

Massive Violations of Karnataka High Court directives makes a mess of Mavallipura, again

Background:

Since August 2012, when the landfills of Mavallipura were forced shut by orders of the Karnataka State Pollution Control Board as the landfill operator M/s Ramky had not complied with pollution control norms, and consequently caused widespread damage to environment and public health in nearby villages, there have been repeated efforts by BBMP to revive the landfills on one pretext or another. Responding to various Public Interest Litigations on this issue, the Hon'ble High Court of Karnataka has been categorical that landfilling in commons lands, forests and lakes in villages around Bangalore cannot be a solution to garbage management. (High Court orders may be accessed at: <http://tinyurl.com/l88havp>)

The frequent, specific and exhaustive orders of the Court to tackle various problems of waste management in Bangalore has resulted in a progressive strategy of segregation and management of waste at source with environmentally friendly technologies that pose no risk to public health. The Court has gone into the minute details of the waste stream in Bangalore and directed that Bulk Waste Generators (Kalyana Mantaps, Apartments, Institutions, Office Blocks, Bus/Train Stations, Markets, Malls, etc.) would be responsible for their waste which they would manage by setting up stations locally to manage segregated waste, compost/bio-methanate organic waste, recover all recyclables for further processing, and also minimise waste generation. For households and neighbourhoods, the Court directed that dry-waste collection centres and composting units must be set up in each ward, and that the effort must be to ensure that all waste is managed locally and not be trucked out to landfills which not only destroy villages, but also involve wasteful investment in enormous quantities of diesel. The Court has also taken stern action against truck lobbies that tended to leach valuable resources, and on a thorough evaluation brought down the annual expense of trucking waste out from Rs. 800 crores to about Rs. 300 crores.

Justice Mr. N. Kumar and Justice B. V. Nagarathna of the Karnataka High Court have been monitoring the situation regularly, and have also directed that punitive actions should be initiated against anyone who does not comply. To ensure there is widespread public participation and transparency in waste management operations, the Court directed the State Government to set up Constitutionally mandated Ward Committees, which were required to be set up two decades ago. When the High Court learned that BBMP had not paid Pourakarmikas (who are amongst the poorest of the poor) their due wages for over 6 months, the Court observed "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". This forced the BBMP to release Rs. 120 crores of pending payments in March 2015.

Gross Mismanagement at Mavallipura:

In the case of Mavallipura, the Court has been clear and categorical that no more landfilling would

be allowed. The Court has directed BBMP to initiate bio-mining and remediation of the legacy waste and BBMP is on record in Court that it has issued tenders. That was six months ago. Yet, absolutely no action has been initiated to take care of the legacy waste till date.

When the Chief Minister of Karnataka took a decision to close down the Mandur landfill on December 1st, 2014, and garbage piled up all over the city, the High Court allowed only a small amount of *segregated organic waste* to be taken for composting at Mavallipura to the capacity of the windrow platforms, and ensuring all necessary precautions are in place. The concerns of Yelahanka Air Force Base that birds attracted to the landfill seriously threatened the flight movements of defense aircraft was taken note of, and BBMP was directed to ensure the entire facility was covered and made bird proof. In addition, the Court directed BBMP to provide drinking water daily to all the affected villages (as all wells and tubewells have been contaminated), ensure that health surveys and cattle surveys were done in collaboration with 5 affected Panchayats, and initiate various public health measures to tackle the adverse impacts.

Instead, BBMP has resorted to bring unsegregated waste, upto 200 tonnes per day on most days, and resorted to dumping the waste at the landfill. There is no effluent treatment plant to treat the leachates, which find their way into local streams and ponds. Cattle deaths are frequent and the suffering of the local villagers from the pollution continues. Thousands of birds hover over the landfill, and this presents a clear and present danger to the flight movements of Indian Air Force. (Attached is the affidavit filed by IAF in the High Court, that highlights the grave risks the landfill poses to the defense of the country.)

Talks with BBMP Spl. Commissioner ends in failure:

On 18th March 2015, Mr. Darpan Jain, IAS, Spl Commissioner (SWM) of BBMP held a meeting with representatives of impacted villages as directed by the High Court. But this meeting ended without any resolution. This was because BBMP was not willing to commit to any time bound action plan, thus violating its commitments before the Court.

When Bhargavi Rao of Environment Support Group read out various Court directions relating to cleaning up Mavallipura and providing relief to local communities issued over the past two years, Mr. Jain kept saying "we are making efforts to comply". "They all sound so insincere and empty to us", Bhargavi replied. Srinivas, a Gram Panchayat Member and leader of Dalit Sangarsh Samithi explained how, till date, not a single one of the directions of the Court have been complied with by BBMP. Ramesh, another Gram Panchayat Member, highlighted how the failure to deliver, despite High Court directions, had resulted in an utter lack of faith in Mr. Jain's assurances, coming as they did without a plan or budgetary support.

Dhanraj of Mavallipura was so frustrated at the end of this 2 hours back and forth with Mr. Jain, that he told the Spl. Commissioner that they have not come for charity, but to assert their Fundamental Rights to Live peacefully, healthily and productively like everyone in Bangalore. He said that to throw some water and mosquito nets at the suffering communities was like rubbing salt into their wounds. Geetha, who lost her husband to cardiac arrest on 23 August 2012 when police lathi-charged villagers peacefully protesting against the illegal operation of the landfill by Ramky, asked how she was to survive with Rs. 4000/month she earns doing coolie work. She said not one rupee has been paid in compensation by the Government, despite all sorts of assurances from all sorts of Commissioners, that she is now homeless and forced to support her three

daughters all on her own.



Mavallipura Villagers Walk out in Protest of meeting with BBMP Spl. Commissioner Darpan Jain

Mr. Darpan Jain was not able to make a single commitment specifically and convincingly. All he did was to assure villagers BBMP was serious in conforming with the High Court directives. Shocked and dismayed by Mr. Jain's lack of intent in initiating concerted action to tackle their problems, the villagers were forced to return empty handed.

"Garbage Gumma":

People of Mavallipura and other villagers are keen that this problem receives the attention it deserves at all levels: from the household and community all the way to the Chief Minister. They assert that the Right to Life and Livelihood of villagers is as critical as those of residents in metropolitan Bangalore. To raise the consciousness of residents of Bangalore to conform with the directions of the High Court and to also take responsibility for the waste they generate, which is literally killing and maiming people in villages and destroying their livelihoods and health, the villagers inspired Gollahalli Shivaprasad, noted poet and lyricist,

to compose a series of songs into an album called "Garbage Gumma". Set to tune by Shivaprasad and his team, these songs are being made available free to all online.

Nagaraj, Srinivas B. and Ramesh
Dalit Sangarsh Samithi and representatives of
Mavallipura and other villages impacted by garbage
dumping

Bhargavi Rao and Leo Saldanha
Environment Support Group

For further details, please contact:
Srinivas (9448174834, hari1975@gmail.com), Ramesh (9740152184)

Environment Support Group, 1572, Ring Road, Banashankari II Stage, Bangalore 560070.
Tel: 080-26713559/60 Email: esg@esgindia.org Web: www.esgindia.org