

No tree felling in Lalbagh till Bangalore Metro proves its activities are legal

Following up on the police complaint lodged with Siddapura Police Station last night against the illegal demolition of the western portion of the Lalbagh and the illegal felling of trees by Bangalore Metro authorities, *Hasiru Usiru* made a strong representation to Mr. Krishna Bhat, Deputy Commissioner of Police, Bangalore South and Mr. Ramesh Chandra, Asst. Commissioner of Police, Jayanagar, to protect public property and trees from such illegal activities. This submission was made in a meeting that the police held with representatives of *Hasiru Usiru* and Bangalore Metro Rail Corporation Ltd. this evening.

In an effort to ensure law and order is maintained, especially given the contentious nature of the issue, and public commons and property is protected, police have assured that the Metro authorities will not implement any part of the Southern reach of the project that involves destruction of Lalbagh and Lakshman Rao parks till such time the Metro authorities provide documents to demonstrate the legality of their activities.


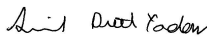
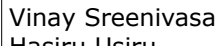
Hasiru Usiru has made the following case in support of its contentions:

- 1) That the order of the Government of Karnataka dated 25 February 2009 has 8 conditions. One of the conditions clearly states that 1135.18 sq. metres of Lalbagh may be sold by the Horticulture Department to the Metro based on a valuation that is arrived at by the Deputy Commissioner of Bangalore Urban. Such an order is yet to be passed by the DC and thus the portion of Lalbagh where trees have been felled and work has started is not yet in possession of Bangalore Metro.
- 2) Since soon after this order was passed, the Election Code has come into force, it is not possible for the Deputy Commissioner to engage in any such transaction till 16 May 2009, after which Election Code will not apply.
- 3) Metro broke the wall of Lalbagh on 13/14 April 2009, clearly in violation of the Election Code, and without in any manner securing the rightful permissions required per the above mentioned order.
- 4) In addition Metro authorities have violated a host of judgements and directions of the Hon'ble High Court of Karnataka, which clearly mandate strict compliance with provisions of the Karnataka Town and Country Planning Act and Karnataka Preservation of Trees Act, which the Metro authorities have clearly violated in the present case.
- 5) The claim made that the trees felled were merely Eucalyptus and not covered under the Tree Act is a vain one, as Lalbagh is a Botanical Garden and a repository of valuable germplasm and varieties of trees. Even though felling Eucalyptus does not require the prior permission of the Tree Officer in general, an Eucalyptus inside Lalbagh is a special specimen as it is part of a botanical collection.

The Metro authorities were unable to provide any documentation to support their contentions that their actions were legal.

A shocking aspect of the above order of 25 February 2009 is that the Government actually has allowed for the sale of a portion of Lalbagh! This is in blatant violation of the Karnataka Parks Act, 1975 and Karnataka Parks, Open Spaces and Playfields Protection Act, 1985 and various judgments of the High Court and Supreme Court. The unthinkable act of selling Lalbagh has been achieved by relying on an highly questionable Ordinance issued by the Government of Karnataka on 22 November 2008, thus subverting the due right of the Legislature to debate this issue. As a result, the public has also been denied their rightful opportunity to consider the implications of this clearly illegal and disastrous step to start selling Lalbagh. It is important now to enquire if Lakshman Rao Park is also similarly sold to set up Malls!

In light of these issues, we are surprised that the Chief Minister of Karnataka is intent on pushing ahead with the southern reach of the Metro despite such major illegalities. We believe Mr. Yeddyurappa has been wrongly advised on this issue and has thus taken this stand. Considering the protests that are gaining strength and the fact that over 3,000 people have signed the online petition to the Chief Minister to protect Lalbagh and Lakshman Rao boulevard, we hope he will take a legal step forward that is also popular.

 Leo F. Saldanha Coordinator Environment Support Group 9448377403 leo@esgindia.org	 Sunil Dutt Yadav Advocate 9845557591 sunil_dy@yahoo.com	 Vinay Sreenivasa Hasiru Usiru vinay.sreenivasa@yahoo.com 9880595032
--	---	---