



**Agenda for Special Meeting of
Finance and Contract Committee,
Municipal Corporation Chandigarh**

Date: 16.03.2012

Time: 11.00 a.m.

Venue: Committee Room

AGENDA ITEM NO. 1

Subject: Action taken by Municipal Corporation Chandigarh on the directions issued by the Hon'ble High Court of Punjab & Haryana dated 11.3.2011 in LPA No. 249 of 2010 Sanawar Montessori School Versus Chandigarh Administration & Ors.

Hon'ble Punjab & Haryana High Court had issued directions on 6.3.2012 in LPA No.249 of 2010 Sanawar Montessori School Versus Chandigarh Administration & Ors. that neither counsel for the Municipal Corporation nor Counsel for Union Territory Chandigarh had complied with the order dated 16.2.2012 as no response was forthcoming with respect to the observations made in orders dated 16.2.2012, 19.9.2011 and 23.8.2011. Last opportunity has been granted to respondents to clarify their stand and case was adjourned to 26.3.2012.

It is submitted that the directions given by the Hon'ble High Court in the orders 23.8.2011, 19.9.2011 and 16.2.2012 are reproduced as under:

1. Order dated 23.8.2011

The Hon'ble High Court has directed the opposite party to file counter reply on the deliberations of Sanitation Committee and General House of Municipal Corporation Chandigarh in two weeks. Before this, Hon'ble High Court had passed the following orders on 11.3.2011:

“In the aforesaid circumstances, the Municipal Corporation is directed to seriously reconsider what would be immediate effective measures that can be implemented without bringing in other agencies/departments into picture which is what has been suggested in the status report. Though it is for the Corporation and the residents themselves to provide a solution to the problem of garbage disposal and the role of the Court in such matters has to be avoided unless absolutely necessary, we are of the view that the Corporation should seriously consider implementation of a method by which each resident is made responsible for how the garbage of his household which can be emptied to the garbage disposal trucks has to be operated in specified hours instead of emptying the same into the garbage collection centres that are now in existence. What has been suggested above need not be the final word in the matter and if more effective methods of garbage disposal can be received by the Corporation, it will always be open for the Corporation to adopt such methods. We would expect necessary action in terms of the present directions to be taken by the Corporation and the result thereof be laid before the Court at the end of four weeks from today.”

Pursuant to the said order to comply with the direction of Hon'ble High Court the Agenda in this regard was placed before the General House of Municipal Corporation, Chandigarh in its 167th

meeting held on 20.05.2011 wherein it was resolved that the matter be first discussed in the Sanitation Committee.

The matter was accordingly placed before the Sanitation Committee on 31.5.2011 and 30.6.2011. The Minutes of the Sanitation Committee were placed before the General House in its 169th meeting held on 29.7.2011. The Minutes of the Sanitation Committee as Agenda Item No. 15 were discussed and it was resolved as under:

“The House considered and resolved that the present system be continued as it is working smoothly and based on the provisions under Punjab Municipal Corporation Act, 1976 (As extended to U.T. Chandigarh) and pilot project of Government of India under Central Pollution Control Board.”

The decision of General House was conveyed to Hon'ble High Court through Sh.Sanjay Kaushal, Advocate and the House fixed next date of hearing for 23.8.2011.

2. **Order dated 19.9.2011**

“On 23.8.2011, we have expressed our opinion with regard to the action taken by the Municipal Corporation, Chandigarh – respondent No.2. It was concluded that the reasons given in the action taken report were not consistent with the view taken by the Division Bench on 11.3.2011.

It has also been brought to our notice that huge population in Sector 24, 25 and 38 and other nearby sectors suffers a stinking smell on account of the dump created at Dadu Majra. It is not only inconvenient but a health hazard and some effective steps are required to be taken by respondent No.s 1 and 3.

Mr. Sanjay Kaushal, learned counsel for respondent Nos. 1 and 3 and Mr. Sanjiv Ghai, learned counsel for respondent No.2 have stated that the resolutions which have been passed by the Municipal Corporation on the basis of the Sanitation Committee Report are yet to be considered by the Chandigarh Administration and some time would be required to do the needful. Mr. Kaushal also states that stinking smell spreads in the areas of Sectors 24, 25 and 38 Chandigarh and as such necessary steps in this direction would also be taken. In view of above, we grant four weeks time to do the needful so that the Chandigarh Administration may rightly make a claim to be best in the area.”

In view of the directions issued by the Hon'ble High Court on 19.9.2011 in LPA No.249 of 2010, it was decided at the level of Home Secretary after detailed deliberations to initiate a pilot project for door to door collection of Garbage in one Sector.

Keeping in view the decision taken by the Home Secretary, an Agenda was placed before the General House of Municipal Corporation, Chandigarh in its meeting held on 25.11.2011 with the proposal that Sector 22 may be selected for the pilot project for door to door collection of garbage as this Sector is centrally located Sector and solid waste of mixed composition is collected from this Sector i.e. residential waste, commercial waste and hotel waste etc. In this proposal, there was an estimated expenditure of Rs.6.00 lacs approximately per month (hiring of 9 tractor trolleys @ approx. Rs.2150/- per tractor trolley per day for 30 days) for lifting door to door garbage in the said Sector, in case the work was executed by the Municipal Corporation. At present tractor trolleys along with driver/ POL/ manpower/ repair @ Rs.2150/- per day 8 hours per tractor trolley are being hired.

The General House considered and decided that Agenda be discussed in the F & CC first along with concept paper and F & CC in its 214th meeting held on 1.2.2012 approved the pilot project in Sector 22 in principle for door to door collection (**Copy of Agenda/ Minutes of General House and Agenda/ Minutes of Finance & Contract Committee enclosed**).

In the said meeting after discussion, it was felt that a consultant should be engaged to prepare a report and advise and guide Municipal Corporation Chandigarh on how the system can be implemented by preparing a report and terms & conditions and interpretation and applicability of Clause 4.3 (vi) of the Implementation Agreement be legally examined before taking decision in this matter.

The copy of the decision taken by the Finance & Contract Committee was submitted to the Hon'ble Punjab & Haryana High Court on 16.2.2012 through Counsel.

3. Order dated 16.2.2012

“The appellant school complains that area adjoining the school is used as dumping ground categorized as a “Sehaj Safai Kendra” the dumping of urban waste, at a place adjoining a school is a health hazard for children studying in the school. The respondents are directed to ensure that “Sehaj Safai Kendra” is suitably isolated from the School and any urban waste is removed within a few hours of its being dumped in the Sehaj Safai Kendra.

The respondents are directed to file their response within a week.”

In view of the interim orders given by the Punjab & Haryana High Court, the Chief Engineer, Municipal Corporation, Chandigarh, Additional Commissioner-I, Medical Officer of Health and

representative of Chief Engineer M.C., Chandigarh visited the site and the Chief Engineer is of the opinion that site is already isolated. The Municipal Solid Waste is removed daily from the Sehaj Safai Kendra within a few hours of its being dumped. After the removal of MSW, Sehaj Safai Kendra is cleaned, lime dusted daily. The Sehaj Safai Kendra has been white washed and painted by the Engineering Wing.

In this regard Agenda was sent to the Secretary Municipal Corporation, Chandigarh for placing it before the General House to be held on 29.2.2012, but, the same was not placed before the General House.

In compliance of the orders of Hon'ble High Court dated 6.3.2012, the steps to be taken by the Municipal Corporation, Chandigarh are proposed as under:

1. General House has already approved to procure 150 garbage bins and 40 dumper placers for daily lifting of MSW. The approval of Local Government Chandigarh Administration is urgently required.
2. For daily lifting, the timings of the garbage removal vehicles will be increased i.e. from 6.00 A.M. to 4.00 P.M. For the said purpose, 20 drivers and 30 safaikaramcharies will be engaged through approved outsourced Agency at the wages fixed by the Labour Department.
3. The waste originating from Grain Market and big institutions like P.G.I., Punjab University big hotels and restaurants etc. is going to the Dumping Ground directly. The waste particularly from Grain markets and hotels contains very large proportion of Vegetables/organic waste but dry waste also comes mixed with it. All these institutions should be directed to segregate their waste at the time of collection in their premises and send only vegetable/ wet waste to the Dumping Ground and the remaining waste should go to the Garbage Processing Plant.
4. The Agenda was placed in the General House in its 173rd meeting held on 25.11.2011 and General House considered and decided that Agenda be discussed in the F & CC first along with concept paper and F & CC in its 214th meeting held on 1.2.2012 approved the pilot project in Sector 22 in principle for door to door collection. We need to start it immediately through our own resources while hiring additional manpower and the equipment, if any which may be required through service providers already engaged with the Municipal Corporation Chandigarh (Copy of scheme for pilot project enclosed).

This pilot project will help us in deciding to implement door to door collection in the entire city. The date for starting door to door collection may be fixed by Finance & Contract Committee. Necessary directions should be issued after the approval.

5. A Consulting organization will need to be engaged for providing consultancy for implementation of door to door collection system at Chandigarh. Draft TOR (Terms of Reference) have been prepared and the same is enclosed herewith for perusal and approval. The scope shall include:

- i) Study the present system of garbage collection and suggest a scheme for efficient door to door collection and transportation.
- ii) Prepare the RFP (Request for Proposal) document.
- iii) Manage the bidding process.
- iv) Prepare the agreements and other paper work for award of work.

Another Agency would be needed to comprehensively study the present system of garbage processing and disposal including the Garbage Processing Plant of M/s Jai Parkash Associates Ltd. The scope shall also include suggesting a detailed development plan for scientific closure of dumping site, any other facility/technology to be installed for processing any waste which does not get processed in the Garbage Processing Plant and a technical evaluation of the Garbage Processing Plant.

In this regard it is brought to the attention of F&CC that Govt. of India, Ministry of Finance has empanelled consultants for Public Private Partnership as transactions advisors. The consultant is proposed to be selected by competitive bidding out of these, for door to door collection of MSW.

Directions are also being issued to institutions from which waste is going directly to the dumping ground to segregate their garbage into wet & dry. Only wet garbage would go to the dumping ground and dry garbage would go to the Garbage Processing Plant.

6. Horticulture Wing of Municipal Corporation Chandigarh will plant thick tree cover around the Dumping Ground to screen it and decrease the foul smell.
7. Wide publicity should be given through electronic and print media before starting the project.

The matter is placed before the Finance & Contract Committee for its consideration and further directions.

M.O.H.

AGENDA ITEM NO. 2

Subject: - Regarding directions of Hon'ble High Court of Punjab & Haryana at Chandigarh in CWP No. 7500 & 18390 of 2010 titled as Court on its Own Motion Versus state of Punjab & Others.

The abovementioned case is pending before the Hon'ble High Court of Punjab & Harayana Chandigarh and now fixed for 21.03.2012.

The issue pertains to the Management of Traffic Congestion in the Union Territory, Chandigarh. The matter is being defended by the Senior Standing Counsel.

The Hon'ble High Court had directed the Chandigarh Administration to identify a part of Chandigarh and declare the same as "Vehicular Free Zones" and also suggested to initially consider declaring Sector 17, Chandigarh for the same.

The matter was fixed for hearing on 07.03.2012 and on the said date an interim orders have been passed. Copy of the same is obtained from the office of Senior Standing Counsel on 14.05.2012 (5:30 PM). The same is enclosed herewith as an **Annexure –A**.

In addition to above, it is intimated that the issue had also been published in the Chandigarh Tribune dated 08.03.2012. Relevant cutting of the News paper is enclosed herewith as an **Annexure –B**.

In order to consider the directions of the Hon'ble High Court a conscious decision is to be taken as to how much and which area is to be declared as Vehicular Free Zone.

The present ground and factual position of the Paid Parking Areas in Sector 17 is as follows:-

Sr.No.	Location of PPA	Annual License Fee in Rs	Due date of expiry/ termination of license	Remarks
1.	Sahib Singh, Sector 17, Chandigarh.	40,17,300-	04.12.2012	
2.	Empire Store, Sector 17, Chandigarh.	31,00,000-	30.11.2012	
3.	Gurdev Studio, Sector 17, Chandigarh.	27,00,000-	05.01.2013	
4.	Bank Square, Sector 17, Chandigarh.	21,53,000-	24.11.2012	
5.	Adjoining Neelam	2,51,500-	31.05.2012	

	Cinema, Sector 17, Chandigarh.			
6.	In front of District Courts Complex, Sector 17, Chandigarh.	1,31,250/-	03.12.2012	
7.	CMC, Sector 17, Chandigarh.	--	VACANT	Running free parking from 24.11.2011
8.	MOH, Sector 17, Chandigarh.	--	VACANT	Running free parking from 31.01.2012
9.	In front of Jagat & Anand Cinema, Sector 17, Chandigarh.	8,65,000-	13.03.2013	

All the aforesaid parkings are functional from 8:00 AM to 12:00 (Mid Night).

In order to give effect to the directions of the Hon'ble Court, the Paid Parking Contracts have to altered/cancelled by invoking the provisions of clause 40 of the terms and conditions of the contract (**Annexure -C**).

In view of the position explained above, the matter is placed before the Finance & Contract Committee for consideration & taking appropriate decision.

-Sd-
Additional Commissioner-I,
Municipal Corporation,
Chandigarh.