

High Court of Karnataka
Daily Orders of the Case Number : WP 24739/2012 for the date of order 10/09/2012

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Honble Justice VIKRAMAJIT SEN (CJ) AND
B.V.NAGARATHNA
10/09/2012

Order in WP 24739/2012

Present: Sri. Ajesh Kumar S., for M/s.DSK Legal
Adv. for petitioner
Sri. K.N.Puttegowda, Adv. R-2.
Sri. R.G.Kolle, AGA and Sri. R.Devdas, AGA
for respondent No.1
Sri. Anyan Joseph, Adv. for Sri. Kalyan
Basavaraj, ASG for R22
Sri. Subramanya R. Adv. for M/s.Ashok
Harannahalli Assts., for R-2
Smt. G.Lakshmi, Adv. for Sri.M.N.Ramanjeneya
Gowda, Adv. for R3
Sri. S.Raju, Adv. for R4

The Corporation shall appraise the Court of the steps taken on the following points before the next date of hearing:

i) Appointment of Executive Magistrates invested with powers under Sections 20 and 21 of the Cr.P.C. with respect to powers under Section 431 of the Karnataka Municipal Corporations Act, 1976 for imposition of fines on households which are failing to segregate garbage into dry and wet garbage. At present, we are informed that the fine is Rs.10/- only, which we think may not be sufficient to prevent violation of segregation norms. The powers could be invested either with the Health Inspector or the Environmental Engineer in each ward.

ii) After collection from each household, the segregated waste shall be further collected at three places in every ward

and the particulars of which shall be made available.

iii) The Corporation undertakes to remove the garbage/waste presently to the landfills, which have been identified for the purpose.

iv) There can be no gainsaying that the landfills are not a permanent solution. The Corporation has already initiated steps for the award of contracts to commercial entities desirous of converting the garbage/waste into energy, so that the requirement of landfill areas will eventually be made superfluous. Details of contracts awarded, or in the process of being award, shall be disclosed in writing.

v) The matter requires urgent decision. The Corporation as well as the State Government should, therefore, take expeditious steps in regard to item No. (iv) above. Exceptions available under the Transparency Act should be employed by the Government.

vi) Every citizen needs to be reminded that he/she has Fundamental Duties as contained in Part IV-A of the Constitution of India and in this regard, to keep the environment clean by ensuring that waste is segregated in each household so as to enable the Corporation to collect the same for further treatment or disposal as the case may be.

Copy of this order shall be made available to those who are desirous of taking it and in particular, shall be made available to the learned counsel on both sides with the signature of the Court Officer.

Re-notify on 20.09.2012 along with W.P.No.30450/2012.