

High Court of Karnataka

Daily Orders of the Case Number: WP 24739/2012 for the date of order 26/06/2014

Honble Justice N.KUMAR AND

B.V.NAGARATHNA

26/06/2014

Order in WP 24739/2012

NKJ & BVNJ:

26.6.2014 W.P.Nos. 24739-40/2012

46601/2012,46523/2012,

48595/2013, 36508-517/2013,

16052/2014, 18167-68/2014,

4050/2014, 4051/2014

CCC Nos. 1641-50/2013,

The learned Advocate General submitted that the Government of Karnataka having taken serious note of the problem of solid waste management has issued a notification dated 25.6.2014 appointing Sri. Darpan Jain, IAS, as Special Commissioner (Solid Waste Management), Bruhat Bangalore Mahanagara Palike (BBMP), until further orders. It is submitted that he would be completely in charge of Solid Waste Management and he will be answerable to

the Court and will be present on all the hearing dates to report to the Court the steps taken by him and to seek further instructions in the matter. It is prayed that two weeks time be given so that he will completely acquaint with the facts of the case and make his presentation on 17.7.2014. The said request is granted.

1) The Commissioner of the Bangalore City Corporation submits that, out of 198 wards, in 145 wards Dry Waste Collection Centres have been established. Roughly about 80 such Centres are managed by NGOs. The remaining are managed by the Corporation by employing daily wagers. Within another three months they will set up Dry Waste Collection Centres in all the 198 wards. Under these circumstances, we want him to furnish the following particulars : -

- (a) The quantity of dry waste collected by each Dry Waste Collection Centers.**
- (b) How many are managed by NGOs?**
- (c) How many are managed by the Corporation?**

(d) How many employees are appointed by the Corporation in each Dry Waste Collection Center?

(e) What is the income derived by selling dry waste and what is the expenditure?

2) In pursuance of the orders issued by this Court on the earlier occasion, Ward Committees are constituted in all the 198 wards. The Councilor of the Corporation representing the Ward is the Chairperson of the Ward Committee. It is submitted that 10 other members are nominated in terms of clause (b) of sub-section (2) of Section 13-H of the Karnataka Municipal Corporations Act, 1976 and their names are all webhosted and that the committee is functioning. Therefore, now it is necessary for the Court to know, what is the interest these Ward Committee members are showing in the solid waste management. Sub-section (6) of Section 13-H of the Act mandates that, the Ward Committee shall meet at least once in a month. Sub-section (7) provides that, the decisions of the Ward Committee shall normally be taken by the majority of the

nominated members of the Ward Committee, provided that the Chairperson i.e. the Corporator of the Ward may exercise a veto over any decision by giving reasons in writing. The decision of the Chairperson shall be final and binding. One of the functions of the Ward Committee in terms of clause (i) of sub-section (1) of Section 13-I is to ensure proper solid waste management and sanitation work in the Ward and finalise location of new public sanitation units.

Therefore, it is now necessary to find out how these Ward Committees are functioning, whether they have met as required under law, what decisions they have taken, whether the Chairperson had an occasion to exercise his veto power and what is the problem they face in proper solid waste management in that particular ward.

Now, that the Government of Karnataka, by its order dated 25.6.2014 has appointed Sri Darpan Jain, IAS, as the Special Commissioner (Solid Waste Management), Bangalore Bruhat Mahanagara Palike,

BBMP, to ensure proper solid waste management, it is necessary to have the aforesaid information so that he is assured of public participation in the uphill task which he is expected to execute. It will also give us an idea of what are the difficulties faced at the ground level in implementation of the Act and the Rules so that after hearing all the parties and the Government, it would be possible to find a satisfactory solution to this problem of solid waste management. A copy of this order shall be circulated by the Commissioner of the Bangalore City Corporation to all the Ward Committees for compliance before 17th of July 2014 to which date the case is posted.

3) The Commissioner of the Bangalore City Corporation who is present before the Court and some of the expert members assured the Court that by the next hearing date they would be ready with the Vendor Empanelment List with all the particulars so that persons who are interested in delivering this garbage may be directed to do so.

4) In pursuance of the directions issued on

the last occasion, BBMP has issued a notification in the Times of India on 23.6.2014 which is termed Expression of Interest setting out the eligibility criteria of the Companies to undertake Bio-remediation of Mandur Landfill. 1.7.2014 is fixed as the last date for receiving applications. The Corporation is directed to see that this publication is duly published widely throughout the country in Nationalized newspapers so that it would attract the best talent available in the country. They are also at liberty to webhost this notification. We hope that by next hearing date the process will be completed and Bio-remediation work would be taken up without any further delay.

5) Sri Sathyamurthy, the Additional Chief Secretary, Urban Development, Government of Karnataka, was present before the Court. He also submitted that the Government is sincerely intending to set up garbage processing units, if possible in each Ward, initially they intend setting up in 15 to 20 wards within three months, so that the wet garbage collected in each Ward is

processed within the ward itself and took some time to report the steps taken in this regard.

6) In the status report filed by the Corporation today they have produced as Annexure-B, the order appointing Health Officials for monitoring solid waste management of bulk generators and Commercial Establishments. In the said order, the functions to be performed by each official is mentioned. It is in respect of bulk generators. One of the functions entrusted to them is to compile the dry and wet waste generated by bulk generators. Further, they have to ensure that the waste so collected is disposed of in accordance with law. It also provides that, if there is a violation of the rules to fine them. We would like to know by 17th of July 2014 the statistics they have compiled in so far as wet waste collection and how it is collected and if anybody is fined for violating the Rules, the particulars thereof.

Call on 17.7.2014 at 2.30 PM.

(N. KUMAR)
JUDGE

(B V NAGARATHNA)
JUDGE

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