

High Court of Karnataka

Daily Orders of the Case Number: WP 24739/2012 for the date of order 18/06/2014

Honble Justice N.KUMAR AND

B.V.NAGARATHNA

18/06/2014

Order in WP 24739/2012

We have heard the learned counsel for the parties as well as the parties who are present in person.

Though this Court has been issuing directions from time to time to sort out the problem of garbage removal, the authorities have taken the directions very lightly and have not implemented the same. It has resulted in an agitation by the public in respect of garbage dumped at Mandur. The Chief Minister was forced to call for a meeting of all concerned and proceedings are recorded on 16/06/2014 in presence of all the parties, to sort out the problem relating to the garbage dumped in Mandur village. It appears that unless people take law into their own hands, indulge in agitations and fasts, which sometimes turn violent, the authorities would not give attention to these

problems. Be that as it may. In view of the stand of the Government to take appropriate action to sort out these problems, we assume that the Government is serious and will extend its whole hearted support to sort out the crisis.

As a first step, as recorded in the minutes of the meeting, steps have to be taken towards bio-mining or bio-remediation of the garbage, which has accumulated over the years at Mandur and other land fills. The Commissioner of Corporation, who is present in Court submits that tomorrow they are issuing a tender, calling for quotations from persons who would be interested in bio-mining or bio-remediation. Having regard to the emergency like situation coupled with the fact that the Government has the power to relax tender procedures, we hope that immediate steps would be taken and by next Thursday i.e., by 26/06/2014, they would be able to submit to the Court names of the persons to whom the work would be entrusted and the terms and conditions of the same.

Today, some of the citizens who are present before the Court, mostly women, submit that in some of the multistoried apartments, they are segregating dry waste, wet waste and inert waste. There is an organization called Hasirudala, which is collecting waste from their door steps in separate trucks. But there is a threat to those persons from the local leaders, contractors, M.L.As, mafia and infact, their vehicles are also stolen. When they went to lodge a police complaint to the jurisdictional police station, the police refused to receive the complaint. Further, it is submitted that they are receiving threatening calls. They allege that there appears to be a collusion between the Corporator, MLA, the contractors and the police, in preventing segregation of waste and transporting the same in separate vehicles meant for the same. Further they submit that they have educated the people in the area about the usefulness of segregation. People residing in their wards are segregating the waste every day but at the end of the day, trucks belonging to the Corporation and the contractors, which are sent to collect the same unmindful of the

legal obligations are putting the waste in these trucks, thus making the entire exercise a futile one and thus, the people in the area are disillusioned. Unless this tendency is curbed, it may not be possible to implement the rules framed in this regard by the Central Government.

We have also noticed agitations, threats and even attacks. Karnataka is a peace loving State ruled by able men, who believe in the Constitution and the Rule of law. People have fond hope that they would be safe in their hands. The Chief Minister has stated that the State Government will take note of these threats and would do the needful at the earliest. Therefore, we want to know from the State Government as to what steps would be taken to handle the situation immediately and assure the law abiding citizen of this State a peaceful living. Learned Govt. Advocate submits that after consulting the concerned persons, their response would be placed on record on next Thursday i.e., 26-06-2014. It is of utmost importance because whenever directions are issued by this Court in accordance with law,

if few citizens oppose the law, the entire exercise would become futile. Therefore, we do hope that a system is put in place to meet this challenge in the interest of all concerned.

It was submitted by the parties who are present in person that the main reason for the present problem is because Corporation officials, who are entrusted with the responsibilities, are not performing their duties as required under law. They are hand-in-glove with the contractors, who are supported by the police as well as Corporators. If there is any truth in this, it is a matter for serious concern. Prima facie, we are inclined to believe that there is some substance in these allegations because the problems which we are facing today would not have been there if these officers had worked even partially. Without drawing any presumption at this stage, we direct the Corporation Commissioner to first set his house in order. Now that the Chief Minister has assured the public that they will take immediate steps to sort out the problem, we do hope that the Commissioner will have

full support in dealing with these officers and ensuring that they comply with their duties under the law.

Dumping of garbage on the outskirts of Bangalore is not a solution to a clean Bangalore. Infact garbage which is generated is not a waste in the real sense. If it is properly processed, it can converted into manure and energy. Unfortunately, authorities are not looking into this aspect of the matter. They are keen on transporting the garbage to the outskirts of Bangalore, so that the contractors, who collect this garbage would prosper and every one seems to have vested interest in this business. It is of utmost importance that garbage processing centers be established in each MLA constituency and the garbage generated in that constituency is processed there itself i.e., dry garbage is separated and sold and wet garbage is processed and the products thereupon is sold and only inert waste if at all remaining would be sent to these landfills. It is only the medical waste and hazardous waste, which could be disposed of in terms of the Rules. It would

be the responsibility of the members of the Legislative Assembly representing that constituency, to identify the areas and enable the Corporation to set up a plant within each constituency. Therefore, the Corporation Commissioner in consultation with the local MLAs and the Corporators, shall identify a suitable place for setting up these processing plants within the constituency, otherwise, they would be answerable to the public. If any individuals in the constituency however mighty they may be, whatever may be their qualification, whatever may be their past position they have held, indulge in interfering with the establishment of these processing centers, the Corporation Commissioner shall take appropriate legal steps against such persons, who are interfering with this Court orders and who are disobeying the law and whose actions are prejudicial to the interest of the public at large. In order to see that these directions are implemented and to get a permanent solution, we deem it proper to have the following persons present in Court on the next date of hearing i.e., 26/06/2014, till the problem is solved:-

01. The Principal Secretary, Urban Development.

02. Member Secretary, Pollution Control Board.

03. The Managing Director of Karnataka Compost Development Corporation.

Though, several other things have been contended before us, as this problem is threatening to go out of hand, we are of the view that the case is to be monitored on a week to week basis. Therefore, we will consider all other contentions on the next date of hearing after making sure that the directions issued today are obeyed.

Therefore, call this case next Thursday i.e., 26/06/2014 at 2.30 p.m. to know as to what extent the directions issued today have been implemented and thereafter, to consider giving further directions in the matter.

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