we consider it appropriate to require the Chief Secretary, Haryana to furnish a status report about the compliance of the BMW Rules, 2016 and action taken in terms of the order dated 18.01.2021 in *Shailesh Singh (Supra)* before the next date by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF. Before giving report, the Chief Secretary may review the matter with information about daily generation

of BMW, number of Health Care Facilities authorised, practices adopted for disposal of BMW - captive or connected with CBMWTF, performance of existing CBMWTFs, plan to bridge the gap in generation and scientific disposal and the extent of Environment Compensation imposed for non-compliances.

List for further consideration on 24.09.2021.

A copy of this order be forwarded to the Chief Secretary, Haryana by e-mail for compliance.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

M. Sathyanarayanan, JM

Brijesh Sethi, JM

Dr. Nagin Nanda, EM

June 15, 2021  
Original Application No. 126/2021  
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