

MANAGEMENT OF MUNICIPAL SOLID WASTE

Writ Petition (Civil) No.286/1994, Dr.B.L. Wadehra Vs Union of India & Ors.



This Writ Petition was filed under Article 32 of the Constitution of India. The Petitioner prayed before the Hon'ble court to issue directions to the Municipal Corporation of Delhi (MCD) and New Delhi Municipal Council (NDMC) to take action in accordance with the Municipal Laws specifically for collection, removal and disposal of garbage and other wastes. On the directions of the Hon'ble Supreme Court, the concerned authorities filed their replies. In its reply the MCD submitted that the total number of garbage collection centres were 1604 (337 dalao, 1284 dustbins, 176 open sites and 7 steel bins). The garbage collection trucks collected the garbage from the collection centres and took it to the nearest Sanitary Land Fill (SLF). In its reply, NDMC stated that average of 300-350 tonnes of garbage generated in the NDMC area and there were 944 garbage collecting places (650 trolleys and 394 dustbins). The Court on 1.3.1996 passed the order that the ambient air was so much polluted that it was difficult to breath. The people of Delhi were suffering from respiratory diseases and throat infections. River Yamuna, - the main source of drinking water supply – was the free dumping place for untreated sewage and industrial waste. The rapid industrial development, urbanization and regular flow of persons from rural to

urban areas had made major contribution towards environmental degradation. Apart from Article 21 of the Constitution of India which guarantees "Right to Live" Article 48A and 51A (g) of the Constitution are as under : -



"Article 48A - Protection and improvement of environment and safeguarding of forests and wildlife - the State shall endeavour to protect and improve the environment and to safeguard the forests and wild life of the country.

Article 51A(g) – To protection and improve the natural environment including forests, lakes, rivers and wildlife and to have compassion for living creatures".

In light of the facts and circumstances stated above, the following directions were issued for compliance

1. The experimental schemes of MCD and NDMC for distribution of polythene bags, door-to-door collection of garbage and its disposal was approved. The garbage/waste should be lifted from the collection centers everyday and transported to the designated place for disposal. All receptacles/collection centers should be kept clean and tidy everyday.

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2. The Government of India through its Secretary, the Ministry of Health, Government of NCT of Delhi, MCD through its Commissioner and NDMC through its Administrator were to construct and install incinerators in all the Hospitals/Nursing Homes with 50 beds and above under their Administrative control. This was to be done within 9 months.
 3. The All India Institute of Medical Sciences through its Director was to install sufficient number of incinerators to dispose of the hospital waste.
 4. The MCD and NDMC were to issue notices to all the private hospitals/nursing homes in Delhi to meet their own arrangements for the disposal of their garbage and hospital waste and construct their own incinerators.
 5. The Central Pollution Control Board and the Delhi Pollution Control Committee should send their inspection team regularly in different areas of Delhi and New Delhi to ascertain that the collection/transportation and disposal of garbage/waste was carried out satisfactorily. The Central Pollution Control Board and the Delhi Pollution Control Committee should file their reports after every two months for a period of two years.
 6. The Government of NCT of Delhi was to appoint Municipal Magistrates (Metropolitan Magistrates) for the trial of offences under the MCD Acts and NDMC Acts. Residents of Delhi were to be educated through Doordarshan that they should be liable for penalty in case they violate any provision of these Acts in the matter of collecting and disposal of garbage and other wastes.
 7. The Doordarshan through its Director General was to undertake a programme of educating the residents of Delhi regarding their civic duties under the Delhi Act and New Delhi Act.
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8. The Secretary, Ministry of Defence Production, Government of India should make arrangements to have the 200 tippers supplied to MCD as expeditiously as possible.
 9. The Development Commissioner, Government of NCT of Delhi was to handover the two sites near Badarpur or Jaitpur/Tejpur quarry pits and Mandi Village near Jaunpur quarry pits. These sites were to be handed over to MCD within three months.
 10. The compost plant at Okhla should be revived and put into operation w.e.f.1.6.1996 and four additional compost plants as recommended by Jagmohan Committee should also be examined for construction.
 11. The MCD should not use the filled up Sanitary Land Fills (SLF) for any other purposes except for forest and gardens. The MCD was to develop forests and gardens on these sites. The work of afforestation should be undertaken by the MCD w.e.f. 1.4.1996.
 12. The MCD and NDMC should construct/install additional garbage collection centers in the form of dhalaos/trolley/steel bins within four months.
 13. The Union of India and NCT/Delhi Administration were to consider the request from MCD and NDMC for financial assistance.
 14. The NCT/Delhi Administration and MCD and NDMC were to engage an expert body like NEERI to find out alternate method or methods of garbage and solid waste disposal in case non-availability of SLF methods.

Earlier, in compliance of the Hon'ble Supreme Court's order dated 1.3.1996 and 23.1.1998 the Central Pollution Control Board conducted inspection and surveyed different areas of Delhi/New Delhi to ascertain the collection transportation and disposal of garbage/waste and submitted bi-monthly reports to the Supreme Court. In its reports the Central Board made recommendations in respect of collection transportation and disposal of garbage/waste. In all 11 reports have been submitted in the Supreme Court by the CPCB. As per estimate of the CPCB





the municipal solid waste (MSW) generated in Delhi was around 4000-5000 tonnes per day in 1997 and is likely to go as high as 10,000 tonnes per day in 2005. In view of these estimates, the CPCB observed that there will be tremendous strain on municipal infrastructure services in terms of water supply, waste water collection, conveyance and treatment, and disposal of municipal solid waste. This Writ Petition was transferred on 23.1.1998 to the Hon'ble High Court of Delhi.

