

BEFORE THE NATIONAL GREEN TRIBUNAL,
SOUTHERN ZONE, CHENNAI

ORIGINAL APPLICATION NO.123 OF 2017

IN THE MATTER OF:-

Dr. KIRTHIKA GOKULNATH

Applicant

Versus

UNION OF INDIA & OTHERS

Respondent

PAPER BOOK – II

I N D E X

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Through

Sathya Bama
Standing counsel for
Puducherry Pollution Control Committee

NGT Matter /Most Urgent
By Register Post with A/c

NO.1 / PPCC / BMW /SC/ JSA/ 2020 /1288

GOVERNMENT OF PUDUCHERRY

DEPARTMENT OF SCIENCE TECHNOLOGY AND ENVIRONMENT

PUDUCHERRY POLLUTION CONTROL COMMITTEE

III-Floor, Pondicherry Housing Board Building, Puducherry – 605 005.

Phone: (0413) 2201256

Fax: (0413) 2203494

Puducherry, dated

19 FEB 2020

SHOWCAUSE NOTICE

Sub: PPCC – Issue of Showcause Notice under Section 5 of the Environment (Protection) Act, 1986 and Bio-Medical Waste Management Rules, 2016 - Reg.

Ref: i) Direction dated 04.07.2017

ii) Hon'ble NGT, South Zone, Chennai order dated 22.01.2020, in the matter of O.A. No.123 of 127 (SZ) (Copy enclosed)

Whereas, you were directed to comply with the provisions of Bio-Medical Waste Management Rules, 2016 vide reference cited (i) above.

And whereas, as per the Rule 10(1) of the Bio-Medical Waste Management Rules, 2016, notified by Ministry of Environment & Forests, Government of India, every occupier of an institution generating Bio-Medical waste shall take all steps to ensure that such waste is handled without any adverse effect to human health and the environment.

And whereas, Dr. Krithika Gukulnath, has filed a PIL before the Hon'ble NGT seeking direction for scientific mode of disposal of bio-medical waste generated in the institution during the research activities.

And whereas, as per reference (ii), "Laboratories and Research Institutes dealing with DNA analysis, which is deemed to be a by product Bio-Medical Waste has to be dealt with in accordance with present provisions of the Bio-Medical waste Rules, 2016.

And whereas, running the laboratory / hospital / research institution without obtaining the authorization from the Prescribed Authority i.e Puducherry Pollution Control Committee, is the violation of Bio-Medical Waste Management Rules, 2016.

And whereas, all Pollution Control Boards / Committees are directed to submit the present status report in this regard the compliance of the rules by the institutions, and type of action initiated against them including recovery of Environment Compensation and that will have to be carried out within a period of one month.

Therefore, you are hereby showcaused why action shall not be initiated against your institution for non compliance of the direction issued vide reference cited above. Your reply in this regard, shall reach this office **within 7 days** of receipt of this notice, failing which necessary action as deemed fit will be initiated and Environment Compensation for violation will be imposed.

For and on behalf of PPCC,

Smitha.R
(SMITHA.R)

Member Secretary (PPCC)

o/c JES
18/2/2020

To
The Registrar,
Pondicherry University,
Kalapet, Puducherry – 605 014.

Copy to: Guard file.

S. Babu
19/2/2020
DESPATCHED

NGT Matter /Most Urgent
By Register Post with A/c

NO.1 / PPCC / BMW / SC / JSA / 2020 / 11441
GOVERNMENT OF PUDUCHERRY

DEPARTMENT OF SCIENCE TECHNOLOGY AND ENVIRONMENT
PUDUCHERRY POLLUTION CONTROL COMMITTEE

III-Floor, Pondicherry Housing Board Building, Puducherry – 605 005.

Phone: (0413) 2201256

Fax: (0413) 2203494

* * *

Puducherry, dated
13 MAR 2020

SHOWCAUSE NOTICE

Sub: PPCC – Issue of Showcause Notice under Section 5 of the Environment (Protection) Act, 1986 and Bio-Medical Waste Management Rules, 2016 - Reg.

Ref: i) Direction dated 04.07.2017

ii) Showcause notice dated 19.02.2020.

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* * *

Whereas, you were directed to comply with the provisions of Bio-Medical Waste Management Rules, 2016 vide reference cited (i) and (ii) above.

And whereas, as per the Rule 10(1) of the Bio-Medical Waste Management Rules, 2016, notified by Ministry of Environment & Forests, Government of India, every occupier of an institution generating Bio-Medical waste shall take all steps to ensure that such waste is handled without any adverse effect to human health and the environment.

And whereas, Dr. Krithika Gukulnath, has filed a PIL before the Hon'ble NGT seeking direction for scientific mode of disposal of bio-medical waste generated in the institution during the research activities.

And whereas, as per reference (ii), "Laboratories and Research Institutes dealing with DNA analysis, which is deemed to be a by product Bio-Medical Waste has to be dealt with in accordance with the provisions of the Bio-Medical waste Rules, 2016.

And whereas, running the laboratory / hospital / research institution without obtaining the authorization from the Prescribed Authority i.e Puducherry Pollution Control Committee, is the violation of Bio-Medical Waste Management Rules, 2016.

And whereas, all Pollution Control Boards / Committees are directed to submit the present status report on the compliance of the rules by the institutions, and type of action initiated against violators including recovery of Environment Compensation and that will have to be carried out within a period of one month.

And whereas, hearing in this regard on the O.A.No. 123 of 2017 (SZ) is posted on 20.03.2020.

Your are therefore, hereby directed as per the provision of Section 5 of the Environment (Protection) Act, 1986 to enter agreement with CBMWTF for disposal of BMW generated from Bio-technology department, Animal houses and Health Centre and apply for authorization in prescribed Form-II of Bio-Medical Waste Management Rules, 2016 **within 3 days** of receipt of this notice, failing which power connection of Bio-medical waste generating departments will be disconnected.

For and on behalf of PPCC,

Te
(SMITHA.R IAS)
Member Secretary (PPCC)

O/c Jss
11/03/2020

To
The Registrar,
Pondicherry University, Kalapet,
Puducherry – 605 014.

Copy to: Guard file.

S. Behera
13/3/2020
DESPATCHED



PONDICHERRY UNIVERSITY

(A Central University, 1985)

Dr. B.CHITHRA
REGISTRAR(i/c)

R.V. NAGAR,
KALAPET,
PUDUCHERRY - 605 014

No.PU/REGR/PPCC/2019-2020/8408

Date: 17.03.2020

To

The Member Secretary,
Puducherry Pollution control committee,
Department of Science & Technology & Environment,
III- floor, Pondicherry Housing board building,
Puducherry- 605 005



Madam,

Sub: Entering agreement - authorization for collecting bio-medical waste through specialized agency- reg.

With reference to the subject cited above, I am forwarding herewith the application, and service agreement for collecting the bio medical waste from Pondicherry University through authorized agency for your kind perusal please. In this regard, registration fee of Rs.3000/- will be transferred on later date.

Thanking you,



Yours faithfully,

B. Chithra

REGISTRAR

Encl: As Stated above

The Bio-Medical Waste Management Rules, 2016.

FORM - II

(See rule10)

APPLICATION FOR AUTHORISATION OR RENEWAL OF AUTHORISATION

(To be submitted by occupier of health care facility or common bio-medical waste treatment facility)

To

The Member Secretary
PPCC
Housing Board Complex
Puducherry

1. Particulars of Applicant:

(i)	Name of the Applicant: (In block letters & in full)	Registrar
(ii)	Name of the health care facility (HCF) Or common bio-medical waste treatment facility (CBWTF) :	Pondicherry University
(iii)	Address for correspondence:	Kalapet, Puducherry – 605014
(iv)	Tele No.:	0413-2654202 0413-2655179
	Fax No.:	0413-2655734
(v)	Email:	registrar@pondiuni.edu.in
(iv)	Website Address:	http://www.pondiuni.edu.in/

2. Activity for which authorization is sought:

Activity	Please tick
Generation	✓
Segregation	✓
Collection	✓
Storage	✓
Packaging	✓
Reception	PSMPL – Agreement for Safe Disposal – Copy Enclosed
Transportation	
Treatment or processing or conversion	
Recycling	
Disposal or destruction	
Use	
Offering for sale, transfer	
Any other form of handling	

3. Application for fresh or renewal of authorization (please tick whatever is applicable):

(i)	Applied for CTO/CTE Yes/No	-NA-
(ii)	In case of renewal previous authorization number and date:	-NA-
(iii)	Status of Consents:	
	(a) Under the Water (Prevention and Control of Pollution) Act, 1974	-
	(b) Under the Air (Prevention and Control of Pollution) Act, 1981:	-

4. Address:

(i)	Address of the health care facility (HCF) or common bio-medical waste treatment facility (CBWTF):	Pondicherry University
(ii)	GPS coordinates of health care facility (HCF) or common bio-medical waste treatment facility (CBWTF):	-NA-

5. Details of health care facility (HCF) or common bio-medical waste treatment facility (CBWTF):

(i)	Number of beds of HCF:	-
(ii)	Number of patients treated per month by HCF:	-
(iii)	Number healthcare facilities covered by CBMWTF:	-
(iv)	Number of beds covered by CBMWTF:	-
(v)	Installed treatment and disposal capacity of CBMWTF:	- Kg per day
(vi)	Quantity of biomedical waste treated or disposed by CBMWTF:	- Kg/day
(vii)	Area or distance covered by CBMWTF: (pls attach map- a map with GPS location of CBMWTF and area of coverage)	-
(viii)	Quantity of Biomedical waste handled, treated or disposed:	-

Category	Type of Waste Quantity	Generated or Collected, kg/day	Method of Treatment and Disposal (Refer Schedule) (1) (2) (3) (4)
Yellow	(a) Human Anatomical Waste:	-	PSMPL – Agreement for Safe Disposal – Copy Enclosed
	(b) Animal Anatomical Waste:	-	
	(c) Soiled Waste:	1 kg	
	(d) Expired or Discarded Medicines:	-	
	(e) Chemical Solid Waste:	-	
	(f) Chemical Liquid Waste:	-	
	(g) Discarded linen, mattresses, beddings contaminated with blood or body fluid	-	
	(h) Microbiology, Biotechnology and other clinical laboratory waste:	5 kg	
Red	Contaminated Waste (Recyclable)	2 kg	
White (Translucent)	Waste sharps including Metals:	0.5 kg	
Blue	Glassware: Metallic Body Implants	0.5 kg	

6. Brief description of arrangements for handling of biomedical waste (attach details):

(i)	Mode of transportation (if any) of bio-medical waste:	<u>PSMPL</u>
(ii)	Details of treatment equipment (please give details such as the number, type & capacity of each unit):	

	Number of units	Capacity of each units
Incinerators		
Plasma Pyrolysis:		
Autoclaves:		
Microwaves:		
Hydroclave:		
Shredder:		
Needle tip cutter or destroyer:		
Sharps encapsulation or concrete pit:		
Deep burial pits:		
Chemical disinfection:		
Any other treatment equipment:		

7.

Contingency plan of common bio-medical waste treatment facility (CBWTF) (attach documents):

-NA-

8.

Details of directions or notices or legal actions if any during the period of earlier authorization

-NA-

9. Declaration

I do hereby declare that the statements made and information given above are true to the best of my knowledge and belief and that I have not concealed any information.

I do also hereby undertake to provide any further information sought by the prescribed authority in relation to these rules and to fulfill any conditions stipulated by the prescribed authority.

Date: 17-03-2020

Place: Puducherry

B. Chinnivas

Signature of the Applicant

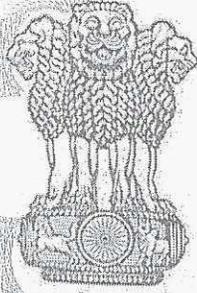
REGISTRAR(i/c)
PONDICHERRY UNIVERSITY
PUDUCHERRY - 605 014.

Designation of the Applicant

INDIA NON JUDICIAL

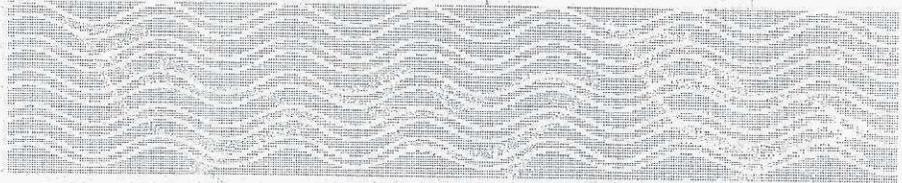
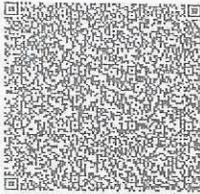
Government of Puducherry

e-Stamp



सत्यमेव जयते

Certificate No.	: IN-PY38939253172096S
Certificate Issued Date	: 17-Mar-2020 10:06 AM
Account Reference	: IMPACC (SH)/ pyshimp17/ SARAM/ PY-PU
Unique Doc. Reference	: SUBIN-PYPYSHIMP1764380456054631S
Purchased by	: PONDICHERRY SOLID WASTE MANAGEMENT COMPANY PVT LTD
Description of Document	: Article 5 Agreement or Memorandum of Agreement
Property Description	: SERVICE AGREEMENT
Consideration Price (Rs.)	: 0 (Zero)
First Party	: PONDICHERRY SOLID WASTE MANAGEMENT COMPANY PVT LTD
Second Party	: PONDICHERRY UNIVERSITY
Stamp Duty Paid By	: PONDICHERRY SOLID WASTE MANAGEMENT COMPANY PVT LTD
Stamp Duty Amount(Rs.)	: 20 (Twenty only)



Please write or type below this line.

PONDICHERRY SOLIDWASTE MANAGEMENT
COMPANY PRIVATE LIMITED

R.S. No : 79/5 & 80/2, Thuthipet, Villianur Commune,
Puducherry - 605 502.

REGISTRAR(i/c)
PONDICHERRY UNIVERSITY
PUDUCHERRY - 605 014.

RS 0001713728

Statutory Alert:

VOID VOID VOID VOID VOID
VOID VOID VOID VOID VOID

SERVICE AGREEMENT

This agreement is entered into 17.03.2020 (day/month/year).

between

1st Party:

M/s Pondicherry Solid Waste Management Company Private Limited, Rajeev Gandhi Land Mark, Thuthipet, Villanur Commune, Puducherry -605502, here in after, referred as PSMPL represented by, Mr. K. Velmurugan, Manager-Administration.

and

2nd Party:

Pondicherry University, R.V. Nagar, Kalapet, Puducherry -605014, here in after, referred as Pondicherry University represented by, the Registrar - Administration.

PSMPL, as the approved Common Bio Medical Solid Waste Management Facility by Puducherry Pollution Control Committee, has been contracted by **Pondicherry University** for Collection, Treatment and Disposal of the segregated Bio Medical Solid Waste in RED and YELLOW color bags.

Whereas, **Pondicherry University** as statutory requirement, need to manage their Solid Waste in adherence to **Bio-Medical Wastes (Management and Handling) Rules (amended) 2018**. Whereas **Pondicherry University** agrees to utilize the services of PSMPL in the scope of the following Terms and Conditions of the agreement from 17th March 2020 to 16th March 2021.

1. PSMPL will take segregated Bio-Medical Wastes, from the **research labs of the School of Life Sciences, Center for Pollution Control and Environmental Engineering, Animal House, and Health center** in colour-coded bags, properly tied and in leak proof condition as per BMW Rules (amended) 2018 to the PSMPL facility. The wastes shall be collected by PSMPL from one point of activity at Pondicherry University.
2. PSMPL agrees to provide the services to **Pondicherry University** in-compliance with the BMW, Rules (amended) 2018 on a 'user-pay-principle' at **INR. 1500/ per month**. Applicable Taxes/duties are additional. The same shall be paid on monthly basis.
3. The PSMPL should give the details of BMW generated in **Pondicherry University** on monthly basis. PSMPL is bound to disclose all details about this agreement and services to PPCC, as and when it is required.
4. PSMPL will enable **Pondicherry University** to get authorization from PPCC, for necessary structures for collection and segregation of Bio-Medical Wastes.
5. PSMPL shall collect the wastes from **Pondicherry University** daily (within 24 hours of time) or mutually agreed time, from the agreed locations within Pondicherry University,

P. Velmurugan

PONDICHERRY SOLIDWASTE MANAGEMENT

during working hours (9:00 am to 4:00 pm). PSMPL will not collect the bio-medical wastes, which are not segregated or properly packed.

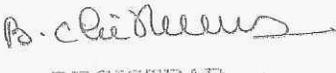
6. PSMPL should provide a closed vehicle dedicated only to **Pondicherry University** to collect the Bio-Medical Waste from **Pondicherry University**.
7. In case, if PSMPL fails to collect the waste within 24 hours of previous collection time, the same shall be cleared within the next 24 hours.
8. PSMPL shall be responsible for any violation under the Bio-Medical Waste Management Rules (amended), 2018 from the time, the waste is handed over to PSMPL at the premises of Pondicherry University and shall comply with all the rules and regulations stipulated by the PPCC.
9. **Pondicherry University** will give its Bio Medical Waste including all disposable plastic materials (i.e., Gloves, Tubes, Any Research Materials, IV set, Plastic IV Bottles, Urine bags etc.), properly packed in color coded bags as per **Bio-Medical Waste (Management and Handling) Rules (amended) 2018**, for treatment and disposal to PSMPL. The BMW should be given at one collection point by Pondicherry University to PSMPL's vehicle.
10. In case **Pondicherry University** finds any irregularities in the collection of waste they can send a notice in writing to PSMPL and PPCC for immediate action. All complaints (if any) shall be attended to in the shortest possible time (48 hours).
11. PSMPL shall raise the INVOICE for payment on monthly basis on or before 2nd of every month, and **Pondicherry University** is liable to make the payment via wire transfer to:

Bank Name & Address: HDFC bank limited, No.88, Ground floor, East Car Street
Chidambaram Branch, Cuddalore District, Tamilnadu-608001.
Current Account Number: 10512020000159
RTGS/NEFT/IFSC: HDFC0001051
MICR: 605240006
12. In case of non-receipt of payment on the agreed date from **Pondicherry University**, PSMPL will stop the listed services immediately with intimation to PPCC.
13. Agreement can be terminated by giving one-month notice from either side or will be automatically terminated if the services are not started within a month from the date from this agreement.
14. This "Agreement of Services" shall be valid up to 16th **March 2021** period and with due clause for renewable by mutual consent for the further periods.
15. Shri. N. Sankaramourthy, Executive Engineer, Engineering Wing and Dr. M. Nandhivarman, Coordinator, Office of Green Campus, shall be coordinating in this regard for the compliance.

1st Party


PONDICHERRY SOLIDWASTE MANAGEMENT
COMPANY PRIVATE LIMITED

2nd Party



No. 9212/PPCC/BMW/AUTHO/JSA(PPCC)/2020/287
GOVERNMENT OF PUDUCHERRY
DEPARTMENT OF SCIENCE, TECHNOLOGY & ENVIRONMENT
PUDUCHERRY POLLUTION CONTROL COMMITTEE
III FLOOR, PHB BUILDING, ANNA NAGAR, PUDUCHERRY – 605 005
PH: 2201256 / 2203494; FAX: (0413) 2203494

* * *

Puducherry, the

FORM -III
(See rule 10)

19 JUN 2020

(Grant of Authorisation for operating a facility for generation, segregation, storage and disposal of bio-medical wastes)

1. Authorisation is accorded to M/s. Pondicherry University, Kalapet, Puducherry for generation, segregation, storage, collection and disposal of Bio-Medical waste as per the capacity given below:

Sl. No.	Category	Type of Waste	Quantity (kgs/day)
1.	Yellow	Human Anatomical Waste, Soiled waste, chemical solid and liquid waste and microbiology, biotechnology and other clinical laboratory waste	6.0
2.	Red	Contaminated waste (Recyclable)	2.0
3.	White	Waste sharps including metals	0.5
4.	Blue	Glasswares, metallic body implants	0.5

2. This authorisation is subject to the conditions stated below and to such other conditions as may be specified in the rules for the time being in force under the Environment (Protection) Act, 1986.
3. Bio-Medical waste shall not be stored in the premises beyond 48 hours as per Rule 8(7).
4. The authorised person shall submit an Annual Report to the prescribed authority in Form - IV by 30th June every year.
5. The authorised person shall submit Report on Accident, if any, to the prescribed authority in Form - I.
6. (a) The Bio-Medical waste should be collected in different colour bags as per the Schedule-I (See rules 3 (e), 4(b), 7(1), 7(2), 7(5), 7 (6) and 8(2)).
 (b) The Label for Bio-Medical Waste container / Bags should be maintained as per Schedule-III (See rule 8 (3) (5)).
7. Pre-treat the laboratory waste, microbiological waste, blood samples and blood bags through disinfection or sterilisation on-site in the manner as prescribed by the World Health Organisation(WHO) or National AIDs Control Organisation (NACO) guidelines and then sent to the Common Bio-medical Waste Treatment Facility for final disposal.
8. Provide training to all its health care workers and others, involved in handling of bio medical waste at the time of induction and thereafter at least once every year and the details of training programmes conducted, number of personnel trained and number of personnel not undergone any training shall be provided in the Annual Report;
9. Immunise all its health care workers and others, involved in handling of bio-medical waste for protection against diseases.
10. Ensure segregation of liquid chemical waste at source and ensure pre-treatment or neutralisation prior to mixing with other effluent generated from health care facilities;

11. Ensure treatment and disposal of liquid waste in accordance with the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974);
12. **Conduct health check up** at the time of induction and at least once in a year for all its health care workers and others involved in handling of bio- medical waste and maintain the records for the same;
13. **Maintain and update on day to day basis the bio-medical waste management register** and display the monthly record on its website according to the bio-medical waste generated in terms of category and colour coding as specified in Schedule I;
14. **Inform the Prescribed Authority** immediately in case the operator of a facility does not collect the bio-medical waste within the intended time or as per the agreed time;
15. **Establish a system to review and monitor** the activities related to bio-medical waste management.

Terms and conditions of authorisation

16. The authorisation shall comply with the provisions of the Environment (Protection) Act, 1986 and the rules made there under.
17. The authorisation or its renewal shall be produced for inspection at the request of an officer authorised by the prescribed authority.
18. The person authorized shall not rent, lend, sell, transfer or otherwise transport the biomedical wastes without obtaining prior permission of the prescribed authority.
19. Any unauthorised change in personnel, equipment or working conditions as mentioned in the application by the person authorised shall constitute a breach of his authorisation.
20. It is the duty of the authorised person to take prior permission of the prescribed authority to close down the facility and such other terms and conditions may be stipulated by the prescribed authority.
21. For hot water and other requirements install Solar Water Heater in a phased manner within one year. Install Rain Water Harvesting structures to recharge Ground water.
22. Switchover to Energy Efficient lightings and also for the heating and cooling requirements

For and on behalf of PPCC,

Te
(SMITHA. R IAS)
MEMBER SECRETARY (PPCC)

To
The Registrar,
M/s. Pondicherry University,
Kalapet,
Puducherry – 605 014.

Copy to: Guard file.

O/C
18/06/2020
S. Balu
15/6/2020
DESPATCHED

BEFORE THE NATIONAL
GREEN TRIBUNAL,
SOUTHERN ZONE, CHENNAI

APPLICATION NO.: 123 of 2017(SZ)

Dr. KIRTHIKA GOKULNATH

- APPLICANT

-Vs-

UNION OF INDIA & OTHERS

- RESPONDENTS

PAPER BOOK II

A.SATHYA BAMA
STANDING COUNCEL FOR
PUDUCHERRY POLLUTION
CONTROL COMMITTEE