



Environmental Social
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Environment Support Group gets United Nations “WATER FOR LIFE” 2012 Best Practices Award for its comprehensive efforts to conserve Bangalore Lakes



Environment Support Group (ESG) has been awarded the 2012 UN-Water "Water for Life" Best Practices Award in a ceremony held at the headquarters of the Food and Agriculture Organisation, Rome on 22 March 2012, World Water Day.

ESG was given the Category 1 “Best Water Management Practices” Award for its initiative: “Protection of Bangalore Lakes for Posterity – Setting a Legal Precedent for Conservation of Lakes as Commons”. This multi-year multi-pronged effort based on appropriate interventions involving local governance bodies, under the direction supervision of the Judiciary, is considered by the UN as an “outstanding contribution towards the conservation of waterbodies in Bangalore, India, and its demonstrable and tangible impact on the food and water security of urban, peri-urban and rural communities in the region”.

The Category 2 'Best participatory, communication, awareness-raising and education practices' award was given to Soluciones Simples Que Salvan Vidas (Sodis) of Bolivia for developing a “communication strategy for social and behavior change through the promotion of innovative practices based on participatory approach to community-based empowerment and awareness raising, specially among vulnerable groups, to address key challenges related to hygiene, water and sanitation and the adequate use of services in four municipalities of the Department of Cochabamba, Bolivia, and its outstanding contribution”.



According to the United Nations, the basic purpose of these awards is to “promote efforts to fulfil international commitments made on water and water-related issues by 2015 through recognition of outstanding best practices that can ensure the long-term sustainable management of water resources and contribute to the achievement of internationally agreed goals and targets contained in the Millennium Development Goals (MDGs), Agenda 21 and the Johannesburg Plan of Implementation.” In 2012, special

focus is given to the topic "Water and Food Security".

The Secretariat of the United Nations Office to Support the International Decade for Action "Water for Life" 2005-2015/UN-Water Decade Programme on Advocacy and Communication (UNW-DPAC) and the UN World Water Assessment Programme (WWAP), which coordinated this programme, received a total of 28 applications for its 2012 edition: 22 for category 1 'Best water management practices', 6 for category 2 'Best participatory, communication, awareness-raising and education practices'. Geographical distribution of applications is as follows: Africa 29%, Asia 32%, Europe 7%, Latin America and the Caribbean 32%.

The special award ceremony was preceded by addresses by Mr. José Graziano da Silva, Director-General of Food and Agriculture Organisation (FAO), Mr. Michel Jarraud, Secretary-General World Meteorological Organisation (WMO, Chair UN-Water), Mr. Loïc Fauchon, President World Water Council (WWC) and Mr. Kanayo F. Nwanze, President, International Fund for Agricultural Development (IFAD). His Excellency Mr. Corrado Clini, Minister for the Environment, Land and Sea, Ministry of Environment, Land and Sea (Italy) and Her Excellency Mrs. Edna Molewa, Minister for Water, South Africa and Chair of the African Ministers Council of Water (AMCOW) graced the occasion. This was followed by a special statement and musical performance by FAO Goodwill Ambassador Anggun.



Mr. Jeronimo Blasco Jauregui, City Councilor in-charge of Culture, Education, Environment and Citizen's Participation of Zaragoza, Spain and Mr. José Graziano da Silva, Director-General of Food and Agriculture Organisation (FAO) handed the awards to Mr. Leo F. Saldanha, Coordinator/Trustee of ESG and to Ms. Elsa Sanchez Montano, Executive Director of SODIS.

More details about the award can be accessed at: <http://www.un.org/waterforlifedecade/>

The award ceremony can be accessed at: http://www.fao.org/webcast/details.asp?lang=EN&movie=http://193.43.36.192/2012-WWD-256-en-am&pub_id=299957&high=1

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BACKGROUND TO ESG's INITIATIVE TO PROTECT, CONSERVE AND ENSURE WISE USE OF BANGALORE'S LAKES FOR POSTERITY

ESG has been mobilising and working with various communities and initiatives across the Bangalore region for several years now to protect the fantastic network of human made lakes (locally known as irrigation tanks) and its interstitial canal systems (locally known as *Raja Kaluves*) as a key strategy to build water and ecological security for the densely populated metropolitan region, and to periurban and rural communities. These ongoing efforts aim to arrest the rapid deterioration of the interconnected lakes systems and their watersheds due to massive encroachment, diversion of lake lands to urban and infrastructure development and their acute pollution by sewage, industrial effluents and solid waste.

Not too long ago Bangalore's lakes' systems served to harvest rain in this semi-arid region. This helped recharge ground water, sustain agriculture and supported fishing communities. The water systems also evolved as functional wetland ecosystems, especially as critical habitats for migratory waterfowl. Built over several centuries, the water collected in such series of small interconnected lakes supported a post-monsoon non-rainfed crop by farmers while also extended water security to horticulture farms. When the lakes dried up in summer, as was the nature of these systems, the high soil moisture in its shallow lake beds became excellent grazing pastures that furthered food and economic security for local communities due to production of milk, wool and meat. Not least of all, these waterbodies and canal systems were regarded and respected as the commons and used for a variety of public purposes such as spaces for village fairs.

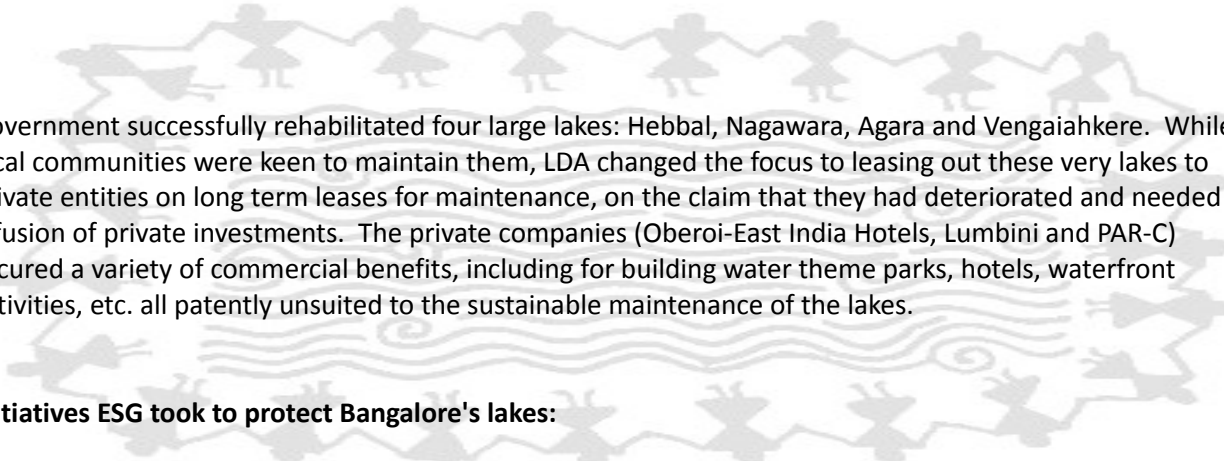
Over the past two decades alone, over 150 lakes have disappeared due to rapid urbanisation, poor land use management, weak regulation, administrative and political apathy and the abject neglect of public involvement in their maintenance. Of the approximately 450 lakes now left in 1400 sq. kms. (approximately), most are heavily polluted and their canal networks deliberately turned into sewers. This has magnified the problem of surface water pollution and in turn affected the quality of ground water aquifers, thus turning the situation into a major public health and environmental crisis (the spread of Chikungunya and Malaria in this region is in no small part due to this situation). Farming, fishing and grazing communities have suffered primarily and substantially due to the loss of access to good water to irrigate arable lands and this has seriously compromised their livelihood options. Migratory waterfowl and other wildlife have lost critical habitats as a result.

Early efforts to save Bangalore's lakes' systems:

During the late 1980s the Lakshman Rao Committee report to protect lakes within the then built Bangalore region (about 120 of them) was fully accepted by the Government, but very sporadically and weakly implemented. Padmashree Awardee Shri. Zafar Futehally and others initiated a Public Interest Litigation in the Karnataka High Court in 1995 to force the Government to implement the Rao Committee recommendations and secured an interim direction from the Court that lakes should not be diverted for any other purpose. Even in the face of this judicial direction the deterioration of the water systems continued as Bruhat Bengaluru Mahanagara Palike (BBMP) and Bangalore Development Authority (BDA) continued to ignore the importance of protecting the lakes' systems disregarding growing public concern.

This has had a very serious and adverse effect on the water security of the Bangalore Metropolitan region today. About half the city's 10 million (1 crore) population substantially rely on ground water for their drinking water needs. With summer approaching, there is now an ever expanding water crisis in the city. Ground water is being over-extracted resulting in a serious fall in their levels, thus burdening people even more due to growing energy and economic costs for accessing safe water. The urban poor are the worst sufferers as a consequence of this situation.

Over recent years there have been some renewed efforts by the Karnataka Government and civic agencies to check this regressive trend. To assist this process the Government set up the Lake Development Authority (LDA). With support from bilateral (Indo Norwegian Environment Programme) and federal funding (National Lake Conservation Programme of the Indian Ministry of Environment and Forests), the



Government successfully rehabilitated four large lakes: Hebbal, Nagawara, Agara and Vengaihkere. While local communities were keen to maintain them, LDA changed the focus to leasing out these very lakes to private entities on long term leases for maintenance, on the claim that they had deteriorated and needed infusion of private investments. The private companies (Oberoi-East India Hotels, Lumbini and PAR-C) secured a variety of commercial benefits, including for building water theme parks, hotels, waterfront activities, etc. all patently unsuited to the sustainable maintenance of the lakes.

Initiatives ESG took to protect Bangalore's lakes:

ESG joined community initiatives to mobilise communities to address this situation. This was in the form of a variety of public campaigns at the privatised lakes, and secured widespread support and media coverage. Despite such growing opposition to privatising lakes, which people considered as their commons, LDA refused to back down from this proposal. A variety of public involvement models, that did not involve privatising the commons, were proposed, but did not secure the desired support from the authority.

In this backdrop ESG initiated a Public Interest Litigation¹ in the Karnataka High Court challenging the policy of privatisation of lakes on various Constitutional and statutory grounds, praying the Court direct the State to formulate a scheme that would protect lakes for posterity as public commons based on Wise Use Principles (guided by Ramsar Convention) and safeguarding traditional practices and community rights. In a direction in November 2008, then Chief Justice Mr. P. D. Dinakaran and late Justice Mr. V. G. Sabhahit ordered a *status quo* on lake privatisation based on a consensual undertaking from the lease holders.² In parallel, the ESG case was promoted to front all public interest litigations pending adjudication relating to lakes. As a consequence a decision was taken in a PIL filed by Krishna Bhat that lakes should not be any further polluted by sewage and solid waste, and formed a committee officiated by the Member Secretary of the Karnataka State Legal Services Authority to oversee implementation of the order.³

Even with such direct review by the Judiciary, the deterioration of lakes' system continued. In this context the High Court responded favourably to ESG's prayer for the formulation of a scheme to protect all lakes. Then Chief Justice Mr. J. S. Khehar (now a Supreme Court Judge) and Justice Mr. A. S. Bopanna requested Justice Mr. N. K. Patil, a judge of the High Court and Chairman of the Karnataka Legal Services Authority to Chair a Committee consisting of top officers of nine departments of the state and local governments, and entrusted it with the task of producing a report on the status of lakes and suggest measures for their conservation and protection for posterity. ESG was enlisted to assist this Committee with a variety of research inputs. Following several meetings and hearings, the Committee produced its report⁴ which was made a part and parcel of the High Court direction in a decision taken on 3rd March 2011. In an unprecedented step, the Court also directed the Karnataka Government to allocate necessary monetary resources in the 2012 budget so that the steps proposed could be fully implemented.⁵

The only issue that now remained was to adjudicate the legality of the policy of privatisation of lakes. Chief Justice Mr. Khehar and Justice Mr. H. G. Ramesh once again requested Justice Mr. Patil to hear all parties and make necessary recommendations. Submitting his findings to the Court on 12 October 2011, Justice Patil has explicitly stated that **“commercial exploitation of any lake cannot be allowed under any circumstance”**. To arrive at this recommendation, Justice Patil Committee has observed that “the private entrepreneurs to whom the lakes have been handed over for maintenance have not been able to do complete justice to ecology. Ultimately, 'Profit Motive' has prevailed over the 'Public Interest' and 'Public Trust’”. It has also observed that “any model involving 'Private Public Participation' wherein 'Dominion over


1 Environment Support Group and anr. vs. State of Karnataka and ors., WP 817/2008 (PIL) in the High Court of Karnataka, accessible at: <http://static.esgindia.org/campaigns/lakes/legal.html>

2 A copy of the interim direction in ESG's PIL WP 817/2008 is accessible at: http://static.esgindia.org/campaigns/lakes/legal/PIL_817_2008_InterimOrder_041108.zip. For up to date reference of directions in this matter, visit: http://causelist.kar.nic.in/caseStatus_CaseNumber.asp

3 A copy of this direction is accessible at: http://static.esgindia.org/campaigns/lakes/legal/W.P.No.1841_2006.zip

4 A copy of this report can be accessed at: <http://esgindia.org/campaigns/press/campaign-against-lake-privatisation-bang.html>

5 <http://causelist.kar.nic.in/detorder.asp?bench=B&caseno=817&caseyear=2008&casetype=WP&doo=03/03/2011>



the Natural Resource' belonging to the State is handed over to a Private Entrepreneur either for rejuvenation or for management/maintenance, the same is likely to result in an anomalous situation requiring constant supervision by the State and its Authorities to ensure that there is no deviation from the state policy and norms. At times, *it becomes extremely difficult for the State and its Authorities to find a workable solution which furthers public interest and prevent the private entrepreneur from making an unjust enrichment at the cost of the general public and natural resources which belong to the State*". Based on such rationale the Justice Patil Committee proposed that **"it becomes just and necessary that the participation of private sector in the rejuvenation and development of lakes and tanks in and around the city of Bangalore has to be highly discouraged if not eliminated"**. (Emphasis supplied)⁶

Recent developments:

Over the past few months, current Karnataka High Court Chief Justice Mr. Vikramjit Sen and Justice Mrs. B. V. Nagarathna have heard all interconnected lakes cases. A significant development has been their restraint they imposed on the National Highways Authority of India from adversely affecting in any manner lakes when it expanded the road from Bangalore to its airport to the North. In subsequent hearings, where the matter now rests, the High Court Division Bench consisting Justice Mr. K. Sreedhar Rao and Justice Mr. V. Suri Appa Rao have allowed the road expansion works to continue by one lake without affecting it in any manner, and stayed work along stretches that potentially could affect three lakes pending a fact finding report. The same Bench has posted the case for final hearing on the legal issue pertaining to privatisation of lakes.

Meanwhile, in compliance with the High Court direction in the ESG case, the Karnataka Chief Minister Mr. Sadananda Gowda has made an allocation of Rs. 50 crores for the protection of Bangalore's lakes with the rider that matching amounts must be invested in the effort by Bruhat Bengaluru Mahanagara Palike (Bangalore's elected civic body) and Bangalore Development Authority (land use planning and development agency) during the financial year of 2012-13. Thus, a total allocation of Rs. 150 crores (USD 29 millions or Euro 21 millions approx.) is now available for lake conservation effort over the next year, the first time ever such a budgetary allocation is made for protecting local water bodies and resources ever in Karnataka and arguably across India.

A comprehensive brochure on the short term and long term implications of these efforts can be accessed on the ESG website.

⁶ A copy of Justice Patil's recommendations can be accessed at: <http://esgindia.org/campaigns/lakes/press/karnataka-high-court-committee-strongly-.html>