



Environmental Social
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To:

Mr. Mahendra Jain, IAS,
Additional Chief Secretary and Principal Secretary,
Department of Urban Development,
Room No. 436,
Vikasa Soudha,
Bangalore, 560001

Date: 27th February, 2017

Reg.: Public Notice No. ACF/SD-1/PR/45/2016-17 dated 07 February, 2017 issued by your office with the proposal to fell 112 trees in Jayamahar Road, Bangalore.

Ref.: Direction from Chief Minister's Secretariat, dated 16th February, 2017, No. CN/9326 REP-GEN/2017 regarding aforesaid subject said representation.

Sir,

A copy of the aforesaid representation and the subsequent direction from the Chief Minister Secretariat is on record.

The main grounds in our aforesaid representation, a copy of which is already with you, is regarding the fact that the Forest Wing of Bruhat Bengaluru Mahanagara Palike (BBMP) has been taking decision relating to mass felling of trees on public lands for various infrastructure projects, including proposed widening of Jayamahar Road, Steel Flyover, expansion of Bangalore Metro Network etc., in gross variance to the letter and spirit of the Karnataka Preservation Trees Act, 1976 (as amended in 2015), and in contempt of the direction of the Hon'ble High Court of Karnataka in W.P. No. 7288/2011 (*Suo Moto v. Government of Karnataka and Ors.*), W.P. 13241/2009 (*Environment Support Group and Ors. v. Bangalore Metro Rail Corporation Limited and Ors.*).

In the instant case of Jayamahar Road widening, we have objected to the very legality of the procedure adopted in soliciting public opinion by the Assistant Conservator of Forest and Tree Officer, BBMP, details of which are in the aforesaid representation. Even so, it has been reported in Deccan Herald (issue dated 27/02/17), in an article entitled "[BBMP firm on axing trees, says unhappy lot can file objections](#)"¹, as follows

"We are scrutinising the responses. But after a discussion with the BBMP commissioner, we (the BBMP officials) have decided that 70 trees have to be cut and 45 have to be translocated. There is no other choice as these trees are old and dangerous. If people are unhappy with the idea, they can approach the tree officers and file their objections."

It is evident from this comment ascribed to Mr. Appu Rao, IFS, BBMP Deputy Conservator of Forests and

¹ "BBMP firm on axing trees, says unhappy lot can file objections", Deccan Herald, 27/02/17, accessible at: <http://www.deccanherald.com/content/598486/bbmp-firm-axing-trees-says.html>



Head of the Tree Committee that appears to be no willingness to confirm with the rule of law or judicial directions in regard to safeguarding the cities trees which are the living heritage and public property. In fact, the comment reveals the utter lack of rationale with which the entire issue, which has captured the imagination and concern of wide public, is being addressed.

Taking into consideration such serious attack on the rule of law and the consequent irreversible and irreparable damage to the public interest, we urge you to immediately issue a direction to Civic and Government agencies, involved in development of any infrastructure, to not proceed with such felling of trees till such time there is comprehensive conformance with the provisions of the Karnataka Town and Country Planning Act, 1961 and subsequent conformance with the Karnataka Tree Preservation Act 1976 and the safeguards and the public involvement procedures as prescribed in the aforesaid rulings of the Hon'ble High Court of Karnataka. We would also like to place on record the fact that necessary procedures for public involvement in decision making in such matters as required by the aforesaid laws and judicial orders have not yet been evolved. In the absence of such procedures, any decision taken to fell trees as it is now proposed by BBMP, would constitute a grave offence of law and judicial directives.

We will be more than willing to assist your office in instituting such procedure with due dispatch, so that the rule of law and public interest is upheld. Kindly provide us with an appointment to enable us to brief you on the intricacies of such matters, so that an appropriate and just decision follows.

Thank you for your co-operation and support.

Yours truly,

Coordinator/Trustee

Legal Research Associate

Environment Support Group

Cc.

1. Hon'ble Chief Minister and Chairman, Bangalore Metropolitan Planning Authority ☐
2. Hon'ble Minister for Bangalore Development and Town Planning ☐
3. Hon'ble Minister of Forests, Ecology and Environment, GOK ☐
4. Hon'ble Minister of Law, Justice, and Human Rights, GOK ☐
5. Hon'ble Minister for Urban Development, GOK ☐
6. Elected Representatives from Bangalore to the Parliament, Karnataka Legislature and Bruhat Bengaluru Mahanagara Palike ☐
7. Addl. Chief Secretary and Principal Secretary, Public Works Department, GOK ☐
8. Addl. Chief Secretary and Principal Secretary, Dept. of Forests, Ecology and Environment, GOK ☐
9. Principal Chief Conservator of Forests, Karnataka Forest Department ☐
10. Commissioner, Bruhat Bengaluru Mahanagara Palike ☐
11. Commissioner, Bangalore Development Authority ☐
12. Deputy Conservator of Forests and Head of the Tree Committee, BBMP.
13. Assistant Conservator of Forests and Tree Officer, BBMP.
14. Media and the Public ☐