

Release : Bangalore : 12 March 2016

Public Hearing to review proposed Tree Felling for Phase II of Bangalore Metro, cancelled for the third time

Metro Officials come unprepared, again, as BBMP Forest Wing says it has no resources to perform its statutory review and regulatory functions

The Public Hearing called by the Forest Wing of the Bruhat Bengaluru Mahanagara Palike (BBMP) on 11th March 2016 at the Jayanagar City Central Library in Bangalore South, had to be cancelled once more. This is the third time such a decision had to be taken by the BBMP's Tree Officer Mr. Ranganathaswamy, KFS, Asst. Conservator of Forests, Bangalore (South).

The Hearing is necessary as per the orders of the [Karnataka High Court in WP No. 7288/2011](#) (*Suo Moto vs. State of Karnataka and ors.*) and the consequent [2015 amendment carried out to the Karnataka Preservation of Trees Act, 1976](#) wherein it is required that permission for projects requiring felling of over 50 trees must be preceded by Public Hearing. In the instant case, the issue is the proposed felling of 313 heritage trees on Kanakapura Road and Mysore Road as part of the Phase II expansion of Bangalore Metro.

When the Public Hearing was cancelled the first time, on 17th November 2015, it was because there was no prior intimation to the public and only two individuals turned up at the venue in the BBMP offices at Malleshwaram, about 20 kilometres from the impacted zone. This ritual Hearing was widely protested forcing the Tree Officer to call for another Hearing on 24th November 2015, again at the same Malleshwaram location. This was a slightly better advertised [Hearing](#) and there was a sizeable presence of the wide public, several of who had travelled two or three hours one way to get to the venue.

It was discovered in this [Second Hearing](#) that the Bangalore Metro officials had nothing to present by way of their compliance with the conditions for felling about 2000 trees for Phase I, and that the project continued to be in violation of the 16th November 2010 direction by [Karnataka's High Court in W.P. No. 13241/2009](#) (*Environment Support Group and ors. vs. BMRCL and ors.*) wherein the Principal Bench had made it mandatory for the State Government and Bangalore Development Authority to ensure that the Bangalore Metro's Phase II could only go forward if it had fully complied with the Karnataka Town and Country Planning Act, 1961, in particular Sections 29-34 that guarantees public involvement in planned development of urban and infrastructure projects such as Metro, especially when land use change is demanded. The Court had warned individual officers of strict action if they did not comply with the law and its orders. Outraged by such flagrant violation of judicial orders and the law, the public who had gathered demanded the Hearing be postponed and recalled only when the agencies were legally ready and able to share compliance information with the public. It was also demanded that the Hearing should be recalled in the impacted zone, and not 20 kms. away. Thus, the third Public Hearing was called on 16th March at Jayanagar, not quite in the impacted area, but close enough.



There was not even a proper sound system functioning and the Third Hearing had all the makings of a ritual hearing. BMRCL Chief Engineer Mr. Srinivas speaking for the project claimed that over 20,000 trees were planted in compensation for the 2,000 trees felled. But he had no presentation or documentary evidence to prove this. He claimed that the details were on the Bangalore Metro website. When Mr. Gautam Sonti, documentary filmmaker, asked them to show on his smart phone where the documents were located on the Metro website, the officials were not able to. Even the BBMP website did not have any review evidence except a [slide stating as follows](#):

“Tree Felled & Planted in Phase-1

1. Tree Felled - 2500 Nos.
2. Tree Planted - 21,004 Nos.”

Tree affected in R2 & R4B / Phase-2

1. Tree affected in R2 - 123 Nos.
2. Tree affected in R4B - 190 Nos.

When it was pointed out that a project proponents claims had to be verified by appropriate bodies per the High Court directive, Mr. Ranganathaswamy pleaded with the Public to approve the felling. Mr. Someshwara, a resident of Jayanagar, protested such bargaining and demanded that a Statutory Hearing must be held on the basis of verifiable evidence, not claims, and an officer should not resort to tokenism. This was echoed by all who were present.



Mr. Leo Saldanha, Coordinator of Environment Support Group enquired if the legitimate review bodies, *viz.* Bangalore North and South Greening Committees of BBMP, had been set as was claimed by the civic agency before the Karnataka High Court. The Court in its 7th August 2014 final order in WP 7288/2011 and had directed BBMP that only these Committees could review any claim of compliance of compensatory tree planting for trees felled and this was based on an affidavit filed by the BBMP's Chief Conservator of Forests. The Court had in the same order held that mass felling of trees must absolutely be avoided and undertaken if only necessary and that too after public review.

Leo Saldanha also drew the attention of those gathered to another aspect of this order by which the State was directed to set right lacunae in Karnataka Preservation of Trees Act, 1976 that permits a Tree Officer, who approves tree felling, to also be part of the Appellate Authority hearing complaints against tree felling decisions. This, the Court had held, amounts to being a Judge in one's own cause which is “anathema in law”. The State Government had submitted to the Court that no tree felling decision would be taken unless this legal anomaly was rectified. Yet, two years after the order, the Government was yet to notify the necessary changes in the Tree Act. Given this legal infirmity, Saldanha argued, the Tree Officer had no authority at all to organise such a Hearing. Not only did this amount to misguiding the public and betraying the confidence of the Court, but it also meant that BBMP officials had perjured the Court by claiming the Committees were functioning when in fact they had not been set up.

Mr. Ranganathaswamy admitted that the Greening Committees have not been set up and attributed this to lack of resources and staff. He also shared that with a skeletal staff in the Forest Wing of BBMP, it was impossible to perform even regular functions, leave alone review claims of Bangalore Metro that over 20,000 trees had been planted in compensation for 2,000 felled. He admitted that the Citizen based Greening Committees could remedy the situation and accepted that such Committees functioning, any decision to approve felling of trees for Phase II of the Metro would be legally infirm.

At this stage, Mr. Ravishankar, Law Officer of Bangalore Metro appeared on the stage and claimed that none of the rulings or laws that had been cited applied to the project. (BBMP's website has posted a [letter from Bangalore Metro, dated 15th January 2016](#), which echoes this claim.) This preposterous claim brought those gathered to their feet. Ms. Bhargavi Rao of Environment Support Group demanded how a Law Officer of such a large agency could make such a statement at all. She demanded his remarks are expunged. Others gathered wanted to know if he was really is a Law Officer or merely a Consultant airing his views. Yielding to vociferous demands for a clarification about the status of the Law Officer and his claims, Bangalore Metro Chief Engineer Mr. Srinivas admitted that the directions of the

Karnataka High Court and the applicable laws and norms do, of course, apply fully to the project and that they are bound by it.

The Hearing clearly seemed to have no value now and those gathered demanded it be cancelled as legally law and it be recalled only when agencies were able to demonstrate compliance with judicial rulings and the law, and also priorly provide information of the Bangalore Metro project's compliance with Phase I conditions. Many highlighted how Bangalore Metro in constructing Phase I had recklessly and unnecessarily destroyed entire tree lines, acquired properties unnecessarily, planned stations and alignments irrationally, and also had not delivered the project nine years after construction had commenced and the cost of Phase I of the project had trebled from initial estimates of Rs. 5,500 crores. They expressed disgust that such an expensive project was being undertaken in so shoddy a manner, and that without any transparency and accountability. They demanded that Bangalore Metro's Phase II expansion should not be undertaken until the agency was able to demonstrate competence of comprehensively complying with legal and technical norms.



Tree Officer Mr. Ranganathaswamy cancelled the Hearing and confirmed that the next hearing would be called only after BBMP Forest Wing had instituted all necessary review mechanisms, as directed by the Karnataka High Court and required by the Tree Act, and when Bangalore Metro was ready with information of compliance for Phase I conditions, and comprehensive details of the proposed Phase II of the project.

(Note:

1. Some dailies have reported that the "*Meeting on tree-cutting for Metro almost turns violent*". This is possibly the reporter's interpretation. There was indeed intense debate and vociferous disagreement, all in a democratic space and sense. None gathered had in any manner demonstrated the capacity or intent to turn "violent", or did. In fact, following the meeting, Metro and BBMP officials were freely interacting with those who had gathered over tea and cookies.
2. It has also been reported in some dailies that the Tree Officer subsequently has claimed that no further Hearing needs to be called and the tree felling can be approved. In case this claim is true, then it would clearly be in violation of Judicial directions and the law.)

Released by:

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BRUHAT BANGALORE MAHANAGARA PALIKE

No: ACF/SD.2/PR.127/2015-16

Office of the
Asst. Conservator of Forests
1st Floor, 2nd Block, Jayanagar
Bangalore, dated: 5-3-2016

Meeting Notice

Sub:- Removal of trees which are obstructing the
BMRCL Reach-2 & Reach-4 projects.
Ref:- This office public notification No. ACF/SD.2/
PR.30/2015-16, dated: 22.6.2015.

With reference to this office public notification cited under reference, a meeting is convened on 11.3.2016 at 3.00 pm regarding removal of trees which are coming in the way of BMRCL Project, Reach.2 (i.e., from Nayandanahalli – Kengeri) and Reach.4 (i.e., from Kanakapura Metro cash & carry to Thalaghattapura).

The matter will be discussed in the meeting, kindly interested public may please attend the meeting.

Venue: City Central Library (ಓಟುಗÀ PÉÃAzÀæ UÀæAxÁ®AiÀÄ) 11th
Main road,
Opp. To Shalini ground, 5th Block, Jayanagar, Bangalore

Contact Nos.: 9480683842, 9480684849, 9480684850

Sd/-

Asst. Conservator of Forests &
Tree Officer
Jayanagar 2nd Block, BBMP office,
Bangalore

Copy to:

- 1) The Commissioner, BBMP, Bangalore for kind information.
- 2) The Special Commissioner, Project, BBMP, Bangalore for kind information.
- 3) Chief Engineer, Reach 2 & 4, BMRCL, BMTCC Complex, 3rd Floor, K.H.Road, Shanthinagar, Bangalore, for kindly attend the meeting.
- 4) Deputy Chief Engineer, Reach 2 & 4, BMRCL, BMTCC Complex, 3rd Floor, K.H.Road, Shanthinagar, Bangalore for kindly attend the meeting.
- 5) Executive Engineer, Reach 2 & 4, BMRCL, BMTCC Complex, 3rd Floor, K.H.Road, Shanthinagar, Bangalore for kindly attend the meeting.
- 6) Deputy Conservator of Forests, BBMP, Bangalore for kindly attend the meeting.
- 7) Asst. Conservator of Forests, Sub Division-1, BBMP, Bangalore for kindly attend

the meeting.

8) RFO/Dy. RFO's/Staff, BBMP, Bangalore for kindly attend the meeting.