

High Court of Karnataka

Daily Orders of the Case Number: WP 24739/2012 for the date of order 25/04/2014

Honble Justice N.KUMAR AND

B.V.NAGARATHNA

25/04/2014

Order in WP 24739/2012

Learned counsel for Bruhath Bangaluru Mahanagara Palike authority placed on record an affidavit of Sri.N.R.Omanna, Executive Engineer, North Division, Bangalore Development Authority, along with Annexures showing that Kalkere Rampura lake was handed over by the BDA Lake Division on 25/06/2012 to the Assistant Executive Engineer of BDA. The BDA has taken steps to remove the garbage on either sides of the tank bund and they have prepared an estimate for Rs.37.52 lakh for renovating, fencing, removing of weeds, removing of garbage etc., and the estimation is approved. They entrusted the work to one Nirmithi Kendra and the work is in progress.

Learned Government Advocate has placed on record, the action taken report on the

orders dated 20/12/2013 and also the Draft Rules called Karnataka Municipal Corporations (Ward Committee) Rules, 2014, which is taken on record.

The Corporation is directed to furnish the PAN numbers as well as Service Tax numbers of all the contractors and suppliers for SWM collection, street sweeping and transportation activity, who are engaged to manage departmentally 98 wards (41+3 packages) as per Annexure-A. The action taken by the Corporation is taken on record. The Corporation is directed to furnish list of the contractors for the tipping fee with all the particulars.

The order dated 04/04/2014 constituting an Expert Committee to excel the statistics and comments received on the draft notification of Karnataka Municipal Corporations (Ward Committee) Rules, 2013 is placed on record. It discloses 27 persons are members of the Expert Committee. The said Rules would apply to the entire country. The problems faced through out the country is not the same, it varies from region to region, State to State and even within the State, it may vary according to the location. In

Karnataka, the Karnataka Pollution Control Board is quite active in respect Municipal Solid Waste Management and we find from the said order that it is not a member of the said committee. Though the Commissioner of Corporation of Bangalore is one such member of the Committee, it would be better if the composition is enlarged to include Board so that the committee will have better representation and also the problems faced through out the country could be taken into consideration. In fact, Rule 5 of the Municipal Solid Wastes (Management and Handling) Rules, 2000 cast responsibility on the State Government and the Union Territory Administrations. It provides that the Secretary-in-charge of the Department of Urban Development and the concerned State or the Union Territory, as the case may be, shall have the overall responsibility for the enforcement of the provisions of these Rules in the Metropolitan City. The District Magistrate or the Deputy Commissioner or the concerned District shall have the overall responsibility for the enforcement of the provisions of these Rules

within the territorial limit of their jurisdiction.

Further Rule 6 casts responsibility on the Central Pollution Control Board and the State Board or the Committees. It provides that the State Board or the Committee shall monitor the compliance of the standards regarding ground water, ambient air, leachate quality and the compost quality including incineration standards as specified under Schedules II, III and IV. Rule 8 cast an obligation under the State Boards and the Committees for preparation of the annual reports and submit to the Central Pollution Control Board with regard to the implementation of those Rules by the 15th September of every year in Form-IV. Therefore, it would be appropriate that Central Pollution Control Board co-ordinate with the authorities of State Boards and the Committees with all the particulars, so that when Rules are framed after hearing all of them, it would be more effective and that it is they, who would be implementing those Rules.

The learned Assistant Solicitor General submits that he would bring it to the notice of the concerned authorities the aforesaid facts and see that appropriate action is taken.

Office is directed to furnish a copy of this order forthwith to the learned Assistant Solicitor General.

The Corporation is directed to file statement of accounts showing the amount spent in clearing the garbage in respect of the wards to which this Court has granted stay and the persons to whom it is paid with full particulars of PAN number and service tax particulars.

List on 13/06/2014.

[Back](#)

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