

High Court of Karnataka
Daily Orders of the Case Number : WP 24739/2012 for the date of order 22/11/2012

Honble Justice CHIEF JUSTICE AND B.V.NAGARATHNA

22/11/2012

Order in WP 24739/2012

Present : In W.P.Nos.24739-49/2012

Sri Ajesh Kumar S., Adv. For M/s.DSK Legal, for Petitioners
Sri S.Vijayashankar, Advocate General a/w
Sri R.Devdas, AGA, for R.1
Sri K.N.Puttegowda, Adv. for R.2
Sri M.N.Ramanjaneya Gowda, Adv. for R.3
Sri Gururaj Joshi, Adv. & Sri D.Nagaraj, Adv. for R.21
Sri G.S.Kannur, Adv. for R.23
Sri V.Lakshminarayan, Adv. for Current Contractors

In W.P.No.30450/2012

Sri G.R.Mohan, Adv. Party-inperson
Sri S.Vijayashankar, Advocate General a/w
Sri R.Devdas, AGA for R.1
Sri K.N.Puttegowda, Adv. for R.2
Sri G.S.Kannur, Adv. for R.3
Smt.Gayathri Balu, Adv. for M/s.Khaitan & Co., for R.4

Learned Advocate General who appears states that Government land in Sy.No.31 in Chikkanagamangala village ad measuring 94.35 Acres, within Sarjapur Hobli, has been identified for immediate reception of Municipal Solid Waste (hereinafter, referred to MSW). It is stated that approximately, 4,500 to 5,000 tonnes of MSW is generated in the Metropolis per day. Sy.No.31 therefore, will be able to receive sold waste for a considerable length of time, thereby, relieving the immediate pressure for land to receive MSW.

B.B.M.P. to issue directions to all Contractors to transport the segregated waste to the said land.

Mr.V.Lakshminarayan, learned Advocate who appears on behalf of the existing Contractors in other writ petitions and who is present in Court submits that if such instructions are issued by the B.B.M.P., the Contractors would abide by the same and transport the segregated waste to the said land.

We direct that atleast seven more lands be identified and made ready for receiving MSW in the next fortnight. Learned counsel for the Pollution Control Board states that they shall immediately carryout joint inspection within three days of receiving intimation with the objective of granting the Boards clearance.

We however, observe that landfills is only a temporary solution and that long term

measures have to be initiated by all concerned Authorities as a permanent solution for disposal of garbage from Bangalore.

It is also submitted that in addition thereto, Annexure R-2 of the Affidavit filed on behalf of the State contains details of several other locations which are being considered for the purpose of establishing Waste Management Units in Bangalore Urban District. It is agreed by all concerned, that merely receiving MSW is not a permanent solution and that the ideal situation would be for processing the MSW by establishing Plants for receiving and processing the MSW. So far as the table annexed to Annexure R-2 is concerned, further steps shall be taken in right earnest so that the Waste Management Units could be set up at the earliest. The Authorities concerned to co-ordinate with each other in this regard.

For the present, wet waste shall be collected from households and transported directly to Chikkanagamangala village. Dry waste shall be collected twice a week from households and shall be transported to Mandur. The State Government has taken a decision to maintain a buffer zone of atleast one k.m. on all landfill Sites. This shall be immediately implemented so far as Mandur is concerned.

Mr.V.Lakshminarayan, learned Advocate who appears for the current contractors states that segregated waste, which are wet and dry waste, shall be separately carried in the vehicles for dumping in the two Sites mentioned by us above.

So far as the Action Taken Report filed by the B.B.M.P. is concerned, it is stated that Segregation and Wet Waste Processing Stations shall be located and made operational in the 28 Assembly Constituencies within two months from today. B.B.M.P. may seek the assistance of N.G.Os or other private agencies for segregation of waste and disposal of the dry waste while wet waste has to be transported to composting sites identified by the B.B.M.P. We see this as the first step to be followed immediately by similar Segregation and Wet Waste Processing Stations, in each of the 198 Wards in Bangalore. Ideally, every ward should have atleast three Segregation and Wet Waste Processing Stations. As far as locating and making Segregation and Wet Waste Processing Stations, in each of the 198 Wards is concerned, this exercise be completed within four months from today. We think that decentralization in the system of MSW management would lend efficacy and prevent bottlenecks impacting the entire city at a given point of time.

It is our honest hope that with these steps, the problems that every resident of Bangalore is facing so far as the collection of MSW in various parts of Bangalore, shall be eradicated atleast to some extent temporarily.

The Affidavit of the Prl. Secretary to Government, Urban Development Department, further states that requisite steps shall be taken on an emergent basis to carryout amendment vis-à-vis the levy of fine on failure of segregation of garbage by the householders or bulk generators by carrying amendments to Section 431 of the Karnataka Municipal Corporations Act, 1976 and placing it in the Legislature

Session commencing on 05/12/2012. The draft proposals called Municipal Solid Waste (Prohibition of Littering and Regulation, Storage, Delivery and Collection) Rules, 2012, shall be resubmitted by the B.B.M.P. with modifications within ten days from today.

Keeping the urgent nature of the problem in perspective, learned Advocate General states that the Honble Chief Minister as the Minister in-charge, has passed an Order pursuant to which, Government Order No.UDD 793 MNY 2012, Bangalore, dated 21/11/2012 has been issued. Mr.V.Lakshminarayan, submitted that the Honble Chief Minister does not have the power to pass the said order. This question does not directly arise in the present proceedings and shall be left open to be considered as and when it becomes necessary and relevant.

The Karnataka Compost Development Corporation Limited has in its letter dated 17/11/2012 has mentioned that out of 9,65,363 tonnes of garbage received, the said Corporation has processed 8 lakh tonnes leaving a balance of 1,65,000 tonnes, the processing of which, is in progress at the rate of 200 tonnes per day. Despite this accumulation, it has expressed its willingness to accept 75 to 100 tonnes per day, of segregated wet waste on certain conditions, mentioned in the said letter. We expect the B.B.M.P. to respond to the letter with the urgency that it deserves.

We expect that the State Government shall also respond to the requirements of the Karnataka Compost Development Corporation Limited, as expressed in the aforementioned letter dated 17/11/2012, at paragraph 7 in particular. This arrangement is between the B.B.M.P. and the Karnataka Compost Development Corporation Limited, as well as the State Government.

Learned Advocate General further submits that the Government is actively considering proposals received from various parties, including Foreign concerns, who have considerable experience in the complete disposal of MSW.

A Status Report be filed by the State Government as well as the B.B.M.P. within two weeks from today with reference to the afore mentioned aspects.

List on 06-12-2012 for further consideration.

A copy of this order be made available to all the concerned parties, with the seal and signature of the Court Officer attached to this Court.