

There is much confusion on the role of RWAs in waste management. There is much criticism as well that emanates at times from ignorance of the law as well as little knowledge about what an RWA is

This clarification is required particularly in light of the SWM 2016 rules that only add to this confusion.

It is not the responsibility of RWA to manage Waste. It is one of the obligatory functions (Section 42 of the DMC Act) of the Municipal Corporation to do so. Further *all 'Rubbish' deposited in All matters deposited in public receptacles, depots and places provided or appointed under section 352 and all matters collected by municipal employees or contractors in pursuance of section 350 and section 355 shall be the property of the Corporation.* (Section 351 Of the DMC Act) . RWA do not own the waste

This part of the SWM rules *'All resident welfare and market associations shall, within one year from the date of notification of these rules and in partnership with the local body ensure segregation of waste at source by the generators as prescribed in these rules, facilitate collection of segregated waste in separate streams, handover recyclable material to either the authorised waste pickers or the authorised recyclers.'*..

This can only be done after a substantive change in provisions relating to the Societies Act, or a special law for RWA or in the Municipal Acts itself. The Government is prepared to do neither as of now.

The RWA are not urban Local bodies, cannot under law take coercive action, cannot force membership to a society and cannot enforce the law. Their conduct is limited to adhering to their articles and Memorandum of Association (RWA constitution and Bye laws) and they cannot be forced to take over a municipal responsibility.

RWA are not maintained through tax revenue which the Municipalities are. They are not paid by the Government. Simply put it is the Municipal Corporation which should seek a partnership with RWA to fulfill their (MCDs) obligatory function instead of the other way round. It is because of gross Municipal inefficiency that RWA have to fill in for this deficiency of Service. Lack of clarity among activists on this simple legal formulation is cause for much of their frustration and misdirected angst against RWA

There may be a case where RWA may want to take charge of this municipal duty and find ways and means of doing it. But that is up to them and is not a legal obligation upon the RWA.

The obligation of RWA is to represent its tax paying subscribers and demand quality of service from the Corporation which is meant to do so as per law as well as logically since it survives on taxpayer's money.

It must also be understood that in Delhi all open land where RWA operate, is owned by one Government agency or the other or is regulated by land use restrictions and bye law such that composting and biomethanation cannot be done by any odd RWA on their own volition till such time as the MCDs want it done.

If the government wants to give the responsibility of Municipal Solid waste management to RWA, Government must enact special law for RWA, recognizing RWA as a key element of last mile governance.