

(2018) 02 J&K CK 0047
In the Jammu And Kashmir High Court
Case No : 42 of 2014

Rajinder Singh

APPELLANT

Vs

State of J&K and others

RESPONDENT

Date of Decision : 07-02-2018

Acts Referred:

[Biomedical Waste Management Rules, 2016](#), Rule 12, Rule 4, Rule 8, Rule 3(m)

Citation : (2018) 02 J&K CK 0047

Hon'ble Judges : Badar Durrez Ahmed, Dhiraj Singh Thakur

Bench : Division Bench

Advocate : Rajinder Singh, S. S. Nanda, Rohit Kapoor, Sindhu Sharma, Sanjeev Padha

Judgement

1. On the previous occasion, that is on 20.12.2017, this Court had given several directions pertaining to (a) the stoppage of dumping of solid

waste at the site near the Jammu Airport and development of the sanitary land fill site at Kot Bhalwal, in terms of the Solid Waste Management

Rules, 2016; (b) the preparation of the e-Waste management plan; (c) drawing up an action plan with regard to bio-medical waste; and (d) for

indicating the alternatives to land fill sites for disposal/utilization of the solid waste, such as, waste-to-energy plants, recycling plants etc..

2. Insofar as the first direction is concerned with regard to the land fill site near the Jammu Airport, we are informed by Mr Nanda, appearing on

behalf of the Jammu Municipal Corporation, that dumping at that site had been stopped and the site at Kot Bhalwal is being used. We are also

informed that the Pollution Control Board has designated two Scientists to assist the Jammu Municipal Corporation for Bio-remediation of the site

near the Airport which was hitherto being used as a dumping site. Dr. Yash Pal, Scientist Laboratory (Air and Water), Jammu is present. He has

indicated that the process of Bio-remediation would take at least three months. He has indicated that after the said process, the non-bio-

degradable plastics may be picked up for recycling and other disposal methods. We hope that this process is carried out expeditiously and in right

earnest so that the waste which had been dumped near the Airport over all these years is consumed by the process of bio-remediation. A status

report be filed with regard to the further progress before the next date of hearing.

3. Insofar as e-waste management is concerned, a Committee has been constituted by virtue of Government Order No. 41-HUD of 2018 dated

05.02.2018 for formulation of an appropriate action plan for e-waste management at Jammu. The Committee comprises of the Commissioner,

Jammu Municipal Corporation (Chairman) and three members - Additional Deputy Commissioner, Jammu; Scientist A, representative of the State

Pollution Control Board; and an expert who is specialized in the management of e-Waste to be co-opted by the Committee. By virtue of the said

Government order, the Committee is required to submit its report within a period of two months, that is, by 5th of April, 2018.

4. With regard to Bio-Medical Waste, the Bio-Medical Waste Management Rules, 2016 have already been published. As per Rule 4, certain

duties have been cast on every ""Occupier"", which expression has been defined in Rule 3(m) of the said Rules and includes Hospitals, Nursing

Homes, Clinics, Pathological Labs, Blood Banks etc. We require the Commissioner-Secretary, Health and Medical Education Department to file

an affidavit indicating whether the duties which have been cast on the said ""Occupiers"" are being discharged by them. The said information be

furnished in a Tabular form also. Furthermore, we note that Rule 9 stipulates that the prescribed authority for implementation of the provisions of

the said Rules shall be the State Pollution Control Board. Consequently, the State Pollution Control Board shall file an affidavit, indicating the level

of implementation of the provisions of the said Rules within the State of Jammu and Kashmir and also indicate what action they have taken in

respect of non-implementation of the said Rules. We would also like to highlight Rule 8 which deals specifically with segregation, packaging,

transportation and storage of the bio-medical waste. The State Pollution Control Board as also the Commissioner-Secretary, Health and Medical

Education Department shall, in their affidavits, indicate specifically as to whether these prescriptions under the said Rule 8 are being followed in the

various medical facilities, which fall within the definition of ""occupier"".

5. The Union of India, which is represented by Mrs Sindhu Sharma, ASGI, shall also file an affidavit with regard to the monitoring of

implementation of the Rules in terms of Rule 12 of the said Rules with specific reference to the State of Jammu and Kashmir.

6. Re-notify on 09.03.2018.

7. Copies of this order be given Dasti to the learned counsel appearing for the respondents.