

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

(By Video Conferencing)

Original Application No. 110/2020

(With report dated 24.02.2021)

In re: News item published on 01.07.2020 in the local daily named "The Hindu" titled "Ramky Group accused of dumping biomedical waste in the open in Hosur"

Date of hearing: 19.03.2021

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

Respondent: Mr. Raj Kumar, Advocate for CPCB
Mr. Matrugupta Mishra, Advocate for Ramky Group

ORDER

1. The matter was put up on the basis of news item in *Hindu* dated 01.07.2020 titled "Ramky Group accused of dumping biomedical waste in the open in Hosur". The report *inter-alia* mentions that the Ramky Group's van turned into the open field and dumps heaps of biomedical waste. Livestock, dogs and stray monkeys are seen foraging the field. The van was seen dumping heaps of bio-medical waste on an open plot near the ESI out ring road, less than 2 Km. from the ESI Hospital, a Covid – 19 treatment facility. The heaps included swab collection kits, blood sample test tubes, urology bags, ventilator tubes, IV tubes among other biomedical waste. The medical waste was also being sold to scrap dealers.

2. The matter was considered on 20.07.2020, after advance notice to the concerned parties and in the light of the reply jointly by Ramky Energy and Environment Ltd. Salem and Medicare Environment Management Pvt. Ltd., Hyderabad, admitting the lapse and mentioning that remedial action has been taken, including response to the show cause notice issued by the State PCB. **The Tribunal directed a joint Committee of CPCB and State PCB to take further remedial action and file action taken report.** The operative part of the order is as follows:-

“1...xxx.....xxx.....xxx

2. *The Registry issued advance notice of the hearing to the Departments of Environment, Health and Family Welfare, Municipal Administration and Water Supply, Tamil Nadu, Tamil Nadu State PCB, District Collector, Krishnagiri District, Municipal Corporation Hosur, Ramky Energy and Environment Ltd. Salem and Medicare Environment Management Pvt. Ltd., Hyderabad.*

3. *Reply has been filed jointly by Ramky Energy and Environment Ltd. Salem and Medicare Environment Management Pvt. Ltd., Hyderabad to the effect that the said respondents were unaware of illegal activities till publication of the news report and has taken mitigation measures after publication of the news report. The lapse has been admitted in paragraph 12. It is further stated that a show cause notice was given to four employees who cited shortage of funds on account of which they colluded with local scrap vendors to earn profit. The employees have been suspended (para 16) and a complaint lodged against the drivers and helpers (para 17). It is difficult to detect and track down collusion due to lock down. Show cause notice dated 04.07.2020 has been issued by the State PCB for the violation to which response was being filed.*

4. *Learned counsel for the CPCB states that in view of the clear lapse on the part of the Ramky Group in dumping the bio-medical waste in open, compensation of Rs.11, 87,500/- has been assessed.*

5. ***In view of admission of the incident, violation of law by the Ramky Group stands clearly established. Lack of knowledge of illegal action of their employees cannot be any excuse for such liability. While dealing with hazardous substances, responsibility for illegal actions cannot be disowned. We direct a joint Committee of CPCB and State PCB to further examine the matter and ensure that the compensation assessed is recovered. Having regard to the serious consequences of unscientific disposal of Covid-19 waste, the compensation must have deterrent element. The CPCB may also consider the need for investigation of such***

incidents and violations by other waste disposal facilities elsewhere by directing to the concerned State PCBs/PCCs by of a special drive. The CPCB may improve its monitoring system in coordination with the concerned State PCBs or other authorities and issue a separate guideline on this aspect within one month from today. The guidelines may have a checklist which may be helpful in auditing performance of different waste management facilities, particularly the Covid-19 waste management facilities.

6. Monitoring reports with reference to such checklist may be taken from all the State PCBs/PCCs and a consolidated status of compliance as on 30.11.2020 may be furnished before 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.”

3. Accordingly, CPCB has filed its compliance report dated 24.02.2021. Some State PCBs have also filed reply. Since CPCB report is consolidated, it is not necessary to refer to the replies filed by the individual State PCBs. Report of the CPCB is as follows:-

“3. Action taken by CPCB

Action taken by CPCB in compliance to directions of Hon'ble NGT, is given below;

3.1 Joint Committee comprising officials from CPCB and Tamil Nadu State Pollution Control Board (hereafter called as "TNPCB"), has observed that Environmental Compensation of Rs. 11, 87, 500/- imposed against the facility M/s Ramky Energy and Environment Limited, was as per the guidelines/formula prepared by CPCB and accepted by the Hon'ble NGT. In compliance to directions, the facility had deposited the said Environment Compensation amount to TNPCB vide CR No. 107732 dated 26.08.2020.

*3.2 CPCB has prepared guidelines for "**Monitoring Compliance of Common Biomedical Waste Treatment Facilities by State Pollution Control Boards / Pollution Control Committees**" in which checklists is given to assess the performance of CBWITs to verify the compliance status w.r.to Biomedical Waste Management Rules, 2016 as well as CPCB guidelines. These guidelines envisage monitoring overall functional aspects of CBWTFs based following criteria:*

*Operational Compliance;
Adequacy of Infrastructure;*

Verification of compliance to standards; and Verification of data reported.

*A copy of said guidelines is annexed herewith as **ANNEXURE -III.***

*3.3 CPCB has forwarded the above guidelines to every State Pollution Control board and Pollution Control Committee vide D.O. letter B-31011/13MW (42.59)/2020/WMD-I/6240-6274 dated 17.09.2020 with a request to initiate special drive to identify and investigate incidents of improper handling of biomedical waste and also monitor compliance of CWITs as per the checklist provided in guidelines as well as I3io-Medical Waste Management Rules, 2016. Copy of said D.O. letter dated 17.09.2020 is annexed herewith as **ANNEXURE-IV.***

*3.4 CPCB has reminded 29 SPCBs and PCCs to submit the compliance report vide letter dated 19.01.2021. Copy of letter dated 19-01-2021 is annexed herewith as **ANNEXURE***

3.5 That in compliance of the letters of the CPCB, Information about the compliance status of CWITs received from SPCBs/PCCs has been compiled by CPCB.

4. Status of compliance by CWITs

Reports submitted by SPCBs/PCCs on special drive to identify incidents of improper handling of biomedical waste and to monitor compliance of CWITs, has been compiled, and the details of the same are given below;

*4.1 32 SPCBs/PCCs have submitted compliance reports to the CPCB with respect to performance verification of CWITs. **SPCBs namely Jharkhand, Jammu & Kashmir, and Uttar Pradesh have not yet submitted their compliance report so far.***

4.2 As per the report received from State Boards, 128 out of 200 CWITs were monitored by the State Boards.

4.3 As per the assessment, 53 out of 128 CWITs monitored were reported as complying with the emission and effluent standards, having adequate infrastructure and reporting data as required under I3MWM Rules, 2016.

4.4 SPCBs have also reported that 55 out of 128 CWITs monitored were partially complying at operational level. Common short-comings attributing to operational issues are given below:-

Separate spaces for receiving untreated color coded biomedical waste is not provided.

Details pertaining to Annual Report, treatment and authorization not shared on website.

Partial implementation of Bar-code tracking system.

Vehicles are not provided with GPS system.

4.5 Further, 20 out of 128, CBWTFs monitored were not complying with stack emission norms as well as treated effluent standards as prescribed under BMWM Rules, 2016.

4.6 State-wise details of monitoring conducted by State Boards is given below:

S. No.	States/UTs	Total No. of CBWTFs	Total No. of CBWTFs monitored by SPCBs	No. of defaulting facilities		
				Complying	Partial complying	Not complying
1.	Andaman Nicobar	No CBWTF in the State				
2.	Andhra Pradesh	12	12	7	-	5
3.	Arunachal Pradesh	No CBWTF in the State				
4.	Assam	1	1	-	1	-
5.	Bihar	4	4	2	-	2
6.	Chandigarh	1	1	1	-	-
7.	Chhattisgarh	4	4	2	1	4
8.	Daman & Diu and Dadra & Nagar Haveli	Waste handover to Gujarat facility				
9.	Delhi	2	2	2	-	-
10.	Goa	No CBWTF in the State				
11.	Gujarat	20	12	8	3	1
12.	Haryana	11	11	2	9	0
13.	Himachal Pradesh	2	2	-	2	-
14.	Jharkhand	4	Not submitted			
15.	J&K	3	Not submitted			
16.	Karnataka	27	It is informed by KSPCB that 3 rd party (M/s Environmental Management Policy research Institute, Banglore) auditing in respect of M/s Maridi CBWTF and M/s Medicare CBWTF has already carried out.			

			<i>However, 3rd party auditing is yet to be carried out in respect of Remaining 24 CBWTF after submission report be field officers, status report will be submitted by KSPCB</i>			
17.	<i>Kerala</i>	1	1	1	-	-
18.	<i>Lakshaew eep</i>	<i>No CBWTF in the State</i>				
19.	<i>Madhya Pradesh</i>	12	12	12	-	-
20.	<i>Maharashtra</i>	31	17	5	9	3
21.	<i>Manipur</i>	1	1	-	-	1
22.	<i>Meghalaya</i>	1	1	-	-	1
23.	<i>Mizoram</i>	<i>No CBWTF in the State</i>				
24.	<i>Nagaland</i>	<i>No CBWTF in the State</i>				
25.	<i>Orissa</i>	5	6	-	5	1
26.	<i>Puducherry</i>	1	1	1	-	-
27.	<i>Punjab</i>	5	5	5	-	-
28.	<i>Rajasthan</i>	8	8	1	6	1
29.	<i>Sikkim</i>	<i>No CBWTF in the State</i>				
30.	<i>Tamil Nadu</i>	8	8	1	4	3
31.	<i>Telangana</i>	11	11	-	11	-
32.	<i>Tripura</i>	<i>No CBWTF in the State</i>				
33.	<i>Uttarakhand</i>	2	2	-	2	-
34.	<i>Uttar Pradesh</i>	18	<i>Not submitted</i>			
35.	<i>West Bengal</i>	6	6	3	2	1

5. Status of complaints on dumping of biomedical waste:

Subsequent to re-notification of BMWM Rules, 2016, from June, 2016 to date January 2021, CPCB has received 19 nos. of public complaints regarding illegal dumping / open burning of biomedical waste by Common Biomedical Waste Treatment Facilities. Such complaints were forwarded to concerned State Pollution Control Board/ Pollution Control Committee for further examination and

necessary action. Details of such public complaints is given below:

S. No.	Name of State	No. of complaints received by CPCB	Subject of complaint	Action taken
1.	Bihar	1	Improper disposal of bio-medical waste by Narayan Medical College & Hospital Village Mauja, Jamuhar PO Jamuhar PS, Dehri Dist. Rohtas Bihar	Complaint forwarded to Bihar SPCB for investigation
2.	Chhattisgarh	1	Improper segregation of solid waste and COVID-19 bio-medical waste by Govt. District Hospital, M/s CIMS I Hospitals & some other hospitals.	Complaint forwarded to CECB for investigation
3.	Delhi	4	1. Violation of BMWM Rules, 2016 in GTB Hospital BMW mixing with General Waste & virus spreading amongst common mass 2. Illegal dumping of hospital waste in agricultural land at Rohini sector 34 & 29. 3. Illegal functioning of IICI; M/s ICD Healthcare India Pvt. Ltd. New Delhi.	Complaint forwarded to DPCC for investigation Complaint forwarded to DPCC for investigation. CPCB team inspected the site and findings forwarded to DPCC.
4.	Himachal Pradesh	1	Burning of expired medicines by M/s Civil Hospital Shimla,	Letter forwarded to HPPCB for investigation
5.	Jharkhand	1	Complaint against unknown HCFs of Jharkhand for throwing BMW in Bokaro Steel Township	Complaint forwarded to JSPCB for investigation
6.	Maharashtra	1	non-compliance of 13MWM Rules, 2016 by HCFs located in Nagpur	Complaint forwarded to Maharashtra SPCB for investigation
7.	Puducherry	1	Complaint against IICI: of Puducherry for improper segregation and illegal dumping of BMW at Municipal Solid Waste Dumping Yard	Complaint forwarded to Maharashtra PPCB for investigation

8.	Punjab	1	Gross violation of Biomedical waste management at Guru Nanak Dev Hospital Majitha Road Amritsar	Complaint forwarded to Punjab SPCB for investigation
9.	Rajasthan	2	1. 10 Hospital violating BMW Rules, 2016 in Jaipur Rajasthan 2. Complaint against HCF of Rajasthan regarding illegal disposal of waste i.e. X-ray hypo fixer solution and X-ray films reg.	Letter send to Rajasthan SPCB for investigation CPCB team also inspected the HCFs, and directions were issued
10.	Tamil Nadu	3	1. illegal dumping of Bio-Medical Waste near Manivakkam lake Dist. Chengalpattu, Tamil Nadu 2. regarding dumping of waste in patta land, location behind Pasumai Pharmacy and behind VAO Office/RI Quarters 3. illegal dumping of Bio-Medical Waste adjacent to service road of outer ring road, left side from Ponnammalle highway	Complaint forwarded to TNPCB for investigation
11.	U.P.	2	1. Bias Action on the private hospital in area and no Action on the Government hospital 2. Illegal activities by M/s Medicare Environmental Management Pvt. Ltd., C-21, UPSIDC, Masoori, Gulawati Road, Ghaziabad	Complaint forwarded to UPPCB for investigation
12.	West Bengal	1	Complaint against M/s health World Hospital, Durgapur, West Bengal regarding violation of BMWM Rules, 2016	Complaint forwarded to WBPCB for investigation

6. Way Foreword

- **SPCBs who have not yet completed verification of compliance by CPBWTFs may complete the task immediately.**
- **SPCBs may also initiate appropriate action against noncomplying and partially complying CBWTFs.**
- **Any incidents or reports of illegal dumping or open burning of waste and non-complying facilities should be acted upon quickly and appropriate action may be initiated including imposition of Environmental Compensation Charges.**
- **State Pollution Control Boards and Pollution Control Committees may identify dedicated teams to monitor compliance of CBWTFs located in their respective State or Union Territory and to take action against defaulting facilities.**

- **State Boards should closely monitor or track the movement of biomedical waste generated by Healthcare Facilities and treated and disposed through CBWTF.**
- **SPCBs/PCCs may atleast once in six month monitor over-all functional aspects of CBWTFs with respect to Operational Compliance, Adequacy of Infrastructure, compliance to standards and verification of data reported as per the checklists provided in CPCB guidelines for "Monitoring Compliance of Common Biomedical Waste Treatment Facilities by State Pollution Control Boards / Pollution Control Committees".**
- **SPCBs/PCCs may also provide status of redressal of complaints against CBWTF in the State/UT.**
- **SPCBs/PCCs may ensure that coverage of CBWTFs is available to every healthcare facility to extent possible to ensure effective treatment and disposal of biomedical waste.**

That the above status report is filed by CPCB in compliance of the order of the Hon'ble Tribunal. The CPCB is abided by the orders of the Hon'ble Tribunal.”

4. In view of the above, there is need for the State PCBs to take further action on continuous basis to monitor compliance of norms by the CBWTFs in terms of infrastructure, standards and track movement of waste to ensure compliance of mandate of law in the interest of environment and public health. Further, there is need for effective public grievance redressal system. There is further need for periodical review by the CPCB by holding video conferencing from time to time.

5. We may also refer to earlier order of this Tribunal on the subject, being **order dated 18.01.2021 in OA 710/2017, Shailesh Singh Sheela Hospital & Trauma Centre, Shahjahanpur & Ors. 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.”

6. Accordingly, further action may be taken by the concerned authorities as per statutory rules which may be coordinated by the PCBs and CPCB, alongwith other statutory authorities, consistent with the directions of this Tribunal.

The application is disposed of.

A copy of this order be forwarded to CPCB, all State PCBs and PCCs by e-mail for compliance.

Adarsh Kumar Goel, CP

S.K. Singh, JM

Dr. Nagin Nanda, EM

March 19, 2021
Original Application No. 110/2020
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