



Opinion

SC decision upholding NGT order comes as big boost to Bellandur Lake preservation

The NGT decision prohibits the release of domestic and industrial effluents into Bellandur Lake.

Wednesday, August 16, 2017 - 16:29

(https://www.facebook.com/sharer/sharer.php?u=http://www.thenewsminute.com/article/sc-decision-upholding-ngt-order-comes-big-boost-bellandur-lake-preservation-66884) (https://twitter.com/share?url=http://www.thenewsminute.com/article/sc-

decision-upholding-ngt-order-comes-big-boost-bellandur-lake-preservation-66884&text=SC decision upholding NGT order comes as big boost to Bellandur Lake preservation)

(mailto:?Subject=TheNewsMinute&Body=SC decision upholding NGT order comes as big boost to Bellandur Lake preservation http://www.thenewsminute.com/article/sc-decision-upholding-ngt-order-comes-big-boost-bellandur-lake-preservation-66884)

(https://plus.google.com/share?url=SC decision upholding NGT order comes as big boost to Bellandur Lake preservation http://www.thenewsminute.com/article/sc-decision-upholding-ngt-order-comes-big-boost-bellandur-lake-preservation-66884)

(http://reddit.com/submit?url=http://www.thenewsminute.com/article/sc-decision-upholding-ngt-order-comes-big-boost-bellandur-lake-preservation-66884&title=SC decision upholding NGT order comes as big boost to Bellandur Lake preservation)

arguing that the NGT, Principal Bench, in New Delhi had no jurisdiction in Bengaluru.

While the NGT, Southern Bench in Chennai adjudicates on issues in Southern India, the gravity and critical situation facing Bellandur Lake prompted the Principal Bench to take immediate steps. This is why approaching the High Court of Karnataka with the argument that the NGT, Principal Bench has no jurisdiction in Bengaluru is quite absurd. However, the Supreme Court's stay on the High Court's interim decision on the NGT order not only quashes this argument but also allows the Principal Bench to continue to deliberate on this matter.

Fight to save Bellandur

Bellandur Lake, encompassing an area of over 900 acres, is key to preserving the storm water infrastructure and ecosystem of the extensive Koramangala and Challaghatta Valley area and reclaiming the lake is crucial to maintaining the water-table in the area. Researchers from the Indian Institute of Science have noted that heavy metals from industrial effluents washed into the Bellandur Lake system, have entered the food cycle rendering the produce in the catchment areas extremely toxic. Samples of vegetables tested had 51-131 mg/kg of Chromium compared to safe limits of 20 mg/kg; 24-147 mg/kg of Lead compared to 2.5 mg/kg and 89-323 mg/kg of Copper compared to 30 mg/kg. These numbers denote the extreme levels of poison in Bellandur Lake today that are directly creating a Public Health crisis.

Citizens have been actively involved in highlighting the deteriorating condition of Bellandur Lake. Citizens have approached authorities in the 1980s with complaints of frothing in the lake. The Government of Karnataka appointed the Committee on Preservation of Lakes, under the chairmanship of N Laxman Rau, IAS (Retd.). The Committee recommended to prevent breaching of lakes/tanks and to retain them as water bodies. The Committee also stated that efforts must be made to ensure that these lakes are not polluted by discharge of effluent and industrial waste and setting up of an implementation agency for reviewing the implementation of its recommendations periodically. However, the Government of Karnataka's inaction in instituting an implementation agency as envisaged in the Lakshman Rau Committee Report, marked the beginning of apathy to implement measures to protect and preserve the city's lakes. In 1997, environmental activist Ramamurthy surveyed the lake and found the depth of the lake at the centre to be just 5 feet because of silt and muck, whereas it should have been closer to 20 ft. This prompted him and residents in the area to file a PIL in the High Court against the inaction of the government and other government agencies to protect the environment and lakes in Bangalore. The High Court in its order issued in November 1999, directed Bengaluru Water



Ramesh Sivaram

On August 8, 2017, Hon'ble Supreme Court of India stayed the High Court of Karnataka's decision dated June 15, 2017- staying the suo moto proceedings before the National Green Tribunal (NGT), Principal Bench, New Delhi. This invariably upholds the NGT's decision dated April 19, 2017- prohibiting the release of domestic and industrial effluents into Bellandur Lake.

Following the fire in Bellandur lake on February 16, 2017, the NGT had initiated suo moto proceedings and issued notices to the state authorities in Karnataka, Ministry of Environment, Forest and Climate Change (MOEF & CC) and Central Pollution Control Board (CPCB), seeking information about measures taken by authorities concerned to restore the lake. During the proceedings, the Green Court warned the State of Karnataka that restraining directions will be passed against it, if discharge of untreated sewage into the Bellandur Lake was not stopped immediately. Similarly, the Tribunal also pulled up Karnataka Lake Conservation and Development Authority (KLCDA) observing that it is the only lake development authority in the world that is causing fire in lakes. Following this, on April 19, 2017, the NGT issued notices to the Government of Karnataka and Karnataka State Pollution Control Board (KSPCB) directing them to clean Bellandur Lake and more importantly shut down all industries responsible for releasing effluents into the lake. Having been shut down by KSPCB, Shashi Distilleries filed an objection to KSPCB's notice in the High Court of Karnataka and appealed to dismiss the closure order following the orders of the NGT,



apply to the Sewage Board (BWSSB) to provide proper sewage network in the city to stop sewage from entering lakes.

(<https://www.facebook.com/TheNewsMinute>)

(<https://twitter.com/thenewsminute>)

Additionally, many organisations have been instrumental in providing strategies for reclaiming Bellandur Lake- The Save Bellandur Action Plan launched by Namma Bengaluru Foundation on April 13, 2016 provided solutions and inputs from experts and activists on reclaiming and rejuvenating Bellandur Lake. Despite this and the Department of Urban Development's Expert Committee report, the Government of Karnataka and its agencies have failed to restore the Lake and have allowed a culture of apathy and corruption to flourish.

(<https://plus.google.com/+Thenewsminute>)

(<https://www.youtube.com/channel/UCspQie3i29iIFbCgfGisO9Q>)

Generally, PILs and people's petitions, especially those related to the environment are likely to fail in Karnataka because corporates and government agencies use their financial superiority to hire lawyers to drag cases until judgements and orders are in their favour. This and the lack of proper backing from elected representatives, prevents citizen activists and Residents Welfare Associations from succeeding in courts. Fortunately, Rajya Sabha MP Rajeev Chandrasekhar has come as a saviour in our fight and supported us in all our green initiatives. This includes not only endorsing our petitions but also providing financial assistance in terms of legal fees in our fight on critical environmental issues right from the lower court to the higher courts. In fact, it was Rajeev Chandrasekhar's Namma Bengaluru Foundation that impleaded and ensured that the High Court's decision to stay the NGT Order was heard in the Supreme Court.

More needs to be done to help strengthen citizen's movements on reclaiming and protecting not just Bellandur Lake but all lakes and water bodies in Bengaluru. The United Bengaluru initiative- a forum led by Senior Freedom Fighter Shri HS Doreswamy, and comprising of multiple organisations and associations working in urban governance and environment, has inspected many lakes and inspired citizens to take keen interest in reporting and safeguarding lakes in their respective areas. These non-partisan citizen initiatives are the key to reclaiming Bengaluru, which must be protected on all fronts.

(The author is a trustee of Forward Foundation. Views expressed are personal.)