

# Environment Support Group ®

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## **Karnataka High Court admits PIL against Privatisation of Lakes Issues Emergent Notice to Respondents**

Hon'ble Mr. Chief Justice Cyriac Joseph and Hon'ble Justice Mr. Ravi Malimath constituting the Division Bench of the Hon'ble High Court of Karnataka admitted a Public Interest Litigation (PIL, 817/2008) filed by Environment Support Group (ESG) against the ongoing privatization of lakes in Bangalore by the Lake Development Authority. Accepting the petitioners' appeal for urgency in dealing with the matter, the Hon'ble Court issued emergent notices to all respondents, and also gave liberty to the Petitioners to take out notice by way of hand summons. The case has been posted for hearing next on 27 May 2008. The following contentions have been raised in the PIL.

ESG submitted before the Hon'ble Court that the PIL arrays a range of legal concerns relating to the ongoing privatisation of lakes/tanks in Bangalore and fundamentally exposes such actions to be opposed to settled legal norms relating to management and conservation of such ecologically sensitive water bodies which are also wildlife habitats. In addition the petition submits that the ongoing privatisation fundamentally attacks a wide range of customary and traditional rights, especially of fishing communities, and thus is also a question of compromising livelihoods.

The Petitioners submitted that the beneficiaries of such privatisation of water bodies which are located in prime areas of Bangalore are largely hoteliers and builders. These businesses have promoted themselves as being environmentally progressive but are instead taking undue advantage of this legally flawed and highly questionable policy for their own pecuniary and profit making gains.

Such an approach is directly opposed to the very purpose of the constitution of the Lake Development Authority by the Karnataka Government (LDA), a key respondent to the petition. The petition argues that LDA is expressly prohibited from so privatising these public water bodies and that such an act is patently opposed to law and against the wider public interest.

The Petitioners sought the Hon'ble Court's indulgence in quashing the Lease Deeds executed by the Lake Development Authority in favour of Respondents M/s Biota Natural Systems (I) Pvt. Ltd., M/s Lumbini Gardens Ltd. and M/s East India Hotels Limited, all profit making entities which have independently acquired lease rights over the Agara, Nagawara and Hebbal tanks/lakes respectively.

The petition also highlights that Hebbal tank/lake was only recently rejuvenated by the Indo-Norwegian Environment Programme and the Karnataka Forest Department in 2002. Such was the success of this project that the Karnataka Government thought it fit to invite Mr. Jen Stoltenberg, His Excellency the Prime Minister of Norway to inspect the restoration achieved. Similarly Nagawara tank/lake was rehabilitated under the National Lake Conservation Programme funded by the Ministry of Environment and Forests. The petition argues that the very same lakes that have been rehabilitated are once more being handed out to private profit making entities under the guise of rehabilitation, restoration and maintenance, and is a highly questionable exercise of authority. Further, such action is inconsistent and opposed to the principles embodied in "Conservation of Wetlands in India: A Profile (Approach and Guidelines)" issued by the Union Ministry of Environment and Forests.

The submissions were made by Mr. Sunil Dutt Yadav, Advocate, on behalf of Environment Support Group and Mr. Leo Saldanha appeared as party in person in support of the petition.

A copy of this PIL can be downloaded from [www.esgindia.org](http://www.esgindia.org).

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