

ITEM NO.19

COURT NO.3

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

SMW (C) No(s).1/2015

IN RE: OUTRAGE AS PARENTS END LIFE AFTER CHILDS DENGUE

Date : 12-07-2018 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE MADAN B. LOKUR
HON'BLE MR. JUSTICE DEEPAK GUPTA

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Ms. Olivia Bang, Adv.

For Petitioner(s)

For Respondent(s)
UOI & Delhi
Moef

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UPON hearing the counsel the Court made the following
O R D E R

On 10th July, 2018, we had observed that there are mountains of garbage in Delhi. We had required to know who is responsible for clearing the garbage - those answerable to the Lt. Governor or those answerable to the Chief Minister of Delhi. Affidavits were directed to be filed in this regard.

We have been shown the affidavits filed on behalf of Lt. Governor and NCT of Delhi.

1. On reading the affidavits, it is clear that both the office of the Lt. Governor as well as the Government of NCT of Delhi are in agreement that the question of solid waste management in Delhi is the responsibility of the Municipal Corporations and that the Lt. Governor has the responsibility under the Act to issue directions in this regard in appropriate cases under Section 487 of the Delhi Municipal Corporation Act, 1957.

We have not been told of any such directions issued by the Lt. Governor in spite of the grave situation of mountains of garbage in Bhalswa, Okhla and Ghazipur. There is obviously dereliction of duty by the Municipal Corporations and the Lt. Governor.

The magnitude of the problem caused by these three sites is clear from a chart handed over in Court by learned Additional Solicitor General. The chart speaks for itself. It indicates that the maximum dump height in these three mountains/dumpsites has been exceeded by almost three times in some cases. This is a clear indication of the inaction or the so-called action taken by the office of the Lt. Governor or the Lt. Governor, as the case may be, to remove solid waste from the dumpsites in Delhi.

To compound the problems, the chart placed by learned Additional Solicitor General indicates that so far as the

East Delhi Municipal Corporation and the North Delhi Municipal Corporation are concerned, the gap in waste processing in tons per day is more than the waste processing proposed in tons per days. In other words, as far as the future is concerned, the proposed waste processing is less than the waste that is going to be dumped. Therefore, the dumpsites in Ghazipur and Bhalswa will go on increasing relentlessly. Fortunately, as far as South Delhi Municipal Corporation is concerned, there has been some application of mind and waste processing is more than waste dumping. Hopefully, the height of the dumpsite will reduce at Okhla.

The chart given by learned Additional Solicitor General also gives some construction and demolition of waste, legacy waste and decentralised waste management which contains certain time-lines and action that is taken or likely to be taken in the near future. We would like to have all this information on affidavit from the office of the Lt. Governor. The affidavit be filed on or before the next date of hearing, i.e., 16th July, 2018.

We have been told by Mr. Dilip Ramnani, Chief Engineer, South Delhi Municipal Corporation that height of the dump in Okhla on 1/5th of the dumpsite has been reduced by about 10 meters in about last six months. He has informed us that by March, 2019 probably the height of the dumpsite in Okhla would be reduced by 7 meters over the entire dumpsite which is 32 acres. This should

be stated on affidavit. The affidavit be filed on or before the next date of hearing.

2. We have been informed by learned Additional Solicitor General that there are no funds available with the East and North Delhi Municipal Corporations and that is one of the problems why solid waste management problems are not being attended to. We find this to be rather surprising that because of the shortage of funds Delhi should be converted into a dump - this is the condition of the capital of the country.

3. It has been brought to our notice by Mr. Colin Gonsalves, learned *amicus curiae* that certain steps have been taken by the Gurugram Municipal Corporation which have been very successful in managing solid waste, particularly at a dumpsite.

Since Gurugram is not so far away, it will be worthwhile if the office of the Lt. Governor takes the advice of the Commissioner of Gurugram Municipal Corporation in this regard.

To confirm the availability of the expertise in Gurugram Municipal Corporation, we require the presence of the Commissioner of the Gurugram Municipal Corporation in Court on 16th July, 2018. The Registry will ensure that a communication is sent to him/her at the earliest along with a copy of the order passed today.

4. The State Policy and Solid Waste Management Strategy (for Delhi) has been framed by the Lt. Governor on 3rd

November, 2017. This has been framed in apparent compliance with Rule 11 of the Solid Waste Management Rules, 2016. We have gone through some parts of the Strategy and find that it is utopian in certain respects and perhaps it would be impossible to implement, particularly since at least the East and North Delhi Municipal Corporations have no funds at all to even carry out their day to day activities. However, we leave the matter at that because it is entirely for the Lt. Governor to take a decision in this regard so that dumpsites are cleared and solid waste management is attended to as per his statutory responsibility with all due seriousness so that at least Delhi can become a clean city.

Learned Additional Solicitor General says that it has been stated on affidavit that the Lt. Governor has taken four steps over the last so many years. The steps taken are as follows:

(i). The Lt. Governor has convened 25 meetings and made 7 field visits relating to the important issue of solid waste management. What has happened in the meetings and in the field visits is a mystery and is anybody's guess. The fact of the matter is that in spite of these multiple meetings and field visits, there are mountains of garbage in Delhi and Delhi continues to be a city which requires serious attention with regard to a huge waste management problem.

(ii). 15 land parcels were allotted for the purpose of solid waste management/ sanitary landfill/construction and demolition waste plant by DDA to the three municipal corporations. The details of the sites are at Annexure 'A' to the affidavit. We make no comment with regard to this because the situation of solid waste management is for everybody to see, provided they keep their eyes open.

(iii). The Solid Waste Management Bye-Laws were notified on 15.01.2018.

(iv). On the intervention of the Lt. Governor, the Department of Science and Technology, Government of India constituted a Scientific Advisory Committee for landfill reclamation under the chairmanship of Dr. Manoj Dutta, Professor IIT, delhi. The office order in this regard was issued on 22nd September, 2017.

We are told that the Report has been given by the Scientific Advisory Committee and some action has been taken in accordance with the Report.

List the matter on 16th July, 2018.

(SANJAY KUMAR-I)
AR-CUM-PS

(KAILASH CHANDER)
COURT MASTER