

Press Release : Bangalore : 03 March 2011

Landmark initiative of Karnataka High Court stops the destruction and degeneration of lakes of Bangalore

Over 400 lakes to be immediately protected and rehabilitated in an ecologically wise and socially just manner spread over 1200 sq. kms. of Bangalore urban region

In a landmark ruling today, the Hon'ble High Court of Karnataka accepted the Report of a committee it constituted to examine the ground realities and prepare an Action plan for the preservation of lakes in the city of Bangalore. This report was sought by an interim direction of Chief Justice Mr. J. S. Khehar and Justice A. S. Bopanna of the Principal Bench of the Hon'ble High Court on the basis of the Public Interest Litigation filed by Environment Support Group and Leo Saldanha (party in person) ([WP No. 817/2008](#)) challenging the privatisation of lakes in Bangalore by Lake Development Authority.

Entitled "**Preservation of Lakes in the City of Bangalore**", the report was prepared by a committee headed by Hon'ble Shri Justice N. K. Patil, Judge, High Court of Karnataka and Chairman, Karnataka High Court Legal Services Committee and involved the Chiefs of Dept. of Revenue, Karnataka State Pollution Control Board, Bangalore Water Supply and Sewerage Board, Karnataka Forest Department, Bangalore Development Authority, Bruhat Bengaluru Mahanagara Palike, Minor Irrigation Department, Lake Development Authority and Dept of Town Planning. The Committee accepted many of the submissions made by ESG and also enlisted petitioner Saldanha and Dr. S. Subramanya, Professor, University of Agricultural Sciences (Blore) in formulating recommendations for ecologically sensitive restoration of the lakes.

The report has been prepared based on a framework that has evolved out of two key prayers in the PIL. One was seeking "necessary directions directing (the Government) to frame a scheme for the effective administration of lakes and tanks in consonance with the Principle of Intergenerational Equity and Public Trust Doctrine, in terms of the recommendations of the Lakshman Rau Committee and also in conformance with principles for wetland conservation and management as laid down by the Union Ministry of Environment and Forests". The Petition also sought "necessary directions (to the State) to ensure that any scheme regarding the preservation and conservation of tanks, lakes and such other water bodies protects free Right of Access to all publics in exercise of traditional and customary rights, and of enjoyment of nature and its resources in a responsible manner".

In the preface to the report, Justice Mr. N. K. Patil records the anguish of the Court over the state of Bangalore's lakes as follows:

"Bangalore is on a course of rapid expansion, transforming itself from a metro to a Mega city. During this process, the worst hit (sector) are the lakes of the region, which are put to misuse, threatening the water security, ecology and environment of the region. The estimated population of Bangalore by the year 2020 would be around 120 lakhs (12 million) and it demands a very proactive regulation, planning and execution system in place, to face the challenges of water scarcity and to keep the City habitable."

Honest appraisal exposes precarious state of Bangalore's lakes:

In a rare departure from the past, the 137 page report accounts that the Bangalore region under intense urbanisation (BDA planning area, including BBMP and BMICAPA areas) has about 386 lakes left, and that the status of 121 lakes is unknown. The report also acknowledges that upto 100 lakes have disappeared as they have been converted to various urban uses including bus stations, roads, layouts, garbage dumps, truck stands, etc. Providing an overview of the status of the existing lakes, the report indicates the extent to which they have been encroached, polluted, and protected, and the agency which is the custodian of the lake. Such information is being made available in the public domain for the very first time. **Each of the agencies which participated in the preparation of the report has listed out its specific responsibilities in ensuring the lakes are protected as prescribed in the report.**

The report observes with concern that "were it not for tanks (lakes) providing water security in an otherwise semi-arid area, it is more than likely that the journey (of Bangalore) towards a successful metropolis would have been truncated centuries ago. The critical importance of tanks to the success of this emerging urban area has been recognised by every ruler from Kempegowda, Hyder Ali, Tipu Sultan and the British as well". It also observes that evidence of such creative crafting of landscape into a water terrain is evident in any toposheet prepared by the Survey of India, with its last most authoritative account of 1972 revealing not one valley or depression being left uncared for; instead they are

all sites to harvest rain and runoff, thus significantly enhancing water security and productivity of agriculture and horticulture.”.

Comprehensive effort to protect and rehabilitate lakes proposed:

Key recommendations include immediate action to remove encroachments from lake area and also the Raja Kaluves (canals interconnecting lakes). This is sought to be done by conducting a thorough survey of legal limits of all lake and canal areas, and thus protecting the entire watershed. The strategy proposed is “survey, removal of encroachments, fencing, watch and ward, clearing of blocked and encroached raja kaluves and drains, waste-weir repairs, and de-silting to the extent absolutely required”. The report recommends that “lake restoration is to be taken up based on lake series/sub-series and not in isolation” and that “lake preservation is not limited to lake area itself, but very much dependant on catchment area and the drains that bring rainwater into the lake”. There is significant thrust in the report to ensure that entry of raw sewage into lakes becomes a thing of the past, and to strictly penalise offenders.

One of the key action items is to select lakes that are relatively undisturbed and rehabilitate them into drinking water reservoirs by blocking off sewage entry altogether. Similarly, lakes which has very high biodiversity, especially of migratory waterfowl, will be notified for conservation under the Wetland (Conservation and Management Rules), 2010, per the Environment Protection Act.

Local community involvement promoted in protecting lakes:

Promoting the involvement of local communities in lake preservation and restoration, the report recommends constitution of lake management committees involving local residents and voluntary organisations. Further, the report highlights the need to protect the interest of traditional users of the lakes such as dhobis (washerpeople), fisherpeople, etc.

Legality of Privatisation of Lakes still open to Court review:

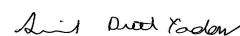
The main contention now remaining in the PIL is the validity of the lease agreements entered into by Lake Development Authority to privatise control and management of four lakes in Bangalore: Hebbal lake (Oberoi Hotel group), NAgavara (Lumbini group), Vengaiakere (Par-C group) and Agara (Biota). Reviewing this pending issue the Hon’ble Court observed that the submission of the report “satisfies all the prayers .. except one pertaining to lease holders who have made construction in the periphery of the lake or are in the process of making such constructions. The limited issue that remains in furtherance of the instant and connected writ petition pertains to rights and obligations of lease holders”. Based on this observation the Court granted two weeks time to the lease holders to peruse the report and posted the final hearing on the remaining matter to 7th April 2011.

As a consequence of this unprecedented initiative by the High Court, Karnataka is leading the exercise of conservation of lakes and wetlands in a metropolitan area with the pro-active participation of all connected agencies. This could serve as a model for the country in building water security in a climate challenged scenario, in protecting commons and conserving biodiversity.

(Key excerpts from the Report and ESG's Submissions to the committee may be accessed at www.esgindia.org)



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