

Karnataka High Court admits PIL against Road Widening Projects in Bangalore

Issues emergent notices to Respondents

Mr. Chief Justice Cyriac Joseph and Mr. Justice A. N. Venugopal Gowda, constituting the Division Bench of the Hon'ble High Court of Karnataka, today admitted a Public Interest Litigation (PIL) filed by Environment Support Group and others against the ongoing irrational road widening projects of the Bruhat Bangalore Mahanagara Palike (BBMP – Corporation of the City of Greater Bangalore). Appreciating the urgency for considering the need to protect avenue trees from needless felling and safeguarding various rights and privileges of pedestrians, street vendors, etc., the Hon'ble Judges issued emergent notices to the Respondents while also allowing for serving of hand summons.

The PIL challenges BBMP's ongoing project of widening 91 roads (a number likely to increase) in Bangalore, running into a length of about 400 kms. across the length and breadth of the old city areas. This mega project is predicated on the premise that it would result in improved flow of traffic and reduce congestion. However, no evidence has been presented to prove that the result of widening would actually achieve these objectives. In contrast to the approach adopted by BBMP, experience from densely populated and leading cities from across the world prove that widening of roads is not the solution for easing traffic congestion. Instead intelligent design approaches, responsive (rather than reactionary) traffic management, enhancement of public transport, improvement in pedestrian zones, protection of livelihoods of vendors, and discouraging personalised modes of transport have successfully addressed the most serious traffic congestion problems of mega cities. Such approaches have also enabled the protection of cultural heritage, public spaces and urban greenery, significantly enhancing the environmental quality of urban areas.

The PIL makes a strong case against tree felling as the first step to road widening by demonstrating that the work undertaken by BBMP in several roads has proved unsuccessful in reducing traffic congestion. The Petitioners submit that the actions of the Tree Officer in authorising the felling of hundreds of avenue trees violate various provisions of the Karnataka Preservation of Trees Act, and is admittedly an action taken under duress. In most cases where hundreds of really old avenue trees have been felled, the stated object of widening has not been achieved even after years, as various utilities have not shifted out of the proposed right of way, or such spaces have been encroached by places of worship.

The PIL relies heavily on the National Policy on Urban Street Vendors, the National Urban Transport Policy and a variety of circulars issued by the Union Urban Development Secretary that argue for a rational and intelligent approach to managing congestion in urban areas. In particular, it makes a case that the object of all travel is to ensure people move across cities in safety and comfort, thus necessitating privileges to pedestrian movement, non-motorised forms of transport and public transport. Contrarily, the BBMP's approach seems to arrogate a right for the private motor car over all other modes of travel, thereby extinguishing many fundamental rights, while also exposing the public at large to great discomfort and even harm.

The PIL presents a variety of evidence to argue that the road widening programme is illegal as it has skirted fundamental public consultation processes required per the Karnataka Town and Country Planning Act. In addition the draft Comprehensive Development Plan -2005 (CDP) of Bangalore Development Authority, defining land use of the city, did not contain any proposal for widening roads on such a grand scale. Surprisingly, the final CDP – 2007 introduced plans for most inner city roads to be widened without in any manner informing or involving the public, an action that is patently illegal.

The PIL is a result of a long and deliberate series of proactive steps taken by the Petitioners along with *Hasiru Usiru*, a network of concerned groups and individuals in Bangalore. The Petitioners draw attention to the ruling of the Hon'ble High Court of Karnataka in 2005 (WP No. 14104/2005) in which the Government was directed to involve the public in decisions relating to road widening and tree felling. It is submitted that despite exhaustive efforts on the part of the Petitioners and *Hasiru Usiru* urging the Government and its agencies to engage with the public in evolving such schemes, the current road widening project has been rushed through disregarding the directions of the Hon'ble Court. In this context, it is prayed that the Hon'ble Court be pleased to strike down the road widening proposals, and the consequent tree felling orders. In addition, it is prayed that the Government be directed to evolve rational road development proposals that met with the highest standards of law, policy and urban planning.

The petitioners Environment Support Group and CIVIC Bangalore were represented by Advocate Mr. Sunil Dutt Yadav and Mr. Leo F. Saldanha, Coordinator, Environment Support Group, appeared in person. A copy of the PIL is accessible online at: www.esgindia.org



Dr. Robert John Chandran Leo F. Saldanha Divya Ravindranath Dolly Kalita
Environment Support Group
105, East End B Main Road, Jayanagar 9th Block East, Bangalore 560069
Tel: 91-80-22441977/26531339 Fax: 91-80-26534364

Email: esgindia@gmail.com Website: www.esgindia.org