

To,
The Director,
Directorate of Municipal Admin,
9th Floor, V.V Towers,
Dr.Ambedkar Veedhi,
Bengaluru -01

Subject: Inclusion of waster-pickers in the *Draft Karnataka State Policy and Strategy on Solid and Plastic Waste Management Waste, Dated November 02, 2018*

In response to the publication of the above captioned state Policy and strategy on solid and plastic waste management waste, I would like to submit our comments and suggestions on behalf of the Vidhi Centre for Legal Policy, Bengaluru regarding the same.

A. Karnataka and its Waste Pickers

Karnataka has thus far been at the forefront of the recognition and integration of waste pickers into its solid waste management strategy. It has pioneered innovations in solid waste management strategies such as the establishment of Dry Waste Collection Centers (DWCCs) and door to door collection of garbage.

However, while the promulgation of the Draft Karnataka State Policy and Strategy on Solid and Plastic Waste Management Waste is certainly a step in the right direction, it is highly concerning that waste pickers, who are the backbone of Karnataka's solid waste management and recycling industry, have found no mention at all in the proposed draft. In this regard, we completely agree with the submissions of Hasiru Dala and would like to make further recommendations on the same.

As per 2016-17 data, Karnataka has a population of 6.11 crore persons who on average generate 8,842 metric tons of municipal solid waste per day (TPD), out of which only 7,716 TPD is collected, a mere 3,584 TPD treated and the remaining 3,946 TPD is sent to the 207 operational landfills present in the state.¹

In so far as Bengaluru is concerned, the responsibility for solid waste management in the city rests with the Bruhat Bengaluru Mahanagara Palike (BBMP). The city alone produces between 3,500 to 5,000 TPD and is divided into 198 wards to facilitate its effective governance. The population density of Bengaluru has risen by 47% in the last decade alone and this has predictably led to a massive increase in the amount of waste generated in the city.² It is estimated that over 15,000 waste pickers operate in Bengaluru alone, with most of them being migrants or Dalits with minimal education.³ Studies show the waste pickers recycle over 20% of the waste generated in India, thereby benefitting Urban Local Bodies financially by reducing man power and costs. The services of waste pickers also help conserve and protect our environment by enabling the reuse of finite raw materials.

Considering the immense contributions of waste pickers to keeping Karnataka free of waste, it is therefore an unfortunate omission to not include them adequately in the 2018 solid waste management strategy.

In the following sections, the municipal framework in Karnataka will be laid down to provide an overview of the waste crisis in Karnataka. From there, the executive, legislative and judicial

¹ Annual Report 2015-2016, Karnataka State Pollution Control Board, <http://kspcb.kar.nic.in/Annual_Report_Eng_15-16.pdf> Last accessed: August 9, 2018.

² Pinky Chandran, Nalini Shekar, 'Informal Waste Workers Contribution Bengaluru,' <<http://hasirudala.in/wp-content/uploads/2016/08/1.-Full-Paper-Chandran-Informal-Waste-Workers-Contribution-in-Bengaluru-1.pdf>> Last accessed: August 9, 2018.

³ Siddhartha Lodha, 'Integration of Waste Pickers in Bengaluru's Municipal Solid Waste Management System for their Income Security', <http://hasirudala.in/wpcontent/uploads/2016/08/Lodha_Siddhartha_PApaper.pdf> Last accessed: August 9, 2018.

mandates obligating the Directorate of Municipal Administration to include waste pickers in all policy matters relating to waste management in the state will be laid down.

B. Karnataka's Solid Waste Management Framework

Karnataka Municipal Corporation Act, 1976

Section 58 of the Karnataka Municipal Corporation Act, 1976 deals with the obligatory functions of the municipal corporations. Under this section, the municipalities are under an obligation to make 'reasonable and adequate provision' for, cleaning of all public streets,⁴ the collection, removal, treatment and disposal⁵ of all waste and sewage that is generated by various districts in Karnataka and for the prevention and spread of dangerous diseases.⁶

Policy on Integrated Solid Waste Management, 2014

In order to tackle its solid waste management mandate, the Karnataka Government has also promulgated a Policy on Integrated Solid Waste Management⁷ which focuses on the three main aspects – feasibility, technological innovation, and capacity building in solid waste management. The policy aims to provide a framework for environmentally, financially and socially optimal waste management in the state. In order to achieve this aim, it proposes the establishment of an integrated and self-contained operating framework of solid waste management along with the adoption and improvement of existing technologies to facilitate scientific waste management. It envisions a pivotal role for ULBs which are tasked with raising awareness, scientific disposal and promoting the recovery of value from waste. It further provides extensive guidelines on scientific solid waste management including modes of collection, transportation and disposal of wastes. With regards to recycling it states that all recyclable materials should be segregated and transported in separate vehicles so as to ensure their optimum recyclability. The policy also promotes and

⁴ Section 58 (2) the Karnataka Municipal Corporation Act, 1976

⁵ Section 58 (3) the Karnataka Municipal Corporation Act, 1976

⁶ Section 58(22) the Karnataka Municipal Corporation Act, 1976

⁷ Policy on Integrated Solid Waste Management – Karnataka, Available here:
<<http://www.uddkar.gov.in/SWM%20Policy>> Last accessed: August 9, 2018.

provides directions for the use of processes such as composting and vermi-composting in order to recover value from waste while simultaneously reducing the burden on Karnataka's landfills.

From the above, it is clear that Karnataka does have a comprehensive legal framework for dealing with solid waste management as well as the legislative competence to include waste pickers in their solid waste management systems.

C. Judicial Guidance in Karnataka

The two most important cases in the context of waste picker recognition in Karnataka are the *Lok Adalat case of 2011*⁸ and the ongoing case of *Kavitha Shankar v State of Karnataka*⁹.

The Lok Adalat for Environment Case is the bedrock of the rights of waste pickers in Karnataka. The Hon'ble Karnataka High Court specifically recognized the immense contributions of waste pickers to the solid waste management of the state and directed the BBMP. It directed the BBMP to register waste pickers for the first time in India. This was carried out with the help and cooperation of various NGOs. The next contribution of the case was in starting the process for the creation of the DWCCs and the handing over of the same to waste pickers to operate. More than anything, the Hon'ble High Court has highlighted the immense contributions of waste pickers to the solid waste management in the city.

In the *Kavitha Shankar* as well, the Karnataka High Court. noted the importance of decentralization of waste management in the state and stressed on the need for segregation of waste at source, which directly contributes to the increased efficiency of the DWCCs.

Therefore, the current non-inclusion of waste pickers in the Solid Waste Management bylaws is in derogation of the orders of the High Court of Karnataka.

D. Rules

In addition to the above, the Solid Waste Management Rules, 2016 (SWM Rules) and the Plastic Waste Rules, 2016 (PWM Rules) have explicitly defined the term 'waste picker' and have included provisions for facilitating their access to waste in India.

⁸ W.P.NO. 13473 OF 1998 (PIL)

⁹ WP no. 24739-40/2012

a. The Plastic Waste Management Rules, 2016

The Plastic Waste Management Rules, 2016, (PWM Rules) define waste pickers under rule 3 (aa) as *‘individuals or agencies, who are voluntarily engaged or authorized for picking of recyclable plastic waste.’* The rules mandate that the municipalities must ‘engage with civil societies or groups working with waste pickers’ in order to improve solid waste management in the county.

b. The Solid Waste Management Rules, 2016 (The SWM Rules)

The SWM Rules delve into the concept of waste picking and recycling in considerable detail.

The Rules define a ‘waste picker’ under Rule 3(1) (58): *‘as a person or groups of persons informally engaged in collection and recovery of reusable and recyclable solid waste from the source of waste generation the streets, bins, material recovery facilities, processing and waste disposal facilities for sale to recyclers directly or through intermediaries to earn their livelihood.’*

From the above, it is clear that the SWM laws in this country are fairly exhaustive in laying down duties and obligations to achieve the goal of making India’s solid waste management scientific and structured. Karnataka has adopted these rules and is therefore bound to implement them.

Recognition, Integration and Capacity Building

There is explicit recognition in the SWM Rules that waste pickers provide a vital service. In fact, Rule 11(1) (c) specifically calls for the explicit recognition and acknowledgement of the primary role played by waste pickers in reducing waste in India.

Further, Rule 15 of the SWM Rules now makes it mandatory for local bodies to formulate broad guidelines and to create a system that facilitates the integration of waste pickers into the waste management system.

Rule 11(1) (m), makes it mandatory to start a registration scheme for waste pickers. Under Rule 11(1) (a), the rules for the very first time envisage an inclusive and participatory mechanism where informal sector workers such as waste pickers and recyclers are also engaged in the creation of a state’s waste policy and solid waste management strategy.

Rule 3(1)(31) also makes it mandatory for the municipal bodies to provide a ‘Material Recovery Facility’ where waste pickers may segregate, sort and store recovered wastes. The Rules also explicitly recognize the role played by MBOs of waste pickers.

Karnataka’s and India’s ability to successfully manage waste lies in its scientific disposal and in the nascent recycling sector of which waste pickers of this country form the very backbone.

To this end, we hereby suggest the following amendments to the proposed State Policy:

Suggested Changes and Amendments:

The following table shall explain the recommendations and reasoning pertaining to the Draft Draft Karnataka State Policy and Strategy on Solid and Plastic Waste Management Waste, 2018.

S. No.	PROVISION	SUGGESTED AMENDMENTS	RATIONALE
1.	In the Objectives	The Objectives of the Policy makes no reference to ‘Waste Pickers’ and ‘Waste Picker organizations’, they require recognition and the policy needs to focus on their inclusion in the whole process.	Waste Pickers are a very vital part of the solid waste management in Karnataka and are primary stake holders. Their contribution to the solid waste management needs to be recognized.
FLOW OF SOLID WASTE FROM GENERATION TO DISPOSAL			
2.	6. Collection, Intermediate Transfer, Storage and Transportation – <i>6.1 Door to door Collection</i>	The term waste picker must be included after ULB in 6.1.i,ii iii, iv,v of the Policy. In 6.1 iii , the word ‘waste pickers’ must be added after pourakarmikas and they should also be allowed	Waste pickers must be included as they are primary stakeholders and their role in plotting collection points, deciding frequency of collection, point to point collection & the collection route needs to be recognized and facilitated.

		to sell their separated waste	Not only pourakarmikas but waste pickers should also be granted permission to sell the waste to scrap dealers.
3.	6.2 – Manpower, Collection Vehicles and Transportation for primary collection	The term waste picker must be included after ‘pourakarmikas’ in 6.2 i, ii.	The policy should recognize the number of waste pickers working in each ward in addition to deciding on vehicles, push carts and pourakarmikas. Similarly the safety requirements of waste pickers must be recognized in addition to those of pourakarmikas. As recognized for pourakarmikas the requirement of personal protective equipment and medical checkups must also be recognized for ‘waste pickers’
4.	6.3. Secondary Collection and Transfer Points	The Role of Waste Pickers finds no mention in the policy under the head ‘Secondary Collection and Transfer Points’ and must be included.	The Policy needs to acknowledge the rights of waste pickers to access, collect and sell waste in the state. Waste pickers have been given the right to operate Dry Waste Collection Centres as per the Karnataka High Court judgement in Kavitha Shankar v. State of Karnataka.
5.	6.4 – Special Streams of Waste	With regard bulky waste the policy must include ‘waste pickers’ in addition	One of the primary means of livelihood of waste pickers is through the resale of recyclable non-biodegradable waste. Therefore, this

		<p>to recovery facility, dry waste collection centre etc.</p>	<p>provision must include waste pickers as potential buyers of the same from waste generators. Waste pickers have been given the right to operate Dry Waste Collection Centres as per the Karnataka High Court judgement in Kavitha Shankar v. State of Karnataka.</p> <p>As per rule 15(h) of the SWM Rules, 2018, it is the duty and responsibility of the local authorities to set up material recovery centres to enable 'informal or authorized waste pickers and waste collectors to separate recyclables from the waste and provide easy access to waste pickers and recyclers for collection of segregated recyclable waste such as paper, plastic , metal, glass, textile from the source of generation or from material recovery facilities;</p>
PROCESSING AND DISPOSAL OF SOLID WASTE			

6.	7. Processing of Solid Waste	<p>In context of processing different categories of solid waste, Waste pickers must be included considering the decentralization policy in waste management systems under 7.2.</p> <p>With regard to Dry Waste collection and recovery, the role played by Waste pickers must be recognized under 7.3.</p> <p>In terms of processing of different streams of waste also, especially with regard to ‘recyclable non-biodegradable waste’ the role of ‘waste pickers must be highlighted and recognized in 7.4</p>	<p>The role played by Karnataka’s waste pickers has not been recognized, even though they are a primary stake holder in this whole process.</p> <p>The primary means of livelihood of waste pickers is through the resale of recyclable non-biodegradable waste. Therefore, this rule must include waste pickers as operators of Dry Waste Collection Centres of the same from Waste generators.</p>
PROCESSING OF THE BIO-DEGRADABLE WASTE			
7.	8.1 Composting	<p>The Policy considers the problems faced by large centralised compost plants in 8.1.iv but does not recognize the right of waste pickers to operate small scale composting,</p>	<p>Waste pickers have a right to operate small composting plants maintained by the ULB’s or any other public authority.</p>

		therefore the same may be added in 8.1- iv, v, vii & viii.	
8.	8.2 Biomethanation	Similar to composting, the policy needs to relook the possibility of recognizing the importance of waste pickers in biomethanation.	Waste pickers have a right to operate small biomethanation plants maintained by the ULB's or any other public authority.
9.	11. Processing Facilities	The policy should mention the processing units run by 'waste pickers'– as part of the Basic Infrastructure in 11.1.	The waste pickers have the right to operate small scale plants that are maintained by the ULBs or any other authority. The ULBs should facilitate such a construction.
FUNDING MECHANISMS FOR SOLID WASTE MANAGEMENT SYSTEMS AND RELATED ASPECTS			
BULK WASTE GENERATORS			
11.	17. Regulatory Framework in Relation to Bulk Waste Generators	In 17.5, the role of private players like empanelled vendor has been recognized, but waste pickers must also be added.	Waste Pickers must be included in the provision as they are primary stakeholders in the solid waste management of Karnataka and sale of recyclables is their primary source of livelihood.
STREET SWEEPING AND CLEANING OF DRAINS			
12.	22. Frequency, Manpower and Equipment relating to street sweeping	In 22.3, 22.4, and 22.5 after the word pourakarmikas the word 'waste picker' must be added.	As mandated for the pourakarmikas, the waste pickers should also not be involved in any manual scavenging and the ULB must monitor the same.

			At the same time appropriate tools and equipment must also be given to waste pickers.
PREPARATION AND IMPLEMENTATION OF WASTE MANAGEMENT PLAN			
13.	28. Preparation of Action plans and detailed project reports	Under 28.5 , as part of the Ward Micro Plan, 'waste pickers' must be included with pourakarmikas	Waste pickers are an essential part of the waste management process and the ward micro plan must identify the number of waste pickers along with push carts, pourakarmikas, auto tipper etc.
WELFARE MEASURES AND OCCUPATIONAL SAFETY			
14.	37.1 Welfare Measures for pourakarmikas	The policy makes elaborate welfare measures in terms of working conditions, housing, occupational safety etc. for pourakarmikas but does not include the 'waste pickers' in the fold. The same needs relooked into.	Waste Pickers work in difficult conditions and form an important part of the Solid Waste Management, a similar recognition in terms of occupational safety needs to be given to them.
15.	37.3	The 'waste pickers' must be added to 37.3 after pourakarmikas	The right to potable drinking water, toilets and first aid facilities must be equally provided to waste pickers.
COMPLAINT REDRESSAL SYSTEM			

16.	43. 3. Grievance redressal mechanism for ULB employees	The provision does make reference to concerns of pourakarmikas but not those of waste pickers who are similarly vulnerable to exploitation, therefore the term waste pickers must be added.	The waste pickers are innately linked to the process of collection of waste, recycling etc. and are the most vulnerable in the chain of operators therefore need protection.
-----	--	---	--

We hope these submissions are taken board and changes made in the larger interests of solid waste management for Karnataka and the welfare of waste pickers.

Sincerely,

Akhileshwari Reddy

Research Fellow

On behalf

Vidhi Centre for Legal Policy, Bengaluru.