

By Speed - Post

F. No. B-31011/BMW (47.44)/2020/WMD-I

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March 02, 2020

To,

The Dean,
M/s Gajra Raja Medical College,
M/s Jaya Arogya Groups of Hospital,
Mandre ki Mata ke pass, Jai Vilas Palace,
Kampoo Road, Lashker
Gwalior, Madhya Pradesh - 4740001.

DIRECTION UNDER SECTION 5 OF THE ENVIRONMENT (PROTECTION) ACT, 1986 (NOTICE THEREOF)

WHEREAS the Central Government has notified the Bio-Medical Waste Management Rules, 2016 and amendments thereof (herein after referred as BMW Rules) in suppression of the Bio-Medical Waste (Management & Handling) Rules, 1998, and amendments thereof, under the Environment (Protection) Act, 1986, to improve the collection, segregation, processing, treatment and disposal of the Bio-Medical wastes in an environmentally sound management thereby, reducing the biomedical waste generation and its impact on the environment;

WHEREAS Rule 4 of BMW Rules, 2016 stipulated duties of the occupier of Healthcare Facilities (HCFs);

WHEREAS as per Rule 7(1) of BMW Rules, "bio-medical waste shall be treated and disposed of in accordance with Schedule I and in compliance with the standards prescribed in Schedule II of the BMW Rules, 2016";

WHEREAS Rules 14 (1) of BMW Rules, "every authorized person shall maintain records related to generation, collection, segregation, storage, transportation, treatment, disposal and or any form of handling of Bio-Medical waste in accordance with these Rules and by guidelines issued";

WHEREAS the Healthcare Facility (HCF) namely M/s Jaya Arogya Hospital operating in M/s Gajra Raja Medical College, near Mandre ki Mata, Kampoo Road, Lashker, Gwalior, Madhya Pradesh (the Unit) was inspected by Central Pollution Control Board (CPCB) on 24.04.2019 whereby following discrepancies were observed; (a) Unit has not applied for renewal of authorization (b) Segregation of bio-medical waste is not carried out as per color coded system (c) BMW was found mixed with general solid waste (d) Unit is practicing open dumping and burning of untreated bio-medical waste (e) Unit has not become member of any CBWTF after relocation (f) Separate spacing for temporary storage of untreated BMW (g) Bar-coding is not yet adopted by the Unit (h) Untreated biomedical plastic waste is handing over to illegal vendors (i) Pre-treatment facility for liquid chemical waste is not provided (j) ETP is not provided for the treatment of effluent and untreated effluent is discharging through Jinsi drain (k) Poor awareness about bio-medical waste management (l) Regular training is not conducted (m) Record related to BMW is not maintained by Unit (n) Unit is not conducted immunization of staff involved in handling of Bio Medical Waste;

WHEREAS based on above non compliances CPCB vide letter dated 20.06.2019 issued direction under Section 5 of Environmental (Protection) Act, 1986 against the Unit directing to take necessary corrective measures w.r.to above action points and submit the time bound action plan within 15 days of the issue of this direction. Unit was also directed to deposit ₹ 21,75,000/- as Environmental Compensation (EC) for above violation to provisions under BMW Rules, 2016;

WHEREAS CPCB vide letter dated 26.08.2019 directed the Unit to deposit Environmental Compensation of ₹ 22,08,608/- including 12% rate of interest for period of delay, as per the order dated 06.12.2018 passed by Hon'ble NGT in matter of O.A. 125 of 2017;

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WHEREAS the Unit vide letter dated 08.08.2019 submitted its reply, however action taken w.r.to all CPCB action points as well as documentary proof were not submitted;

WHEREAS CPCB vide letter dated 04.11.2019 directed the Unit to submit point wise reply to each of CPCB action points with supporting documents as proof of compliance along with Environmental Compensation Charges (ECC) of ₹ 22,08,608/-;

WHEREAS despite of several follow-ups, point wise compliance to CPCB directions is yet to be received from the Unit;

WHEREAS the Hon'ble National Green Tribunal, in the matter of O.A. No. 710 of 2017 filed by Shailesh Singh vide order dated 12.03.2019 directed CPCB "to undertake study and prepare a scale of compensation to be recovered from violators of Bio-Medical Waste Management Rules, 2016. Hon'ble NGT also states that scale of compensation must be different, rendering violation of Rules to be non-profitable and which should be adequate to remedy the situation";

WHEREAS Hon'ble National Green Tribunal in its order dated 15.07.2019 in the matter of O.A. No. 710 of 2017, accepted Guidelines for "Imposition of Environmental Compensation Charges (ECC) against Healthcare Facilities (HCFs) and Common Biomedical Waste Treatment Facilities (CBWTFs)";

WHEREAS the Central Government vide notification S.O. 730 (E) dated July 10, 2002, has delegated the powers under Section 5 of the Environment (Protection) Act, 1986 to the Chairman, Central Pollution Control Board (CPCB), to issue directions to any industry or any local, or any other authority for any violation of the standards and Rules relating to Bio-Medical Waste Management notified under the Environment (Protection) Act, 1986;

Now, therefore in the exercise of the powers vested under Section 5 of the Environment (Protection) Act, 1986, the Unit is hereby directed to show cause that why action should not be taken for closure of M/s Jaya Arogya Hospital operating in M/s Gajra Raja Medical College, Mandre ki Mata ke pass, Jai Vilas Palace, Kampoo Road, Lashker, Gwalior, M.P. -474001 within 15 days of issue of this direction for violations of BMWM Rules, 2016.

In case the Unit fails to reply within stipulated time CPCB will be constrained to initiate legal proceedings against M/s Jaya Arogya Hospital operating in M/s Gajra Raja Medical College, Mandre ki Mata ke pass, Jai Vilas Palace, Kampoo Road, Lashker, Gwalior, Madhya Pradesh under the provisions of the Environment (Protection) Act, 1986.

(Ravi S. Prasad)
Chairman

Copy for information to:

1. Joint Secretary, HSM Division
Ministry of Environment, Forest & Climate
Change
Indira Paryavaran Bhawan,
Jorbagh Road, New Delhi - 110 003
2. The Member Secretary,
Madhya Pradesh Pollution Control Board,
Paryavaran Parisar, Sector E -5,
Area Colony, Bhopal -462016 : For kind information
3. The Regional Directorate,
Central Pollution Control Board,
Parivesh Bhawan,
Paryavaran Parisar E-5,
Aera Colony, Bhopal - 462016 : For kind information
4. I/c IT Division : For information and necessary action

(Prashant Gargava)
(Member Secretary)