

(1999) 11 SC CK 0020

In the Supreme Court Of India

Case No : Writ Petition (C) No. 888 Of 1996

Almitra H. Patel and Another

APPELLANT

Vs

Union of India (UOI) and Others

RESPONDENT

Date of Decision : 24-11-1999

Acts Referred:

Contract Labour (Regulation and Abolition) Act, 1970 — Section 31

Citation : (1999) 10 JT 332 : (1999) 2 SCALE 685 : (1999) 7 SCALE 376 :
(1999) 1 SCALE 137

Hon'ble Judges : R. P. Sethi, J;D. P. Mohapatra, J;B. N. Kirpal, J

Bench : Full Bench

Final Decision : Disposed Of

Judgement

1. Mr. Dave has filed in Court a chart indicating briefly the recommendations of the Committee with regard to Bangalore, Delhi, Mumbai, Chennai and Calcutta.
2. As regards Delhi, response to the same should be filed within six weeks by the "Commissioner, Municipal Corporation of Delhi and Secretary, Ministry of Urban Development, Govt. of India as far as the other four cities of Bangalore, Mumbai, Chennai and Calcutta are concerned, the responses should be filed within six weeks by the respective Commissioners as well as Chief Secretaries of the States concerned.
3. The responses so filed should indicate as to what suggestions they have with regard to the recommendations of the Committee and who will be the officers responsible for implementing those recommendations which are accepted. If there is any problem or difficulty which is being encountered or likely to be encountered in the implementation of the recommendations or in the implementation of the municipal laws applicable in the respective cities, it should be indicated as to what appropriate orders in this behalf are sought for from this Court. It should also be indicated as to what action has been taken by the authorities concerned in implementing the relevant provisions of the municipal and other laws relating to the cleaning up of the cities concerned and the

collection & disposal of solid waste.

4. We are informed that major portion of the revenues of the corporations is spent in meeting the wage bill of the employees. For example, the Municipal Corporation of Delhi is stated to be employing over 40,000 safai karamcharis. The state of unseemliness in these five cities does indicate that the functions are not being properly performed by the safai karamcharis. In the responses which are to be filed, the respective Commissioners will indicate the work force employed in connection with the cleaning up of the cities and what steps have been or are required to be taken to ensure that the said employees actually engage themselves in the work which they are supposed to be doing. The responses should also indicate as to who can be held responsible by the Court in the event of the failure of these cities being cleaned by these safai karamcharis.

5. The Municipal Acts applicable to these five cities contain provisions against littering. We expect appropriate steps being taken by the authorities concerned to ensure that littering does not take place and, if necessary, action should be taken in accordance with law against the offenders.

6. The States of Maharashtra, Tamil Nadu, Karnataka and West Bengal as well as the Union of India should give their views within six weeks as to whether exemption u/s 31 of the Contract Labour Act should or should not be granted in relation to the services to be rendered with regard to the solid waste management.

7. We are informed that draft rules known as Management of Municipal Solid Waste (Management and Handling) Rules, 1999 have been notified and objections have been invited. The Additional Solicitor General states that all the District Magistrate & Commissioners/Deputy Commissioners of Class I and Class II cities in India will again be informed about the said draft rules and copies of the rules will be sent to them directly or through the Chief Secretary concerned and if any suggestions are filed beyond the statutory period but within the period of 30 days from today, the same shall also be considered by the authorities concerned. In addition thereto, petitioner No. 1 herein may also submit to the authorities concerned her objections/suggestions which shall be taken into consideration at the time of finalisation of the rules.

8. The Central Pollution Control Board will on the next date of hearing submit a report with regard to each one of these five cities indicating the shortcomings, if any, in the collection & disposal of solid waste and in the cleaning of the said five cities and also shortfall in the implementation of various statutory provisions in regard to the recommendations made by the Committee.

9. Those States and Union Territories which have not yet filed their responses to the Report of the Committee should do so within six week.

10. To come up for further orders in the second week of January 2000.