

High Court of Karnataka

Daily Orders of the Case Number: WP 24739/2012 for the date of order 01/09/2014

Honble Justice N.KUMAR AND

B.V.NAGARATHNA

01/09/2014

Order in WP 24739/2012

NKJ & BVNJ:

1-09-2014

WP No.46601/2012

C/w

WP Nos.24739-24740/2012, WP

No.30450/2012,

WP No. 46523/2012, WP No. 48595/2013,

CCC Nos.1641-1650/2013, WP Nos.36508-

36517/2013, WP No. 16052/2014 &

WP Nos.18167-18168/2014

On 7.8.2014 it was submitted that out of 47 dry-waste processing centres to be set up, BBMP has identified 20 to 25 sites and they have already set up 18 centres. They had sought for time to set up these dry-waste processing centres in the remaining 29 centres. Today the Special Commissioner submits that as BBMP has no land available

in those wards they could not set up the dry-waste processing centres. Now they have instructions to take the land on lease and they are in the process of finalizing the lease of certain lands. Immediately after the leases are finalized, by the next hearing date they would report on the progress on the setting up of dry waste centres in remaining 29 wards.

2. On 7.8.2014 it was submitted that the Corporation had received 79 applications for the purpose of vendor empanelment and a committee has been constituted to scrutinize these applications and within a months time process would be commenced and a decision would be taken. Today in the status report filed by the Corporation they have stated as under :-

12. With respect to the vendor empanelment a meeting has been conducted with various waste processors for wet waste, Construction & Demolition waste, and sanitary waste and Animal waste.

*** For the wet waste processing several meeting has been conducted with Piggery**

Association where a large numbers of piggery people are interested to collect wet waste from the Bulk Waste Generators. Some of them have already expressed their interest in the vendor Empanelment process.

*** For Sanitary Waste, on a pilot basis M/s. SemRamky Environmental Management Pvt Ltd., has been issued authorization to collect and process the sanitary waste from one of the Zones of BBMP for a period of one month. Based on the report A Plan of Action will be prepared for processing of sanitary waste from all the wards.**

*** For animal waste management a meeting has been conducted with both Butcher and Poultry Association. Various options are under examination.**

*** In association with TERI, GRIHA, CREDAI guideline is being prepared for Construction and Demolition waste Management. A meeting has been called with the builders associations to discuss the same.**

3. Insofar as persons engaged in piggery are concerned they would be interested in collecting only wet waste from kitchens of hotels. It appears they would not be very

eager to collect the wet waste from Choultry and Kalyana Mantap because no segregation is done in those places. It is submitted in respect of the said waste, they would be interested in collecting the same, if the BBMP Authorities could ensure that the Choultry and Kalyana Mantapa wet waste is segregated, so that the piggery Association could collect the waste not only from hotel kitchens, but also from Kalyana Mantap and such other places. It is submitted that within a months time they would formalize the whole system by way of rules and regulations and the Corporation would place on record action taken in this regard on the next hearing date.

4. Insofar as sanitary waste is concerned before it is collected from every house-hold it is necessary that it is also segregated and the citizens hand over sanitary waste in separate bags/containers. In order to achieve this object, first they must segregate the sanitary waste, wet waste and other waste. Hence steps shall be taken by the BBMP to impart education to the citizens in this regard including through press and

electronic media.

5. Insofar as the poultry waste is concerned the Poultry Association has come forward to remove and dispose the said waste.

However, there are no Association/persons who have come forward to collect waste from slaughter houses. Presently, the BBMP has to take steps to ensure collection of waste from the slaughter house by providing a processing unit in the slaughter house itself. If any rules are required in this regard they shall be framed expeditiously.

6. Insofar as debri arising out of demolition of old buildings is concerned till today the Builders Association has not come forward with any concrete proposal, though they have participated in the Court proceedings for the last one year, the Court cannot be made to wait any longer.

7. The Special Commissioner submitted that BBMP has identified eight places around Bangalore for dumping debri and now they are in the process of locating vendor empanelment to remove this debri to the

said eight notified places. Here again the rules and guidelines would be required to be framed at the earliest and placed before this Court for scrutiny.

8. In the meanwhile, if the Builders Association is prepared to take the responsibility to remove not only the debri arising out of the demolition of buildings in which they are interested but all demolition which take place in the city of Bangalore, they are at liberty to come up with a proposal for consideration. However, BBMP shall proceed to frame appropriate rules providing for deposit of certain amount by the owners of the property who intend putting up construction before sanctioning of plan or issue of a license. If BBMP is satisfied that the debri has been removed from the building sites to the designated place the said amount could be refunded and permission may be granted to proceed with the construction. BBMP also shall think of incorporating clauses to make sure the removal of debri be made a condition precedent for issue of commencement certificate as well as occupancy certificate in

case reconstruction is to be made after demolition.

9. In order dated 7.8.2014 it was observed that Corporators should be educated about their responsibility regarding solid waste management and in this regard a months time was sought. Now although three week are over still no training has been imparted. The Special Commissioner submits that within one week they would arrange a programme in this regard and report the said fact on the next hearing date.

10. Learned counsel for the petitioners brought to our notice an article published in The Hindu under the heading INITIATIVE TO RECYCLE WASTE HANGS FIRE - Land allotted for community project has been taken back by the BBMP. The said report shows some people in the locality have opposed the setting up of a recycling project of solid waste. The said project is not implemented. These projects are to be implemented in the interest of the citizens of the entire ward, if such centres have to be set up within the ward necessarily it has to

be adjacent to the houses of some persons in the locality. Therefore, merely because those persons oppose such projects, they cannot be shelved. The local MLAs and the Corporators should ensure that the projects are set up and if any inconvenience is caused to the residents, it should be attended to. Thus entire ward would be benefited. BBMP Officials should also ensure such development activities take place forthwith and the object of setting up such centres are fulfilled. BBMP to respond to this report by the next hearing date.

11. Insofar as the facility available in Mavallipura is concerned, a letter is addressed by the BBMP to M/s. Ramky Energy & Environment Ltd., to take necessary steps to operationalise the Solid Waste Management Facility at Sy.No.8, Mavallipura, to its capacity.

12. It is submitted that they are willing to do so and the company approached KSPCB for their authorisation, but they were told that they should approach KSPCB through BBMP and now they are making efforts to approach through the aforesaid channel.

Counsel for the petitioners have however expressed apprehension about M/s Ramky Limited. Annexure-C to the Status Report dated 19/08/2014 is a letter which gives an impression that M/s.Ramky would commence its operation as done earlier which means that they would be dumping waste without processing the same thereby creating problems to the villagers in the vicinity. Clarifying the position, the Special Commissioner would submit that the capacity of the said unit is 400 tonnes of wet waste. It takes 28 days for complete processing of wet waste and therefore, under the agreement, only 400 tonnes of segregated wet waste would be given to M/s.Ramky for processing per day, but at any point of time, on the platform, there would be 400 x 28 days wet processed waste. Even out of 400 tonnes of wet waste, there may be possibility of some dry waste that has to be segregated and the segregated dry waste would be removed forthwith and will be disposed at the designated places and it would not be allowed to be dumped near the village.

13. It is also submitted that neither the villagers nor the Expert Committee are consulted by the Special Commissioner. They would be in a better position to suggest ways and means of running that plant without affecting their interest. Therefore, the Special Commissioner shall call a meeting of Expert Committee preferably once a week and involve all concerned persons and thereafter take a decision and implement the order of the Court as aforesaid. Sri. Leo Saldhana, the petitioner in one of the writ petition, who is representing the Village of Mavallipura would also be included in the meetings and his suggestions also could be considered.

14. Regarding action to be taken against contractors who have violated the terms of the contract, it is stated that they have collected information and the same being processed appropriate action would be taken, if there is any violation. BBMP prays for sometime in this regard.

15. It is stated that land bearing Sy.No.45, Deevatigereramenahally, Kengeri Hobli,

was acquired by the BDA for formation of Chandra Layout. The Municipal Corporation Employees House Building Co-operative Society requested the Government to allot the said extent of land for the formation of layout and distribution of sites to its members. The Government allotted the said land measuring 30 acres 2 guntas, with a direction to the Society to reserve 20% of the land for Civic Amenity sites and 30% of land for the formation of roads and in the rest of 50% of land 374 sites be formed. Accordingly, BDA on 8/6/1983 handed over possession of 30 acres 2 guntas of land to the Society for the formation of layout by executing a registered deed.

16. The Commissioner of Bangalore Development Authority (BDA) has filed an affidavit, in which he has categorically stated that the Society so far has not executed relinquishment deed and delivered vacant possession of the Civic Amenity sites to the BDA. However, the layout has been transferred to BBMP on 1/10/1996 for development and maintenance.

The affidavit states that in the Civic Amenity sites, 80 RCC buildings and 10 AC sheet buildings have come up and are provided with underground drainage and sewage facilities the roads are asphalted with either concrete or tar, water and electricity facility are also provided and the entire area is build up. Therefore, it is clear that the very officials of the BBMP in utter disregard to the BDA Act as well as the Karnataka Municipal Corporation Act have put up unauthorized and illegal construction in the land earmarked for Civic Amenities. Thus, no land is available in the said layout for setting up of Solid Waste Management Facility. Then they have no right to insist on collection of garbage from the locality generated by the residents therein to be removed by the BBMP. It was their bounden duty to hand over Civic Amenity sites to BDA and then BBMP to enable them to establish the said facility. It is very strange that neither the BDA nor BBMP has taken any action against these illegal activities over the years. Both BDA and BBMP are not helpless in this regard. They shall take immediate steps to remove the

unauthorized construction and thereafter set up the Solid Waste Processing unit in a civic amenity site. If the Society does not assist the authorities in this regard, appropriate action would be initiated against the Society and the matter may be brought to the notice of the Government to withdraw the allotment and order for cancellation of the sites. By the next date of hearing, positive steps shall be taken and in this aspect of the matter a report shall be submitted to the court.

17. In terms of the direction issued by this court on 07/08/2014, it is stated that BBMP has taken steps to inform all the authorities as per Annexures-D and E to earmark a suitable CA site in all the layouts to be sanctioned hereafter for setting up of a Solid Waste Processing Centre. Now that all concerned have been duly informed BBMP shall also monitor their actions and report to the court if there is any violation in this regard.

18. Insofar as the complaint against C.T.Jagannath is concerned, BBMP seeks

little more time as the required information is not yet received by them. Accordingly, time is granted.

19. Insofar as Bio-mining is concerned, the Special Commissioner seeks little more time to report the matter to the court. Accordingly, time is granted.

20. Insofar as setting up of Dry Waste Collection Centre (DWCC) under Yeshwanthpur Flyover is concerned, it is stated that as per the opinion of the Zonal Commissioner (West) it is feasible to shift the DWCC due to traffic congestion and the same is proposed near Carle Company which is 200 mtrs. away from the Yeshwantpura Circle. It is stated that within a month, it would be made functional. Submission is placed on record.

21. Pursuance to the direction issued earlier, the State Government has constituted an empowered committee consisting of Additional Secretary, Defence Secretary, Commissioner BBMP, Forest Secretary, Urban Development Secretary, Special

Commissioner BBMP, Solid Waste Management Secretary and also the Managing Director of Karnataka Urban Infrastructure Development Finance Corporation (KUIDFC). They have sanctioned a sum of Rs.270 crores for setting up of Solid Waste Processing Centres. Out of 270 crores, 150 crores would be paid by the Government directly to KUIDFC and the remaining 120 cores would be paid to KUIDFC out of 150 crores granted to BBMP. The said order is at Annexure-F, which is dated 26/8/2014. It is submitted that in nine places the initial construction work has already commenced. The said facts shall be brought to the notice of the Expert Committee also in the next meeting.

22. The Special Commissioner submits that they have written letters to the corporate houses requesting them to take responsibility with regard to the Solid Waste Management in the area where their establishments are located. In reply to such a letter, ITC Company has come forward to take the responsibility of the setting up of solid waste processing centres and others

also are in the process of giving assistance. By the next date of hearing the Special Commissioner to inform the Court about the number of corporate houses who are willing to join hands with the BBMP in this endeavour.

23. The Special Commissioner also submits that the corporation is working out a management system, which consists of establishment of control room for monitoring various agencies involved in the implementation of the process of solid waste management and their supervision. It is stated that in another two or three months he would be able to place on record a comprehensive mechanism. However, till such time, it is necessary for BBMP to web host the names of the persons who are in-charge of SWM with their telephone numbers and E-mail addresses so that in case of need, the citizens could approach them for immediate relief. The said addresses and phone numbers shall also be exhibited in the Ward Offices through out the city. There can also be monitoring on zonal basis.

24. The Special Commissioner also shall ensure that the citizens get an audience with him at a particular place and time, so that any one who has a grievance could directly approach him and place before him the difficulties. The citizens may also have suggestions on SWM.

25. The Secretary, Urban Development shall hear all the objections to amendments and proposals made to the Ward Committee Rules and the Amendment Act and place all the views before this Court on the next date of hearing, so that the Court could consider the proposed Rules in light of the said objections.

Call on 23/09/2014.

**(N. KUMAR)
JUDGE**

**(B V NAGARATHNA)
JUDGE**

NG/S*

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