


# Bangalore's bitter PIL

*Can public interest litigation save the city's ailing waterways?*

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**Prolonged courtroom battles are doing little to solve the problems of Bangalore's water supply, Bharati Sekar writes.**

For years, water experts have been warning about the precarious water situation in Bangalore, capital city of India's southern Karnataka state. A report from the Indian Institute of Science in 2016 [warned](#) that Bangalore could become unliveable by 2020. Between 1973 and 2016, the built-up area in the city increased from 8 per cent to 77 per cent, and over [372 hectares of water bodies](#) disappeared.

Rapid unplanned urbanisation fuelled by the [near doubling of population](#) from 2001 to 2011 has made Bangalore especially vulnerable to water risks.

For a city routinely referred to as the Silicon Valley of the East, sewage-filled lakes and frequent urban floods may come as a surprise. However, with a sewerage coverage rate at [66.3 per cent](#), a drainage coverage rate [under 40 per cent](#), and less than 63 per cent of the sewage being treated in sewage treatment plants, one can guess where all this sewage ends up.

Further, in a city with an extensive network of more than 850 kilometres of stormwater drains, over [47 per cent of the streams in natural form are simply missing](#). This aggravates urban floods and hampers the flow of stormwater into



overlapping tasks, little inter-agency coordination, and the absence of an integrated water management plan.

For example, [five separate agencies](#) manage lakes across Bangalore. This makes fixing accountability extremely challenging. Agencies continue to work in silos in the absence of an integrated urban planning scheme.



### The Hindu God is no longer green

Against this ineffectual backdrop, individuals and organisations are using advocacy efforts and public interest litigation (PILs) in an attempt to resolve some aspects of water management problems.

However, major questions remain about the ability of an activist judiciary to drive urban water governance reforms.

In a 2012 landmark judgement, [Environment Support Group Vs. State of Karnataka](#), the Karnataka High Court directed that all lakes and water tanks must be surveyed. It also directed the removal of all unauthorised construction in the 30-metre buffer zone around all lakes.

The High Court gave general directions, including preventing sewage from entering lakes. It [also directed](#) the government to constitute committees composed of public officials for the management of lakes across various administrative units in the state.

However, even one year after the judgment, the Karnataka State Government had failed to constitute the Apex Committee to supervise the local committees, leading the Environment Support Group to file a contempt petition against the state government in 2013.

This begs the question: are court judgments divorced from institutional realities and unaware of what it takes to set up public agencies?

Even when they have the ability to follow court directives, agencies might have little incentive to do so, particularly where those directives conflict with the laws of other jurisdictions. Most importantly, even a progressive judgment that treads into the realm of policy-making may lead to unintended adverse consequences.

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A highly-publicised case from 2014 is an example of both outcomes. In [Forward Foundation Vs. State of Karnataka](#), citizen groups filed against the government over the irregular approvals granted for an Information Technology Park and the resulting environmental damage. In its judgement in 2016, the National Green Tribunal increased the buffer zone for all lakes in the city from 30 metres to 75 metres. It's important to note that the [existing Master Plan](#) does not permit any construction in the buffer zones.

While this judgment was applauded by some for its proactive stance, serious



the judgment violates the doctrine of separation of powers, and encroaches on the prerogative of statutory authorities by revising the buffer zone norms in the Master Plan.

While the progressive ecological stance is welcome, the impact of the 2016 judgement on housing, infrastructure and mobility in a land-strapped city is unclear.

Multiple PILs on overlapping issues suggests that there is a need for civil society organisations to form better linkages and rationalise their strategy for effective legal interventions. It is time for the groups to compile and study a large number of directions issued by the judiciary regarding restoration of lake ecosystems over the years. Armed with the judgments and orders, they can rightfully demand action from various agencies and better monitor progress.

Consistent advocacy efforts can mobilise community action, and in some instances, court directions [may find their way into policy documents](#): the green tribunal's expansion of buffer zones around stormwater drains is one positive example. However, judgments that encroach upon the policy-making mandate of the state government are likely to be challenged, and litigants must exercise caution when acting on them.

The solution might just be ensuring the enforcement of [existing judgments](#), rather than prolonged courtroom battles. The key to healthier lakes might lie in swallowing fewer but more effective PILs with a healthy dose of [community education](#). This could save Bangalore's ailing lakes.