

To

Chairman: Sri. T M Vijay Bhaskar, IAS
Bangalore Water Supply and Sewerage Board
Cauvery Bhavan,
Bangalore – 560009

Dear Sir,

Subject: Save Bellandur Lake for our future generations

The largest fresh water lake in Bengaluru is increasingly at a threat of being lost forever. The mountain of foam and the disastrous fire that broke out on the lake, not only highlighted the gravity of the problem, but also is a reminder that Bengaluru is on the verge of losing one of its most valuable commons that has supported generations of Bengalureans. Such an ecological disaster will have ramifications for our future generation.

Despite the grim situation, it is heartening to see that thousands of Bengalureans have come forward to do their part in reviving the lake. Over 150 people from Resident Welfare Associations, Lake Groups and other organizations gathered at Bellandur Lake on October 11, 2015 to discuss how the lake could be saved. The group has collectively decided to breach Bellandur and Varthur Lake to drain out the polluted water. This drastic step is an indication of the desperation and helplessness of residents around the lake. Numerous groups like Mahadevapura Parisara Samrakshane Mattu Abhivrudhi Samiti (MAPSAS) and Whitefield rising are rallying support from various quarters and advocating for a stronger inter-agency cooperation to save the lakes. Despite all these efforts, one cannot ignore the institutional failure that has caused this disaster.

In *Subhashini K Reddy vs. Chairman, BWSSB*ⁱ, the Karnataka High Court issued detailed directions to BWSSB, Municipal Corporation, Pollution Control Board and slum clearance Board regarding the urgent measures to be taken to stop the flow of sewage into tanks in and around Bengaluru. Appended as **Annexure 1**. Some of the key directions include-

- i. Take steps to stop polluted water or Underground drainage water to flow into the tanks.
- ii. Direct the Corporation, Sewerage Board and Slum clearance Board and other respondents who are connected with the management of this, to provide plan, allotting funds to cooperation and coordinate in solving the problems created by pollution of water and air in the city of Bangalore.

16 years after this landmark order, our lakes continue to be plagued by the same problems. The flow of untreated sewage continues unabated, and so does the woeful lack of inter-agency coordination. The BWSSB Act, 1964 (The Act) confers powers and imposes certain duties on the Board, to Act against polluters and take measures for the effective disposal of sewage.

Some of the key powers conferred on the Board and the duties imposed by the Act are as follows-

- i. BWSSB imposes a duty on the Board to maintain and repair all Board sewers and construct new drains for effective disposal of sewage in the Bangalore Metropolitan Area.ⁱⁱ
- ii. The Act also prohibits the disposal of chemical, refuse etc. into the Board sewers which is dangerous, or the cause of a nuisance, or prejudicial to healthⁱⁱⁱ.
- iii. Sewage and rain water drains are to be distinct^{iv}.
- iv. Buildings and private streets not to be erected or constructed over sewers without permissions from the Board^v. The Board has the power to remove such structures and the expense incurred by the Board shall be recovered from the owner of the street or building.
- v. Section 85 provides for the monetary fine to be imposed for the violation of various provisions of the Act.
- vi. Where offences are committed by any Company, the person incharge for the conduct of the business will be held liable. Where it is proved that the offence was committed with the consent or connivance or neglect of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall be held liable for the offence^{vi}.

The Karnataka State Pollution Control Board (KSPCB) wields immense power to take steps to prevent and mitigate the damage caused to the lakes. The KSPCB has been given wide powers under the Water (Prevention and Control) of Pollution Act, 1974 (hereinafter referred to as 'Water Act'). Appended as

Annexure 2. Some of the key powers of the Board are as follows-

- i. Consent of the Board required for setting up industry or any treatment or disposal system which is likely to discharge sewage or trade effluent into a stream or well or sewer or land^{vii}
- ii. Power to refuse or withdraw consent given by the State Board^{viii}
- iii. Emergency power to carry out operations remedying and mitigating any pollution caused by its presence in the stream or well; and issuing orders prohibiting the person concerned from discharging any poisonous, noxious or polluting matter in into the stream, well or land^{ix}
- iv. The Board has power to make an application before the court to restrain apprehended pollution of water in streams or well.^x

Section 24 of the Water Act prohibits the use of a stream or well for disposal of polluting matter. Section 43 provides that whoever contravenes provisions of section 24 shall be punishable with imprisonment for a term which shall not be less than 1 (one year and six months) but which may extend to six years with fine. Thus the Act has been sufficiently empowered the KSPCB to act against polluters.

A recent news report states that the KSPCB is inspecting Sewage Treatment Plants in apartments in the vicinity of the Bellandur Lake. The report also states that the KSPCB will file criminal cases against the errant apartments. There is reluctance on the part of many apartments to maintain and operate STPs to their optimal capacity. While we acknowledge that the KSPCB's punitive measures might lead to some improvement, a lot more needs to be done to restore the lake to its original state.

A recent report brought out by the Centre for Ecological Sciences (CES), at the Indian Institute of Science pointed to the role of Industrial Effluents in the formation of foam on Bellandur Lake and the resultant fire^{xi}. The report titled 'Pathetic State of Wetlands in Bengaluru: Epitome of inefficient and uncoordinated governance' notes that-

"Incidence of foam catching fire (Figure 3.10a and b) are due to compounds with high flammability i.e. mostly hydrocarbons and organic polymers from nearby industries in the vicinity of Bellandur lake. High wind coupled with high intensity of rainfall leads to upwelling of sediments with the churning of water as

it travels from higher elevation to lower elevation forming froth due to phosphorous. Discharge of untreated effluents (rich in hydro carbon) with accidental fire (like throwing cigarettes, beedi) has led to the fire in the lake."

In the current debate on the Bellandur lake fire, the role of Industrial effluents in the current crisis is being underplayed and the magnitude of the problem warrants immediate action.

In light of the gravity of the situation, we urge you to take the following measures-

- i. Act against Companies and other small establishments that release untreated effluents into the sewers and storm water drains.
- ii. Act against residential apartments that release untreated sewage into storm water drains.
- iii. Repair and maintain sewers and construct drains wherever there is inadequate facility for the disposal of Sewage.
- iv. Ensure that sewerage is not let into storm water drains
- v. Ensure that the storm water drains that feed lakes are maintained routinely.

For any meaningful effort to save Bellandur Lake, there is a need for concerted action between KSPCB and BWSSB. We urge you to work closely with KSPCB and act against industries that are letting out toxic effluents, which find their way into lakes.

An impending ecological and public health disaster looms over Bengaluru. Without a serious commitment to saving our lakes, the future of our city is in serious peril. We strongly urge you to enforce the abovementioned measures, failing which we shall seek legal remedy before the appropriate forum.

Regards,



Sridhar Pabbisetty
CEO, Namma Bengaluru Foundation

CC: Sri S.Shantappa, Member Secretary, KSPCB;

ⁱ WP No. 33645/1998

ⁱⁱ Section 64

ⁱⁱⁱ Section 65

^{iv} Section 72

^v Section 73

^{vi} Section 110

^{vii} Section 25

^{viii} Section 27

^{ix} Section 32

^x Section 33

^{xi} [http://wgbis.ces.iisc.ernet.in/energy/wetlandnews/news-2015/kvchannel bellandur lake in bangaluru caught fire due to industrial wastes.pdf](http://wgbis.ces.iisc.ernet.in/energy/wetlandnews/news-2015/kvchannel_bellandur_lake_in_bangaluru_caught_fire_due_to_industrial_wastes.pdf)