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Naagarika – Citizens' Watch Committee

27, July 2017

To,
The Director
Town and Country Planning Department,
MS Building Gate 4, Bengaluru 560 001

Dear Sir,

Subject: Objections to Notification No. UDD 6 TTP 2017, Dated 1 July 2017 and Notification No. UDD 25 TTP 2016, dated 6 July 2017 by Urban Development Secretariat.

We, citizens and RWAs, of Bengaluru hereby tender our formal objections to the above referred draft notifications (copies enclosed) and demand that these notifications be set aside and a more rational and legal process be followed to change Issues relating to Master Plan of Bengaluru.

1. We believe that due legal process has not been followed and that the UDD has no authority to unilaterally change aspects of the Master Plan. With the state of Karnataka finally adopting and implementing the 74th Constitutional Amendment and the formation of The Metropolitan Planning Committee for Bengaluru ("MPC"), the prime responsibility for the planning of Bengaluru has shifted to the MPC.
2. There is no statutory provision permitting the drafting or formulation of a draft common zoning regulations for the entire state of Karnataka. In fact, the formulation of a draft common zoning regulations is antithetic to the concept of zoning regulation under the KTCP Act, which empowers the planning authority in each planning area to formulate the zoning regulations in their planning area after due surveys to ascertain the specific requirements of their planning area.
3. We believe the UDD has exercised unbridled power and has callously used Section 13 (e) of the KTCP act for this notification. The proposed notifications are so wide and far reaching that in effect the texture, spirit and logic of Masterplan 2015 and subsequent changes (as far as residential zoned areas are concerned), will be totally rewritten. We are confident that this is not the right usage of the provision, which we believe was meant to correct small anomalies efficiently. In any case, what is sought to be done by way of the above referred draft notifications in no way can be construed as an amendment under S. 13(e) of the KTCP act and is a complete repeal of the existing zonal regulations which is not permitted under S. 13(e).
4. The draft notifications have been put on the government gazette. No public advertisements or call for consultations was done. Considering the proposed

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#54, Richmond Road, Bengaluru – 560025. Phone: 080 4852 8057



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notifications effectively undermines and changes fully the existing Master Plan and its subsequent modifications (through court orders), the process to be followed needs to

be transparent and consultative. A similar process as followed in developing a Master Plan needs to be followed instead of trying to push through something quickly and in stealth.

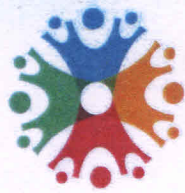
5. We would like to state that there has been no apparent application of mind to this exercise and shows adhocism. For such major changes, we would expect our Government servants to show maturity, competence and transparency by clearly stating the studies conducted and justifications. A one line statement of "ease of doing business" is not acceptable. We would at least expect an "impact study" since these notifications effectively change the contours of a residential area. For example, the zoning regulations under the present RMP – 2015 contained a vision document prepared after detailed study of the planning area.
6. The notifications in effect belittle effort of citizens and have no regard for wastage of taxpayers' money. Citizens have engaged deeply and enthusiastically with the current Master Plan 2035 process, which is being done at considerable cost.

This notification in effect nullifies all efforts. Because of the sweeping nature of these amendments we have a situation of rules defining the plan rather than rules formulated towards achieving an agreed to plan. With the Master Plan 2035 close to finalisation, we believe solutions for Bengaluru needs to be done on a holistic basis rather than ad hoc and unscientific measures.

7. The above notifications try to circumvent the orders of the Hon HC in 3676/2008 and WP 2661/2015 and is contrary to the affidavits given to court by the Govt. vide the BDA and BBMP. The Govt. Of Karnataka and UDD was also a respondent in these cases and have filed their consent to the undertakings given by the Bangalore Development Authority before the court. The directions, judgements and affidavits all emphasised that residential areas are in danger of being destroyed with decreasing quality of life and that there should be no more commercialisation of residential areas. There is nothing to suggest that there has been anything of significance since the High court verdicts to change the situation on the ground and to justify such wholesale changes.

They also try to circumvent Supreme Court stay of the *Akrama Sakrama* bill.

8. The Government of Karnataka had constituted a committee under the Chairmanship of Dr A. Ravindra, former Chief Secretary of Karnataka and presently the Chairman of the Smart Cities India Foundation, to look into the gamut of issues relating to Commercialization of residential areas. Various recommendations were made by the



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Ravindra committee which formed the basis of the High Court verdict in WP 3676/2008, and in the subsequent amendment of the RMP 2015.

The present draft notification not only makes no reference to the Ravindra Committee report, but goes out of its way to suggest changes that are contrary to the principles laid down in the report which the high court had taken cognizance of.

9. It is untrue that there are no spaces for commercial activities within a residential area within the current framework and restricting "ease of doing business". There are spaces/roads earmarked as Commercial axis and Mutation corridors. There are also industrial zones within/abutting many residential zones. These areas and roads allow commercial and industrial activity and also a more liberal FAR and building bye laws in keeping with the requirements of business. There is hence no reason to allow commercial and industrial activities in practically every road and street of a residential area as this notification tries to do.
10. A single set of zoning regulations cannot be applied across all states and cities in Karnataka given the varied development needs, growth rates and other uniqueness of each town. This also goes against the very concept of urban town planning. Each city needs to be studied and rules built according to the requirements of the city. Even within a city there are different needs and levels of development. We have in Bengaluru 3 rings each having significantly different treatments and priorities in the Master Plan. The notification without justification does away with an important and needed aspect of the Master Plan.
11. The fact that common zoning regulations are applied to even "proposed road widths" regardless of the fact if that is implemented in the future is irrational and against all norms.
12. The continued reliance of road width as the only defining factor in establishing rules and zoning norms creates problems in implementations on the ground. There would be many areas / roads especially in the economically weaker geographies or small towns, where road widths are only 7.5metres. These will be typically areas where trades and residences have been historically blended together. The regulations will destroy such areas. The only method is to have a comprehensive on the ground master planning exercise and not amendments of regulations.
13. The allowable FAR is effectively being increased through a premium FAR mechanism. This in effect means more densification and higher demand for scarce public utilities. There is no study or rationale to show that the city can take additional loads. Setting FAR should be an outcome of surveys, forecasts and the whole Master Plan process. There is no scientific basis for the proposed increased FAR and no evaluation of the subsequent densification. There is no analysis of the carrying capacity of a town or



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locality to be able to cope with increased FAR. The premium FAR will also lead to unnecessary inflationary pressures. The Premium charged will be finally borne by the homeowner and will make housing more expensive across all segments.

14. There have been continuous complaints from citizens and citizen groups on faulty and practically absent implementation of existing Master Plan rules and regulations. The situation of illegal commercialisation of residential areas is an accepted fact. The administration has neither the will nor mechanism to handle this. Under these circumstances it is meaningless to bring out new regulations.
15. These regulations are also contrary to the principles enunciated in the various well established Supreme Court and High Court verdicts to protect residential neighbourhoods and the need to clearly demarcate them from commercial zones. This regulation infringes on Article 21 '*Right to Life*' which provides that "No person shall be deprived of his life or personal liberty except according to procedure established by law."

The Government has a primary duty to safeguard the quality of life of its citizens while balancing the growth requirements of the city. In doing so they have to ensure that rampant and uncontrolled commercialisation or inappropriate usage of residential areas does not go against the basic tenet of "right to life" of its citizens.

We the residents believe that mere tokenism by titling it "Ease of doing business" without any study of the implications of permitting numerous commercial activities (currently not allowed) in purely Residential zones, will inflict enormous stress on the physical & social infrastructure that is already badly stretched. This will result in making residential areas of Bengaluru city unlivable and lead to intense unplanned densification of the city. This is contrary to any sensible guidelines being adopted by developing cities across the world.

In the light of all the above mentioned averments we sincerely urge you to keep in abeyance any proposed changes to zoning regulations for Bengaluru city as in the notifications as captioned in the subject line. Needless to add the current zoning guidelines in force since various orders of the Hon High Court since 2012 and subsequently notified by the Govt in 2015, in itself is well balanced and has adequate provisions to improve "ease of doing business" if implemented in letter & spirit by the Govt.

Any and every change must be brought in as part of the scientific and consultative Revised Master Plan 2031 being currently developed. Further all such planning exercises for Bengaluru must be under the aegis of the Metropolitan Planning Committee.

We do hope you will take on record our objections & urge in the strongest possible terms that the present draft notification be not acted on.



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The receipt of this letter may be acknowledged to:

Mr Sridhar Pabbisetty

Chief Executive Officer

Namma Bengaluru Foundation

#54, Richmond Road

Bengaluru 560 025

Mobile: 95919 85289

Email: sridhar.p@namma-bengaluru.org

Mr Vijayan Menon

Citizen Action Forum

Ashirwad No. 724, 1st Floor

7th A Main Road, 1st Block

HRBR Layout, Kalyan Nagar

Bengaluru 560 043

Mobile: 9886031420

Email: menonvij@gmail.com

Thanking You.

Warm Regards,

Mr Sridhar Pabbisetty



Mr Vijayan Menon



Citizens' Action Forum
The Fifth Estate