

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

WRIT PETITION (CIVIL) NO(s). 160 OF 2005

COMMON CAUSE Petitioner(s)

VERSUS

UNION OF INDIA & ORS. Respondent(s)

(With appln(s) for directions, impleadment as party respondent and office report)

Date: 22/10/2008 This Petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE P. SATHASIVAM
HON'BLE MR. JUSTICE J.M. PANCHALFor Petitioner(s) Mr. Rajiv Kataria, Adv.
M/s. Deban D. Purkayatha, Adv.
For M/S. Delhi Law Chambers, Adv.For Respondent(s) Mr. Mukesh Verma, Adv.
Mr. K.L. Janjani, Adv.Ms. Rajni Ohri, Adv.,
Ms. Asha G. Nair, Adv.
Mr. S.W.A. Qadri, Adv.
For Mrs Anil Katiyar ,Adv

Mr. D.N. Goburdhan ,Adv

Mr. Vijay Panjwani ,Adv
Mr. K. Rajeev ,AdvUPON hearing counsel the Court made the following
ORDER

This petition is filed under public interest litigation by the petitioner who is a Society registered under the

Societies Registration Act, 1860 and the Society is engaged in taking common problems of people and secure redressal thereof. The petitioner's Society contends that the

present method used for the disposal of Bio Medical Waste by incineration is causing serious environmental pollution apart from disadvantages. According to the petitioner, these incinerators consume human fossil fuels and high amount of electrical energy and its operating cost is very high and it involves occupational health hazards. According to the petitioner incineration though destroy the waste, it produces many other chemical and ashes which will cause atmospheric pollution. The petitioner also alleged incineration contribute to global warming, it should cause serious effects on soil and water resources.

The incinerators are installed for disposal of Bio Chemical Waste on the basis of the Rules framed by the Central Government by virtue of the powers conferred under Sections 6,8 and 25 of the Environment (Protection) Act, 1986 The Bio-Medical Waste (Management and Handling) Rules, 1998 gives detailed procedure for the incineration of the incinerators and mention the categories of Bio-Medical Waste in Schedule I. It is also stated that options given in the Schedule I are based on available technologies. Occupier/operator wishing to use other State-of-the-art technologies shall approach the Central Pollution Control Board to get the standards laid down to enable the prescribed authority to consider grant of authorisation. The petitioner has not produced any scientific material or research result to show that existing incinerators are causing serious environmental pollution as

-3-

alleged in the petition. It would be open to the petitioner to approach the concerned authorities. If the petitioner feels that the present technology is not good or suitable any other technology could be used. The Society is free to forward their suggestions to the authority concerned.

The writ petition is disposed of accordingly.

(R.K.DHAWAN)
COURT MASTER

(VEERA VERMA)
COURT MASTER