

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.4369 of 2003

Maitree Sansad Sutahat, Cuttack *Petitioner*
Mr. S.K. Das, Advocate
-versus-
State of Odisha and others *Opposite Parties*
Mr. D.K. Mohanty, AGA

CORAM:
THE CHIEF JUSTICE
JUSTICE R. K. PATTANAİK

ORDER
28.03.2022

Order No.

103.

1. This is a PIL concerning disposal of bio-medical waste, which has been pending since 2003. Several orders were passed by this Court in the matter till early 2015. The previous hearing took place more than seven years ago on 20th February, 2015 when the following order was passed:

“Inspite of our direction dated 19.09.2014, affidavit as directed, has not yet been filed by the State.

Sri S. Das, learned A.G.A. prays for some more time to file counter affidavit.

He is granted one month time to file such counter affidavit.

Sri A.C. Mohanty, learned counsel appearing for the State Pollution Control Board submits that 2 (c) CC Nos.548 and 549 of 2010 are still pending before the learned S.D.J.M., Cuttack, and evidence on the part of the prosecution has already been concluded.

We seek an explanation from the learned S.D.J.M., Cuttack, as to why the proceeding in 2 (c) CC Nos.548 and 549 of 2010, has not been completed

till today, as had been directed vide order dated 19.09.2014. Such report be submitted before the Registry of this Court in a sealed cover within two weeks hence.

It is matter of regret that the management of Bio-Medical Waste even in the Govt. Hospitals is abysmal and there is only token compliance of the law. In reality, most of the equipments installed at the Govt. Hospitals are either non-functional or outdated and consequently the pollution caused by such Bio-Medical Waste are of serious consequences.

We therefore call upon the Secretary to Govt. of Orissa in the Health & Family Welfare Department to file an affidavit, indicating what immediate steps are being taken by the State to mitigate such situations.

Let such affidavit be filed within a week.

Free copy of this order be handed over to Sri. S. Das, learned A.G.A. and Sri A.C. Mohanty, learned counsel for the State Pollution Control Board for compliance.”

2. Learned counsel for the Petitioner states that the above order has not yet been complied with, inasmuch as the affidavit of the State has not been forthcoming.

3. In order to demonstrate that the issue is very much alive, learned counsel for the Petitioner has produced before the Court a copy of letter dated 12th January, 2021 addressed by the Superintendent, SCB Medical College and Hospital, Cuttack to the Secretary to Revenue Divisional Commissioner (CD), Cuttack stating therein how an estimate for a sum of Rs.20,00,000/- for repairing the incinerator had been sent to the

Director Medical Education & Training and despite repeated letters, it had not yet been responded to.

4. It is plain from the above letter that one of the major hospitals in Cuttack is still facing difficulties in disposing of biomedical waste on account of a broken down incinerator. This being a serious matter, needs immediate attention. Accordingly, the Additional Chief Secretary, Health is directed to immediately examine the issue and ensure that, if not already done, the incinerator at the SCB, Medical College and Hospital, Cuttack is repaired. Further the said hospital should be enabled to procure forthwith a modern incinerator. This facility however should not be restricted only to the SCB Medical College and Hospital but to other Government Hospitals elsewhere in Odisha. An affidavit in this regard be filed by the Additional Chief Secretary, Health not later than 13th May, 2022.

5. List on 18th May, 2022.

6. A copy of the order be communicated forthwith to the Additional Chief Secretary, Health for compliance.

(Dr. S. Muralidhar)
Chief Justice

(R. K. Pattanaik)
Judge