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16. Letter dated 3rd December, 2003 from Ministry of Environment and Forests—Hon'ble Supreme Court's Order dated 14.10.2003—W.P./657/1995 (Research Foundation for Science, Technology and Natural Resources Policy Vs. Union of India & Others) on auction of Hazardous Wastes by Public Sector Undertakings through Units Registered with MoEF having ESM facilities and not through open auction.

The undersigned is directed to forward herewith a copy of D.O. letter No. 23-2/96-HSMD Vol. X dated the 3rd December 2003 from Ministry of Environment & Forests on the subject mentioned above with the request that necessary direction may kindly be issued to the PSUs under administrative control of Ministries/Departments for necessary compliance.

**Copy of D.O. letter No. 23-2/96-HSMD-Vol. X dated the 3rd December, 2003 from Joint Secretary, Ministry of Environment and Forests**

As you are aware, the Ministry of Environment & Forests (MoEF) has been regulating the recycling/reprocessing of certain identified hazardous wastes such as used/waste oil, used lead acid batteries and other non-ferrous metal wastes including copper, brass and zinc wastes, under a Registration Scheme, since 1999, with the objective of channelizing; such wastes to only those units which possess Environmentally Sound Management (ESM) facilities.

2.0 The Registration Scheme is now being implemented by Central Pollution Control Board (CPCB) under the provisions of Hazardous Wastes (Management & Handling) Rules 2003, and CPCB regularly updates the list of Registered units in its website <http://cpcb.delhi.nic.in>. At the time of launching of this scheme, several Public Notices were issued by the CPCB on behalf of MoEF during the year 1999-2000 informing of the requirement of selling/auctioning these identified hazardous wastes only to such units granted registration by MoEF.

3.0 Communications have also been issued by MoEF from time to time to all the Central Ministries in this regard. In spite of the same, it has been noticed that most major generators of these wastes, including Government departments/agencies continue to auction/sell these hazardous wastes to unregistered users through open sale/tender.

4.0 Recently, Hon'ble Supreme Court in its order dated 14th October, 2003 in the matter of WP 657/1995 (Research Foundation for Science, Technology & Natural Resource Policy Vs. Union of India & Others) on Hazardous Wastes Management has again directed MoEF "to issue directions to all Public Sector Institutions not to openly auction their hazardous wastes but only to those who are registered units having ESM facilities".

5.0 It is therefore, once again urged that suitable directions may kindly be issued immediately to all the Public Sector Units, Departments, Field Offices, Autonomous bodies etc. under your administrative control to ensure that the order of the Hon'ble Supreme Court regarding auction of hazardous wastes are complied with strictly.

6.0 I would also request you to kindly furnish an 'Action Taken Report' in this regard to enable us to file the same to the Hon'ble Supreme Court.

**(DPE O.M. No. 16(2)/2004-DPE(GM)/GL-54 dated 12th January, 2004)**

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