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Press Release : 11 October 2013 : Bangalore

## **Karnataka High Court orders *status quo* on Ministry of Environment and Forests' proposal to amend Municipal Solid Waste (Management and Handling) Rules**

A Division Bench of the Hon'ble High Court of Karnataka constituted by Justice Mr. N. Kumar and Justice Mrs. B. V. Nagarathna today ordered *status quo* on the controversial proposal to comprehensively amend the Municipal Solid Waste (Management and Handling) Rules, 2000 (MSW Rules, 2000) that the Indian Ministry of Environment and Forests has mooted. The Court also directed the Addl. Solicitor General representing the Ministry to appear before it on the next date of hearing, 24<sup>th</sup> October 2013, and explain why the Ministry proposes to amend the Rules.

The direction was issued in response to the submission of the undersigned Petitioner (party-in-person) in WP 46523/2013 (PIL filed by Environment Support and ors. vs. Bruhat Bengaluru Mahanagara Palike and ors., with Ministry of Environment and Forests arraigned as the 3<sup>rd</sup> Respondent) that despite being a party to the proceedings, at no point has the Ministry filed any objections to any of the Writ Petitions, or even expressed its intention to modify existing MSW Rules, 2000. Shockingly, the proposed amendments to the MSW Rules appear, *prima facie*, to be absolutely contrary to the letter and spirit of a series of unprecedented and progressive directions of the Karnataka High Court through which existing Rules are being enforced. The Court has also initiated a series of measures to ensure segregation of waste at source, maximal recovery of recyclable material, and that local composting and bio-methanation of bio-degradable components becomes mandatory and the order of practice by all residents of Bangalore. Further, the Court has also repeatedly expressed its keenness to ensure cities comprehensively do away with the need for landfilling waste, except when absolutely essential and with all necessary safeguards.

It was brought to the attention of the Court that the proposed Rules of the Ministry, contrarily, promotes the culture of dumping of unsegregated waste in landfills. Besides, the intent appears to be the active promotion of waste incineration technologies that have time and again failed every where it has been tried in India and elsewhere, and has also resulted in serious environmental and public health hazards.

A copy of the submissions made by Environment Support Group to the Ministry opposing the amendments to the MSW Rules 2000 was submitted to the Court and is enclosed. The various directions of the Hon'ble Karnataka High Court on this issue, along with other documents, may be accessed at: <http://tinyurl.com/l88havp>.

Leo F. Saldanha  
2<sup>nd</sup> Petitioner  
(Party-in-person)

Bhargavi S. Rao  
for 1<sup>st</sup> Petitioner Environment Advocate for Environment  
Support Group Support Group

Writ Petition 46523/2012 (PIL) before the High Court of Karnataka