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To,

14 August 2019

Shri B. S. Yediyurappa

Hon'ble Chief Minister of Karnataka
Vidhana Soudha, Bengaluru.

Subject: Citizens' Appeal for Better Bengaluru

Dear Sir,

We at United Bengaluru - a coalition of several citizen groups working for the betterment of Bengaluru, would like to congratulate you on becoming the Hon'ble Chief Minister of Karnataka for the fourth time. We hope under your able leadership the state as well as Namma City – Bengaluru – becomes a shining example of good governance.

As you are aware, Bengaluru has in the last several years witnessed a massive deterioration. Haphazard growth, unplanned development and absence of citizens' voice in decision making has hurt our city. Moreover, dying lakes, unabated encroachment by vested interests, piling garbage, depleting green cover, unsafe neighbourhoods etc. continue to plague our city. This has unfortunately set the ball rolling for Bengaluru to become unlivable. We strongly believe both the government and citizens must work together to reclaim our city and therefore, United Bengaluru earnestly requests you to act upon the following plea from citizens of Bengaluru.

We hope that you consider this as an appeal to release our city from the clutches of death and work along with the citizens to restore Bengaluru's lost glory.

1. Commercialization of Residential Areas

Bengaluru's citizens have been constantly fighting against rampant commercialization of residential areas. However, citizens' demand for peaceful neighbourhoods and their repeated requests to close these illegal commercial establishments are being ignored by BBMP officials. This kind of apathy has allowed illegal commercial establishments to flourish in violation of zoning regulations and Town Planning norms.

The fallout of this irresponsible growth is witnessed in the form of excessive traffic, noise pollution, increase in crime rate and an overall reduction in the





quality of life of citizens. Pleas and petitions on crumbling civic infrastructure, failing law and order and gross mal-administration have fallen on deaf ears. Further, large scale illegal commercialization of residential areas in violation of Zoning Regulations violate the Right to Life enshrined in Article 21 of the Constitution of India, inter alia, by causing pollution, threat to ecology and environment, stress and public inconvenience and lack of peace and comfort. Also, the Pubs and Bars operating in and around predominantly residential areas beyond the restricted time has raised concerns for safety of women and children.

We urge you to ensure that BBMP acts in a prompt and fair manner to ensure that respect for the rule of law prevails and enforce laws that prohibit commercialization of residential areas. We hope that BBMP will not force us down the road of approaching the courts of law again to provide the necessary succour to those suffering from the impact of commercial establishments in residential areas.

2. Infrastructure

Bengaluru today produces goods and provides services that are comparable to the best in the world. However, working in an environment where the basic infrastructure services - power, water, public transport - are so poor, is making them increasingly less competitive, making the city's sustenance itself a question mark.

The contrast is stark - the world-class products and services are produced/provisioned by the private sector; the infrastructure services are all in the hands of government agencies (public sector). We hope you will take necessary steps to stop the deterioration of delivery of public services by ensuring citizen participation in planning and decision-making processes of these public institutions.

We urge you to ensure all authorities responsible for the development of Bengaluru develop a time bound action plan with measurable quality of life parameters or else, we will all have to be evacuated from Bengaluru in a few years.



3. Ward Committees and Citizen Participation in Urban Governance

All ward plans and budgets and Master Plan inputs should be drawn through a bottom-up process of planning through the ward committees consolidated at the zonal and city level. Ward Committees should be empowered to monitor works and conduct social audits.

We urge you to ensure fair representation to all areas of a ward and also all stakeholders in the ward on ward committees, especially for the associations of the urban poor, unorganized workers, small traders and vendors in the area".

We request you to set up Integrated Water Management Authority to deal with water supply and sewerage, rain-water, storm-water drains, lakes and ground water in an integrated way. We urge you to ensure that there is 24-hour water supply to all wards in Bengaluru.

4. Metropolitan Planning Committee and Revised Master Plan 2031

The Revised Master Plan-2031 (RMP-2031) designed by the BDA is just a land use plan to help the corrupt builders' profit from the change in land use pattern. Similarly, as per the 74th Amendment of the Indian Constitution it is the Metropolitan Planning Committee (MPC) and not the BDA that must draft the RMP-2031. BDA may only provide technical support for actualizing the Master Plan envisioned by the MPC. Also, constituting any advisory group by passing the MPC will be a violation of Constitution provisions as has been observed by the High Court resulting in the withdrawal of the '**Bangalore Vision Group**', which was formed by the previous Government to bypass the MPC which is constitutionally mandated for city planning.

In your election manifesto, you had promised that you would abolish the Urban Development Bodies and transfer their functions to the MPC as per 74th Constitutional Amendment. We would request you to kindly take this in priority and re-constitute the MPC at once and ensure public consultation in any development projects proposed by the Government.

We are committed in its fight to strengthen the MPC and have filed Public Interest Litigation in the Karnataka High Court, wherein the cases are currently being heard.



5. Solid Waste Management (Garbage)

Bengaluru's garbage crisis persists despite the previous Government allocating Rs. 3000 crores on Solid Waste Management. Improper disposal of waste is leading to fatal diseases especially among the poor and vulnerable, taking away the "right to life" guaranteed under Article 21 of constitution. The BBMP has in the past misused funds for SWM, by paying an excess of Rs 400 crores to garbage contractors. We urge you to investigate this matter and bring corrupt officials to justice.

In your election manifesto, you had promised that solid waste management will be given highest priority and it will be done through legislative, technical and operational measures. We urge you to create a time frame and ensure a detailed policy and framework will be laid out and implemented in a time-bound manner.

6. Functioning of the Karnataka Compost Development Corporation (KCDC) Plants across Bengaluru.

The KCDC plants across Bengaluru have become a mess due to inefficient processing and dumping of Refuse Derived Fuel (RDF), which is a fire hazard in the area. Additionally, the KCDC Plant in HSR Layout has been constructed by encroaching SS Palya Lake.

Improper processing of waste and pollution of the adjoining SS Palya lake and Sompura Lake by KCDC plants has made life unbearable for people residing in the adjoining areas. The stench and pollution is a public health hazard and violates citizens' 'Right to Life' guaranteed in Article 21 of the Constitution. KCDC should be made to adhere to all laws pertaining to SWM processing in a non-polluting way and not endanger the health of those living around it in any way.

7. Integrated management of water system and Revival of Lakes in Bengaluru

Bengaluru's lakes have protected and sustained life for centuries. But in the last few decades we have witnessed killing and encroachment of our lakes. As per the Legislative House Committee Report, up to 10,473 acres of lake land has been encroached in Bengaluru. Pollution is leading to contamination of ground water and thereby creating a public health crisis. The water-tanker mafia is selling contaminated water and putting lives of citizens at risk.



The recent amendment to the Karnataka Tank Conservation and Development Authority (KTDCA) Act is a disaster to lakes as it allows construction of roads and bridges on the lake bed if the water carrying capacity is not reduced. This amendment violates the May 04, 2016 National Green Tribunal (NGT) order on the buffer zone. Hence, we request you to reconsider implementation of this amendment and implement the NGT's ruling on buffer zones for lakes and storm water drains so that there is no harm to our lakes.

The previous government repealed Karnataka Lake Conservation and Development Authority (KLCDA) Act and merged its functions with the Karnataka Tank Conservation and Development Authority (KTCDA), which is controlled by the Minor Irrigation Department. This was a highly retrograde move. The Minor Irrigation Department has neither the expertise nor the motivation to manage or regulate urban lakes. Moreover, urban lake management must remain in the custody of urban local bodies, in line with the 74th Amendment. We opposed this move and now urge you to either reconstitute the KLCDA or reform the KTCDA to make it an independent but purely regulatory authority with separate wings for urban and rural lakes, and hand over all urban lakes to respective urban local bodies for management (not BDA and such agencies), and provide the ULBs with special support for lake management.

In addition to the above, proper function and maintenance of Sewage Treatment Plants should be ensured by the Government to stop flow of sewage into the lakes. Again, this will only happen if the urban water supply and sewerage agencies including BWSSB and KUWSDB are restructured to make them accountable to ULBs that manage the urban lakes.

We also request you to set up an Integrated Water Management Authority to deal with water supply and sewerage, rain-water, storm-water drains, lakes and ground water in an integrated way.

8. Save Bannerghatta – Protection of Bannerghatta National Park (BNP) and its Eco-Sensitive Zone (ESZ)

The Hon'ble Supreme Court on December 12, 2006 directed the Ministry of Environment, Forest and Climate Change to notify Eco-Sensitive Zones (ESZ) around all National Parks and Sanctuaries. The order clearly states that the



areas within 10km of the boundaries of the national parks and sanctuaries should be notified as Eco Sensitive Zone.

The State Government, by allowing stone quarrying activities in the deemed ESZ and elephant habitat / corridor has failed to implement the order.

Unfortunately, a new development is an attempt to reduce the size of the ESZ by 100 sq km. As per the original draft notification of 15th June 2016, 61 villages were to come directly under the ESZ, and a large enough cushion was provided by the team which drafted it and the ESZ measured 268.96 sq km. This was decided based on studies by reputed scientific organizations and fully accepted by the government since its own departments had been involved in the studies. On 05 November 2018 nearly 2.5 years after the first draft notification, the Ministry of Environment and Forests (MOEF) issued a new draft notification for BNP trimming the ESZ to 168.84 km, thus opening more green areas for mining and commercial development. Where the original draft notification had planned an ESZ of between 100 m and 4.5 km from the forest boundary, the new one restricts it to between 100m and 1 km around BNP. This again was apparently done on the initiative of the state government and its departments, but the rationale here has not been made known; what were the reasons for the reduction since it is patently detrimental to BNP and its ESZ and hence to Bengaluru as well?

In the recent past it has been difficult to get even a hearing with the administration since political uncertainties were always named as hindrances. But now that a new government with the much-needed energy is in place, we believe that BNP and its ESZ should be given priority treatment to prevent its further plunder by vested interests with official connivance.

As a first step the various departments should be immediately instructed that BNP is a priority issue and the local administration should also make a ground-level survey and take immediate steps to protect BNP and its ESZ to prevent its further desecration. The reasons recommending the reduction of the size of the ESZ to the MOEF should also be made known to the public since it is a decision with far reaching detrimental effects.



9. Real Estate Regulatory Authority (RERA)

The real estate sector has grown in recent years and it is at its peak. But the sector has largely been unregulated from the perspective of consumer protection. Though consumer protection laws are available, the recourse available therein is only curative, but not preventive. Central Government has enacted the Real Estate (Regulation and Development) Act 2016 and all the sections of the Act have come into force with effect from May 1, 2017.

Karnataka cleared the RERA in July 2017 and has excluded projects that are completed 60% sale deed and more. However, the Central Government RERA Rules include all the projects that have not been received OC/CC as on 1st May 2017.

In the view to protect the prospective home buyers, we request you to consider the following demands for RERA:

- Constitute a conciliation committee on the lines of the committee in Maharashtra, comprising equal representation of the stakeholders of the Real Estate Industry, RWAs, Activists, Builders, Agents, Legal experts, NGOs, Media, etc.
- As per one of the recent, RERA – Karnataka judgements, it has been observed that Occupancy Certificate by BDA has been fraudulently obtained / issued, though the project's development work is not complete as per the terms of RERA definition. Hence, it is requested to amend suitably the process for issue of Occupancy Certificates by Plan sanctioning authorities like BDA, BBMP, etc.,
- There is considerable delay in payment of delay compensation and interest by Builders inspite of RERA judgements. The RERA Act mandates, payment of such compensation and interest within 60 days of the order. The process of recovery needs to be strengthened and exclusive Recovery wing and Task force should be appointed to work in sync with RERA authorities for recovery of RERA related orders.
- Repeal the diluted RERA Rules and amend to be in line with that of Central Govt. draft RERA rules.



- Amend the Karnataka Apartment Ownership Act 1972 to sync with RERA and deferring from allowing registration of Apartment Owners Associations to register their associations under The Karnataka Societies Registration Act, 1960.
- To prevent registration of properties which are not complying with the RERA rules, we would suggest mandatory mentioning of RERA registration number on the sale deed.

10. Women and Children's Safety

From 2013 to 2016, Bengaluru saw a 25% rise in crimes against women. What is worse, in 2016, 57 incidents of dowry deaths and 674 incidents of kidnapping and abduction made Bengaluru the 3rd-most dangerous metro for women.

Incidents of chain snatching have gradually grown over the last few years. The city reported close to 400 cases of chain snatching in 2017 as against 255 in 2016.

Children are our gifts but today they are unsafe everywhere. In about 85% of cases of child sexual harassment, the accused is a family member or a relative of the child. There are many laws in our country to protect our children, but they are being rendered useless as conviction rates are very low. We need enforcement of our laws and legal procedures to be more stringent. The government must immediately prioritise safety measures for women and children.

11. Mobility

Bengaluru's increasing population and lack of a proper integrated multi-modal transport has resulted in an increase in the number of private vehicles on city roads. Added traffic and vehicles have dropped travel speed to below 15 kmph during the peak hours.

Proper planning to integrate the various modes of transport will reduce traffic congestion to a considerable extent and this can only be achieved by taking the following measures: -




- Greater collaboration between the State and Central Governments for the implementation of suburban railways. Bengaluru should emulate Mumbai's suburban rail network and integrate the rail system into the city's commuter system;
- Government should strengthen BMTC services by rationalizing routes and making the service frequent and reliable;
- Government should encourage more and more private players who can provide effective feeder services to BMTC and BMRCL straightaway, and eventually to others too, under the overall oversight of a properly constituted Unified Metropolitan Transportation Authority (UMTA);
- Speed up Metro construction and add more coaches to existing metro lines. Additionally, there should be seamless integration of different modes of transportation.

We would request you to give us an appointment to meet with you to discuss the above-mentioned pressing issues in detail and ensure overall development of Namma Great City Bengaluru.

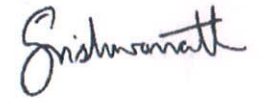
Looking forward for your favorable response.

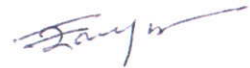
Yours Sincerely,


H S Doreswamy
Sr Freedom Fighter


Suresh NR
CEO, NBF


NS Mukunda
Citizens' Action Forum


S Vishwanath
Rainwater Club


Ram Prasad
Friends of Lakes


Kathyayini Chamaraj
CIVIC - Bengaluru


Nifin Seshadri
Koramangala 3rd Block RWA



DS Rajshekar
Citizens' Action Forum

CN Kumar
Civic Activist

Vijayan Menon
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Ravindranath Guru
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Sanjeev Dyamannavar
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The Forward Foundation

Vijay Nishant
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