

BRUHAT BANGLORE MAHANAGARA PALIKE

SUBMITTED TO THE SUB-COMMITTEE
CONSTITUTED BY

HONOURABLE HIGH COURT OF KARNATAKA
ON SUSTAINABLE DEVELOPMENT OF
BANGALORE

ON 10/12/2008

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I. Town and Country Planning Act, 1961.

In the meeting held on 24 November, the petitioners have raised that the respondents are not adhering to Karnataka Town & Country Planning Act 1961 and as such the work of widening the roads should not be taken up. In this context it is respectfully submitted as below.

The Karnataka Town & Country Planning Act 1961, Chapter - V, Para (26) is appended (Annexure-I).

It is evident that the Planning Authority is vested with Town Planning Scheme. BBMP is not the planning authority, where as BDA is the planning authority and is the authority to publish Master Plan.

II. Master Plan 2015

Another issue raised is that road widening is not included in the Master Plan. It is to submit as below.

Revised Master Plan - 2015 published by BDA includes roads to be widened. The drawings in this master plan indicate the width to which the roads are to be widened. Before this master plan was published, public hearing was conducted and more than 6,000 objections were received and disposed. Thus, an opportunity has been given to the public to express their views, on the proposal of road widening.

III. Public Interest

The Ministry of Environment and Forest, Government of India in their notification dated 14-09-2006 published in the Gazette of India Extra-ordinary Part 2 and Section 3, Sub Section III public consultation is required to be produced as below.

Expansion of Roads and Highways (item 7 (f) of the Schedule) which do not involve any further acquisition of land.

Item-7(f) Schedule is below.

Highways	i) New National Highways: and ii) Expansion of National Highways greater than 30km, involving additional right of way greater than 20m involving land acquisition and passing through more than one State.	i) New State Highways; and ii) Expansion of National/ State Highways greater than 30km, involving additional right of way greater than 20m involving land acquisition.	General Co shall apply
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It is submitted that the road widening in urban limits involving an additional right of way greater than 20mtr does not come under Environment Protection Rule 1986.

Further, urban roads individually proposed for widening is less than 30 km longer and the right of additional right of way proposed is less than 20 mtr and the taking over of the land is under TDR and there is no compulsory acquisition.

IV. Comprehensive Traffic and Transport Plan

The Comprehensive Traffic and Transport Plan for Bangalore is prepared by Rites for KUIDFC. Under Chapter 7 includes Road improvements covering 38 roads to be widened for 4 lane and 6 lane.

Reply to the Tangible Criteria for assessing projects as suggested by the Hon'ble Member Sri.G.Subbaraya Prasanna, in letter Dated:25/-07-2008.

1	The Designs Specifications of the proposed change	Soft copy/ plans given. The designs specific of change is given in the plans.
2	How it would benefit the public	Carrying capacity gets automatically increased and travel time, pollution etc. gets reduced.
3	To whom it would be a benefit and in what way	All the road users are benefited as above.
4	To whom it would be a hindrance or hurdle and in what way	As for the Sheshadri Road is concerned except a few properties (vacant land) all the properties belong to Government/ University/ Institutions and it would not affect adversely any individual.
5	What segments of the impacted of the society or community were addressed	Road widening is a part and parcel of Revised Master plan 2015 which has been published and placed before the public and also the objections received have been addressed before final publication. As such addressing the public <u>again is not considered.</u>
6	The extension of quality participation in these	It is ascertained from BDA that nearly 6,000 objections were received before finalization of master plan.
7	What modifications to the designs were made	Does not arise in view of reply to sl no. 6.
8	The no. of private enterprises (service providers, traders etc.) Who had encroached on Right of Way	There is no encroachment except for utilities (like electrical poles, transformers, OFC cable ducts, water supply and sanitary lines). The encroachments by traders etc. are repeatedly evacuated with the help of police.
9	Areas in the city where such privatization of public place has taken place within perview of the implement project (Avenue Road, Mysore Road and Kasturba Road)	Details will be obtained from the Department of Survey Settlement and Land Records.
10	The short term and long term impact of the proposed project only.	Immediate solution to congestion due to increased capacity in mid block. With an underpass at junction permanent solution can be achieved as a long term impact and this is possible for instance Sheshadri Road and Palace Road with widening of both roads at the junction.

Submission in respect of Interim Application No.1 / 2008 dated 23-7-08.

The Petitioners have submitted application to the Sub - Committee Constituted by Honorable High Court of Karnataka on Sustainable Development of Bangalore and have prayed for making an interim arrangement as regards to Tree felling & Widening of roads.

In response BBMP respectfully submits as follows :-

- a. No tree is cut without orders of the Sub - Committee. It is to submit that we have not taken up work on any of the roads for which presentation is also made viz 1. Sheshadri Road 2. Suranjan Das Road .
- b. BBMP is not felling any trees and has only taken up preliminary works of earthwork, drains, shifting of utilities etc without endangering the trees .

Submission in respect of Interim Application No.2 / 2008, dated 23-7-08.

The Petitioners have prayed for initiating appropriate action against the concerned officials for acting in violating of mandate of the Committee in patent disregard of the directions of the Hon'ble High Court of Karnataka. They have also mentioned that the tree cutting taken up by BBMP on 20th July 2008 & also about the work undertaken by BSNL who were repairing a cable. They have also mentioned about Kankapura Road (NH) where tree felling was taken up on 22-7-2008.

In response BBMP respectfully it is submits that the trees cut on dates mentioned above are in accordanance with the approval from the Tree Officer under KPT Act Section 8(5) .

Copies of permission letters are appended. Hence there is absolutely no violation of the mandate of the Committee.

Submission in respect of Interim Application No.3 / 2008 dated 23-7-08.

The petitioners have submitted an interim application IA (3) date 8th Aug 2008 to the Sub Committee . Praying for an opportunity to advance their submission to the Hon'ble Committee & have requested the Hon'ble Committee to expedite the hearing of the IA (1) , IA (2) applications .

The BBMP respectfully submits that at no time the directions of the Sub Committee are ignored & as such the contention of the petitioners about the damage caused by the respondents etc does not arise .

Copies Appended :

1. Proceedings or Orders of the Hon'ble Committee
2. Permission granted by the Tree Officer .

¹[25. Revision of the Comprehensive Development Plan.—x x x x x.]

CHAPTER V Town Planning Schemes

26. Making of town planning scheme and its contents.—(1) Subject to the provisions of this Act, a Planning Authority, for the purpose of implementing the proposals in the ²[Master Plan published under sub-section (4) of Section 13], may make one or more town planning schemes for the area within its jurisdiction or any part thereof.

(2) Such town planning scheme may make provisions for any of the following matters namely.—

- (a) the laying out or relaying out of land, either vacant or already built upon;
- (b) the filling up or reclamation of low-lying, swamp or unhealthy areas or levelling up of land;
- (c) lay-out of new streets or roads; construction, diversion, extension, alteration, improvement and stopping up of streets, roads and communications;
- (d) the construction, alteration and removal of buildings, bridges and other structures;
- (e) the allotment or reservation of land for roads, open spaces, gardens, recreation grounds, schools, markets, green belts and dairies, transport facilities and public purposes of all kinds;
- (f) drainage inclusive of sewerage, surface or sub-soil drainage and sewage disposal;
- (g) lighting;
- (h) water supply;
- (i) the preservation of objects of historical or national interest or natural beauty and of building actually used for religious purposes;
- (j) the imposition of conditions and restrictions in regard to the open space to be maintained about buildings, the percentage of building area for a plot, the number, size, height and character of buildings allowed in specified areas, the purposes to which buildings or specified areas may or may not be appropriated, the sub-division of plots, the discontinuance of objectionable users of land in any area in reasonable periods, parking space and loading and unloading space for any building and the sizes of projections and advertisement signs;
- (k) the suspension, so far as may be necessary for the proper carrying out of the scheme, of any rule, bye-law, regulation, notification or

1. Section 25 omitted by Act No. 1 of 2005, w.e.f. 14-2-2005

2. Substituted for the words, figures and brackets "Comprehensive Development Plan published under sub-section (4) of Section 22" by Act No. 1 of 2005, w.e.f. 14-2-2005

order, made or issued under any Act of the State Legislature or any of the Acts which the State Legislature is competent to amend;

- (l) such other matter not inconsistent with the objects of this Act as may be prescribed.

27. Right of entry.—For the purpose of making or execution of any town planning scheme, any person authorised by the Planning Authority or any public servant or person duly appointed or authorised under this Act, may, after giving such notice as may be prescribed to the owner, occupier or other person interested in any land, enter upon, survey and mark out such land and do all acts necessary for such purpose.

28. Land in respect of which a town planning scheme may be made.—(1) A town planning scheme may be made in accordance with the provisions of this Act in respect of any land which is.—

- (i) in course of development,
- (ii) likely to be used for building purposes, and
- (iii) already built upon.

(2) The expression "land likely to be used for building purposes" shall include any land likely to be used as, or for the purpose of providing open spaces, roads, streets, parks, pleasure or recreation grounds, parking spaces or for the purpose of executing any work upon or under the land incidental to a town planning scheme, whether in the nature of a building work or not.

29. Declaration of intention to make a scheme.—(1) A Planning Authority having jurisdiction over any such land as is referred to in Section 28 or over any such area as is referred to in Section 26, may by resolution declare its intention to make a town planning scheme in respect of the whole or any part of such land or such area.

(2) Within twenty-one days from the date of such declaration (hereinafter referred to as the declaration of intention to make a scheme), the Planning Authority shall publish it in the prescribed manner and shall dispatch a copy thereof to the State Government through the Director.

(3) The Planning Authority shall send a plan showing the area which it proposes to include in the town planning scheme to the State Government through the Director.

(4) A copy of the plan shall be open to inspection by the public at the office of the Planning Authority.

30. Making and publication of draft scheme.—(1) Within twelve months from the date of declaration of intention to make a scheme under Section 29, the Planning Authority shall make in consultation with the Director, a draft scheme for the area in respect of which the declaration has been made and publish the same in the prescribed manner:

Provided that on application by the Planning Authority in that behalf, the State Government may from time to time, by notification extend the

aforsaid period by such period as may be specified not exceeding six months.

(2) If the draft scheme is not made and published by the Planning Authority within the period specified or within the period so extended under sub-section (1), the State Government or an officer authorised by the State Government in this behalf may make and publish in the prescribed manner a draft scheme for the area in respect of which the declaration of intention to make a scheme has been made by the Planning Authority within a further period of nine months from the date of the expiry of the extended period.

(3) If such publication is not made by the State Government within the further period specified in sub-section (2), the declaration of intention to make a scheme shall lapse, and until a period of three years has elapsed from the date of such declaration, it shall not be competent to the Planning Authority to declare its intention to make any town planning scheme for the same area or for any part of it.

31. Power of State Government to require Planning Authority to make a scheme.—(1) Notwithstanding anything contained in Sections 29 and 30, the State Government may, in respect of any Planning Authority after making such inquiry as it deems necessary by notification, require the Planning Authority to make and publish in the prescribed manner and submit for its sanction through Director a draft scheme in respect of any land in regard to which a town planning scheme may be made under Section 28.

(2) For the purpose of this Act and the rules made thereunder, the requisition under sub-section (1) by the State Government shall be deemed to be the declaration of intention to make a scheme under Section 29.

32. Contents of draft scheme.—The draft scheme shall contain the following particulars, namely.—

- (a) the area, ownership and tenure of each original plot, the land allotted or reserved under clause (e) sub-section (2) of Section 26 with a general indication of the uses to which such land is to be put and the terms and conditions subject to which such land is to be put to such uses;
- (b) the extent to which it is proposed to alter the boundaries of original plots;
- (c) an estimate of the net cost of the scheme to be borne by the Planning Authority;
- (d) a full description of all the details of the scheme under such clauses of sub-section (2) of Section 26 as may be applicable;
- (e) the laying out or relaying out of land either vacant or already built upon;
- (f) the filling up or reclamation of low-lying swamp or unhealthy areas, or levelling up of land; and

- (g) any other prescribed particulars.

33. Reconstituted plot.—(1) In the draft scheme the size and shape of every reconstituted plot shall be determined, so far as may be, to render it suitable for building purposes and where the plot is already built upon, to ensure that the building as far as possible complies with the provisions of the scheme as regards open spaces.

(2) For the purpose of sub-section (1) the draft scheme may contain proposals.—

- (a) to form a reconstituted plot by the alteration of the boundaries of an original plot;
- (b) to form a reconstituted plot by the transfer, wholly or partly, of the adjoining lands;
- (c) to provide with the consent of the owners that two or more original plots each of which is held in ownership in severality or in joint ownership, shall hereafter with, or without alteration of boundaries, be held in ownership in common as reconstituted plot;
- (d) to allot a plot to any owner dispossessed of the land in furtherance of the scheme; and
- (e) to transfer the ownership of a plot from one person to another.

34. Consideration of objections and sanction of draft scheme.—(1) If, within one month from the date of publication of the draft scheme under sub-section (1) or sub-section (2) of Section 30, as the case may be, any person affected by such scheme communicates in writing to the Planning Authority any objection relating to such scheme, the Planning Authority shall consider such objection and may, at any time before submitting the draft scheme to the State Government, as hereinafter provided, modify such scheme in such manner as it thinks fit.

(2) The Planning Authority shall, within four months from the date of its publication under sub-section (1) or sub-section (2) of Section 30, submit the draft scheme with any modifications which it may have made therein together with the objections which may have been communicated to it, to the State Government through the Director and shall at the same time apply for its sanction.

(3) After receiving such application and after making such inquiry as it may think fit, the State Government, in consultation with the Director, may by notification, within six months from the date of its submission, either sanction such scheme with or without modifications and subject to such conditions as it may think fit to impose, or refuse to give sanction.

(4) If the State Government sanctions such scheme, it shall in such notification state at what place and time the draft scheme so sanctioned shall be open to the inspection of the public.

35. Restrictions after declaration to make a scheme.—(1) On or after the date on which the Planning Authority's declaration of intention to make a

Submission on the Suggestion of Sri Vijay Namapatti

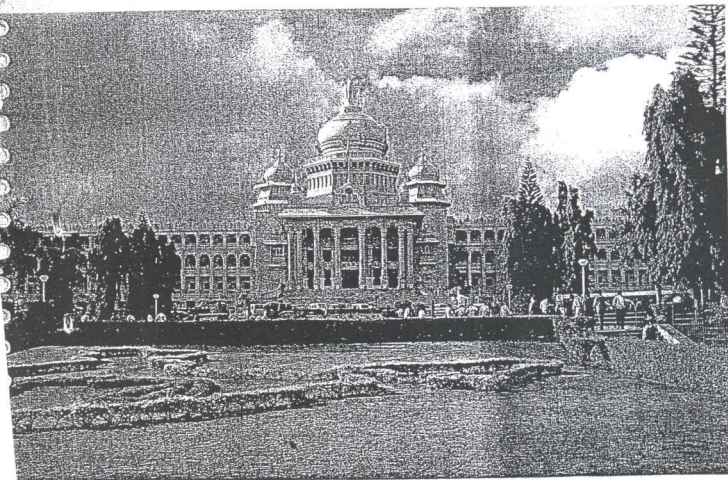
(20-11-2008)

SL No.	Suggestions	Replies
01	The network of roads formed by Sheshadri Road, Nrupatunga Road, Kempegowda Road, J.C. Road and providing them with designed, safe cycle paths, we can begin to establish an initiative to encourage bicycling in the city.	Cycle paths can be thought of by proposing dedicated lane in the widened carriage way itself. Encouraging use of cycles is beyond BBMP.
02	Widening the carriageway for automobiles is not a solution because increasing another lane will not solve the congestion problem in the long run. Instead, encouraging people to walk, bicycle and take public transportation will work better.	Widening increases capacity. Public transportation with dedicated lane needs widening as use of other vehicles cannot be totally dispensed with. In addition, treatment at junctions needs at least 30 m ROW.
03	It is important not to cut the existing avenue trees as many of them are 30-40 year of trees and provide a wonderful canopy for the vehicles and pedestrians traveling on the road below. This function of trees cannot be replaced by new saplings planted elsewhere.	It is agreed to but we have no alternative as said above.
04	Please refer to the attached drawing that provides a conceptual design and related information to incorporate bicycle path and wider pedestrian path, and the bus bay into Sheshadri Road. Better pedestrian crossings also need to be designed.	This is difficult for adoption on arterial roads. However sky walks with escalators are proposed.

KARNATAKA URBAN INFRASTRUCTURE DEVELOPMENT AND FINANCE CORPORATION

Revised

COMPREHENSIVE TRAFFIC AND TRANSPORTATION PLAN FOR BANGALORE



AUGUST 2007



RITES Ltd

(A Government of India Enterprise)

CHAPTER – 7

THE TRAFFIC AND TRANSPORTATION PLAN

7.1 COMPONENTS OF THE TRAFFIC AND TRANSPORTATION PLAN

7.1.1 The previous chapter has dealt with the future travel demand analysis on various corridors. On the basis of projected traffic, an integrated multi-modal mass transport system plan indicating different mass transport systems on various corridors has been suggested in order to cater to traffic up to the year 2025. The balance traffic should be carried by road system in order to satisfy the needs of normal bus system and other modes such as two wheelers, cars, bicycles, trucks, pedestrians etc. The proposed Traffic and Transportation plan for Bangalore contains the following types of proposals, which will cater to requirements of the projected travel demand up to the year 2025.

- Mass Transport System
 - Metro System
 - Monorail/LRT System
 - Bus Rapid Transport (BRT) System
 - Commuter Rail Services
- City Bus System
 - Augmentation of Bus Fleet
 - Grid Routes
 - Bus Terminal cum Traffic & Transit Management Centres (TTMC)
 - Volvo Depot cum Traffic & Transit centre
 - New Bus Stations/bus shelters
 - Additional Depots
 - IT Infrastructure
 - HRD Infrastructure
 - Environmental Protect Projects
- Inter-city Bus Termini
- Transport Integration
- Transport System Management Measures
- Pedestrian/NMT Facilities
 - Footpaths
 - Skywalks/Subways
 - Pedestrian zones
 - Cycle Tracks
- Road Development Plan
 - New Roads/Missing Links
 - Road Widenings
 - Grade Separators
 - Re-alignment of ORR
- Parking Facilities
- Integrated Freight Complexes

7.1.2 While framing proposals priority has been given to public transport and non-motorized transport such as pedestrian facilities. For the balance travel demand, road improvement proposals have been formulated. The details of these proposals are given in the following paragraphs.

7.2 MASS TRANSPORT SYSTEM

Public/Mass Transport System will be the backbone of the city's transport system. The basic premise of the Transport Plan in terms of the National Urban Transport Policy is to create an efficient, cost effective and extensive network of public transport which could provide comfortable, convenient and affordable means of transport to the maximum number of commuters. In this direction a number of schemes are already under implementation and quite a few on the drawing board. Infact keeping in view the observations of the scenarios in Chapter-6 there exist a large requirement for additional facilities in respect of public/mass transport system for the large area proposed to be developed in the forthcoming two decades as per the Master Plan – 2015 proposals.

7.3 THE METRO NETWORK SYSTEM

7.3.1 Metro Corridors under Implementation:

Work on implementation of 36.8 km of metro, partly underground and partly elevated, has already been initiated by Bangalore Metro Rail Corporation (BMRC) along East-West & North-South corridors crossing at Majestic. These corridors will basically cover the most congested core areas of Bangalore like Peenya, Gandhinagar, M.G. Road, Vijayanagar, Indiranagar, Majestic area, K.R. Market, Jayanagar, and Basavanagudi etc. Tables 7.1 give these Phase I Metro corridors.

Table 7.1 Phase-I Metro Corridors

S.No.	Corridor	Length km
1	Baiyyappanahalli to Mysore Road (East-West Corridor)	18.0
2	Peenya to R.V terminal (North-South Corridor)	18.8
	Total length	36.8

7.3.2 Extension of Metro Corridors:

The above corridors may be able to give relief to the immediate traffic problems within the core areas and its immediate neighborhood but by the time the Master Plan proposals get implemented and development of areas beyond the outer ring road takes place in right earnest, the above system will fall short and a more extensive system will become necessary as brought out in Chapter 6. This is especially true because the Master Plan 2015 and its detailed Zonal plans propose the development of around 814.4 Sq. Kms. of area for various urban uses. This brings very large spread of area on which various urban activities will take place. They would now be located right upto the Peripheral Ring Road in practically all

7.9.2.4 Road Improvements

The entire traffic from the BMA, the Region and even beyond converges on to the Center of Bangalore and the work areas along the radial corridors and gets dispersed through the ring roads. Most of the radials roads suffer from congestion because of their over utilization of their limited capacity. In addition the limited carriageway, the inefficiency of the junctions and their incapability to handle the volumes of traffic further reduces the capacity of the road systems. Accordingly it has found necessary that quite a few roads listed in the Table 7.10 below will require improvement through widening to at least 6-lane divided carriageway in order to cater to projected road traffic up to the year 2025. In addition at some of the critical junctions where normal signaling cannot effectively manage the traffic volumes, grade separators & flyovers will be necessary. Also at road crossings with railway lines, at some places Road Over bridges & or Road Under Bridges will be necessary. Accordingly the roads, both inside the ORR and out side the ORR have been identified and listed in Table 7.10 below. The Junctions & Road stretches requiring grade separators, ROB's and RUBs are indicated in Table 7.11 below.

Table 7.10 Road Improvements

S. No	Name of Road	From	To	Length Km	Proposed CW
Within Outer Ring Road					
1	Bellary Road	Hebbal Fly over	Minsk Square	7.60	6 lane dual
2	Hennur Road	Pottery Road	Ring Road	3.62	4 lane dual
3	Banaswadi Road & Wheelers Road (via Banaswadi)	St.John Church Road	Ring Road	6.35	4 lane dual
4	Baiyyappanahalli Main Road			2.40	4 lane dual
5	Suranjandas Road	Kuvempu Circle (Airport Road)	Old Madras Road	3.85	6 lane dual
6	Airport Road	Trinity Circle	Airport Helicopter div	5.20	6 lane dual
7	Murphy Road	Ulsoor Lake Junction	Old Madras Road	1.70	6 lane dual
8	Old Madras Road	Trinity Circle	Murphy Road Jn Via Ulsoor	1.70	4 lane dual
9	Ulsoor Road	Dickenson Road	Kensington Road	0.60	4 lane dual
10	Dickenson Road	M G Road	Ulsoor Road	0.30	6 lane dual
11	Lower Agaram Road	Hosmat Hospital	National Games, Koramangala	2.40	4 lane dual

S. No	Name of Road	From	To	Length Km	Proposed CW
12	Sarjapur Road	Kendriya Sadana Road	Agaram Road Ring Road Crossing	3.35	6 lane dual
13	Hosur Laskar Road	Yankey Factory junction	Richmond Road Sholey Circle	4.30	6 lane dual
14	Hosur Road	Central Silk Board	Yankey Factory Jn	1.60	6 lane dual
15	Hosur Road	Dairy Circle	Yankey Factory Jn (via Dairy Circle)	4.30	6 lane dual
16	K R Road	Subbaram Chetty Circle	MM Industries Behind Yedyur Tank	1.16	6 lane dual
17	Mysore Road	Sirsi Circle	Ring Road	3.90	6 lane dual
18	Magadi Road	Housing Board Colony - Govindarajnagar	RR near Beggars Cly	2.40	6 lane dual
19	Kurubarahalli Main Road in Ward 16	Shankar Mutt	Pipeline Road	1.00	4 lane dual
20	Sankey Road	Kaveri theatre Jn	Yeshwantpur Circle	3.40	6 lane dual
21	Race Course Road	Anadarao Circle	Basaveshwara Circle	1.66	6 lane dual
22	Palace Road	Mysore Bank	High ground police stn	1.75	6 lane dual
23	Sheshadri Road	Central Jail Cir.	K R Circle	0.50	6 lane dual
24	Vidhana veedi	Gopala Gowda Circle	K R Circle	0.20	6 lane dual
25	Nrupatunga Road	K R Circle	Hudson Circle	1.10	6 lane dual
26	Mission Road	N-R Road	K H Road	1.00	6 lane dual
27	Kasturba Road	Siddalingaiah Circle	Queen's Statue Circle	0.77	6 lane dual
Outside Outer Ring Road					
28	Doddaballapur Road	Yelahanka	PRR	6.0	4 lane dual
29	Devanahalli - Bellary	Devanahalli	Hebbal	20.3	Widening in

S. No	Name of Road	From	To	Length Km	Proposed CW
	Road				progress
30	Nagavara Main Road	Yelahanka	ORR	10.8	4 lane dual
31	Hennur Main Road	Outer Ring Road	Narayanpura	5.5	4 lane dual
32	Old Madras Road	KR Puram	PRR	5.25	4 lane dual
33	Hosur Road	Outer Ring Road	PRR	10.5	Elevated Road u/c
34	Bannerghatta Road	ORR	National Park	8.6	6 lane dual
35	Kanakapura Road.	ORR	Suryanarayanapura	10.4	6 lane dual
36	Tumkur Road-NH4	Yeshwantapur	PRR	8.8	6 lane dual
37	New BEL Road	IISC	ORR	3.4	4 lane dual
38	Whitefield Road	PRR near Whitefield Station	Old Madras Road near Krishna Rajapuram Station	10.24	6 lane dual
	Total			197.9	

LEGAL OPINION SOUGHT

As the matter of road widening is before the committee constituted by Hon'ble High Court does either of the parties going to Press will lead to can amount to contempt on court (subjudice).