

High Court of Karnataka

Daily Orders of the Case Number: WP 24739/2012 for the date of order 13/02/2015

Honble Justice N.KUMAR AND

B.V.NAGARATHNA

13/02/2015

Order in WP 24739/2012

NKJ & BVNJ:

13.02.2015

**W.P.Nos.24739-40/2012 c/w 46601/ 2012,
30450/2012, 46523/2012, CCC Nos.1641-
50/2013, 36508-517/2013, 48595/2013, 18167-
68/2014, W.P.55575 /2014**

The Special Commissioner submits that in all the sites which are identified for setting up dry waste collection centers construction activity is going on and within a span of another two months not only would the construction be complete, it would also be operational. In the mean time, they are using neighbouring areas for collecting dry waste.

(2) As per Annexure-A to the status report

BBMP has published Public Notice calling upon the citizens of Bangalore to participate in BBMPs endeavour to segregate solid waste at source so as to keep the city clean. The notice also informs the citizens that they could make profit by selling dry waste at attractive rates to Dry Waste Collection Centres established by BBMP in various parts of the city. The said pamphlet is placed on record. BBMP to give details of the various Dry Waste Collection Centres with addresses on their website so that the public would become better aware about these centres.

(3) In so far as bulk generators are concerned, the status report shows that they have involved 2021 Bulk Generators in the category of Hotels, Restaurant, Malls, Kalyana Mantaps by linking them to service providers. They are in the process of involving the remaining 1466 Bulk Generators also. They have also issued notice to 2696 Bulk Generators in the category of Educational Institutions, Clubs, PG hostels and temples and action is under

process. By the next date of hearing a report showing the progress in this regard to be filed.

(4) In so far as setting up of Bio-mechanization unit at Kannalli is concerned, it was expected to be ready by 15th February 2015. The Special Commissioner submits that they may need one more week and at any rate, by the end of this month, it will become operational. A request to be filed in this regard.

(5) In so far as Mavallipura is concerned, it is submitted on behalf of villagers of Mavallipura, that water supply that was promised by the Corporation is not regularly supplied. Only three RO Plants have been established in the Mavallipura village, which is not sufficient to meet the needs of that village and neighbouring villages.

The Special Commissioner would submit that the intention was to set up 24 RO

Plants, but only three Plants are now set up. Tender are called for the remaining 21 Plants. Though the Corporation has undertaken the responsibility of providing water before this Court, in fact, the Rural Development and Panchayath Raj Ministry is primarily responsible for providing water. In fact, all these grievances could be properly met if the elected representatives of the villages are also made a party to this programme.

It is submitted that there are five Village Panchayaths namely, Shivakote Grama Panchayath, Gautiganahalli Grama Panchayath, Kasaghattapura Grama Panchayath, Singanayakanhalli Grama Panchayath and Vadarahalli Grama Panchayath. In order to ensure that these Plants are set up in proper locations and to meet the requirement of all these villages, it would be appropriate that the Rural Development and Panchayath Raj Ministry and the BBMP associate elected representatives of these Panchayaths to find out the local requirement and set up the RO

Plants at the earliest and report on the progress made in this regard to be filed.

The learned Government Advocate submits that one Sri. Manish Mudgal is the Secretary in-charge and she would communicate the order passed by this Court to the Secretary, so that by next hearing date, there would be substantial progress made in this direction. Submission is placed on record.

The villagers on behalf of Mavallipura village also submit that the health camp which was conducted in Mavallipura village was not preceded by proper publicity. Therefore many villagers could not take advantage of the same. It was also submitted that one such camp is not sufficient. At least three camps are necessary to meet the requirements.

The representatives of the people of Mavallipura village submit that the elected Panchayath and its members would take the

responsibility of informing the villagers. They will also provide a place for holding the camps. Thereafter, the Corporation officials shall depute necessary Doctors and staff and also make available necessary medicines, so that the problems of the villagers are addressed effectively. In fact, it is submitted that the Corporation is holding these camps in association with District Health Office, Bangalore Urban District.

We are of the view that if the elected representatives of these villages are also associated and extend their co-operation by giving wide publicity and by providing place for the health camps, the officials can do their job effectively and give effect to the order passed by this Court in so far as health camps are concerned.

It is also submitted that in terms of the orders of this Court, no proper survey has been conducted in so far as cattle heads are concerned in these villages and also about the number of people who are affected by the polluted atmosphere prevailing in

Mavallipura. It is submitted that a few days back a survey was conducted, which is not satisfactory.

When BBMP is having its health camps with the assistance of the elected representatives, provision could be made for having interaction with the persons who come to these camps and conduct animal survey also by associating the persons from the Agricultural Department, Animal Husbandry Department, Health Department, Zilla Panchayath, which would go a long way in achieving the object of providing redressal to both the people and as well as animals of Mavallipura and surrounding Villages.

It is also submitted that, though BBMP contended that wet waste which is brought to Mavallipura has at least 20% mixed waste, 80% wet waste, it is submitted that it is around 50-60%. Because of that vultures and other birds are flying in the area. This is totally denied by BBMP.

It is also brought to our notice that Air-show is going to be held near Mavallipura site. So keeping in mind the interest of the said Air-show and also the villagers, BBMP shall diligently take immediate steps in this regard.

The Special Commissioner has produced photographs showing how operations with regard to disposal of garbage are conducted in Mavallipura Village. The photographs show that the entire area is substantially covered. Even then, BBMP shall take all precautionary measures to ensure that no untoward incident occurs during the Air-show on account of the land fill in that area.

(6) We had directed the Deputy Commissioner to take immediate steps in order to prevent dumping of animal waste in the vicinity of Mavallipura. The Deputy Commissioner has addressed a letter to the Additional Government Advocate stating that in terms of the order passed by this Court, he visited the spot and became aware

that there were many cat fish ponds developed by several persons. The cat fishes were fed with animal waste and due to that the birds such as eagles were attracted and flying in the surrounding areas. He has also submitted photographs. He has further stated that they have taken action and demolished all cat fish development ponds completely and therefore there are no eagles or other birds flying in the concerned area. Photographs are also produced to that effect. He has also stated that the police have filed First Information Report against five persons who have indulged in throwing animal waste in the nearby area and criminal cases would be booked against them. A copy of the FIR is also enclosed. Further, handbills/pamphlets have been distributed in the area in order to educate the general public and warn them against action to be taken if they indulge in such activity. A copy of the pamphlet is also enclosed. Further, police authorities have been instructed to take action based on written and oral complaint made by the public/officers against those who throw animal and other waste where ever they

please and to confiscate their vehicles and book criminal cases against them. He has also stated that eagles and other birds were flying in the area only due to cat fish ponds where catfish were fed with animal waste and that no eagles or other birds are flying in the said area at present.

They have also produced public notice dated 06.02.2015 informing the general public that there is International Air Show to be held in the area and if animal waste is thrown in that area, vultures and other birds would be attracted which would be hazardous to be the flights. In fact, they have also informed all the non-vegetarian hotels that from 18.02.2015 to 22.02.2015 they shall not prepare or sell non-vegetarian food.

The said report shows that the authorities have promptly taken action in pursuance to the order of this Court and they have also taken all precautions to ensure that in no way the Air-show to be conducted nearby, is affected by any of the aforesaid hazards.

The police authorities shall ensure that meat and chicken stalls and non-vegetarian hotels do not function during the said period and further ensure that the Air-Show would take place without any hurdles.

In so far as suggestion made by Smt. Almitra Patel, member of the expert Committee is concerned, affidavit of one Naushad Chittor Babu, Project Manager and Authorized Representative of M/s Ramky Energy & Environment Pvt. Ltd., has been filed, wherein he has extracted the opinion of an expert Mr. Eshwar Reddy, who is said to have three decades of experience in waste management. The said report shows that injecting Leachate again into the Landfill, would increase the concentration of pollutants by at least 20%. On the contrary, Solar Evaporation would be more advisable. In fact, the Pollution Control Board suggests that drawing these Leachate from the pond and transporting it to the near by sewerage treatment plant would be a feasible solution.

Smt. Almitra Patel, seeks some time to look into this report and revert with her suggestions. All of them have sought sometime to apply their mind to see what best could be done in the circumstances.

(7) Dr. Anand Kumar, newly appointed Chairman, Karnataka Compost Development Corporation Ltd., is before the Court. Sri M.S. Muthuraj, newly appointed Vice Chairman of KCDC is also present. Their presence shows the interest they have in waste disposal. Today, on their behalf, a report is also placed on record. It shows the developmental activities which they have undertaken after assuming charge. In fact, along with the report, they have produced a sketch of the area in which KCDC is functioning. Along with the sketch, they have also produced photographs showing the operations being conducted at KCDC.

The Chairman submits that he has visited the place and has interacted with the residents in the adjoining locality. Except

the residents who are residing adjoining the lake, adjoining KCDC premises, which belongs to BDA, others have not complained. The photographs show sewerage water flowing into that lake and a large number of pigs are found in the marshy area. During his visit he also found animal waste was dumped in the said lake. Chicken, fish, slaughter waste are dumped on the lake bed by the local residents who are the residents adjoining the lake. The domestic waste dumped by local residents is yet another cause for polluting the lake and therefore he submits that unless that lake is cleaned, properly fenced and maintained, the foul smell would continue to emanate.

Learned counsel for Bangalore Development Authority is present before the Court. He states that the said lake measures about 16 acres. From the photographs produced, it is clear that it is not only a case of maintaining lake, it is also a case of finding a way out for this sewerage water and also preventing pollution of the lake. Under the circumstances, Bangalore Development Authority, Pollution Control Board,

Bangalore Water Supply and Sewerage Board and also Lake Development Authority, shall act in unison and take appropriate steps to restore the lake to its original status by preventing sewerage being let into that lake. Pollution Control Board shall take steps to ensure that no polluted water flows into the lake or foul smell would emanate from the said tank. Probably, pollution of the lake is one of the reasons for the foul smell emanating from the area apart from the dumping of waste in KCDC Area.

The Special Commissioner is present in Court and submits that inspite of best efforts they could not find a odor controlling mechanism installed in any solid waste management plant. Now they have approached the Council for Scientific Industrial Research (CSIR) at Kerala with their problems. They are working on the same and they have assured a solution. Once they come out with a mechanism by which odor could be controlled and prevented, they would implement the same at the earliest and report to the Court. The

residents of the village also want to have a say in the odor control management.

The Chairman of the KCDC, who is present before the Court submits that lack of sufficient funds is yet another reason for non-implementation of certain action required for the proper functioning of the KCDC. They submit that they have sent a proposal to the State Government to include the expenditure required by the KCDC in the budget. As Honble Chief Minister is involved in this mammoth task of cleaning up Bangalore City and he has shown keen interest in solving the problems in this regard, we are sure he would understand the gravity of the situation and make available requisite funds for KCDC in the coming budget so that all programmes which the KCDC intend implementing in the wet waste process would be in place and their problem are sorted out at the earliest.

The residents of the area where KCDC is located have also brought to the notice of the court photographs of inert waste, which is dumped in the premises of KCDC.

Therefore they are afraid if the said wet waste is continued to be dumped, as in the case of Mandur, it may create problems in future. As KCDC cannot further process the said inert waste, it is appropriate that it is transported to a land fill, so as to prevent dumping of not only wet waste but also inert waste. We find force in the submission.

Therefore, KCDC is directed to remove all inert waste which is found in their compound and ensure that it is taken to an appropriate land fill which is meant for dumping of inert waste and report in this regard shall be filed by KCDE by the next date of hearing.

It is brought to our notice that learned Advocate General has issued a Circular informing all Government Pleaders and Government Advocates to take notice of cases filed pertaining to garbage disposal and defend the same effectively in their respective Courts.

Learned counsel for Pollution Control

Board submits that yesterday in the meeting they have sanctioned 5 sites for which a request is made by the Corporation which can be used for dumping inert waste.

During the course of todays hearing we have been appraised that one of the reasons as to why several orders passed by this Court especially with reference to segregation at source, transportation of wet waste to nearby processing centers is not implemented satisfactorily is because of financial constraints. It is submitted that for the last five months contractors and Pourakarmikas have not been paid which has given rise to several problems. Before the authorities implement the directions issued by this Court, the persons who have to work in solid waste disposal should be paid salary or the amounts which they are legally entitled to. Probably that is one of the reasons why some of the directions of this court have not been implemented. It is submitted that for five months, minimum amount of Rs.1.50 crore is required and a minimum of 30 crores is required every

month for the purpose of segregation, transportation and disposal of waste etc. BBMP Commissioner, who is present in Court, submits that they are making arrangements to garner the requisite fund. The assurance of providing funds would not help. The Bangalore Mahanagara Palike has to set apart a separate fund in order to install a satisfactory mechanism in place or State Government should provide necessary funds for maintaining solid waste management of Bangalore metropolis. We hope, by the next hearing date the pending bills of five months is cleared and also Rs.30 crores per month is set apart for this purpose. In fact the Special Commissioner will have no moral authority to call upon the persons to perform their functions in the matter of solid waste management unless the bills submitted by them are cleared expeditiously. That appears to be the root cause for many of the problems which we hear in the Court. Before issuing any further directions, the persons to whom amount are due have to be legitimately paid. It is only thereafter further directions can be issued in the matter.

Call on 3rd March 2015 for the purpose of finding out as to whether the amount is released in so far as the pending bills with regard to solid waste management are cleared and requisite fund is provided for day to day management of the process of solid waste disposal.

(N. KUMAR)

JUDGE

(B. V. NAGARATHNA)

JUDGE

ksp/msu/-

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