

High Court of Karnataka

Daily Orders of the Case Number: WP 24739/2012 for the date of order 20/12/2013

Honble Justice N.KUMAR AND

B.V.NAGARATHNA

20/12/2013

Order in WP 24739/2012

**NKJ & BVNJ: W.P.Nos.24739-24740/2012,
20/12/2013 C/W. W.P.NO.46601/2012
30450/2012 & 46523/2012
36508-36517/2013 &
CCC.Nos.1641-1650/2013**

**The Corporation Commissioner is present
before the Court. A report is also submitted
on behalf of the Corporation.**

**On behalf of the petitioners also, a memo is
filed enclosing Annexure and the same is
taken on record.**

**The second petitioner in W.P.No.46523/2012
has filed a memo enclosing the letter
addressed to the Honble Minister for
Environment and Forests is taken on
record.**

In the order dated 13/11/2013 we directed Pollution Control Board to state by next hearing date as to what action they have taken against individuals or bulk generators, who are generating the waste so that their role in the waste management could be assessed and appropriate direction could be issued if necessary. Learned counsel for the Board submits that the date and particulars to be furnished is huge, they are in process of preparing the same and prays for a months time to place on record all the relevant particulars directed by this Court. The said request is granted.

We had directed the Corporation to place on record the cost incurred by them in respect of 41 Packages, which are now maintained by them with the assistance of the Contractors as well as Pourakarmikas having placed on record the particulars of the same. However, learned counsel for the petitioners pointed out that in the said order we had directed the Corporation to furnish the requisite particulars sought for by them so that they would be able to assist the

Court and they submit that the particulars sought for are not yet furnished.

On behalf of the Corporation, it is submitted that the particulars sought for relates to roughly about five years and therefore, they need another 45 days time to furnish the particulars. Accordingly, time is granted.

In this regard, we would like to have on record the names of Contractors engaged by the Corporation in the 41 Packages, the number of Pourakarmikas, who are engaged and the amounts paid to them and also the particulars of the vehicles hired so as to estimate the cots required for the removal of garbage in respect of all these packages. By the next date of hearing, the same shall be furnished to the Court.

Learned counsel for the petitioner submitted that the bulk generators have now placed the system in place whereby, bulk waste generated is collected and processed but after such process, inert waste which remains in the end which is of no use is to be transported out of Bangalore. It is in

this connection, they are experiencing difficulty in transporting the same and that they have to depend upon the Contractors engaged by the Corporation and they do not know whether these Contractors are collecting money from the Corporation apart from collecting money from them. On behalf of the Corporation it is submitted that the Expert Committee has now short listed the empanelled vendors, who will undertake this work and in a months time, the list will be ready and state that their grievance will be duly redressed. Yet another problem which needs immediate attention is with regard to the garbage collection in the slums. The problem of the slums is totally different from the problems in the well maintained residential layouts. The vehicles cannot get into slums because of the small roads. There is no proper facility available in the slums. Most of the time, the residents of the slums will be away since morning till evening when the Pourakarmikas enter into these slums and therefore, they are facing peculiar problems in this regard. It was argued that if sufficient number of bins are provided in

the slums and also a provision is made for removal of this garbage periodically at a particular time, the problem faced in the slums could be substantially reduced. Further, it was contended that no user fee also should be charged. In those circumstances, we deem it proper to direct the Corporation to sit with the Expert Committee members and find out a suitable mechanism for removal of the garbage in slums, so that the slums also could be kept clean, hygienic and this problem of garbage is also sorted out. The Corporation assures the Court that they would place before the Court the steps taken by the next date of hearing.

In the Deccan Herald News Paper, we find a write up with reference to Rampura lake in the East of Bangalore, where the garbage is dumped. It is submitted on behalf of the Corporation that this lake is under the control of BDA. However, it is the garbage which is dumped there. It is also submitted that a committee is constituted consisting the Commissioner of the Corporation as well as the Commissioner of the BDA and

also the CEO, Lake Authority, for rejuvenating and maintenance of these lakes. Therefore, the learned counsel for BDA as well as the Corporation submits that they will look into the matter and do the needful and submit a report to the Court by the next date of hearing.

It is also submitted on behalf of the petitioners that the Corporation has been entering into contracts with various persons for payment of processing the waste and for payment of tipping fee. There is no consistent policy and standard norms in fixing the tipping fee. Therefore, we direct the Corporation to place on record the contracts that they have entered into for payment of tipping fee, so that the same could be looked into by this Court and that with the assistance of all concerned, we can find an acceptable solution.

It is submitted that the draft award committee rules are not yet finalized. The Government has sent back the draft to the Corporation seeking some clarifications. In the meanwhile, the drafts which are in

English are translated into Kannada. The draft is to be placed before the Corporation counsel before it is sent back to the Government, which also will be done immediately. The counsel submits that the Corporation will also furnish the draft copy to the petitioners herein, so that they can have their say in the matter before it is finalized and to place the said rules before the Court on the next date of hearing.

Learned counsel for the petitioners submitted that in Package No.E.13, with respect to Ward Nos.111, 116 and 117, the Corporation has given contract to Smt.S.Veena, Grama Panchayat Member. There is a prohibition for a Grama Panchayat member who is a public servant to enter into contract with the Corporation. Infact, she in turn has given sub-contract to one Sri Sreenivasareddy. Therefore, learned counsel for the petitioners submitted that Corporation shall look into the matter and if there is any violation, to cancel the work contract and to stop all further payments in furtherance of the contract and place before the Court the action taken in this matter.

Though on the last date of hearing we expressed our desire to visit the land fills and also the Bio-Mechanization Plant at Yelahanka on 01/12/2013 for some reasons beyond our control, we could not make it. Now we propose to visit the place on 22-12-2013, Sunday. The Commissioner shall take steps to intimate all the Expert Committee members and others, so that along with them we can visit that place.

**(N. KUMAR)
JUDGE**

**(B.V.NAGARATHNA)
JUDGE**

***mvs**

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