

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

Appeal No. 63 of 2012

Haat Supreme Wastech Pvt. Ltd. & Ors. Vs. State of Haryana & Ors.

CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON
HON'BLE MR. JUSTICE U.D. SALVI, JUDICIAL MEMBER
HON'BLE DR. G. K. PANDEY, EXPERT MEMBER
HON'BLE PROF. A.R. YOUSUF, EXPERT MEMBER
HON'BLE DR. R. C. TRIVEDI, EXPERT MEMBER

Present: Appellant No.1, 3&4: Mr. Raktim Gogoi, Advocate
Appellant No.2: Mr. Sahil S. Chauhan, Advocate
Respondent No. 1&3: Mr. Manjit Singh, Addl. AG and Mr. Virekta Singh, Advocate
Respondent No. 2: Ms. Alpana Poddar, Advocate
Respondent No. 3: Mr. Manjit Singh, Advocate
Respondent No. 4: Mr. Narender Pal Singh, Advocate and Mr. Dinesh Jindal, LO
Respondent No.5: Mr. Pradeep Mishra, Advocate for UP PCB
Mr. D. Rajeshwar Rao, for Dr. Hedgawar Arogya Sansthan, Babasaheb and LNJP along with Mr. Dr. CM Khanjo
Mr. Sanjeev Puri, Sr. Advocate with Mr. Rohit Puri and Bhanya Sethi, Advocate for Escort and Max Super Speciality Hospital
Mr.A.K. Prabhakar, AE (E), PWD for L.N. Hospital
Dr. Shagupta Vij, Mr. R.S. Tohia for MOI/C

Date and Remarks	Orders of the Tribunal
Item No. 3 May 22, 2013	<p>Learned counsel appearing on behalf of five parties to whom Notices were issued vide our order dated 23rd April, 2013 are represented by the learned counsel appearing for the respective parties.</p> <p>We have heard learned counsel appearing for all concerned.</p> <p>The Joint Inspection Team had inspected 28 Hospitals-the details of which have been placed on record. According to the Report of Inspection, these Hospitals are not following the bio-medical waste Rules in its true spirit and substance. In fact the inspecting team has made various recommendations to the various hospitals which they require to be complied with at the earliest. Bio medical waste can cause serious health hazards. There are Hospitals like Hindu Rao Hospital, Delhi where according to the Inspecting Team even bio medical waste is being collected in open trolleys. There is no proper colour scheme to be followed for suggestion of such waste and there is no system to dispose of such bio medical waste as per the Rules.</p> <p>Safardjung Hospital, Kalawati Swaran Childrens Hospitals and Lala Ram Swaroop Institute of Tuberculosis and Allied Diseases are amongst such other Hospitals.</p>

According to the Inspecting Team even the private Hospitals are not complying with the bio medical waste rule strictly. Even to the Noticees in the present case including Max Super Speciality Hospital, Indrapastha Extension and M/s Fortis Escorts Heart Institute and Research Centre Ltd. Okhla directions have also been issued for compliance of order to ensure that there is no breach of such rules.

Learned counsel appearing for all these Hospitals state that they have complied with the directions of the Joint Inspection Team. Be that as it may, majority of the Hospitals in NCT of Delhi are not complying with the biomedical waste rule and are thus posing a very serious hazard threat to human health and environment.

Let all the following 28 Hospitals and 5 Noticees as follows:-

1. AIIMS (including Dental Centre), Ansari Nagar, N Delhi – 29.
2. Safdarjung Hospital, Delhi – 110 029
3. Indraprastha Apollo Hospitals, Sarita Vihar, Delhi
4. Lala Ram Swaroop Institute of Tuberculosis & Allied Diseases, Sri Aurbindo Marg, New Delhi.
5. Batra Hospital and Medical Research Centre, M.B. Road, Delhi – 110 062
6. Holy Family Hospital, Okhla Road, N Delhi – 25.
7. Moolchand Khairati Ram Hospital, Ring Road, Lajpat Nagar, New Delhi – 110 024
8. Lady Harding Medical College & Associated Hospital, Shaheed Bhagat Singh Marg, N Delhi.
9. Smt. Sucheta Kriplani Hospital (Asst. Lady Harding)
10. Kalawati Swaran Childrens Hospital (Ass. LH)
11. Ram Manohar Lohia Hospital
12. Hindu Rao Hospital, Delhi – 110 007
13. Govind Ballav Pant Hospital, J.L.N. Marg, N Delhi
14. St. Stephen's Hospital, Tis Hazari, Delhi – 110 054
15. Northern Railway Central Hospital, Basant Lane, N. Delhi
16. Dr. B.L. Kapoor Memorial Hospital, Pusa Road, Delhi
17. Sir Ganga Ram Hospital, Rajinder Nagar, N Delhi
18. ESI Hospital, Basai Darapur, Ring Road, N. Delhi

19. Maharaja Agrasen Hospital, P. Bagh, Delhi
20. ESI Hospital, Rohini
21. Jaipur Golden Hospital 2, Institutional Area, Sector – 2, Rohini, N. Delhi – 110 085
22. Rajiv Gandhi Cancer Institute & Research Centre, D-18, Sector V, Rohini, Delhi – 110 085
23. Rajiv Gandhi Super Specialty Hospital, T. Pur, Delhi 93
24. Maulana Azad Inst. Of Dental Sciences, N. Delhi
25. ESI Hospital, Jhilmil, Delhi – 110 095
26. Daramshila Cancer Hospital & Research Centre, Vasundhara Enclave, Delhi – 96
27. MVID Hospital, MCD, Kingsway Camp, Delhi 09
28. RBIPMT, Kingsway Camp, Delhi – 110 009
29. Max Super Speciality Hospital, Indrapastha Extension
30. M/s Fortis Escorts Heart Institute and Research Centre Ltd. Okhla
31. Dr. Baba Saheb Ambedkar Hospital, Rohini
32. Dr. Hedgawar Arogya Sansthan, Govt. of NCT of Delhi
33. Lok Nayak Hospital, Jawaharlal Nehru Marg, Delhi.

comply with the directions issued by the Joint Inspection Team within four weeks from today. If the directions issued by the Joint Inspection Team and CPCB are not complied with in the time specified above, we direct both Delhi Pollution Control Committee (DPCC) and CPCB to launch prosecutions against the Director and Medical Superintendent of the respective Hospitals.

We make it clear that if such prosecution shall be launched against the defaulting Hospitals and their authorities, it shall be without prejudice to the proceedings initiated for violating its order under the provisions of the National Green Tribunal Act, 2010.

We direct that after expiry of four weeks from today, the Joint Inspection Team of the CPCB and DPCC shall inspect all these 33 Hospitals and submit a status report in regard to the compliance of recommendations of inspection team as well as to answer whether the collection and disposal of biomedical waste of these Hospitals is in anyway likely to cause any health hazard.

We also direct this Committee to place on record mercury phasing out programme for the Hospitals which are still using mercury instruments like blood pressure measuring guage and thermometer etc. The Report shall specifically state as to which of the Hospital has already dispensed with the use of mercury in their medical diagnosis and treatment.

Learned counsel appearing for State of Haryana submits that the Hospitals which they have inspected are complying with the biomedical waste rules. The list of such Hospitals has been furnished in Court today. we direct the Joint Inspection Team to inspect any 5 amongst these Hospitals including small and the big and report to this Tribunal as to whether they are complying with biomedical waste rules or not.

Learned counsel appearing for Uttar Pradesh Pollution Control Board (UP PCB) submits that a large number of Hospitals have been inspected. However, he has information regarding only 23 Hospitals, which have been inspected. Out of them, 20 Hospitals are violating the biomedical waste rules with impunity and only 3 are following such rules.

Let the UP PCB launch prosecution against these Hospitals before the next date of hearing as well as to file its final Report with regard to inspection of various Hospitals.

The State Pollution Control of Haryana as well as the UP PCB shall file Report positively before the next date of hearing.

We direct CPCB as well as DPCC to identify the approved recycler of plastic waste. We make it clear that only those concerned Units should be approved which are capable of strictly adhering to the collection, treatment and disposal of biomedical waste or the plastic waste as per the Law.

Stand over to 19th July, 2013.

In the meanwhile, the State Pollution Control Board of Haryana and CPCB shall inspect the Unit of Respondent No. 4 to bring on record the worth of allegations made by the Applicant against the said Respondent before the next date of hearing.

Notice be issued to all the Hospitals.

.....,CP
(Swatanter Kumar)

.....,JM
(U.D. Salvi)

.....,EM
(Dr. G.K. Pandey)

.....,EM
(Prof. A. R. Yousuf)

.....,EM
(Dr. R. C. Trivedi)

