

**BEFORE THE NATIONAL GREEN TRIBUNAL  
CENTRAL ZONAL BENCH  
BHOPAL**

**Original Application No. 264/2014 (THC) (CZ)**

**CORAM:**

**Hon'ble Mr. Justice Dalip Singh  
(Judicial Member)**

**Hon'ble Mr. P.S.Rao  
(Expert Member)**

**BETWEEN:**

Sustainability and Human Resources  
Initiative through its Vice-Chairman  
Neeraj Jain S/o Shri H.C. Jain,  
Aged about 27 years,  
55, HIG, Shivaji Nagar,  
Bhopal (M.P.)

**.....Applicant**

Versus

1. The State of Madhya Pradesh  
Through Principal Secretary (Environment),  
Secretariat  
Bhopal (MP).
2. State of Madhya Pradesh  
Ministry of Health,  
Bhopal (M.P.)
3. Executive Engineer, Jal Nigam  
Bhopal (M.P.)
4. Chief Medical Officer  
Bhopal (M.P.)
5. Collector and District Magistrate,  
Bhopal (M.P.)
6. M.P. Pollution Control Board  
Through its Chairman,  
Bhopal (M.P.)

7. Superintendent of Police  
Bhopal (M.P.)
8. Director  
Government Hamidia Hospital,  
Bhopal (M.P.)
9. Director  
Government Sultania Hospital,  
Bhopal (M.P.)
10. Director  
T.B. Hospital,  
Bhopal (M.P.)
11. Manager  
Surbhi Hospital,  
Bhopal (M.P.)
12. Manager  
Devani Hospital,  
Bhopal (M.P.)

.....Respondents

**Counsel for State of MP:**

**Shri Sachin K. Verma, Advocate**

**Counsel for MPPCB:**

**Ms. Parul Bhadoria, Advocate for  
Shri Purushaindra Kaurav, Adv.**

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**Dated : November 17<sup>th</sup> , 2014**

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**Delivered in open court by**

**Hon'ble Mr. Justice Dalip Singh, Judicial Member**

1. This Original Application was registered after the Writ Petition filed as PIL before the Hon'ble High Court of MP registered as Writ Petition No. 33/2008 was transferred to this Bench by the Hon'ble High Court. After receipt of the same under the Order dated 28.02.2014 of the Hon'ble High Court, vide this Tribunal order dated 26.08.2014 notices were ordered to be issued to the Applicant as well as to the Respondents. Despite service of notice, none appeared before the Tribunal on behalf of the Applicant. The

State and the Madhya Pradesh State Pollution Control Board (MPPCB) have put in their appearance before us. The Applicant raised the issue of non-compliance by the State Medical & Health Department and hospitals pathological laboratories etc. in the city of Bhopal with regard to the implementation of Bio-Medical Waste (Management and Handling) Rules, 1998 (for short 'BMW Rules, 1998'), improper disposal and discarding of such material into the open areas, streets and the lakes of Bhopal resulting pollution and endangering the health of the citizens.

2. This Tribunal, being already seized of the matter pertaining to the pollution in the Upper Lake and other water bodies in the city of Bhopal in O.A.No. 21/2013 in the matter of Dr. Alankrita Mehra V/s Union of India & Ors. ordered for clubbing of this application with the same. This Tribunal in the case of Dr. Alankrita Mehra V/s Union of India & Ors. on 06.02.2014 also dealt with the issue pertaining to the non-observance of BMW Rules, 1998 when it was brought to the notice of the Tribunal that many hospitals, pathological laboratories and premises of other medical facilities in the city of Bhopal are not complying with the BMW Rules, 1998 and instead bio-medical waste is being allowed to be discharged/thrown into the lakes thereby polluting the same. The Learned Counsel for the Bhopal Municipal Corporation (for short 'BMC') as well as the MPPCB were directed to initiate proceedings against the erring hospitals and owners of the medical facilities and submit their report before this Tribunal.
3. While considering the same in O.A.No. 21/2013 on 12.02.2014, information about the implementation of BMW Rules, 1998 was placed before the Tribunal. After having gone through the report submitted before us, the Counsel for the State was directed to bring the facts to the notice of the State

Government and the MPPCB and BMC were directed to make sincere efforts for the implementation of BMW Rules, 1998. On the request of the Learned Counsel for the purpose, time was granted for making their submissions on the steps to be taken.

4. On 20.02.2014, the Learned Counsel for the State apprised this Tribunal that the State Government through Director, Medical & Health on 19.02.2014 had directed all the Chief Medical & Health Officers and Civil Surgeons in all Districts in the State to constitute teams for carrying out inspection of the hospitals and submit report within 15 days. The Chairman of the MPPCB and Principal Secretary, Medical & Health were directed to appear before the Tribunal and apprise regarding the steps taken so far on the implementation of the BMW Rules, 1998 as the Tribunal was of the opinion that both, the MPPCB as well as the State Government needed to be sensitized on the issue.
5. On 06.03.2014, when the matter was heard in O.A. No. 21/2013, the Tribunal was apprised that a joint meeting of the officials of the MPPCB as well as the Health Department has taken place regarding the steps taken so far and for deciding the future course of action to be taken. Three months' time had been sought for the implementation and carrying out the aforesaid task.
6. When the matter came up for consideration on 12.04.2014 in O.A.No. 21/2013, the MPPCB was directed to submit report regarding action taken against the defaulting hospitals etc. including issuing of notice for closure. At the same time, the MPPCB was directed to submit a factual report with regard to the situation prevailing in other parts of the state on observance of the BMW Rules 1998 since it was felt that the issue is not just limited to the

city of Bhopal alone and as such information with regard to Indore, Ujjain, Gwalior and Jabalpur cities was also sought.

7. On 01.07.2014, the MPPCB submitted as to what steps they have taken pursuant to the order dated 12.04.2014. It was revealed that about 318 hospitals and healthcare facilities in the city of Bhopal are in existence out of which 251 were found complying with the requirement of BMW Rules, 1998 whereas others were found to be either operating without valid consent/authorisation or with partial compliance. It was submitted that since the aforesaid task was voluminous, some more time was required for initiation of action. Accordingly, a month's time was granted to the MPPCB.
8. When the matter came up before the Tribunal on 06.08.2014, the MPPCB submitted its report with regard to the implementation of BMW Rules, 1998 in the aforesaid major cities in the State of MP. It was submitted that 29 hospitals in Bhopal city did not have valid authorisation and unfortunately majority of them were government institutions. The Director, Medical & Health as well as the Principal Secretary, Health were directed to examine the entire position and submit an affidavit with regard to the steps taken by the State for complying with the Rules of 1998. Meanwhile, the MPPCB was directed to continue with the task of inspection of hospitals in the State.
9. When the matter came up for consideration on 27.10.2014, it was submitted that the managements of medical facilities and hospitals have started submitting their applications to the MPPCB for the issuance of authorisation with a view to comply with the BMW Rules, 1998 and seeking permissions after inspection. However, the MPPCB submitted that since the State had failed to submit the requisite fee, the inspection of the State run hospitals and medical facilities had not been carried out. The Learned Counsel appearing

for the State submitted that he would immediately look into the matter and make a submission on the next date since the issue has been brought to his notice during the course of hearing on 27.10.2014 only.

10. M.A.No. 613/2014 had been filed by the MPPCB in O.A. No. 21/2013 with the prayer to take on record the documents annexed therewith pertaining to the implementation of BMW Rules, 1998 in the city of Indore stating that only partial inspection had been carried out while complying with the orders pertaining to hospitals and medical facilities in Indore.
11. Post our order dtd. 11.11.2014 in O.A. No.21/2013 today the Learned Counsel for the State has placed before us a letter dtd. 25.09.2014 whereby the State had deposited requisite authorisation fee amounting to Rs. 28,35,400 for the inspection and granting autorisation to the government in the State by the MPPCB in accordance with the BMW Rules, 1998. The same is taken on record.
12. From the above, we find that with the applications having been submitted by the hospitals, medical centres, pathological labs etc. and inspections are being carried out by the MPPCB, the remaining task of granting permission if found complying with the rules, is going on. If any medical facilities and hospitals are found not complying with the rules, they shall be dealt with strictly by the MPPCB in accordance with the BMW Rules, 1998 and wherever necessary such hospitals and facilities shall be ordered to be closed till compliance is made. The MPPCB shall submit a report before this Tribunal with regard to non-compliant health institutions, hospitals, medical facilities etc. indicating therein the volume of such material/waste being generated in such hospitals and medical facilities and the manner in which the same is being disposed contrary to the Rules of 1998 resulting in

pollution and health hazard particularly to the residents in the area. To each of them, separate notices shall thereupon be issued by this Tribunal for compensating the loss and damage to the environment. For complying with the aforesaid task, this Tribunal is inclined to grant three months' time to the MPPCB. The MPPCB shall accordingly, convey the operative portion of this order to each of the hospitals, medical facilities etc. which have applied for authorisation / permission in accordance with the rules so also to all the erring hospitals etc. which have failed to comply and have not applied for any permission and have been operating without any valid permission.

**13. For looking into the compliance, the matter be listed on 24<sup>th</sup> March, 2015.**

**14. With the aforesaid directions, the Original Application No. 264/2014 stands disposed of.**

**(Mr. Justice Dalip Singh)  
Judicial Member**

Bhopal;  
November 17<sup>th</sup>, 2014

**(Mr. P.S.Rao)  
Expert Member**

**NGT**