

Item No. 01

**BEFORE THE NATIONAL GREEN TRIBUNAL
CENTRAL ZONE BENCH, BHOPAL
(Through Video Conferencing)**

Original Application No. 162/2023(CZ)

Jan Jagrukta Sewa Sansthan Rajasthan
Through its President

Applicant(s)

Versus

State of Rajasthan & Ors.

Respondent(s)

Date of Hearing: **19.01.2024**

**CORAM: HON'BLE MR. JUSTICE SHEO KUMAR SINGH, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

For Applicant (s): None.

For Respondent(s): Mr. Nishant Kesharwani, Adv.
 (for Mr. Shoeb Hasan Khan, Adv.)
 Mr. Vaibhav Thakuria, Adv.

ORDER

1. By means of the letter petition the applicant, Jan Jagrukta Sewa Sansthan Rajasthan, Kabadi Market, Bansi Kunj, Jaipur Road, Sikar, Rajasthan has raised the grievance of non compliance of Bio-Medical Waste Management Rules, 2016 in the district Churu, Jhunjhunu, Sikar and Neemkathana by the private hospitals and the medical waste is reported to be thrown into the municipal waste causing spread of serious disease adversely affecting the human health.
2. The matter was taken up by this Tribunal on 07.11.2023 and a committee consisting the representative of the Collector of the district, CMO and one representative from State PCB was constituted and directed to submit the factual and action taken report.

3. The members of the committee examined the matter and submitted the report as follows :-

- i. *“Nagar Parisad Jhunjhunu has made MOU/Agreement for rate contract with M/s Instromedix (India) Pvt. Ltd. on 05.05.2017 and granted consent to collect Biomedical Waste generated in all health care facilities in District Sikar, Jhunjhunu and Churu vide letter dated 07.09.2018. A Common Biomedical Waste Treatment Facility (CBWTF) is proposed at Jhunjhunu for disposal of Bio-medical Waste generated from Health Care Facilities operated in District Sikar, Jhunjhunu and Churu. Agreement has been made on 08.06.2017 for the land situated at Khasra No. 522 Derwala for establishment of CBWTF. Due to Administrative reasons Municipal Council, Jhunjhunu has been canceled above mentioned Lease Deed. Another land has identified at Khasra No. 176, Near Moda Pahar, Jhunjhunu was also canceled due to Administrative reasons. Municipal Council, Jhunjhunu has identified another land Khasra No. 201, Moda Pahar, Jhunjhunu total area 10624 SQ MTR to establishment of Common Bio medical Waste Treatment Plant (CBWTF). Nagar Parisad, Jhunjhunu has made Agreement with M/s Instromedix (India) Private Limited for Establishment and Operational & Maintenance of Common Biomedical Waste Treatment Facility (CBMWTF) on “DBOOT” basis on 04 Sep. 2023 and work in progress.*

All the Health Care Facilities (Hospital, Nursing Home, Clinic, Pathological lab, etc.) covered under Biomedical Waste Rules 2016. HCFs applied for authorization and consent online with prescribed fee and Membership of CBMWTF operating from M/s Instromedix (India) Pvt. Ltd.

In compliance District Collector, Sikar order joint committee make surprise visit of Government & Private Hospitals and Municipal Solid Waste disposal site at Nani Beed. Details of the visit areas below:-

i. Govt. S.K. Hospital, Sikar

This is a 300 Nos. bedded capacity hospital and having valid authorization and consent to operate of the State Pollution Control Board. Hospital is using proper colour coded bins & poly bags for storage of Bio-medical Waste, having adequate size of storage site, using bar coding, maintaining record. Hospital is having valid membership of CBWTF operated by M/s Instromedix (India) Pvt, Ltd. As per representative of the hospital, Bio- medical Waste is collected by the company regularly.

ii. Govt. M.C.H. Wing , Sikar

This is a 100 Nos. bedded capacity hospital and having valid authorization and consent to operate of the State Pollution Control Board. Hospital is using proper colour coded bins & poly bags for storage of Bio-medical Waste, having adequate size of storage site, using bar coding, maintaining record. Hospital is having valid membership of CBWTF operated by M/s Instromedix (India) Pvt, Ltd. As per representative of the hospital, Bio- medical Waste is collected by the company regularly.

iii. Neerja Hospital, Sikar

This is a 50 Nos. bedded capacity hospital and having valid authorization and consent to operate of the State Pollution Control Board. Hospital is using proper colour coded bins & poly bags for storage of Bio-medical Waste, having adequate size of storage site, maintaining record. Hospital is having valid membership of CBWTF operated by M/s Instromedix (India) Pvt. Ltd. As per representative of the hospital, Bio-medical Waste is collected by the company regularly.

iv. S.B. Mittal Mema Heart & Critical Care Hospital, Sikar

This is a 100 Nos. bedded capacity hospital and having valid authorization and consent to operate of the State Pollution Control Board. Hospital is using proper colour coded bins & poly bags for storage of Bio-medical

Waste, having adequate size of storage site, maintaining record. Hospital is having valid membership of CBWTF operated by M/s Instromedix (India) Pvt. Ltd. As per representative of the hospital, Bio-medical Waste is collected by the company regularly.

v. Guru Kirpa Hospital Research Centre Pvt. Ltd., Sikar

This is a 100Nos. bedded capacity hospital and having valid authorization and consent to operate of the State Pollution Control Board. Hospital is using proper colour coded bins & poly bags for storage of Bio-medical Waste, having adequate size of storage site, maintaining record. Hospital is having valid membership of CBWTF operated by M/s Instromedix (India) Pvt,Ltd. As per representative of the hospital, Bio-medical Waste is collected by the company regularly.

vi. Municipal Solid Waste Disposal Site, Nani Beed, Sikar

MSW site operate by Nagar Parisad for disposal of Municipal Waste was visited by the team, at the site no Biomedical Waste was observed with Municipal Waste. Representative of Nagar Parisad was directed to ensure not to collect and disposed Bio medical Waste with Municipal Waste

Recommendations :

During discussion following recommendations were made:-

1. A committee for management of Biomedical Waste shall be constituted at all PHC,s/CHCs/SDHs/DH and all Private Health Care Facilities and details of the same shall be shared with the CMHO and Rajasthan Pollution Control Board.
2. BMW committee so formed shall submit any issues related to treatment, transportation and collection of Biomedical

waste from CBWTF i.e. M/s Instromedix India Private Limited to the concerned CMHO and RSPCB.

- 3. All Health Care Facilities shall follow the collection, segregation of BMW as per provisions envisaged under BMW Rules 2016 and its subsequent amendments as on today.*
- 4. A joint committee from officials of CMHOs, RSPCB and Nagar Parishad shall be formed which will inspect the Health Care Facilities on a random basis and check the arrangements made for proper Collection, Treatment, Transportation and Disposal of BMW, In case of any non-compliances observed during visit, concerned department i.e. Nagar Parishad, CMHO and RSPCB shall take action against the defaulters as per the provisions and relevant sections of the Acts,*
- 5. Forest Department shall ensure that no BMW shall be disposed/burnt on forest land*
- 6. A detailed survey be carried out to identify health care facilities which are operative without due permission/consent from concerned departments.*
- 7. Survey of those health care facilities/OPD centers be also carried out subsequently which are running without permission and disposing generated biomedical waste along with municipal solid waste. A suitable action which Includes closure of such centers and imposition of penalties against those centers shall be initiated by the Nagar Parishad, RSPCB and CMHO. Nagar Parishad shall also ensure not to collect Bio-medical Waste with Municipal Solid Waste.*
- 8. CBMWTF responsible for collection, Treatment, Transportation and Treatment of Biomedical Waste shall be instructed to coordinate with the committee and collect the BMW from each HCF on regularly. Complaint received against the CBMWTF shall be viewed seriously and stern action shall be initiated by the committee if found violating the norms.*

9. A Common Biomedical Waste Treatment Facility for District Sikar, Jhunjhunu & Churu is proposed at Jhunjhunu for disposal of BMW generated from HCFA Nagar Parishad, jhunjhunu shall expedite the process for establishment of CBWTF.”

4. While hearing the matter this Tribunal observed that in the 21st century with increased use of disposable material and the presence of dreaded disease like Hepatitis B and AIDS, it is utmost important to take care of the infected and hazardous waste to save the mankind from disaster. The Health care institution or hospitals which are responsible for care of morbid population are emitting voluminous quantity of rubbish, garbage and bio medical waste matter each day from wards, operation theatre and outpatient areas. Proper management of hospital waste is essential to maintain hygiene, aesthetics, cleanliness and control of environmental pollution. The hospital waste like body parts, organs, tissues, blood and body fluids along with soiled linen, cotton, bandage and plaster casts from infected and contaminated areas are very essential to be properly collected, segregated, stored, transported, treated and disposed of in safe manner to prevent hospital acquired infection. Various communicable diseases, which spread through water, sweat, blood, body fluids and contaminated organs, are important to be prevented. The bio medical waste scattered in and around the hospitals invites flies, insects, rodents, cats and dogs that are responsible for the spread of communication disease like plague and rabies. Rag pickers in the hospital, sorting out the garbage are at a risk of getting tetanus and HIV infections. The recycling of disposable syringes, needles, IV sets and other article like glass bottles without proper sterilization are responsible for Hepatitis, HIV, and other viral diseases. It becomes primary responsibility of Health administrators to manage hospital waste in most safe and eco-friendly manner.

5. The Central Government in exercise of powers conferred by Environment (Protection) Act, 1986 made Bio-Medical Waste(Management and Handling) Rules, 1998 in short: (1998 Rules) and looking at the continuous need for improvisation of the technique involved in disposing off bio medical waste, the Rules were amended in the year 2016 and then in the year 2019. Under the said Rules, the Prescribed Authority for the implementation of Bio Medical Norms is Respondent No. 2 Rajasthan Pollution Control Board.
6. In order to discharge the biomedical waste, a common biomedical waste treatment facility (hereinafter referred as treatment facility) is installed which consists of an incinerator, auto clave and other machineries. The need for shifting from captive incinerator to treatment facility arose due to the hazardous impact and extreme vigilance required for treating the biomedical wastes.
7. As per Environment Impact Act Notification, 2006 as amended vide notification of S.O.1142 E dated April 17, 2015, 'biomedical waste treatment facility' is categorized under item 7 (da) in the schedule and requires 'Environmental Clearance' from the State Environment Impact Assessment Authority (SEIAA). It is further submitted that facility of Respondent No.3 was installed in the year 2008 which was prior to the said notification. As per the guidelines issued by CPCB, a facility may require 'Environmental Clearance' as follows :-
 - a. *Expansion and modernization with additional treatment capacity of existing bio-medical waste treatment facility (excluding augmentation of incineration facility for compliance to the residence time as well as Dioxins and Furans without enhancing the existing treatment capacity)*
 - b. *In case of any expansion in the treatment capacity or relocation of the existing CBWTF.*

8. As per Rule 12(4) of BMWM Rules, 2016 State Government shall constitute District Level Monitoring Committee in the districts under the Chairmanship of District Collector or District Magistrate or Deputy Commissioner or Additional District Magistrate to monitor the compliance of the provisions of these rules in the health care facilities generating bio-medical waste and in the common biomedical waste treatment and disposal facilities. Further, as per Schedule III, State Government may take advise of State Pollution Control Boards on implementation of these Rules. Also, as mentioned hereinabove the said matter is presently pending before this Tribunal in Application No. 33 of 2017 (CZ) Rajdeep Biotech Vs. C.P.C.B and Others. Appropriate directions qua shifting of the said facility have been issued by this Tribunal in the said Application. The said Application being pending, the matter is rendered sub judice and thus does not merit a reply from the Answering Respondent save to the effect that the shifting of the said Facility be ensured by the State Government.
9. As per Rule 10 of BMWM Rules, 2016 every operator of CBWTF is required to obtain authorization under said rules from concerned State Pollution Control Board or Pollution Control Committee for ensuring that biomedical waste is collected, received, stored, transported, treated, processed, disposed or handled in line with the provisions under BMWM Rules, 2016. Response in this regard may be sought from the Respondent RSPCB.
10. In exercise of the powers conferred by section 6, 8 and 25 of the Environment (Protection) Act, 1986 (29 of 1986), and in supersession of the Bio-Medical Waste (Management and Handling) Rules, 1998, the Central Government has framed the rules called the Bio-Medical Waste Management Rules, 2006 and relevant provisions are as follows:-

4. *“Duties of the Occupier.- It shall be the duty of every occupier to –*

- a) *take all necessary steps to ensure that bio-medical waste is handled without any adverse effect to human health and the environment and in accordance with these rules;*
- b) *make a provision within the premises for a safe, ventilated and secured location for storage of segregated biomedical waste in colored bags or containers in the manner as specified in Schedule I, to ensure that there shall be no secondary handling, pilferage of recyclables or inadvertent scattering or spillage by animals and the bio-medical waste from such place or premises shall be directly transported in the manner as prescribed in these rules to the common bio-medical waste treatment facility or for the appropriate treatment and disposal, as the case may be, in the manner as prescribed in Schedule I;*
- c) *pre-treat the laboratory waste, microbiological waste, blood samples and blood bags through disinfection or sterilization on-site in the manner as prescribed by the World Health Organization (WHO) or National AIDs Control Organization (NACO) guidelines and then sent to the common bio-medical waste treatment facility for final disposal;*
- d) *phase out use of chlorinated plastic bags, gloves and blood bags within two years from the date of notification of these rules;*
- e) *dispose of solid waste other than bio-medical waste in accordance with the provisions of respective waste management rules made under the relevant laws and amended from time to time;*
- f) *not to give treated bio-medical waste with municipal solid waste;*

- g) provide training to all its health care workers and others, involved in handling of bio medical waste at the time of induction and thereafter at least once every year and the details of training programmes conducted, number of personnel trained and number of personnel not undergone any training shall be provided in the Annual Report ;*
- h) immunise all its health care workers and others, involved in handling of bio-medical waste for protection against diseases including Hepatitis B and Tetanus that are likely to be transmitted by handling of bio-medical waste, in the manner as prescribed in the National Immunisation Policy or the guidelines of the Ministry of Health and Family Welfare issued from time to time;*
- i) establish a Bar- Code System for bags or containers containing bio-medical waste to be sent out of the premises or place for any purpose within one year from the date of the notification of these rules;*
- j) ensure segregation of liquid chemical waste at source and ensure pre-treatment or neutralisation prior to mixing with other effluent generated from health care facilities;*
- k) ensure treatment and disposal of liquid waste in accordance with the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974);*
- l) ensure occupational safety of all its health care workers and others involved in handling of biomedical waste by providing appropriate and adequate personal protective equipments;*
- m) conduct health check up at the time of induction and at least once in a year for all its health care workers and*

others involved in handling of bio- medical waste and maintain the records for the same;

- n) maintain and update on day to day basis the bio-medical waste management register and display the monthly record on its website according to the bio-medical waste generated in terms of category and colour coding as specified in Schedule I;*
- o) report major accidents including accidents caused by fire hazards, blasts during handling of biomedical waste and the remedial action taken and the records relevant thereto, (including nil report) in Form I to the prescribed authority and also along with the annual report;*
- p) make available the annual report on its web-site and all the health care facilities shall make own website within two years from the date of notification of these rules;*
- q) inform the prescribed authority immediately in case the operator of a facility does not collect the bio-medical waste within the intended time or as per the agreed time;*
- r) establish a system to review and monitor the activities related to bio-medical waste management, either through an existing committee or by forming a new committee and the Committee shall meet once in every six months and the record of the minutes of the meetings of this committee shall be submitted along with the annual report to the prescribed authority and the healthcare establishments having less than thirty beds shall designate a qualified person to review and monitor the activities relating to bio-medical waste management within that establishment and submit the annual report;*

- s) *maintain all record for operation of incineration, hydro or autoclaving etc., for a period of five years;*
 - t) *existing incinerators to achieve the standards for treatment and disposal of bio-medical waste as specified in Schedule II for retention time in secondary chamber and Dioxin and Furans within two years from the date of this notification.*
5. *Duties of the operator of a common bio-medical waste treatment and disposal facility.-It shall be the duty of every operator to –*
- a) *take all necessary steps to ensure that the bio-medical waste collected from the occupier is transported, handled, stored, treated and disposed of, without any adverse effect to the human health and the environment, in accordance with these rules and guidelines issued by the Central Government or, as the case may be, the central pollution control board from time to time;*
 - b) *ensure timely collection of bio-medical waste from the occupier as prescribed under these rules;*
 - c) *establish bar coding and global positioning system for handling of bio- medical waste within one year;*
 - d) *inform the prescribed authority immediately regarding the occupiers which are not handing over the segregated biomedical waste in accordance with these rules;*
 - e) *provide training for all its workers involved in handling of bio-medical waste at the time of induction and at least once a year thereafter;*
 - f) *assist the occupier in training conducted by them for biomedical waste management;*
 - g) *undertake appropriate medical examination at the time of induction and at least once in a year and immunise all its workers involved in handling of bio-medical waste for*

- protection against diseases, including Hepatitis B and Tetanus, that are likely to be transmitted while handling biomedical waste and maintain the records for the same;*
- h) ensure occupational safety of all its workers involved in handling of bio-medical waste by providing appropriate and adequate personal protective equipment;*
 - i) report major accidents including accidents caused by fire hazards, blasts during handling of biomedical waste and the remedial action taken and the records relevant thereto, (including nil report) in Form I to the prescribed authority and also along with the annual report;*
 - j) maintain a log book for each of its treatment equipment according to weight of batch; categories of waste treated; time, date and duration of treatment cycle and total hours of operation;*
 - k) allow occupier , who are giving waste for treatment to the operator, to see whether the treatment is carried out as per the rules;*
 - l) shall display details of authorisation, treatment, annual report etc on its web-site;*
 - m) after ensuring treatment by autoclaving or microwaving followed by mutilation or shredding, whichever is applicable, the recyclables from the treated bio-medical wastes such as plastics and glass, shall be given to recyclers having valid consent or authorisation or registration from the respective State Pollution Control Board or Pollution Control Committee;*
 - n) supply non-chlorinated plastic coloured bags to the occupier on chargeable basis, if required;*
 - o) common bio-medical waste treatment facility shall ensure collection of biomedical waste on holidays also;*

p) maintain all record for operation of incineration, hydroor autoclaving for a period of five years; and

q) upgrade existing incinerators to achieve the standards for retention time in secondary chamber and Dioxin and Furans within two years from the date of this notification.

6. Duties of authorities.-The Authority specified in column (2) of Schedule-III shall perform the duties as specified in column (3) thereof in accordance with the provisions of these rules.

7. Treatment and disposal.-

1. Bio-medical waste shall be treated and disposed of in accordance with Schedule I, and in compliance with the standards provided in Schedule-II by the health care facilities and common bio-medical waste treatment facility.

2. Occupier shall hand over segregated waste as per the Schedule-I to common bio-medical waste treatment facility for treatment, processing and final disposal: Provided that the lab and highly infectious bio-medical waste generated shall be pre-treated by equipment like autoclave or microwave.

3. No occupier shall establish on-site treatment and disposal facility, if a service of `common biomedical waste treatment facility is available at a distance of seventy-five kilometer.

4. In cases where service of the common bio-medical waste treatment facility is not available, the Occupiers shall set up requisite biomedical waste treatment equipment like incinerator, autoclave or microwave, shredder prior to commencement of its operation, as per the authorisation given by the prescribed authority.

5. Any person including an occupier or operator of a common bio medical waste treatment facility, intending to use new

technologies for treatment of bio medical waste other than those listed in Schedule I shall request the Central Government for laying down the standards or operating parameters.

- 6. On receipt of a request referred to in sub-rule (5), the Central Government may determine the standards and operating parameters for new technology which may be published in Gazette by the Central Government.*
- 7. Every operator of common bio-medical waste treatment facility shall set up requisite biomedical waste treatment equipments like incinerator, autoclave or microwave, shredder and effluent treatment plant as a part of treatment, prior to commencement of its operation.*
- 8. Every occupier shall phase out use of non-chlorinated plastic bags within two years from the date of publication of these rules and after two years from such publication of these rules, the chlorinated plastic bags shall not be used for storing and transporting of bio-medical waste and the occupier or operator of a common bio-medical waste treatment facility shall not dispose of such plastics by incineration and the bags used for storing and transporting biomedical waste shall be in compliance with the Bureau of Indian Standards. Till the Standards are published, the carry bags shall be as per the Plastic Waste Management Rules, 2011.*
- 9. After ensuring treatment by autoclaving or microwaving followed by mutilation or shredding, whichever is applicable, the recyclables from the treated bio-medical wastes such as plastics and glass shall be given to such recyclers having*

valid authorisation or registration from the respective prescribed authority.

10. The Occupier or Operator of a common bio-medical waste treatment facility shall maintain a record of recyclable wastes referred to in sub-rule (9) which are auctioned or sold and the same shall be submitted to the prescribed authority as part of its annual report. The record shall be open for inspection by the prescribed authorities.

11. The handling and disposal of all the mercury waste and lead waste shall be in accordance with the respective rules and regulations.

8. Segregation, packaging, transportation and storage. –

1. No untreated bio-medical waste shall be mixed with other wastes.

2. The bio-medical waste shall be segregated into containers or bags at the point of generation in accordance with Schedule I prior to its storage, transportation, treatment and disposal.

3. The containers or bags referred to in sub-rule (2) shall be labeled as specified in Schedule IV.

4. Bar code and global positioning system shall be added by the Occupier and common bio-medical waste treatment facility in one year time.

5. The operator of common bio-medical waste treatment facility shall transport the bio-medical waste from the premises of an occupier to any off-site bio-medical waste treatment facility only in the vehicles having label as provided in part 'A' of the Schedule IV along with necessary information as specified in part 'B' of the Schedule IV.

6. The vehicles used for transportation of bio-medical waste shall comply with the conditions if any stipulated by the

State Pollution Control Board or Pollution Control Committee in addition to the requirement contained in the Motor Vehicles Act, 1988 (59 of 1988), if any or the rules made there under for transportation of such infectious waste.

7. Untreated human anatomical waste, animal anatomical waste, soiled waste and, biotechnology waste shall not be stored beyond a period of forty –eight hours: Provided that in case for any reason it becomes necessary to store such waste beyond such a period, the occupier shall take appropriate measures to ensure that the waste does not adversely affect human health and the environment and inform the prescribed authority along with the reasons for doing so.

8. Microbiology waste and all other clinical laboratory waste shall be pre-treated by sterilisation to Log 6 or disinfection to Log 4, as per the World Health Organisation guidelines before packing and sending to the common bio-medical waste treatment facility.

18. Liability of the occupier, operator of a facility :-

- 1. The occupier or an operator of a common bio-medical waste treatment facility shall be liable for all the damages caused to the environment or the public due to improper handling of biomedical wastes*
- 2. The occupier or operator of common bio-medical waste treatment facility shall be liable for action under section 5 and section 15 of the Act, in case of any violation.”*

11. The Schedule 1 of the rule provides the category of the bag which required to be used as a container and disposal option.

12. Part II of the rules provide as follows :-

1. *All plastic bags shall be as per BIS standards as and when published, till then the prevailing Plastic Waste Management Rules shall be applicable.*
2. *Chemical treatment using at least 10% Sodium Hypochlorite having 30% residual chlorine for twenty minutes or any other equivalent chemical reagent that should demonstrate Log104 reduction efficiency for microorganisms as given in Schedule-III.*
3. *Mutilation or shredding must be to an extent to prevent unauthorized reuse.*
4. *There will be no chemical pretreatment before incineration, except for microbiological, lab and highly infectious waste.*
5. *Incineration ash (ash from incineration of any bio-medical waste) shall be disposed through hazardous waste treatment, storage and disposal facility, if toxic or hazardous constituents are present beyond the prescribed limits as given in the Hazardous Waste (Management, Handling and Transboundary Movement) Rules, 2008 or as revised from time to time.*
6. *Dead Fetus below the viability period (as per the Medical Termination of Pregnancy Act 1971, amended from time to time) can be considered as human anatomical waste. Such waste should be handed over to the operator of common biomedical waste treatment and disposal facility in yellow bag with a copy of the official Medical Termination of Pregnancy certificate from the Obstetrician or the Medical Superintendent of hospital or healthcare establishment.*
7. *Cytotoxic drug vials shall not be handed over to unauthorised person under any circumstances. These shall be sent back to*

the manufactures for necessary disposal at a single point. As a second option, these may be sent for incineration at common bio-medical waste treatment and disposal facility or TSDFs or plasma pyrolysis at temperature >1200 °C.

- 8. Residual or discarded chemical wastes, used or discarded disinfectants and chemical sludge can be disposed at hazardous waste treatment, storage and disposal facility. In such case, the waste should be sent to hazardous waste treatment, storage and disposal facility through operator of common bio-medical waste treatment and disposal facility only.*
- 9. On-site pre-treatment of laboratory waste, microbiological waste, blood samples, blood bags should be disinfected or sterilized as per the Guidelines of World Health Organisation or National AIDS Control Organisation and then given to the common bio-medical waste treatment and disposal facility.*
- 10. Installation of in-house incinerator is not allowed. However in case there is no common biomedical facility nearby, the same may be installed by the occupier after taking authorisation from the State Pollution Control Board.*
- 11. Syringes should be either mutilated or needles should be cut and or stored in tamper proof, leak proof and puncture proof containers for sharps storage. Wherever the occupier is not linked to a disposal facility it shall be the responsibility of the occupier to sterilize and dispose in the manner prescribed.*
- 12. Bio-medical waste generated in households during healthcare activities shall be segregated as per these rules and handed over in separate bags or containers to municipal waste collectors. Urban Local Bodies shall have tie up with the common bio-medical waste treatment and disposal facility to*

pickup this waste from the Material Recovery Facility (MRF) or from the house hold directly, for final disposal in the manner as prescribed in this Schedule.”

13. It is further argued that on behalf of the State Pollution Control Board that :-

“Health Care Facilities (HCFs) are covered under Red category. All the Health Care Facilities (Hospital, Nursing Home, Clinic, Pathological lab, etc.) covered under Biomedical Waste Rules 2016. State Pollution Control Board Grant authorization and consent after ensuring valid Membership of Common Biomedical Waste Treatment Facility (CBWTF) disposal of Biomedical Waste.

- i. CBWTE facility operated by M/s Instromedix (India) Pvt. Ltd. And collected Biomedical Waste from all the Health Care Facilities (HCFs) in Sikar District area and dispose at Jaipur Plant established at Gram Khori Ropada, Tehsil Sanganer and District Jaipur. M/s Instromedix (India) Pvt. Ltd. having valid consent to operate and authorization of the State Pollution Control Board.*
- ii. A CBWTF site is proposed at Jhunjhunu for disposal of Biomedical Waste generated from District Sikar, Jhunjhunu and Churu.*
- iii. Nagar Parishad, Jhunjhunu acceptance issued M/s to Instromedix (India) Private Limited for Establishment and Operational & Maintenance of Common Biomedical Waste Treatment Facility (CBWTF) on "DBOOT" basis on 26.11.2015. Naqar Parisad Jhunjhunu has made MOU/Agreement for rate contract with CBWTF Facility operated by M/s Instromedix (India) Pvt. Ltd. on 05.05.2017 and granted consent to collect Biomedical Waste generated in all health care facilities in District Sikar, Jhunjhunu and Churu vide letter dated 07.09.2018. An agreement has been made on 08.06.2017 for the land situated at Khasra No. 522 Derwala for establishment of CBWTF. Due to*

Administrative reasons Municipal Council, Jhunjhunu has been canceled above mentioned Lease Deed on 16.01.2019. Another land has identified at Khasra No. 176, Near Moda Pahar, Jhunjhunu canceled 12.06.2020 also Municipal Council, Jhunjhunu has identified another land Khasra No. 201, Moda Pahar, Jhunjhunu total area 10624 SOMTR to establishment of Common Biomedical Waste Treatment Plant (CBWTF). Nagar Parisad, Jhunjhunu has made Agreement with M/s Instromedix (India) Private Establishment Maintenance of and Limited Operational Common Biomedical Waste Treatment Facility (CBWTF) on DBOOT basis on 04 Sep. 2023 and work in progress. A copy of the details is submitted herewith and marked.

iv. That, thereafter, it has been decided that a joint inspection should be held by the Joint and committee concern departments. In pursuance to aforesaid decision and Divisional Commissioner. Sikar letter dated 18.09.2023, a joint inspection was held on 14.12.2023. During sudden visit of Government and Private Hospitals by the joint team, segregation and collection of Biomedical Waste was found as per BMW Rules and no Biomedical Waste was found mixed with Municipal Waste at the level HCF. Joint Committee also visited Municipal Solid Waste disposal site and no Biomedical Waste was observed at the site.”

14. In view of the above facts and the report submitted by the joint committee necessary remedial actions are being taken by the state authorities for disposal of bio-medical waste. It is further submitted that CBWT facility is in operation and the medical waste is being disposed of in district Jaipur, having valid consent to operate any authorisation of the State Pollution Control Board. In the Jhunjhunu the process has been initiated and agreement has been entered between the parties for the development of the site.

15. In view of the above facts we direct the Municipal Corporation to expedite the matter and to ensure that bio medical waste should be disposed of in accordance with the rules and there should not be any violation of environmental rules. State Pollution Control Board is directed to periodically monitor the compliance of the Bio Medical Waste Management Rules and in case of any violation necessary legal action in addition to imposition of environmental compensation must be initiated according to rules.
16. With these observations **Original Application No. 162/2023 stands disposed of.**

Sheo Kumar Singh, JM

Dr. A. Senthil Vel, EM

19th January, 2024
O.A No. 162/2023 (CZ)
PN