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ESG RELEASE : 24th November 2012 : Bangalore

Karnataka High Court directs Bangalore to be the first city in India to segregate waste at source

Directs decentralised management of waste to facilitate composting and recycling

The Principal Bench of the High Court of Karnataka (comprising Chief Justice Mr. Vikramjit Sen and Justice Mrs. B. V. Nagarathna) issued a series of unprecedented directions on 22nd November 2012 to give effect to progressive handling and management of municipal solid waste generated in Bangalore. These directions were issued by the Hon'ble Court while hearing Public Interest Litigations (PIL) filed by Environment Support Group and ors. (WP No. 46523/2012) and other connected PILs (in particular, that filed by Kavitha Shankar, WP No. 24739/2012 and G. R. Mohan, WP No. 30450/2012). ESG's PIL challenges the order of the Karnataka State Pollution Control Board dated 25th October 2012, that temporarily extended authorisation to operate the landfill at Mavallipura, revoking an earlier well-reasoned closure order of 11th July 2012. In addition, ESG's PIL also sought directions to enforce progressive ways to manage Bangalore's garbage, based on a model of decentralised administration and segregation of waste at source.

Segregation of waste at source made mandatory: The High Court has handed down a highly progressive judgement taking into careful consideration both short-term and long-term objectives to resolve the prevailing crisis of waste management. In an unprecedented decision, the Court has directed that all municipal waste in Bangalore will be segregated at source (at the household level), the segregated waste will be transported in that manner to composting and recycling units and no mixing whatsoever will take place in trucks, as is presently the case. Keeping this fundamental principle in view, the Court has directed the Bruhat Bengaluru Mahanagara Palike (BBMP, Bangalore's municipality) and the Government of Karnataka to ensure that “Segregation and Wet Waste Processing Stations shall be located and made operational in the 28 Assembly Constituencies within two months” from the date of the order. The Court sees “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**” and that “this exercise (is) to be completed within four months” of 22nd November 2012. Keen to ensure that at no time in the future the current messy state of affairs recurs in Bangalore, the Court has also directed that **“every ward should have atleast three Segregation and Wet Waste Processing Stations”**. (Emphasis supplied)

Further decentralise waste management: Acknowledging the importance of progressively moving towards decentralised methods of managing municipal solid waste, based on submissions made by ESG, the Court has observed that “We think that **decentralisation in the system of MSW management would lend efficacy and prevent bottlenecks** impacting the entire city at a given point of time.” (Emphasis supplied)

As a result of these directions, Bangalore becomes the first metropolis in India to comprehensively adopt management of municipal solid waste on the principle of segregation at source and composting of wet waste locally. The past messy ways which caused widespread concern, public health nuisance and environmental disasters, will now have to be completely abandoned.

Short term solutions to handle accumulated waste: Acknowledging the current problem of dealing with the accumulated waste in the city, the Court found it fit to accept the submission made by Karnataka's Advocate General that “Sy. No. 31 in Chikkanagamangala village .. measuring 94.35 Acres, within Sarjapur Hobli, (be) identified for immediate reception of Municipal Solid Waste”. Recording the statement that “approximately, 4,500 to 5,000 tonnes of MSW is generated in the Metropolis per day”, the Court observed that this land “will be able to receive solid waste for a considerable length of time, thereby, relieving the immediate pressure for land to receive MSW”. However, the Court has also observed that **“wet waste shall be collected from households and transported directly to Chikkanagamangala village”**. With that in view, the Principal Bench of the High Court



directed that “**(d)ry waste shall be collected twice a week from households and shall be transported to Mandur**”, to the existing landfill. (Emphasis supplied)

Taking cognisance of the fact that various vested elements have developed layouts close to landfill sites, initially in violation of a State Government order enforcing a 1 km exclusion, and which subsequently was shockingly revised to merely 50 metres, the Court has now recorded that the “*State Government has taken a decision to maintain a buffer zone of at least one k.m. on all landfill Sites*” and further added that this direction “shall be immediately implemented so far as Mandur is concerned”, where there is widespread encroachment into the mandatory exclusion zone. (Emphasis supplied)

Landfills aren't permanent solutions to waste management: Taking note of the widespread concern that landfills devastate public health and environmental conditions of local communities, invariably all rural who are unfortunate and unjust victims of the current practice of massive dumping of waste, the Chief Justice Sen and Justice Nagarathna “**observe that landfills (are) only a temporary solutions and that long term measures have to be initiated by all concerned Authorities as a permanent solution**” for effective processing and “disposal of garbage from Bangalore”. (Emphasis supplied)

Trucks to carry waste in segregated form: In direct reference to the current practice where households segregate waste, but which exercise is totally wasted as it is mixed up in pick-up trucks, the Court has recorded the submission of “Advocate who appears for the current contractors .. that segregated waste, which are wet and dry waste, shall be separately carried in the vehicles for dumping in the two Sites mentioned”. (Emphasis supplied)

BBMP to involve Voluntary Organisations: In response to the submissions of the Petitioners that various progressive efforts of voluntary initiatives to progressively manage waste are not readily integrated into the city's functions, the Principal Bench has also directed that “B.B.M.P. may seek the assistance of N.G.Os or other private agencies for segregation of waste and disposal of dry waste while wet waste has to be transported to composting sites identified by the B.B.M.P.”

KCDC gets a fresh lease of life: Another remarkable aspect of this decision is that the Hon'ble Court has also provided a fresh lease of life to the Karnataka Compost Development Corporation which for decades has successfully composted and vermi-composted the city's waste. The State Government had left this organisation to flounder for direction, and the Court's order now revives this agency as it has taken note of the fact that the “Karnataka Compost Development Corporation Limited has in its letter dated 17/11/2012 .. 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” and thus directs the State Government and B.B.M.P. “to respond to the letter with the urgency that it deserves”.

High Court to monitor progress: On the basis of these directions, Chief Justice Mr. Vikramjit Sen and Justice Mrs. B. V. Nagarathna have directed that a “Status Report be filed by the State Government as well as the B.B.M.P within two weeks from today (22nd November 2012) with reference to the aforementioned aspects”. Clearly, therefore, leaving no doubt in anyone's minds that the Karnataka High Court will monitor the transition from the current messy state, to that of a Metropolis that has now a chance to be the first in India to comprehensively adopt to the progressive standards laid down in the Municipal Solid Waste (Management and Handling) Rules, 2000.

A copy of ESG's PIL may be accessed at www.esgindia.org along with a copy of the High Court's directions.

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