

OUT TODAY

ITEM NO.17 Court 3 (Video Conferencing) SECTION PIL-W

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Writ Petition(s)(Civil) No(s). 13029/1985

M.C. MEHTA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

((1) REPORT NO. 106 SUBMITTED BY EPCA (SPECIAL REPORT ON POLLUTION HOT SPOTS IN NCR WITH REQUEST FOR URGENT DIRECTIONS TO IMPROVE ENFORCEMENT AND POLLUTION CONTROL)(2) IN RE: STUBBLE BURNING AND SMOG IN DELHI(i) IA NO. 127792/2017 (DISPOSED OF) (APPLN. FOR DIRECTIONS FILED BY A.C.)(ii) IA NOS. 158128 AND 158129/2019 (APPLNS. FOR INTERVENTION AND DIRECTIONS ON BEHALF OF DR. KAUSHAL KANT MISHRA)(iii) IN RE: WATER QUALITY(iv) IA NOS. 56487 AND 56489/2020 (APPLNS. FOR EXTENSION OF TIME AND EXEMPTION FROM FILING ATTESTED AFFIDAVIT ON BEHALF OF CENTRAL POLLUTION CONTROL BOARD)(v) IA NO. 181745/2019 AND IA NO. 46339/2020(APPLNS. FOR INTERVENTION AND DIRECTIONS ON BEHALF OF HARSHITA SINGHAL)(vi) REPORT NO. 110 AND 112 SUBMITTED BY EPCA REGARDING HOSPITAL WASTE MANAGEMENT IN COMPLIANCE OF DIRECTIONS DT. 06.3.2020 AND REPORT ON HOSPITAL WASTE MANAGEMENT FOR COVID-19 IN COMPLIANCE OF DIRECTIONS OF THIS HON'BLE COURT DT. 21.07.2020))

WITH

SMW(C) No. 3/2019 (PIL-W)
(FOR ADMISSION)W.P.(C) No. 1333/2019 (PIL-W)
(FOR ADMISSION and IA No.170316/2019-EX-PARTE STAY and IA No.170317/2019-PERMISSION TO APPEAR AND ARGUE IN PERSON)

T.C.(C) No. 42/2019 (XVI-A)

T.C.(C) No. 41/2019 (XVI-A)

W.P.(C) No. 1426/2019 (PIL-W)
(FOR ADMISSION)

Date : 30-07-2020 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE ARUN MISHRA
HON'BLE MR. JUSTICE B.R. GAVAI
HON'BLE MR. JUSTICE KRISHNA MURARI

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UPON hearing the counsel the Court made the following
O R D E R

REPORT NO. 106 SUBMITTED BY EPCA

(SPECIAL REPORT ON POLLUTION HOT SPOTS IN NCR WITH REQUEST FOR URGENT DIRECTIONS TO IMPROVE ENFORCEMENT AND POLLUTION CONTROL)

IN RE: STUBBLE BURNING AND SMOG IN DELHI

IA NO. 127792/2017 (DISPOSED OF)
(APPLN. FOR DIRECTIONS FILED BY A.C.)

IA NOS. 158128 AND 158129/2019

(APPLNS. FOR INTERVENTION AND DIRECTIONS ON BEHALF OF DR. KAUSHAL KANT MISHRA)

Let file of Ministry be produced as well as affidavit of the Secretary be filed as well as of the Director/Vice Chancellor of I.I.T. Bombay, with files of all correspondence and notings right from beginning till date be made available on the next date.

The matter relating to Smog Towers be listed on 04.08.2020.

STUBBLE BURNING

With respect to stubble burning, we would like to hear, by virtual hearing, Chief Secretaries of Govt. of NCT of Delhi,

Haryana, Punjab, Uttar Pradesh, Madhya Pradesh and Rajasthan on the next date, as to what arrangement they have made for preventing the stubble burning as the time is fast approaching when it is burnt. It appears that some new technology has been developed by the AFC India Limited (Formerly known as Agricultural Finance Corporation Limited) for dissolving the stubble in the field itself by method of activation of mixed culture inoculation in farm, in the process of fertility of the field is also stated to be improved. Let response be also filed of current state with respect to all arrangement done and the aforesaid technology by the concerned States/Union Territories. Immediate steps which they propose to take. Let it be disclosed, how many instances were there in the previous year and how many farmers were responsible and the locations identified with respect to stubble burning, be also indicated in the affidavit, as this year special arrangement is to be made in that area in advance by making proper planning.

We have requested Ms. Aishwarya Bhati, learned Additional Solicitor General, Ms. Aprajita Singh, learned Amicus Curiae, Mr. Gopal Shankarnarayan, learned senior counsel, to prepare a chart and place it before us as to various requirements as per orders and steps taken as far as possible three days before the next date of hearing and furnish a copy of the same to the respective counsel for the States mentioned above so that they can forward the same to all the concerned Chief Secretaries with respect to what is desired to be done, so that they can file their respective affidavit(s) through email.

List the matter of stubble burning on 10.08.2020.

IN RE: WATER QUALITY

AND

IA NOS. 56487 AND 56489/2020 (APPLNS. FOR EXTENSION OF TIME AND EXEMPTION FROM FILING ATTESTED AFFIDAVIT ON BEHALF OF CENTRAL POLLUTION CONTROL BOARD)

With respect to water quality, let CPCB, DJB and BIS collect water samples, within seven days and analysis of the same be done within four weeks thereafter and report be submitted in the first week of September, 2020. The report submitted on behalf of the BIS with respect to 103 cities be placed for consideration on the next date of hearing.

List in the third week of September, 2020.

IA NO. 181745/2019 AND IA NO. 46339/2020

(APPLNS. FOR INTERVENTION AND DIRECTIONS ON BEHALF OF HARSHITA SINGHAL)

WITH

REPORT NO. 110 AND 112 SUBMITTED BY EPCA

(REGARDING HOSPITAL WASTE MANAGEMENT IN COMPLIANCE OF DIRECTIONS DT. 06.3.2020 AND REPORT ON HOSPITAL WASTE MANAGEMENT FOR COVID-19 IN COMPLIANCE OF DIRECTIONS OF THIS HON'BLE COURT DT. 21.07.2020

Considered the reports of EPCA with respect to management of Bio Medical waste, particularly during Covid-19 and recommendations been made in Report No. 112.

We have considered the deliberations at the meeting convened on 24.7.2020.

We take into note the following deliberations :

a) *That it is necessary to track the bio-medical waste on a daily basis and to ensure that it is collected, transported and sent to a registered common bio-medical waste treatment facility (CBWTF).*

b) *The WTE's are not designed to incinerate bio-medical waste, which needs a double-incineration chamber and protocols for storage and emission control.*

c) *In the management of bio-medical waste the working of the common facility will be critical. It is important that there is full monitoring of their functioning. The temperature data - provided through the sensors installed in the plants provide information on the functioning of the plants and therefore, this needs to be monitored and enforcement stepped up.*

d) *The data from air quality that when this is made public and available, it leads to better scrutiny and effective monitoring and public need to aware of it.*

e) *There are covid patients in the houses also, segregation of COVID-19 waste at the household/quarantine needs to be done with utmost care so that infected bio-medical waste is sent for incineration and it is not mixed with general solid waste.*

f) *The proper and effective management of bio-medical waste requires tracking, not just of COVID-19 waste but also of all hospital waste across the country. EPCA in its report 110 pointed*

out the importance of bar-coding. This will allow state boards/CPCB to track all waste generated and its management. This Court in its direction of 21.7.2020 noted the issue of bar-coding and its importance. The bar-coding is best done through state boards or through CPCB so that it can be regulated across the country. As recommended, it should not be left to CBWTF operators as this will not allow for good management.

Considering the aforesaid recommendations, we issue the following directions:-

1. All municipal corporations and state pollution control boards are directed to use the COVID19BWM APP. This is made mandatory and CPCB to track all the bio-medical waste and ensure that it is being sent for treatment.
2. The South and North Municipal Corporations are directed to send the bio-medical waste to CBWTF and not to the waste energy (WTE) plants.
3. All state pollution control boards/committees are directed to ensure that all common facilities have online continuous emission monitoring systems (OCEMS) installed in the plants and that the data from this is transmitted to both the state board website and CPCB.
4. CPCB is directed to ensure that the data from real-time OCEMS is monitored on a daily basis and information shared with state boards so that action can be taken, where necessary.
5. CPCB is directed to make the real-time OCEMS data available

publicly on its website, particularly for temperature so that working of the common facilities are known.

6. The municipal corporations are directed to ensure that they educate households about segregation and also send the bio-medical waste for treatment to common facilities only.

7. We direct MOEF&CC/CPCB to work out a national bar-coding system/portal for tracking bio-medical waste.

Let the directions be carried out punctually and Compliance Report be submitted by 07.08.2020 in particular, by North Delhi Municipal Corporation, East Delhi Municipal Corporation, South Delhi Municipal Corporation, New Delhi Municipal Council, Delhi Cantonment Board and Municipal Corporations of Ghaziabad, Gautam Budh Nagar, Noida, Faridabad, Gurugram and all other NCR Corporations. Let CPCB issue requisite directions to all State Boards.

Let the Contractors also (to whom notices were issued on 21.07.2020) file the Compliance Report before the next date of hearing.

List on 10.08.2020.

(NARENDRA KUMAR)
AR-CUM-PS

(JAYANT KUMAR ARORA)
COURT MASTER

(JAGDISH CHANDER)
ASSISTANT REGISTRAR