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**(2014) 08 JH CK 0079**  
**In the Jharkhand High Court**  
**Case No : WP(PIL) No. 1385 of 2012**

Jharkhand Human Rights Conference-JHRC

APPELLANT

Vs

The State of Jharkhand

RESPONDENT

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**Date of Decision :** 11-08-2014

**Acts Referred:**

**Citation :** (2014) 4 JLJR 272

**Hon'ble Judges :** Dhirubhai Naranbhai Patel, Acting C.J.; P.P. Bhatt, J

**Bench :** Division Bench

**Advocate :** Samavesh Bhanj Deo, Advocate for the Appellant; Rajesh Shankar, Advocate for the Respondent

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## Judgement

Dhirubhai Naranbhai Patel, Actg. C.J.

1. Despite statutory duties of the Municipal Corporations, Municipal Boards and Urban Local Bodies, there is a total lethargic approach on the part of the Ranchi Municipal Corporation as well as Jamshedpur Notified Area Committee not to allot the plot for the management and handling of Bio-Medical Wastes as per Rule 14 of the Bio-Medical Waste (Management and Handling) Rules, 1998. Had any care would have been taken by the high ranking Administrative Officer of the Municipal Corporations. Municipal Boards and Urban Local Bodies within the State of Jharkhand, these plots could have been made available. Only because of the lethargic approach on their part, time and again the matter has to be adjourned by this Court. Today also, the learned counsel appearing for the Ranchi Municipal Corporation as well as the learned counsel appearing for the Jamshedpur Notified Area Committee submitted that they are aware about their statutory duties under Rule 14 of the Bio-Medical Waste (Management and Handling) Rules, 1998. Thus, it appears that though the officers are aware about their statutory duties, they are not performing the same. Not to perform the statutory duties makes them unfit to hold the post and this is true, especially, when for a longer period, the statutory duties are not performed. They are the executors of the law. Now, after having knowledge of the statutory duties from November, 2000

onwards, the year in which this State has been bifurcated, more than one dozen year has been elapsed in performing their duties. It is expected from these statutory bodies, that they shall perform their duties as envisaged under Rule 14 of the Bio-Medical Waste (Management and Handling) Rules, 1998. Following are the photographs, which are annexed with the affidavit filed by the petitioner dated 23rd September 2013.

2. In absence of grant of such types of plots as the Municipal Corporations, Municipal Boards as well as the Urban Local Bodies of the State of Jharkhand are not performing their duties as envisaged under Rule 14 of the Bio-Medical Waste (Management and Handling) Rules, 1998, the aforesaid situation has arisen. For ready reference, Rule 14 of the Bio-Medical Waste (Management and Handling) Rules, 1998 7 reads as under:--

"14. Common disposal/incineration sites.--Without prejudice to Rule 5 of these Rules, the Municipal Corporations. Municipal Boards or Urban Local Bodies, as the case may be, shall be responsible for providing suitable common disposal/incineration sites for the bio-medical wastes generated in the area under their jurisdiction and in areas outside the jurisdiction of any municipal body, it shall be the responsibility of the occupier generating bio-medical waste/operator of a bio-medical waste treatment facility to arrange for suitable sites individual or in association, so as to comply with the provisions of these Rules."

(Emphasis Supplied)

3. The aforesaid photographs are mere samples, otherwise there are more than 4 to 5 dozens such photographs which are on record of this case. There is also videography on record of this case. The colour photographs and videography have been taken by the District Legal Services Authority in pursuance of our earlier order. Few photographs have also been annexed by the petitioner in their affidavit from time to time.

4. It appears that the concerned authority have not gone through these photographs. A man of reasonable prudence and a common observation capacity, can come to the conclusion that if these types of plots are not given, the hospitals, dispensaries, nursing homes and such other institutions which are enumerated in the Environment (Protection) Act, 1986 and the Rules made thereunder will throw their Bio-Medical Wastes at various places as per their own choice, which is dangerous to the health of the public at large. Despite these facts on records, the responsible governmental bodies are not allotting the Plots as stated under Rule 14 of the Bio-Medical Waste (Management and Handling) Rules, 1998.

5. Counsel appearing of the Ranchi Municipal Corporation as well as Jamshedpur Notified Area Committee is seeking two weeks time to take further instruction in the matter. Looking to the gravity of the subject matter, we hereby, grant four weeks time so that they may have enough consultation with the State Government. Accordingly, the matter is adjourned to be enlisted on 15th

September, 2014.