

Environment Support Group ®

105, East End B Main Road, Jayanagar 9th Block East, Bangalore 560069.INDIA

Tel: 91-80-22441977/26531339 Voice/Fax: 91-80-26534364

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

PRESS RELEASE: Bangalore: 21 November 2008

Lok Adalat asks Empowered Committee to open its doors to All

On 28th June 2008 Justice Gopal Gowda and Justice Ravi Malimath of the High Court of Karnataka had ruled in a Public Interest Litigation (WP 7107/2008) filed by Environment Support Group and Ors, that an Empowered Committee involving experts proposed by the Petitioners and Respondents under the Chairmanship of Shri. Yellappa Reddy would to review road widening and related transport projects of Bangalore. The Committee was directed to consult the public before allowing projects to be implemented in conformance with law and ensuring they were sustainable. A copy of this direction is online at www.esgindia.org.

Since the constitution of the Committee, Environment Support Group, affected communities and members from the general public have been making representations for due consideration and decisions. Apart from proposing various credible alternatives to road widening, for instance, these representations have also pointed out that road widening as presently undertaken would result in displacement and loss of livelihoods of thousands, destroy hundreds of homes and businesses, eat into parks and public spaces, compromise on the safety of pedestrians, cyclists, senior citizens, differently abled, hawkers and so on. Those being affected by the Bangalore Metro being built on elevated ramps through prime roads, have also appealed to the Committee that credible alternatives of taking taking the Metro underground have not been explored.

Despite proactive efforts by various groups and affected communities, the Empowered Committee has not deliberated on any of the applications made either by the Petitioners or the general public. The Committee has also denied the Petitioners, or wide public, the right to participate and observe the proceedings of Committee. In the meantime, road-widening and Metro works with consequent felling of hundreds of old and charming trees is being undertaken without conformity with the Hon'ble High Court's directives.

Constrained by this lack of response from the Committee to the Petitioners' and affected communities submissions, the Lok Adalat was approached for resolving the dispute as provided for in the order of the High Court.

On 19th November 2008, Justice KL Manjunath, Chairman of the Karnataka Legal Aid Services Authority and Dr. H. C. Sharatchandra, Member and Chairman of the Karnataka State Pollution Control Board, constituting the Hon'ble Lok Adalat, heard these appeals of the Petitioners and passed an order.

The Hon'ble Adalat made several oral observations including that a *quasi judicial* authority should be open, publicly accountable and transparent. The Petitioners right to observe the proceedings should be upheld in conformance with the norms and procedures of an open court. It was also observed that all works being carried out should have the prior sanction of the aforementioned Committee as required per the Hon'ble Court's order.

In its written order, the Hon'ble Lok Adalat has directed the Committee to hear all pending applications of the Petitioners observing that "(s)ince both the parties are willing to appear before the Committee and the Committee is also willing to take up the cause of the Petitioners and the Committee is willing to hear both the parties in the **presence of all,**" (emphasis added).

In conformance with the direction of the Hon'ble Lok Adalat, the Empowered Committee has issued a notice of Hearing on 24th November 2008 at 10.30 am at the office of the Bruhat Bengaluru Mahanagara Palike.



Divya Ravindranath
For Environment Support Group and Hasiru Usiru

Encl.: Copy of the Order of the Hon'ble Lok Adalat