

IN THE HIGH COURT OF SINDH AT KARACHI

**C.P. No.D-363 /2008**

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Date	Order with signature of Judge
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1. For hearing of CMA # 8152/2008
2. For hearing of CMA # 10413/2008
3. For Katcha Peshi

**22.12.2010**

Petitioner in person.

Mr. Jam Asif Mehmood, advocate for respondent No.19.

Mr. Mohammad Ahsan, advocate for respondent No.18.

Mr. Amir Raza holding brief for Mr. Yousuf Saeed, advocate for respondent No.17.

Mr. Khalid Shah, advocate for Agha Khan Hospital.

Mr. Miran Mohammad Shah, AAG

Mr. Manzoor Ahmed, CDGK.

Mr. Ashraf Ali Butt, counsel for cantonments.

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This is pro bono petition. Learned counsel has drawn our attention towards the Hospital Waste that is not being disposed of in accordance with International Standard and Highlighted Hospital Waste Management as various hospitals are using obsolete technology which is not environmental friendly. Pursuant to the directions of this Court from time to time and on 13.1.2010 and 02.02.2010 a Committee was constituted to elaborate and formulate uniformity for the Private or Public sector hospitals for environmental friendly and safe disposal of hospital wastes through different technologies (burn or non-burn).

Mr. Miran Mohammad Shah, AAG has placed on record the proceedings of the meeting and the conclusion drawn by the Committee in the following terms: -

1. *"Publishing of public notice in the leading news papers to advise all healthcare facilities which are involved in generating healthcare or bio-medical waste to strictly follow Hospital Waste Management Rules 2005 for the environmentally safe disposal of infectious and hazardous waste of their setups.*

2. Disposal of healthcare / hospital waste must be appropriate through burn or non-burn technologies (i.e. environmental safe manner)

3. The technology must have an Initial Environmental Examination / Environmental Impact Assessment before installation."

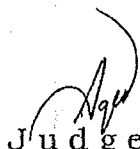
It is stated that since the purpose of the petition has since been served, the decision may be implemented by the Authorities concerned in its letter & spirit for which none of the parties have any cavil.

Learned DAG contends that nature of the petition is merely academic ~~in the~~ ~~to~~ exercise and no useful purpose could be served unless there is a clear-cut identification of violation of the relevant law and/or persons who are responsible to implement or enforce such law, it is only then positive/purposeful decision could be given for the implementation and execution thereof. Learned counsel appearing for Agha Khan Hospital states that there is clear procedure under the <sup>Pakistan</sup> Environmental Protection Act, <sup>1997</sup> whereby any person aggrieved or any violation in relation to the environmental issue, may approach Environmental Tribunal in a manner provided therein.

Having heard and examined the case, it appears that since the purpose of the petition has since been achieved and decision has been rendered by the Committee as constituted and there appears unanimity that Hospital Waste Management Rules 2005 are to be acted strictly and it should be made aware through all medium of information and wide awareness campaign. In case any of the hospitals either private or public sector, fail to adhere to the Rules

to time by the Environmental Protection Agency or any other Authority constituted thereunder, any person noting or observing any breach or violation may approach the Authority concerned and on failure of the Authority to act upon such mandate may approach the Environmental Tribunal for redressal of the grievance.

Petition in terms of above stands disposed of alongwith all pending applications with no order as to costs.

  
Judge  
Aqeel Ahmed Abbasi

  
Judge  
Mushir Alam

Ayaz