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D.S.K. Legal

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

ORDER SHEET PART - 1

R.F.A./R.S.A./M.F.A./M.S.A./W.P./C.R.P./C.P.

of ..... 20

Appellant/Petitioner

WP 24739-24740/2012

Respondent

MS KAVIT SHANKAR  
Advocate Appellant

-Vs-

THE STATE OF KARNATAKA  
Advocate for Respondent

Petitioner

Date of Filing : 19/07/2012

Office Notes

Orders of Court

DSK LEGAL

Receipt No: 45539/2012 Court Fee : 200

THIS WP FILED PRAYING TO

DECLARE THAT THE 'RIGHT TO LIFE' UNDER ARTICLE 21 OF THE CONSTITUTION OF INDIA INCLUDES THE 'RIGHT TO LIFE' OF THE FUTURE GENERATION ALSO AND THEREFORE IT IS CUMBERT ON THE RESPONDENT STATE TO PROTECT THE NATURAL ENVIRONMENT AND PRE-GUARD THE SAME FOR NOT ONLY THE PRESENT GENERATION BUT ALSO FOR THE FUTURE GENERATION OF THE CITY OF BANGALORE.

EFFECT THAT THE R1 TO R4 ENFORCE SAGREGATION OF THE SOLID WASTE AT SOURCE BY EACH RESIDENT IN BANGALORE BY SEPARATING ORGANIC WASTE FROM RECYCLABLE WASTE AND TO ONLY HAND OVER RESIDUAL WASTE TO THE RESPONDENT BBMP.

REQUEST THE RESPONDENT BBMP TO ONLY STORE THE SOLID WASTE IN THE LAND-FILL SITES SO THAT THEY WILL NOT POLLUTE THE UNDERGROUND OR



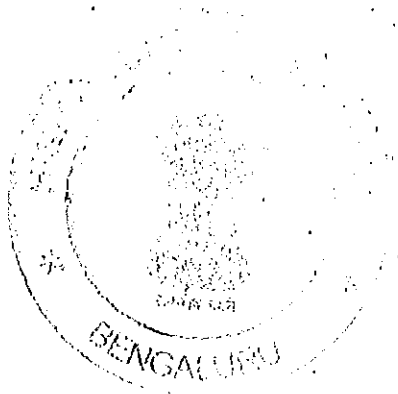
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THE STATE OF KARNATAKA  
ADVOCATE FOR RESPONDENT



**NKJ & BVNJ:**  
**17/12/2015**

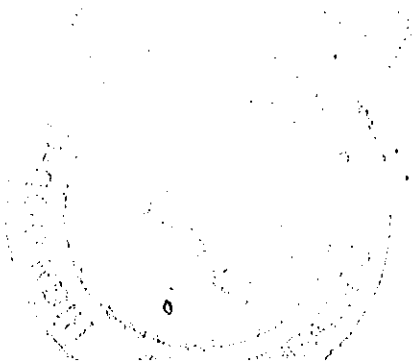
**W.P.Nos.24739-24740/2012,**  
**C/W. W.P.NO.46601/2012**  
**30450/2012 & 46523/2012**

These writ petitions are filed in public interest, complaining of inefficient Solid Waste Management by the Bruhat Bengaluru Mahanagara Palike ('BBMP' for short). We have already Issued several directions for proper solid waste management in Bengaluru City. We have been monitoring the same. In the course of this monitoring, we have noticed that the "garbage crisis" in Bengaluru was caused due to indiscriminate dumping of mixed waste to the landfill with no processing or any treatment of the leachate to prevent ground water contamination and pollution. These writ petitions have brought into open the deep-rooted causes for mishandling of waste, to the fore. Solid waste generation and its improper management is a key environmental, social and a growing economic problem not only at local levels, but also at national and global levels. Globally, waste management is becoming



increasingly sophisticated as separate collection and recycling facilities have become the norm and disposal standards have become more rigorous. A new perception namely, waste is a resource has emerged and schemes to effectively manage waste are aplenty. Effective Solid Waste Management systems are necessary to ensure protection of environment and human health. Inefficient solid waste management has a direct bearing on the standard of living of the citizens and public health as well as our environment. The best way of managing waste is not to create waste in the first place. Article 51A (g) of the Constitution imposes a duty on every citizen to uphold preservation of natural environment.

2. In the course of hearing of these petitions, in order to have first hand information of the ground realities, we have made two field visits covering BBMP landfill at Mavallipura, processing plant of Karnataka Compost Development Corporation (KCDC), a Dry Waste Collection



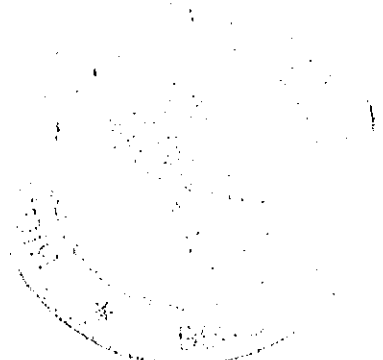
✓

Centre (DWCC), a rag pickers' colony, scrap dealers depot a privately owned and operated landfill and a privately owned and operated biometanisation unit. We have interacted with various stakeholders-citizens, NGOs, members of Residents Welfare Association doing segregation and processing on site. Although BBMP, in the light of the interim orders passed by this court, has made efforts to set up various systems to manage waste as well as facilities to process the segregated waste, operationalize Dry Waste Collection Centre, the level of segregating waste at source and the percentage of waste being processed being minimal, city is still vulnerable to the problems of improper Municipal Solid Waste Management.

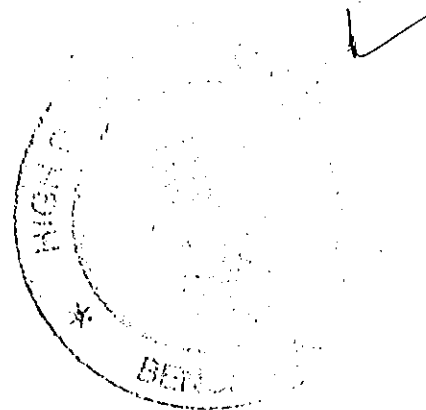
3. We would like to emphasis at this stage that BBMP alone cannot handle this problem. The co-operation of the citizens, who generate this waste is of paramount importance. Also, the poura karmikas, who collect waste



from door-to-door are to be properly educated and trained. Responsibilities have to be fixed on the Corporator of the wards and the members of the ward committee, who are equally responsible for proper Municipal Solid Waste Management. Similarly, the role of Palike officials at the ground level cannot be underestimated. On the contrary, greater responsibility should be foisted on them and they should be made accountable for any improper Municipal Solid Waste Management. In other words, it should be a co-ordinated and collective effort on the part of each one of the stake holders. It is only then, this problem could be tackled effectively. Therefore, in order to achieve this object, we propose to issue certain directions to all the concerned in conformity with the Municipal Solid Waste Management Rules, so that if the law is obeyed and implemented the ultimate object of the law would be achieved.



4. The first and foremost aspect is as follows:
- 1) **Duties of Waste Generators**: Every person or group of persons, or residential and commercial establishments, including Indian Railways and Defence cantonments and others, who or which generate solid waste have to follow the below mentioned duties:
- (a) No waste generator shall throw the waste generated by him/her on the street, open spaces, drains or water bodies;
- (b) Every waste generator shall segregate and store the waste generated in three separate way, namely,
- (i) bio-degradable or wet waste;
- (ii) non-bio-degradable or dry waste and
- (iii) domestic hazardous wastes including sanitary waste



in separate and suitable bins. For that purpose, they shall adopt "two bins and one bag system".

(iv) In this system, they should use a **GREEN COLOURED** bin to store **organic waste or wet waste** such as,

**kitchen waste:** vegetable, fruit peels, cooked food, leftovers, egg shells, chicken/fish bones, rotten fruits/vegetables, tissue paper soiled with food, tea bags, coffee grinds, leaf plates etc.

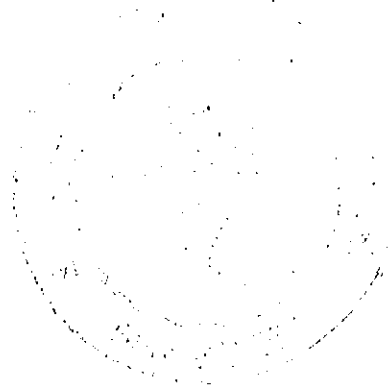
**Garden waste:** Small quantity of garden waste such as fallen leaves, twigs, puja flowers, garlands.

It is made clear that ***they shall not use a plastic liner or plastic bag in the said bin*** to store these wastes. The said bin would be a ***green coloured*** bin for the purpose of identification.



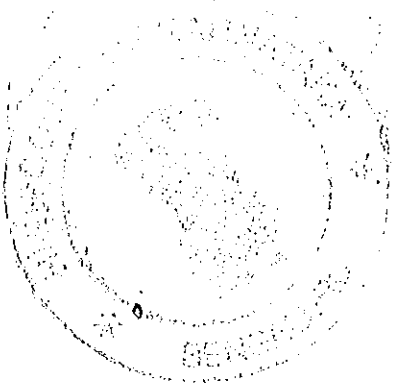
(v) A **red coloured** bin should be used for storing **(domestic hazardous waste)** such as sanitary waste like diapers, sanitary napkins, bandages, condoms, nails, used tissues, medicines, razors, blades, used syringes, injection vials. Again, **they shall not use a plastic liner or plastic bag in the said bin.** Insofar as the broken glass is concerned, they could use a newspaper for wrapping the same. Also all wet sanitary waste must be wrapped in paper.

(vi) A **bag** for dry waste, such as plastic covers, bottles, boxes, items chips, toffee wrappers, plastic cups, milk/curd packets, newspapers, magazines, stationery, junk mail, cardboard cartons,

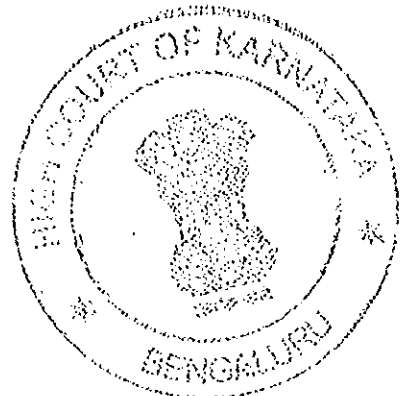


pizza boxes, tetrapaks, paper cups and plates, foil containers, metal cans, unbroken glass bottles, rubber, thermocol, old mops, dusters, sponges, cosmetics, ceramics, wooden chips, hair, coconut shells, batteries, CDs, tapes, thermometers, bulbs, tube lights, CFLs etc., must be used. Preferably re-usable bags after disposal of dry waste must be used.

- (c) Every day, at a particular time, the waste generator shall handover segregated waste to waste collectors, who are employed either by the BBMP or by the contractors, who are working for BBMP or other private collectors such as vendors empowered by BBMP or such other persons.



- (d) Insofar as **bulk generators** are concerned, they shall store the solid waste in two bins and one bag system, preferably of a size, which could be handled by a single individual without any assistance from any one else;
- (e) The **commercial establishments** shall also adopt "**two bins and one bag system**" for disposal of the waste generated in their premises.
- (f) It is necessary to point out that the system of "**two bins and one bag**" shall also be followed by all the Governmental, semi-Governmental-Central and State Government authorities, private companies, non-governmental organizations, apartments, gated communities, hotels, restaurants, choultries and other instrumentalities of

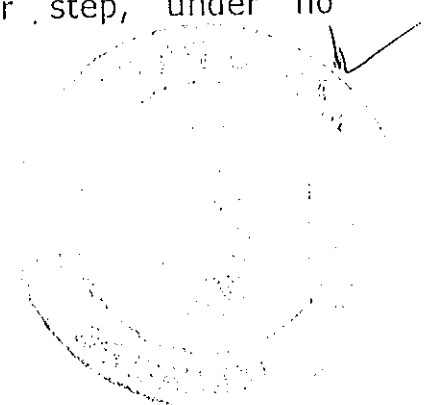


the State, educational institutions, malls, shops, clubs and places of religious worship, in short, every kind of bulk generator as well as private citizens.

(2) **Collection of solid waste:**

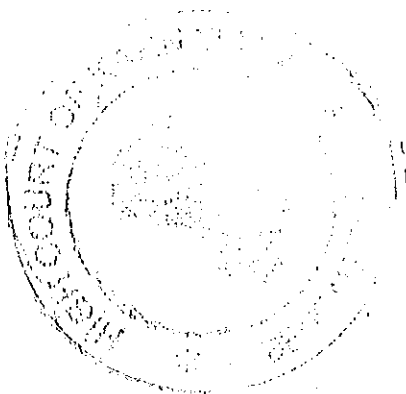
- (a) BBMP either by itself or through contractors should organize door-to-door collection of segregated bio-degradable or wet waste and non-bio-degradable or dry solid wastes on a daily basis at "*pre-informed timings*" from all residential and non-residential premises, including slums using motorized vehicles or containerized tricycles, handcarts or any other device, which is suitable for collection of segregated waste without necessitating deposition of waste on the ground and multiple handling of waste.

- (b) Bio-degradable wastes from fruits and vegetable markets, meat and fish markets, horticultural waste from parks and gardens shall be collected separately and such market waste should be processed or treated within the market area and horticultural waste should be processed within parks and gardens to make optimum use of such wastes and minimize the cost of collection and transportation of such waste, by establishing composting facilities within the park.
- (c) Segregated solid waste collected from the door step shall, as far as practicable, be transported directly to the respective waste processing facility having facility of sorting and recovery of recyclable waste. The authority should ensure that after the segregated solid waste is collected from the door step, under no



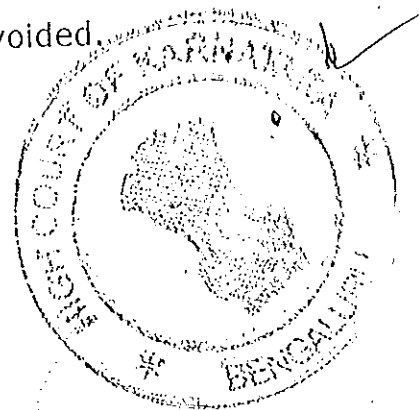
circumstance, it is mixed and transported as mixed waste to a land fill. They shall not only be collected in segregated form but also transported to and processed in the same form in, the processing facility. Only in an exceptional situation the segregated waste collected from the door step shall be taken to a waste storage places for secondary storage of waste. This is only in an exception and not a rule.

- (d) Waste collected from the door step in motorized vehicles shall be directly transported to the processing facility through material recovery facility to be set up at the waste processing site or to the transfer station or transfer point or waste storage depots for facilitating, sorting and bulk transfer of waste



to the processing facility in large hauling vehicles or containers.

- (e) Vehicles used for transportation of wastes shall be covered and shall have a facility to prevent waste spillage and leachate dropping from the vehicles on the ground en-route to the processing or disposal facility.
- (f) Waste shall not be visible to public nor exposed to open environment.
- (g) Waste storage at the secondary waste storage depots in exceptional circumstances shall be stored in covered bins or containers, shall be attended daily and at any rate waste shall be picked up before the container start overflowing.
- (h) Transportation vehicles shall be covered and so designed that multiple handling of wastes, prior to final disposal is avoided.



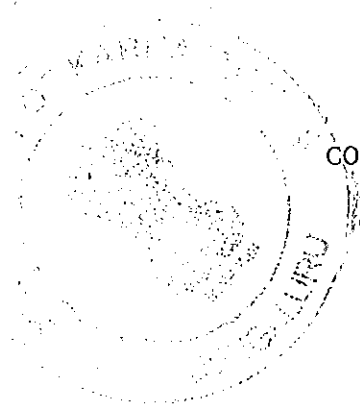
- (i) Waste depots shall have covered containers for separate storage of bio-degradable or wet waste and non-bio-degradable or dry waste collected from the door step.
- (j) The street sweepings and silt collected from the surface drains shall not be left or accumulated on roadsides and shall be transported directly to waste disposal facility or shall be temporarily stored in covered bins or containers kept separately for secondary storage of inert wastes at suitable locations for facilitating onward transportation of such waste to the disposal site. If the street sweepings contain bio-degradable or recycleable waste, such waste shall be segregated and sent to respective processing facility. ✓



- (k) In order to see that the waste generators obey the said procedure, BBMP shall create public awareness on;
- (1) reducing generation of waste,
  - (2) re-using the waste material to the extent possible,
  - (3) processing food waste through home
  - (4) separately stored bio-degradable waste or wet waste and non-bio-degradable waste or dry waste including recycleable waste,
  - (5) encourage waste pickers to take away the segregated recycleable waste stores,
  - (6) use newspaper for wrapping pads, condoms, infant/adult diapers, sanitary napkins (menstrual), bandages, condoms, nails, used tissues medicines, swept dust before putting in domestic bins for non-bio-degradable waste;
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- (7) storing and handing over separately domestic hazards waste such as razors, blades, used syringes injection vials, rubble, paints silt from drains, cement powder, bricks, flower pots, surgical tubes, pesticides cans, used NICD batteries, used needles and syringes, fused tube-lights and bulbs, sharp edged items and healthcare waste;
- (8) storing waste separately in separate bins. Citizens to store correct waste at source in separate domestic or in particular bins meant for it and handover these wastes separately to waste collectors for recycling, processing and disposal of solid waste.

5. These aforesaid directions given by us are in conformity with the Solid Waste Management Rules.



Therefore, if there is any act of omission or commission in following these directions, it amounts to violation of the solid waste management rules under the scheme framed thereunder. Hence, it is an offence punishable under Section 431A of the Karnataka Municipal Corporations Act, 1976 and the authorities shall take appropriate action by imposing penalty as prescribed in Schedule XIII to the said Act and recover the same. Due publicity shall also be given about the aforesaid provisions and implement the said provisions in their true spirit.

Sd/-  
**JUDGE**  
Sd/-  
**JUDGE**

TRUE COPY  
Section Officer  
High Court of Karnataka  
Bangalore - 560 001



The date on which the application was  
12/11/16  
25/11/16  
23/11/16  
23/11/16  
25/11/16  
The date on which the application was  
for delivery  
The date on which the application was  
delivered

