

High Court of Karnataka

Daily Orders of the Case Number: WP 24739/2012 for the date of order 02/04/2013

Honble Justice N.KUMAR AND

B.V.NAGARATHNA

02/04/2013

Order in WP 24739/2012

NKJ & BVNJ: W.P.46601/2012 c/w

02.04.2013 W.Ps.24739-24740/2012

W.P.30450/2012

W.P.46523/2012

O R D E R

The Bangalore Development Authority (BDA) has filed an affidavit sworn to by one Sri.P.N.Nayak, Engineer Member, BDA regretting for giving incorrect information to the BDA Advocate who in turn prepared an affidavit sworn to by an official of the BDA stating that BDA has already earmarked and handed over the sites to the Corporation for the purpose of waste management. He submits, the said affidavit was filed without ascertaining the status of

the sites from the Engineering Department. The matter has been considered seriously by the Authorities. Now, they have carefully looked into the records and now they have identified eight sites for being handed over to the BBMP for the purpose of waste management.

The said affidavit is taken on record and the BDA is directed to hand over the eight sites set out in Ex.R1 to the BBMP forthwith without any further waste of time. The BBMP shall also take possession of the said sites and utilize the same for the purpose for which it is handed over.

The BBMP has filed its Action Taken Report along with Annexures. It is taken on record.

The petitioners have produced photographs showing the location of the Plant operated by KCDC showing how the waste is dumped. They have also produced photographs showing that the garbage is being burnt and residential layouts are coming up near the land filled sites and proper precaution is not taken near Mandur land fill. It is taken on record.

The petitioner in W.P.No.30450/2012 has

filed a memo along with the paper cuttings showing that the garbage is thrown on the streets and wants action to be taken against the concerned for not attending to the said problem.

An application is filed for impleadment by Sri.M.N.Sriramulu, one of the beneficiary of the contract from the BBMP who during the pendency of such contract also became the President of the Safai Karmachari Commission. His grievance is, because of the orders passed by this Court, amounts due to him under the contract has not been paid. Therefore, he wants directions from this Court to pay the said amount. The said application is taken on record.

The Government also has filed a report in so far as granting exemption under Section 4(a) of the K.T.P.P. Act to enable the Government Organization to purchase vermin compost directly from KSDC. The said report discloses that all the procedural formalities have been complied with and what is required to be done is to pass a formal order granting the exemption. They have also filed a report stating that appropriate action will be taken against the

**Chairman of the Safai Karmachari
Commission.**

The Karnataka Compost Development Corporation (KCDC) has also filed a report again requesting for the exemption under the K.T.P.P. Act, 1989. It is also taken on record.

The petitioners submitted, in terms of the Municipal Solid Waste (Management and Handling) Rules, 2000, the responsibility is cast not only on the Municipal Authority but also on the State Government as well as the State Pollution Control Board for enforcing the provisions of the said Rules.

Though the BBMP has woken up and is taking steps in this regard under the Rules, unless the State Government and the State Pollution Board also join their hands, it is not possible to achieve the desired results.

Therefore, he submits, appropriate directions have to be issued to these two Authorities to take steps under the Rules in respect of development of infrastructure for collection, storage, segregation, transportation, processing and disposal of municipal solid waste.

We find force in the said submission.

Therefore, both the State Government as well as the Karnataka State Pollution Control Board shall file a report setting out the steps they have taken atleast after the commencement of this litigation for proper implementation of the Rules and the nature of help that they have extended to BBMP in this regard. On submission of the said report, it will be appropriate to issue proper directions for implementation of the Rules. The said report shall be placed on record within 15 days from today.

The Commissioner of the Corporation is present in the Court. He submitted, there was an extensive interaction nearly for a period of eight days with all the persons interested in the segregation and removal of garbage in Bangalore. Thereafter, the BBMP is able to take certain steps.

Firstly, he submitted the BBMP has now identified a suitable site in all the 198 Wards of the City of Bangalore for segregation and storage of dry waste. They are also now intending to allow Non-Governmental Agencies to take over the responsibility of disposal of the dry waste on experimental basis for a period of six months without

expecting any return from them. If they are not able to get NGOs for all the 198 Wards, Corporation itself would undertake the said job. Once this mechanism is adopted roughly, the dry waste collected everyday which would constitute around 1/3rd of the daily waste could be dispose off without any expenditure. It would give great relief to the BBMP in its drive for clean Bangalore. Secondly, he submitted the BBMP has appointed to all the 198 Wards, an Environmental Engineer for the purpose of keeping the Wards clean. In addition to the Environmental Engineers, the Senior and Junior Health Inspectors are also working in tandem with these Engineers. Therefore, these officials would be primarily responsible for keeping these Wards clean and for removal of garbage. In addition to these officials, now that Ward Committees are constituted in all the 198 Wards, ten members of the Ward Committee and the Corporator of the Ward would also co-ordinate and co-operate with these officials in discharging their duties and in keeping the Bangalore City clean. Therefore, it will be the responsibility of all

these officials and non-officials and the elected representatives to take care of the cleanliness of each Ward so that they would be accountable to the people as well as to the Court here afterwards.

Thirdly, Bulk Generators in the City of Bangalore has come forward with a proposal to take the responsibility of collection, processing and disposal of these waste at their cost. The assistance they need from BBMP is to provide them land for setting up these Plants for processing the waste for which the Corporation has agreed. They are providing them land free of cost on long lease basis so that these Bulk Generators could install these processing units. He submits, these Bulk Generators includes Hotels, Vegetable Markets, Malls and Group Apartments. He also submitted Industrial Houses have also come forward to set up these waste processing units within their campus and they will not contribute any waste to the BBMP account. Similarly, Tech Parks have also come forward with the same procedure. In addition to that, HOPCOMS and Vegetable Markets would generate waste. A provision is now made by

them for its disposal without adding that garbage to the garbage of the City. This would account for 1000 to 1500 metric tones of waste per day. To that extent the burden of BBMP would reduce.

In so far as the tipping fee is concerned, the Corporation has constituted a Committee to carefully scrutinize and find out whether the expenditure incurred under this head is justified or not and they have taken some steps to reduce this expenditure to the minimum.

They have also called for free bid meeting for tenders and tomorrow is the opening of the tenders submitted by various Entrepreneurs who have interest in taking up these processing of waste generated by the City everyday and he will place the result of the same by next hearing date.

Smt.Pramila Nesargi, learned Senior Counsel pointed out though on the last occasion, it was submitted that a fresh bid will be called for and her client could participate in the same. Now, they have varied the terms and conditions of the tender to such an extent that it may not be possible for her client to participate. The

Commissioner submits, he has been negotiating with them and he would see that an equal opportunity is given to every person who possess the requisite qualification and Corporation would be happy to have more than one Entrepreneur setting up this Waste Management Plant so that the City of Bangalore will be benefited. He also submitted on the next date of hearing, he will give a statement showing project wise the steps taken, the stage of which those projects are there, their economic viability and when these projects would start functioning, so that, on the said information, the Court be in a better position to issue proper directions and he seeks two weeks time for the said purpose. He also submitted that, now a condition is imposed in all the trade licenses making it mandatory for all businessmen to see that no waste is generated and added to the waste of BBMP. He also submitted even in respect of multi apartments and also the private layout, sufficient provision is made for waste management. This problem of waste management or segregation of waste or disposal of waste

cannot be solved by this Court passing orders or even the officials working over night unless the public who are the generators of these waste are made aware of the responsibilities. Though, some steps are taken in this regard, we are not satisfied fully with the steps taken. Therefore, an obligation is cast on the Government, secondly, on the Corporation and thirdly, on the Karnataka Pollution Control Board to take such steps immediately to educate the people of Bangalore. The necessity and importance of segregating the waste and after segregating the waste, to hand over the same to persons who come near the house to collect the same and see that the same is not dumped on the road but reaches the Collection Centre. Unless sufficient publicity and propaganda is made in this direction, the entire effort made would be a futile exercise. Therefore, all these three Authorities who are under law responsible for the implementation of the Municipal Solid Wastes (Management and Handling) Rules, 2000, take appropriate steps for disseminating the information to each and every individual who is living in the City of

Bangalore and submit a report within 15 days in this regard.

Call on 26.04.2013.

Copy of this order be furnished to all the concerned forthwith.

(N.KUMAR)

JUDGE

(B.V.NAGARATHNA)

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[Back](#)

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