

**High Court of Karnataka****Daily Orders of the Case Number: WP 24739/2012 for the date of order 23/06/2016****Honble Justice N.KUMAR AND B.V.NAGARATHNA****23/06/2016****Order in WP 24739/2012****NKJ & BVNJ:****23.06.2016****WP Nos. 24739-24740/2012 (LB-RES)****C/W****W.P. NOS. 46601/2012, 30450/2012, 46523/2012****CCC NO.1641-1650/2013, W.P.NOS.36058-517/2013, 48595/2013, 18167-18168/2014 55575/2014 AND 54409/2015****ORDER**

**By order dated 17.12.2015, we had issued several directions for waste management. Today, the Commissioner of BBMP as well as the Special Commissioner of the BBMP are present. They submit that effective steps have been taken to effectuate the said directions and they have been substantially complied with. Today, they placed on record a report stating about their Extensive IEC (Information, Education and communication) programmes in order to promote three way segregation of waste at source, which are being conducted through electronic and print media.**

**They have also initiated various programmes for educating and creating awareness among the citizens. In this regard, Master Trainers have been identified and they have been trained on various aspects of solid waste management. These master trainers are imparting training to the Suchimithras, Resident Welfare Associations (RWAs) and Pourakarmikas. Such training programmes are being conducted. They have also placed on record, a copy of the list of Master Trainers identified, office order with regard to training by Master trainers and also schedule for training Suchimithras is enclosed as Annexure-A.**

**Various circulars and public notices have been issued to ensure proper waste management practices are implemented like segregation, domestic hazardous waste collection and processing (experimentally it has been initiated in all zones), black spot eradication by providing litter bins, scientific bin system and CCTV monitoring etc.,**

**They are also enforcing the Notification pertaining to plastic ban. Also, they have collected about Rs.52 Lakhs by way of fine imposed for violation of the same. Similarly, steps have been taken to prosecute offenders under Section 431A of the Karnataka Municipal Corporation Act, 1976 as**

prescribed in Schedule XIII and a sum of Rs.62 Lakhs has been collected as penalties from waste Generators. Efforts are also made to channelize bulk generator waste to approved agencies like Noble Exchange and other authorized vendors by involving stake holders like Hotel associations, apartment complexes etc., They have also taken steps to establish transfer stations, strengthening the infracture of decentralized waste management by augmenting DWCC, biomethanisation plants, organic waste convertors, shredders. To enhance in-house solid waste managing capacity, BBMP is also procuring additional compactors, auto tippers mechanical sweeping machines. Senior officers have been appointed as Nodal Officers Ward wise to monitor Suchimithras and other activities.

In this back ground we have heard the learned counsel appearing for the respective parties and also the persons representing NGOS.

One thing that now emerges is that the citizens of Bengaluru are taking keen interest in participating in all the programmes of the BBMP in so far as segregating solid waste is concerned. Probably, if the BBMP were to duly publish their efforts through the master trainers, many more public-spirited citizens of Bengaluru may come forward and cooperate with BBMP in undertaking the mammoth job. Therefore, it cannot be said that the public is not cooperating in this endeavor. It is for BBMP to utilize their support, give them due respect and see that they are trained in this uphill task of keeping Bengaluru clean. We are sure, a right move on the part of the Corporation would encourage many more public-spirited people to join hands with BBMP to cooperate in all their activities, in so far as segregation of waste and its management are concerned.

A suggestion made from the NGOs is that in most of the 198 wards of Bengaluru City, Dry Waste Collection Centers are established and they are functioning satisfactorily. If the Corporation provides the necessary infrastructure to them they would be willing to collect from door-to-door dry waste, which is within their wards. This exercise not only helps in collecting dry waste but also reduces the burden of transportation of waste by other agencies including BBMP. This would also ensure segregation of waste in the house holds.

The suggestion is worth considering and the Commissioner, BBMP and the Special Commissioner who are present before the Court submit that they would consider the said proposal and if found viable, certainly, they would extend all help as required to enable these dry waste Collection Centers to collect dry waste from households within each ward.

The Commissioner of the Corporation who has recently taken charge of his office has a few proposals to make. One such proposal which he is considering is being implemented by Mumbai Municipal Corporation i.e., regarding appointment of Clean-up Marshalls to each ward in 2 or 3 in number. If retired Ex-Servicemen are appointed, with an identity authorizing them to identify and penalize the violators of the MSW Rules and the directions issued by this court from time to time, that would, in the long run, help in not only educating the public about their duties, reducing the violations of these rules to a minimum. This suggestion is also worth considering and we are sure, the Commissioner

would be able to mobilize the men in order to give effect to it at the earliest. The Rules are in place and we have also passed many orders from time to time. Huge sums of money has been invested. So, at the ward level implementation of the Rules, our orders are important. Probably, appointment of Clean-up Marshals, would be a step in the right direction having regard to the experience and working of BBMP.

Next, he submitted about orders passed by the authorities regarding abolition of plastic bags, which are in force and that substantially, they have been complied with. Violators are being penalized and in the days to come, probably, we could see Bengaluru without plastic bags. If that happens, probably, segregation of waste will make a headway as plastic bags are presently being used to carry and dump unsegregated waste and it would enable the Corporation to implement our orders meticulously.

It is submitted that there is a good response from the public to the concept of Two Bins one Bag. But still it is yet to reach every house hold. We find that BBMP is spending substantial amounts for awareness programmes and advertisements. Probably, a portion of that amount could be earmarked for supply of Two Bins One Bag to certain citizens in the City, who are interested in segregation of waste. Before doing that, by taking the advice of the Expert Committee, they could standardize the Two Bins one bag with a particular, distinctive feature, so that if the general public look at them, they would be able to recognize that they are the bins which are earmarked for segregation of waste. Thereafter, sufficient number of such bins could be distributed ward wise and once this happens, probably manufacturers would take the cue and manufacture the bins as per the aforesaid specification and in the long run, public would be benefited. This experiment is worth undertaking and we direct the Corporation to immediately give effect to these directions.

It is also pointed out on behalf of the NGOs that if citizen of Bengaluru are able to undertake the process of composting of wet waste within their house/compound then, probably, segregation, collection and transportation of solid waste could be solved at the household level itself. They demonstrated before this court, the bin that is utilized for the said purpose, the chemical that is required for composing of wet waste and if it is done inside the house, probably, substantially the problem of disposal of wet waste could be solved. Therefore, they submitted that when the Corporation is insisting on water harvesting system to be put in place in respect of for 60 x 40 feet sites, as well as 30 x 40 feet sites, along with the same, they could insist for in situ, home composting or composting inside the house of wet waste. It is suggested that wet waste generated everyday must be put into a bin and microbes added so that composting will take place in normal course and no smell would emanate. It is convenient, easy to use, non-infectious process and it is not a health hazard also. If the process of composting of wet waste is adopted, this waste could be processed in the house and the question of transporting wet waste to the nearest processing centre, to any nearby village would not arise. We direct the citizens of Bengaluru to adopt the process of disposal of wet waste by composting process in their house holds and not dispose the same on the streets or in any other manner, which would give rise to black spots. In this regard, BBMP shall take interest, educate the

masses and utilize a portion of the funds, which they have set apart for advertising for this purpose, demonstrate the process in each ward in the interest of citizens of Bengaluru city. There are many persons, public spirited organizations, who would be interested in participating in this exercise at their cost, who should be encouraged.

Pursuant to the orders passed by us, Mavallipuram Waste Process Unit started functioning much against the wishes of the local public. We made it very clear that it should be run in a professional manner and they should not cause any further health hazard to the villagers and we also said that it should be only organic waste and mixed waste, which should not be processed. Ramki Infrastructure Limited, who are running the said unit did not perform their functions satisfactorily; their contract was terminated. As a result, BBMP took over the unit and they were running satisfactorily. Now, it appears that the contractor has approached Bangalore City Civil Court by way of an application under Section 9 of the Arbitration Act, in Arbitration Application No.195/2016 in which the Civil Court has passed an order to maintain status-quo. The resultant position is that, waste which is dumped in the yard is not being processed. This gives rise to health hazards. Therefore, it is of utmost importance for the BBMP to move the said Court for vacating the interim order as otherwise, the health of the public of Mavallipuram would be affected. The proceedings are pending before this court. Therefore, we are sure that if these facts are brought to the notice of the civil court, it would take up the matter out of turn and dispose of the matter expeditiously within one month from today positively and send a copy of that order to this court. This court would pass further orders on that aspect of the matter.

After the elections to the Corporation, new Ward Committees have not been constituted. Prima facie, this is a violation of the earlier order of this Court. Therefore, the Corporation shall take immediate steps for constitution of Ward Committees consisting of public spirited persons, who will perform their duties and would not assert only their rights. Then only, the orders passed by this court would be effective.

The Government shall finalize the rules taking into consideration the objections filed by all the interested public and publish at the earliest so that it could be implemented in letter and spirit at the earliest.

**(N.KUMAR)**  
**JUDGE**

**(B.V.NAGARATHNA)**  
**JUDGE**

[Back](#)

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