

PUBLIC GRIEVANCES COMMISSION
GOVT. OF NATIONAL CAPITAL TERRITORY OF DELHI
I.P. Estate (near ITO), Vikas Bhawan, M-Block, New Delhi-110110
Tel Nos. 011-23379900-01 Fax No.011-23370903

Order under Para 2(B) of the PGC Resolution No F.4/14/94-AR dated 25.9.97

Date of hearing: 19th June, 2018

Complainant : Shri Pranav Tripathi

Respondent : The Director,
Dte. of Health Services
Govt.of NCT of Delhi,
F-17, Karkardooma,
New Delhi-110032

Grievance No. : PGC/2018/A.II/Health/03

Grievance filed on : 21/05/2018

First hearing in the PGC, : 19/ 06/ 2018

Scheduled on

1. Brief facts of the complaint

Shri Pranav Tripathi filed a complaint in PGC on 21.5.2018 against Dr. Kirti Bhushan, Director, Health Services, Delhi & Dr. Ravindra Aggarwal, Additional Director, DHS, Delhi, for their arbitrary conduct in determining the service charges for the disposal of Biomedical Waste (BMW) by Common Biomedical Waste Treatment Facilities (CBWTFs) in Delhi.

2. Proceedings in the Public Grievances Commission

The PGC convened its first hearing in the case on 19.6.2018 wherein the following were present:

Complainant : Present.

Respondent : Dr. R.Aggarwal, Addl.Director(BMW Mgmt.), DHS

3. Relevant facts emerging during the hearing

3.1 An ATR has been filed by Dr. R. Aggarwal, Addl. Director (BMW Mgmt.), Dte. of Health Services, GNCT of Delhi stating that *“as per Clause 9(1) of Bio Medical Waste Management Rules, 2016, Delhi Pollution Control Committee is the prescribed Authority which issues necessary orders related to management of Bio Medical Waste in NCT of Delhi.*

OM issued by Member Secretary, DPCC, vide dated 15.5.2015 (point No.1 to 6) and OM dated 24.2.2014 (point No. 1 to 4) are being followed by DGHS for management of Bio-Medical Waste at its institution.

As per Clause 11(1) of Bio Medical Waste Management Rules, 2016, an Advisory Committee was constituted which decided the rates to be charged by Common Medical Waste Treatment Facility from Health Care Facilities.

It is clarified that the grievances of the applicant regarding rates and other matters do not directly pertain to Directorate General of Health Services and rather pertain to Delhi Pollution Control Committee.”

3.2 Dr. R. Aggarwal, Addl. DG present on behalf of Dte. of Health Services, stated that Bio Medical Waste Management created under Central Act is governed by the Ministry of Environment & Forests, Government of India. The Delhi Pollution Control Committee is the prescribed authority for the State of Delhi. Presently, two agencies i.e M/s. Biotic Waste Solution Pvt. Ltd. and M/s. SMS Watergrace Pvt. Ltd. have been assigned to collect and treat the waste in five and six districts respectively.

3.3 The main contention of the complainant as emerged during the hearing is that the new entrants are being given preferential rates thereby discriminating against the existing operators in the field. The rates have been decided by the Dte. of Health Services who is a Governing Body of the Advisory Committee headed by Secretary (Health). However, Dr. R. Aggarwal categorically denied the statement of the complainant stating that it is the collective decision of the DHS, Delhi Medical Association and Delhi Pollution Control Committee and it is absolutely wrong to say that DHS decide the rates. Further, the rates have not yet been

decided. The discussion on this issue and EOI are underway and its likely to take time considering divergent views of the parties / department & agencies to this decision.

4. Directions of the PGC

4.1 In view of emerging facts, the Commission agrees with the contention of the Department and observes that it would be too early to take a decision in the matter as at present no decision has been taken with regard to fixation of rates for disposal/treating of waste in Delhi by the Competent Authority. This issue is at preliminary stage of discussion / policy formation.

4.2 The complainant is advised to give their suggestions to Dte.of Health Services and Delhi Pollution Control Committee in this regard and may raise the issue in the discussions held in meetings from time to time and Advisory Committee or as and when discussion on EOI takes place.

**(SUDHIR YADAV)
MEMBER(PGC)**

Copy to:

1. The Director, Dte. of Health Services, Govt.of NCT of Delhi, F-17, Karkardooma, New Delhi-110032.
2. The Special Secretary (Health), Health and Family Welfare Department, Govt.of NCT of Delhi, 9th Level, A-Wing, Delhi Secretariat, I.P. Estate, New Delhi-110002.
3. Shri Pranav Tripathi