

High Court of Karnataka

Daily Orders of the Case Number: WP 24739/2012 for the date of order 17/07/2014

Honble Justice N.KUMAR AND

B.V.NAGARATHNA

17/07/2014

Order in WP 24739/2012

Sri Darpan Jain, I.A.S., Special Commissioner (Solid Waste Management), B.B.M.P., is present before the Court. He explained to us steps which have been taken in pursuance of the orders passed by this Court from the day he assumed charge as Special Commissioner.

He submits that for setting up waste processing centers, Government lands have been identified and that the Government would set up these plants with their funds. However, it will be managed by B.B.M.P. As they are short of men, they intend to operate these processing centers through operators. This would initially be at the zonal level. Keeping in mind the time required for civil work and implementation of the plan, he submits that these plants would become operational within six months, so that

substantial quantity of wet waste generated in the city is processed thus, avoiding dumping of this waste in land fills.

He also submits that the attempt is to set up the processing centers in each ward, so that in the end of the day, the amount spent for transporting charges could be minimized. However, it takes some time.

They also intend installing GPS system on the vehicles used for collection of waste, thereby B.B.M.P. could monitor the routes through which the vehicles pass through and as to where the waste would be dumped and also the weight of waste transported would be recorded.

He seeks some time to come up with the modalities for implementation of the rules imposing fine on persons who are violating the law.

Today, a status report has been filed on behalf of the Corporation, which shows that as on today, 151 Dry Waste Centers are functioning and out of which, 74 are

managed by the N.G.Os and 61 by Contractors and 50 are being managed by individuals, such as, waste pickers. They have also furnished a statement showing that 477 persons are employed and the total income derived is Rs.1,26,89,446/- whereas, the expenditure incurred is Rs.1,09,42,686/-. It is submitted that in respect of remaining 47 Dry Waste Centers to be set up, they have already identified 20 to 25 sites and within a short span of time, they would be able to set up the remaining Dry Waste Centers. Persons who are employed by these Dry Waste Centers are all employed by the persons who are running the centers and not by the Corporation.

Insofar as vendor empanelment list is concerned, one of the members of the Expert Committee, who is present in Court, submitted that they have already held a meeting with the processing vendors and examined their credentials and they have given their comments and B.B.M.P. is examining the capabilities of such vendors. In fact, a copy of the Notification dated 10/07/2014 published in Prajavani and

Times of India daily news papers, is also placed on record, calling upon such persons who are interested to apply. Therefore, they submit that in another 15 days time, the list would be ready and a policy document in this connection also would be placed on record.

The B.B.M.P. has also furnished information regarding functioning of Ward Committees in B.B.M.P. as per Annexure B, which discloses that out of 198 Ward Committees only 138 Ward Committees have held meetings. That means, in 60 Wards no Ward Committee Meetings have been held. Therefore, there is a total failure on the part of the Chairman of the Committee, who is the Corporator of the Ward and the committee members in conducting the meetings in terms of the Rules. At this juncture, we are not able to make out whether this non holding of the meetings is deliberate or they are not aware of their duties. It is submitted by the Special Commissioner that now steps will be taken to call for a meeting of these 60 Corporators, who are heading the Ward

Committees and the members of the committees would be informed about their role in solid waste management. After that exercise, we shall see whether they show any interest in discharging their duties before taking any action against them.

Few of the Ward Committee Members, who are present in Court, submitted that their Ward Meetings are held and they have given their suggestions, which are accepted but are not implemented and when they tried to join hands with the public and tried to improve the situation, there was resistance from the Corporators as well as the officials. In their view, though the people are willing to do their best and solve the problem of disposal of garbage in their respective localities, it is their elected representatives namely, the Corporators and the officials who are coming in the way. They apprehend that there may be some vested interests working against the system. If a Corporator who has been vested with the responsibilities of waste management and who has been given the power to appoint the committee members, instead of discharging his duties, becomes a hurdle in

enforcing the rules, then it reflects the sorry state of affairs in the metropolis. This should be an eye opener to the citizens of Bangalore. We think that those representatives who are not willing to discharge their duties and who do not solve the problems of the citizens are unfit to hold their positions. Therefore, N.G.Os and other private organizations who are interested, apart from taking steps to weed out garbage in the city of Bangalore, should also make an attempt to weed out these persons in the process of implementation of waste management programme, by educating the public so that in the coming elections to B.B.M.P., such persons are not elected to their posts. The Special Commissioner before this Court has heard the grievances of these committee members. Now, he has a first hand information about the ground realities. We are confident that the Special Commissioner would take immediate action to improve the situation and report the same to the Court on the next date of hearing.

The Commissioner of B.B.M.P. submits that after the last hearing date, the MLAs of

Bangalore City have given their co-operation and have attended all the meetings and they are joining hands in solving this problem. We hope and trust that the peoples representatives would take a lead in ameliorating the problem of solid waste management of Bangalore.

The officials of the B.B.M.P. submit that because of the wide and adverse publicity given in newspapers as well as on Television, some members of the public are misguided. When sincere attempts are being made to set-up the processing centers to clear up the garbage, in some zones, there is resistance which are motivated. In those circumstances, they need police protection. Then, they would be able to carry out their functions swiftly and effectively as the Honble Chief Minister has set a dead line as 01.12.2014 as far as Mandur Landfill is concerned. Whatever effort is made by the Authorities in solving the problem of garbage in the city, it is in the interest of the citizens of Bangalore as well as the city. The citizens have every right to insist that this problem should be solved expeditiously.

They can also come forward and give assistance and join the Authorities in solving this garbage problem but none has a right to prevent them in completing their onerous task. If there is any such resistance, it would be the duty of the police authorities to take control of the situation and see that these plans are implemented without any resistance.

The High Court Registry is directed to send a copy of this Order to the Commissioner of the Police for the needful action. In case there is a request by the B.B.M.P. for police protection in implementing its rules, he shall see to it that requisite police force is made available and mischievous elements interfering with the discharge of duties are removed from the scene and proper action is taken against them in law. To understand any difficulty on the part of the police, on the next hearing date, the Police Commissioner shall be present before the Court to have his say in the matter.

The Managing Director of KSIDC is present before the Court. He submits, now they have been provided with necessary land and

finance. But they are not able to develop the infrastructure. They are able to process the garbage only to the extent of 350 tons per day. Land and funds have been made available to them for more than a year ago. Still, if they are not able to develop the infrastructure, having regard to the urgency involved, as they are not able to process sufficient quantity of the garbage, the BBMP may take over the entire unit temporarily and process atleast 1000 tons per day. The Managing Director seeks time to discuss with the Board about this proposal and revert to the Court.

In Mavallipura, garbage is dumped. It has created several problems for the nearby villagers. Therefore, the entire activity of dumping is stopped. Adjoining the dumping yard, there exists a Plant which can process the segregated wet waste. Having regard to the urgency and the non-availability of other processing units to process the waste generated everyday, it is necessary to make use of the available facility till a permanent facility is created. B.B.M.P. shall explore the possibility of making use of the said facility

which is available in Mavallipura to process the waste, which is collected everyday. It is made clear that there shall not be any further dumping at Mavallipura, the Trucks have to take the garbage, which has to be processed and brought back with least problems to the residents of the nearby villagers. It is needless to point out, keeping in mind the capacity of that Plant, only that quantity of waste should be taken to Mavallipura, which is capable of being processed.

The citizens of Bangalore should understand, that B.B.M.P. is making every effort to solve this problem. If people cannot give their helping hand, the least that they are expected to do is not to come in the way of solving this problem. If there is any problem created by any of the persons who are around, the Corporation is at liberty to take police protection to avoid such obstruction. The Corporation shall ensure that the local people are also involved in the said processing so that their interest is fully protected and if they have any grievance, they shall be immediately attended to.

**The Commissioner of B.B.M.P. to circulate
a copy of this Order to all the Corporators
and the MLAs.**

List these matters on 07.08.2014.

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