

Individual Para wise Reply of the BBMP dated:10-8-2020 to Concise Submissions by Amicus Curaie – Raj Panjwani, Senior Advocate, concerning para No.16, 17, 20 and 21 of National Green Tribunal, issued in regard to Channelization, Structures found within 30 meters buffer zone of Bellandur and Varthur lakes, Buffer zoning regulations relating to Storm Water Drain in Bengaluru, in a tabular form here under;

SL No.	Observations of the Monitoring Committee, as concised by Amicus Curaie	Report of BBMP
16	<p>a) The Monitoring Committee (in last line of para 2 of Report dated 06.03.2020) has observed that ““the laying of “U” shaped drains construction is not convincing””. BBMP in its report dated 04.08.2020 has stated that 389 Kms out of 842 Kms has been channelized by constructing retaining wall and another 325 Kms need construction.</p> <p>b) All such activities are being carried out are in contravention of the directions of this Hon’ble Tribunal in order dated 06.12.2018 at para 19(4) and reiterated in order dated 18.12.2019 at para 9(4).</p> <p>c) It is apprehended that the construction of retaining walls may be used to reduce the width of the rajakaluves which would have a direct bearing in the categorization of buffer zones (Please refer to Para 20(b) at page 9 of this note).</p>	<p>i) The length of the SWD’s in Bangalore City is about 842 Kms.</p> <p>ii) The SWD’s in Bangalore city are not planned. The erstwhile irrigation channels are now converted into flood management channels, which have been made an irregular in dimension and also in width. At places they are narrow and at some places they are wider. Added to it their respective elevation, are not of the same, as Bangalore has a plateau terrain.</p> <p>iii) Experienced would tell that laying of U-shaped drains construction is best suitable where the width of the SWD is less than 4.0m.</p> <p>iv) By constructing U-shaped drains namely, by constructing retaining walls on either side, we are enlarging/increasing the capacity of inflow and outflow of the drain, in an orderly manner. If the earthen drain is to be retained, the drain would run happezordly.</p> <p>v) Non construction of retaining walls, may lead to flooding even beyond buffer</p>

		<p>zone.</p> <p>vi) The buffer zone concept was introduced for the first time in Bangalore city in 2007-2008 but by that time, innumerable, constructions had already been taken place in the buffer zone now earmarked. If retaining walls are not constructed on these locations, the above referred constructions would be inundated, causing havoc and loss in the populous city of Bangalore city, by which BBMP would be held responsible and would be called upon to pay heavy compensation.</p> <p>vii) Bangalore city, every year, expecting flash floods and cloud bursts (so far as June/July 2020 is concerned, the rainfall is over and above 64% compared to the average rainfall-copy of the KSNDMC) by which water cannot be contained much less could be restricted to the buffer zone alone. The excess water, is to be contained, only by construction retaining wall.</p> <p>viii) Heather to, the corporation has got constructed retaining walls of length of 389 Kms out of 842Kms. Experience tells us that the flooding if any on these 389 Kms is absolutely under control.</p> <p>ix) Certain dead lakes are now residential layouts, wherein the SWD's are running on much higher elevation, than the adjacent areas. These drains are carrying more amount of</p>
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		<p>appreciated and taken.</p> <p>As of now, the SWD's are in "Trapezoidal" shape. Now, BBMP proposes to construct SWD's in a "Rectangular" shape, by constructing respective retaining walls. Such retaining walls would be constructed at the outer edge of the Trapezoidal shape by which in no case, the width of the SWD will be reduced. On the other hand by constructing SWD in a rectangular shape at the outer edge as above, then the capacity of inflow and outflow of water will be increased apart from an appreciation in velocity of flow if compared between earthen surface on the one hand and retaining wall drain on the other.</p> <p>xviii) In the matter of identifying the buffer zone, the measurement on the either side would be taken from the center of the drain, where there would be no chance miss categorization of buffer zones.</p>
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<p>17.</p>	<p>a) The Monitoring Committee Report and the Compliance Report filed by the BBMP dated 04.08.2020 failed to disclose the date of the notice under Section 308 of the Karnataka Municipal Corporation Act, 1976, which has been served upon the persons whose structures are found within 30 meter buffer zone of Bellandur & Varthur lake. No information has been provided about the steps initiated after service of notice. The Hon'ble Tribunal may direct BBMP to file a comprehensive action taken report in this regard along with copies of notices & replies received from the occupants of such structures.</p> <p>b) The Hon'ble Tribunal may grant time to the Monitoring Committee to verify the claim of BBMP in respect of removal of encroachments on SWDs.</p>	<p>i) It is true that date of the notice under Section 308 of the Karnataka Municipal Corporation Act, 1976, which has been served upon the persons whose structures are found within 30 meter buffer zone of Bellandur & Varthur lake.</p> <p>ii) It is true that no information has been provided about the steps initiated after service of notice.</p> <p>In view of situation prevailing under COVID-19, most of the staff engineers are engaged in combating the disease. Therefore, BBMP earnestly pray for some time.</p> <p>i) Do.</p>
<p>20</p>	<p>a) The Hon'ble Tribunal had ordered that structures which have been constructed in the buffer zones of lakes & rajakaluves but are uninhabited shall not be occupied without the permission of the Hon'ble Tribunal. The Monitoring Committee Report as well as the affidavit of BBMP does not provide any information on this aspect.</p>	<p>i) In fact permissions are not being granted in constructing within the buffer zone of Rajakaluves as per zoning regulations 2015.</p> <p>ii) In so far as structures which have been constructed in the buffer zones of lakes & rajakaluves but are uninhabited shall not be occupied without the permission of the Hon'ble Tribunal, is concerned, necessary informations have been to the concerned engineers by the Commissioner in the meeting held.</p> <p>iii) However, steps have been taken in issuing a public notice</p>

	<p>b) BBMP has observed that it is following the Buffer Zoning Regulations 2015 which is 30 meters for the lakes; and 50, 25 and 15 meters from the center of the primary, secondary and tertiary drains respectively. It is submitted that no details of any survey has been placed on record.</p> <p>Lastly, the categorization and classification of the rajakaluves into primary, secondary and tertiary drain has yet not been undertaken. Consequently, the Hon'ble Tribunal may direct BBMP and the concerned authorities to survey and notify rajakaluves. Pending the survey and notification, in the meantime applying the precautionary principle, the Hon'ble Tribunal may order that the buffer zone of all kinds of rajakaluves shall be 50 meters from its center.</p>	<p>that the structures which have been constructed in the buffer zones of lakes and SWD but are inhabited shall not be occupied without the permission of the Hon'ble Tribunal.</p> <p>i) In view of situation prevailing under COVID-19, most of the staff engineers are engaged in combating the disease. Therefore, BBMP earnestly pray for some time.</p> <p>ii) So far as the request that buffer zone of all kinds of Rajakaluves shall be 50mts from its center, pending the survey and notification, is concerned BBMP has its own say and BBMP is seeking time in submitting in that respect in detail.</p>
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