

Hasiru Usiru

PRESS RELEASE : 24 April 2009 : Bangalore

STOP CONSULT REDESIGN "NIMMA METRO"

Hasiru Usiru calls for a fundamental rethink on the southern reach of Bangalore Metro to make it truly "Namma Metro"

In a Press Conference held in response to the ongoing protests against the Metro construction through Lalbagh and Lakshman Rao boulevard, the Southern reach of the "Namma Metro", Mr. Sivasailam, IAS, Managing Director of Bangalore Metro Rail Corporation Ltd. (BMRCL) has made the following broad claims:

1. That the project is being implemented in strict accordance with law.
2. That the Metro construction is sensitive to people's concerns about its impact on the environment and human settlements.
3. That the project implementation will continue regardless of the statement of Mr. R. Ashok, Karnataka Transport Minister, to the media that work would stop on the southern reach. (Mr. Ashok is quoted as having said: "I have instructed the BMRCL to stop work and not cut any trees till the Lok Sabha polls are over." Mr. Ashok had also assured that all options, including a change in alignment, will be considered before going ahead with the work adding that "We will take a relook at the Lalbagh project after the polls as we cannot take any executive decision in this regard when the election code of conduct is in force.", DNA, 22 April 2009.)
4. That Public was consulted before confirming the alignment.
5. That only a bare minimum of the trees are being felled and that felling Eucalyptus does not require prior permission of the Tree Officer.

Hasiru Usiru and its constituent groups and individuals would like to rebut these claims.

- 1) The alignment of the Metro, in particular the extension of the southern reach to Kanakapura Road, has not been done in accordance with Karnataka Town and Country Planning Act (KTCP Act), and various other applicable legislations. BMRCL is a respondent to the PIL 7107/2008 (Environment Support Group and ors. vs. State of Karnataka) before the Hon'ble High Court of Karnataka and the Court directed all agencies to "strictly follow" this Act and also the Karnataka Preservation of Trees Act. In particular, the Metro is being implemented in clear violation of Section 10, Section 14, Section 14 A and Chapter V of the KTCP Act. All urban projects have to comply with this Act, and there is no provision in law exempting Metro from the applicability of this legislation.
- 2) If the Metro authorities were indeed sensitive to people's concerns, the least they could have done is to comprehensively and strictly follow the provisions of the KTCP Act, in the very least. This Act requires public consultation by a statutory process. Not once have the Metro authorities complied with such statutory public consultation processes as defined in the Act. Merely because some Metro officials went and met some people in some clubs, residents associations, etc., as they have been claiming, such meetings do not constitute a Statutory Public Consultation process as defined in law. Further, this does not constitute conformance with the Principle of Prior and Informed Consent as embodied under the KTCP Act.
- 3) The fact that Metro officials have threatened to arrest anyone who protests against their ongoing construction inside Lalbagh and Lakshman Rao boulevard, demonstrates their clear contempt for the authority of Mr. R. Ashok, Karnataka Transport Minister whose assurances are detailed above. It also exposes the weak control Mr. Ashok has over agencies under his command. Considering that all candidates to the Lok Sabha from Bangalore South have endorsed the position of *Hasiru Usiru* that the Metro alignment in the southern reach must be reviewed in deference to public opinion, it is an insult to our democratic traditions that a bureaucratic parastatal agency like BMRCL has decided to go ahead with the project in such manner. After all BMRCL has conceded that it is only an implementing agency, and when there is so much work still left to be done on the East West reach, the determined push to destroy Lalbagh and Lakshman Rao parks demonstrates administrative insensitivity and mindless trampling of the emotions of the public at large.
- 4) An Eucalyptus tree inside Lalbagh is not that same as one outside on the street. This is

because Lalbagh is a botanical garden, and contains a collection of variety of species, and sub-species of various trees including Eucalyptus. It is true that Eucalyptus may be allowed for felling without seeking permission of the Tree Officer under the Karnataka Preservation of Trees Act, but this exemption cannot be applied inside a declared botanical garden, protected by a special Act that achieves the sanctity of a National Park. We strongly condemn such a defence of destruction of unique varieties of Eucalyptus trees inside Lalbagh and demand that the Tree Officer and Horticulture Department must initiate appropriate action against BRMCL officials for their wanton actions. Further, we demand that the Tree Officer must not grant permission to the felling of trees on Lakshman Rao boulevard in light of the illegal felling of trees in Lalbagh and the lack of compliance with KTCP Act for the southern reach of the Metro alignment.

- 5) BMRCL has defined alignment on the southern reach out of sheer administrative and political considerations. The alignment currently chosen and the location of stations is largely through parks such as Lalbagh, Lakshman Rao Park and K. R. Road park. The administrative convenience claimed is that there is no need to acquire private properties, generally considered as a nuisance for public authorities. Such an attitude has resulted in Bangalore losing some of its best parks, open spaces and public commons. It is clearly a misguided policy of the Government and its agencies to assume that parks and open spaces are a property of the Government that can be bartered away in the name of any development. As a result the Government is illegally abandoning its role as a custodian of such heritage parks, boulevards and open spaces. Not only is this an insult to Hyder Ali and Tipu Sultan, visionary architects of Lalbagh, but to every gardener and administrator who has built the park to its present world renowned status. Similarly, the planned destruction of Lakshman Rao boulevard is the worst insult one could have heaped on the legacy of Bangalore's best Administrator in the post-independence period. Most importantly, these are public spaces and public commons, and it is shocking that this Government has chosen to acquire Lalbagh through an Ordinance, deviously sidestepping debate in public and the Legislature.
- 6) Dr. Ramachandran, Chairman of BMRCL and Secretary, Union Ministry of Urban Development has confirmed that a zig-zag alignment of the Metro is not feasible. The southern reach of the Metro is nothing but a zig zag alignment with four 90° turns in about 4 kms. This will substantially slow down the system and also increase its wear and tear, besides making it capital intensive and a drain on the revenue. It is surprising that in spite of such a clear admission by the Metro Chairman, this alignment is adamantly being defended by BMRCL.

In light of the above, *Hasiru Usiru* demands that Mr. Ashok live up to the commitments he has made to the wide public and stop work on the southern reach with immediate effect. We also demand that the Ordinance issued on 22 November 2009 to acquire Lalbagh should be allowed to lapse. We further demand that the Government must keep its commitments to publicly redesign the southern reach of the Metro in such a manner that it does not destroy the timeless heritage of Bangalore: Lalbagh and Lakshman Rao boulevard.

To press these demands, *Hasiru Usiru* has initiated an online petition to the Chief Minister. In less than a day, the petition has been endorsed by over 1500 people, clearly demonstrating the popularity of this movement.

Regardless of the threats of arrests issued by the Metro authorities, *Hasiru Usiru* will continue protests against the southern reach of the project. The next protest planned is on Sunday, 26 April 2009, at 10.30 am at Lalbagh West Gate. Women of J. P. Nagar, Jayanagar and other neighbourhoods have also decided to come out in protest against this destructive alignment of the southern reach of the Metro.

Leo F. Saldanha
Coordinator, Hasiru Usiru

Vinay Sreenivasa
Volunteer, Hasiru Usiru

Vijay Narnapatti
Architect and Volunteer, Hasiru
Usiru

More details at www.hasiruousiru.org Cell: 9880595032 (Vinay)

Address for contact:

Environment Support Group ®
105, East End B Main Road, Jayanagar 9th Block East, Bangalore 560069. INDIA
Tel: 91-80-26531339/22441977 Voice/Fax: 91-80-26534364

Email: esg@esgindia.org or esgindia@gmail.com Web: www.esgindia.org