

PRESS RELEASE

16 March 2009

Karnataka High Court directs BBMP to widen roads in strict accordance with Karnataka Town and Country Planning Act

In a significant decision that will have major repercussions for democratic and planned urban infrastructure development, Chief Justice Mr. P. D. Dinakaran and Justice Mr. V. G. Sabhahit constituting the Division Bench of the Hon'ble High Court of Karnataka ruled that the Bruhat Bengaluru Mahanagara Palike (BBMP) can undertake road widening in the city only in scrupulous compliance with all the provisions of the Karnataka Town and Country Planning Act (KTCP Act) and the Karnataka Preservation of Trees Act (KPT Act).

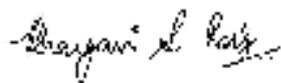
This interim direction was issued pursuant to an application made by BBMP who argued that the orders issued by the Hon'ble Karnataka Legal Services Authority consequent to a PIL filed by Environment Support Group and ors. had stopped the road widening programme. In argument the petitioners submitted that at no time have they opposed road widening so long as it met with the wider public interest and was done in strict compliance with existing laws, in particular KTCP Act and KPT Act.

The decision of the Hon'ble Court today is a significant victory to the long struggle of hundreds of affected communities across Bangalore who were living in constant fear of displacement and destruction of their homes and businesses due to the road widening programme which was being implemented in blatant violation of the procedural laws. By virtue of the present interim order duty has been cast on the officials of the BBMP to ensure that each and every road widening project that they intend to implement will strictly follow the deliberate consultative decision making processes by involving the affected communities and the wide public. In addition, the insistence on strict compliance with the KPT Act has sufficient safeguard to ensure that the Forest officials will not recklessly allow for massive tree felling in Bangalore. In fact, the Tree Officer is now bound to allow for tree felling as a consequence of road widening, only when the BBMP can legally prove its full compliance with KTCP Act.

The direction ensures that due process of law will have to be fully adhered to when implementing projects such as road widening. This decision will have a strong bearing on all such transport and urban infrastructure development projects that have thus far been implemented without complying with the provisions KTCP Act. It may be recalled that the PIL was filed to ensure that the process of urban transport infrastructure development in Bangalore, in particular road widening, would be shaped by legally mandated planning and consultative mechanisms and various policies initiated by the Centre, in particular, the National Urban Transport Policy and the National Policy on Street Vendors.

Environment Support Group and CIVIC Bangalore were represented by Mr. Sunil Dutt Yadav, Advocate, and Mr. Leo Saldanha, Coordinator of ESG appeared as party in person.

Details of the PIL are accessible at www.esgindia.org



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