

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

ORIGINAL JURISDICTION

WRIT PETITION No. _____/2016

PRESENTATION FORM

Serial No.

Address for service

Poovayya & Co.
Nalina Mayegowda
Advocates and Solicitors
The Estate, Level One
No. 121, Dickenson Road
Bangalore- 560 042
9845172446

BETWEEN

Mr. Rajeev Chandrashekhar & Anr.

AND

State of Karnataka and others

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Bengaluru

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

Writ Petition No. / 2016

BETWEEN:

Mr. Rajeev Chandrashekhar
& Anr.

...Petitioner

And

State of Karnataka and
others

...Respondent

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Bengaluru

Advocate for Petitioners

01.06.2016

		constituted by the State to opine on matters relating to infrastructure planning and development.
6.	28.04.2016	The State of Karnataka issues a Government Order constituting the Bangalore Blueprint Action Group, in the place of BVG, to plan and provide recommendations on matters relating to metropolitan area planning and infrastructure development.
7.	01.06.2016	Hence this Writ Petition

SYNOPSIS

Pursuant to 74th Constitutional Amendment, Article 243ZE was inserted to the Constitution of India, requiring the constitution of a Metropolitan Planning Committee for every Metropolitan Area. Furtherance to the said insertion, the Karnataka Municipal Corporations Act, 1976 was amended in 1994 to provide for the constitution of the Metropolitan Planning Committee in Karnataka. However, despite the lapse of over 19 years, it was not until 2014 that there was a Metropolitan Planning Committee (MPC) that was constituted for the notified Metropolitan Area of Bengaluru. Even this constitution of the MPC was pursuant to the intervention of this Hon'ble Court, wherein this Hon'ble Court had; at this instance of a public interest litigant, directed the Respondent State (vide orders in WP No. 21436/2005) to expedite and promptly constitute the MPC. Pursuant to the constitution of the MPC, the office bearers; as required under Article 243ZE were elected/nominated, as the case maybe, in February 2016. During the pendency of WP No. 21436/2005, the State had constituted the Bangalore Vision Group (BVG) to submit

recommendations in matters relating to planning and infrastructure development. The BVG was briefly restrained from taking any actions by this Hon'ble Court in WP No. 21436/2005

As things stood thus, the Respondent State has constituted the Bangalore Blueprint Action Group (BBPAG) with objects relatable to that of the BVG vide Government Order dated 28.04.2016. Challenging the actions of the State in failing to strengthen the existing MPC and arbitrarily constituting the BBPAG, the Petitioners have preferred the instant writ petition.

Bengaluru

01.06.2016

**Advocate for Petitioners
Nalina Mayegowda**

IN THE HIGH COURT OF KARNATAKA, AT BENGALURU

(Original Jurisdiction)

Writ Petition No: _____ / 2016 (PIL)

Between:

1. Mr. Rajeev Chandrasekhar,
Member of Parliament
Aged about 52 years,
S/o. Air Cdr M.K. Chandrasekhar (Retd.)
Residing at No. 375, 13th Main
3rd Block, Koramangala
Bengaluru- 560034
2. Namma Bengaluru Foundation
A registered public charitable trust
Having its registered office at
No. 3J, N.A. Chambers
7th C Main, 3rd Cross, 3rd Block
Koramangala,
Bengaluru- 560 034
Represented by its Authorised Signatory
Shri. Sridhar Pabbisetty

Petitioners

AND:

1. State of Karnataka
represented by the
Chief Secretary to Government
VidhanaSoudha
Dr. AmbedkarVeedhi
Bangalore 560 001
2. Bruhat Bengaluru MahanagaraPalike
Corporation Building, NR Square
Bangalore-560 002
Represented by its Commissioner
3. Urban Development Department
VikasaSoudha,
Bangalore - 560001
Through its Additional Chief Secretary

4. Bangalore Development Authority
T. Chowdaiah Road,
Kumara Park West
Bangalore - 560020
Represented by its Commissioner
5. Karnataka State Election Commission,
State Co-Operative Sales Society Building (Reg),
1st Floor, No.4, Cunningham Road,
Bangalore - 52
Represented by the State Election Commissioner
6. Bangalore Metropolitan Region Development (BMRDA),
No. 1, Ali Askar Road,
LRDE Building,
Bangalore - 560052
Represented by its Commissioner

**MEMORANDUM OF WRIT PETITION UNDER ARTICLES 226
AND 227 OF THE CONSTITUTION OF INDIA**

The Petitioners above named most respectfully submit as follows:

1. The Petitioners have filed this writ petition, being aggrieved by the Government Order bearing No. NAE 97 Coordination 2014, Bengaluru, dated 28.04.2016 (the "**Impugned G.O.**"), whereby the Respondent State has sought to constitute the Bangalore Blue Print Action Group (BBPAG), with objectives *inter alia* to enhance the quality of life of citizens by improving basic infrastructure facility, system improvement, accumulation of resources, transparent administration, especially plans including e-governance and ensure participation of citizens,

organisations and corporations, to develop a blueprint which aims at enhancing the quality of life of citizens, to supervise and advice implementation of various city projects and coordinating with various city agencies towards timely completion of the project with assured quality, etc. The Impugned G.O., in addition to setting out the agenda for the BBPAG, has also listed out the members of the said action group, which includes members from both statutory bodies under the direct supervision of the Government of Karnataka and also members from civil society. The Petitioners are aggrieved by the Impugned G.O. inasmuch that the constitution and functioning of the BBPAG is in apparent conflict with the constitution and functioning of the Bangalore Metropolitan Planning Committee (BMPC), established pursuant Article 243-ZE of the Constitution of India and Section 503B of the Karnataka Municipal Corporation Act, 1976 (the "**KMC Act**"). A copy of the Impugned G.O., being Government Order bearing No. NAE 97 Coordination 2014, Bengaluru, dated 28.04.2016 is produced herewith as **Annexure A**.

2. Petitioner No. 1 is a Member of Parliament in the Rajya Sabha since May 2006. Petitioner No. 1 holds a Bachelor's Degree in Electrical Engineering from the Manipal Institute

of Technology, Mangalore University, Karnataka, a Master's Degree in Computer Science from Illinois Institute of Technology, Chicago (which has also recognized him as a distinguished Alumnus) and has attended Management Programmes at Harvard University, Boston. Petitioner No. 1 was the illustrious member of the team that developed Pentium Chip that revolutionized the computing technology in the world. Petitioner No. 1 was initially elected to the Rajya Sabha in 2006 and subsequently won election unopposed to the Rajya Sabha in 2012. As a Member of Parliament, Petitioner No. 1 has espoused various issues of public importance, including the need for transparency in the interplay between business and public administration; and the need for immediate improvement in standards of governance, etc. Petitioner No. 1 has also been in the forefront of the battle for transparency in the grant of public largesse's by the State and for the protection of the State's assets and natural resources such that they be used for the benefit of the community in tune with inter-generational equity. Petitioner No. 1 has successfully espoused these causes with relation to the 2-G spectrum allocation and the Petitioner No. 1's position that thousands of crores of rupees of loss caused to the exchequer, was ultimately upheld by the Hon'ble Supreme

Court of India in the recent 2-G litigation. Prior to becoming Member of Parliament, Petitioner No. 1 was one of India's foremost telecom entrepreneurs and was a pioneer in developing India's first and largest Greenfield telecom infrastructure. He was the youngest National Presidents of the Federation of Indian Chambers of Commerce and Industry (FICCI), India's apex industry body. As the President of FICCI, Petitioner No. 1 was in the forefront of initiating governance reforms in the matter of how business deals with government. The Petitioner No. 1, as a representative of the people, has championed the cause of constitutional rights of the citizens such as freedom of speech and expression, voting rights of armed forces personnel, right to privacy of all classes of citizens, and closely working towards bringing public participation and accountability in matters of public governance. The Petitioner has initiated multiple public interest actions before this Hon'ble Court as also before the Hon'ble Supreme Court of India on a wide range of issues including land – both public and government, rights of local communities to public infrastructure; right to privacy and the right to freedom of speech and expression vis-à-vis the internet and intrusive regulation of the internet by the State. The Petitioner has successfully challenged the

archaic and unconstitutional Section 66A of the Information Technology Act, 2000 before the Hon'ble Supreme Court. The Petitioner No. 1's appeal before the Hon'ble Supreme Court of India regarding the right of defense personnel to vote devoid of any restrictions, led the Hon'ble Supreme Court to permit such defense personnel to exercise their right of franchisee in the last general elections, without demur, pertaining to the quantum of time they may have spent in such locations. Petitioner No.1 is a resident of Bengaluru and has been vocal on various aspects relating to the administration and welfare of the residents of the city of Bengaluru. Even recently, Petitioner No.1 has, pursuant to various representations demanding transparency/accountability of the Bengaluru Bruhat Mahanagar Palike (BBMP), presented a petition before this Hon'ble Court seeking appropriate directions for an audit of the BBMP by the office of the Comptroller and Auditor General of India (CAG) and the same is pending consideration before this Hon'ble Court.

3. Petitioner No. 2, i.e., Namma Bengaluru Foundation, is a public charitable trust with the objectives of, *inter alia*, assisting and participating in developmental activities for

the general public of Bengaluru. The true copy of the Trust Deed as well as the authorisation for filing the present petition is being filed with the vakalatnama. Petitioner No. 2 aims to serve the people by proactively participating in and addressing various problems faced by Bangalore and its citizens, through advocacy, partnership and activism. Petitioner No. 2 is actively involved in hosting various public awareness programmes such as fire safety awareness, water conservation awareness, garbage segregation and waste management, etc. to promote civic awareness amongst general public. Petitioner No. 2 has also filed various public interest litigations before this Hon'ble Court pertaining to rampant encroachment of public lands in the city of Bangalore and the State of Karnataka and also pertaining to illegal occupation and developments in and around the lakes in the city of Bangalore, causing deleterious effect to such lakes and to the general well being of the public, underscoring the serious abdication of duty by authorities concerned, in ensuring a wholesome planning for the City of Bengaluru. Petitioner Nos. 1 and 2 are filing the instant petition in public interest to espouse the cause that impacts the lives of every citizen resident in the metropolitan city of Bengaluru. It is submitted that Petitioner No.2 is

particularly concerned about the constitution and, effective and objective functioning of the Bangalore Metropolitan Planning Committee. To this end, Petitioner No.2 has instituted a Writ Petition before this Hon'ble Court in WP No. 48720/2014, wherein Petitioner No.2 herein has, *inter alia*, challenged the constitutional validity of Section 503B (2)(a) of the Karnataka Municipal Corporation Act, 1976 relating to the composition of the Metropolitan Planning Committee as being in violation of Article 243-ZE(2)(b) of the Constitution of India. The said Writ Petition is pending consideration before this Hon'ble Court.

4. While Respondent No.1 in the instant Writ Petition is the Government of Karnataka represented by the Chief Secretary, the Petitioners have also sought to array BBMP (Respondent No.2), Urban Development Department (UDD) (Respondent No.3), Bangalore Development Authority (BDA; Respondent No. 4, which has been statutorily assigned the duty of drafting the Development Plan for the city of Bengaluru), Karnataka State Election Commission (KSEC; Respondent No.5 is the Statutory body, overseeing the election of office bearers to the BMPC) and the Bangalore Metropolitan Region Development Authority (BMRDA; Respondent No. 6, which has been permitted to

co-exist with the BMPC pursuant to Karnataka Municipal Corporation Act, 1976 [Amendment Act No. 60 of 2013]).

5. It is submitted that pursuant to the Constitution (Seventy-fourth) Amendment Act, 1992, Article 243-ZE was inserted to the Constitution, which mandated *inter alia* the establishment of a Metropolitan Planning Committee for every metropolitan area. In furtherance to the mandate under the Constitution of India under Article 243-ZE, the KMC Act was amended by way of the Karnataka Municipal Corporation (Amendment) Act, 1994 (Act No. 35 of 1994), to provide for Metropolitan Planning Committee (MPC) by inserting Section 503B to the KMC Act. Section 503B of the KMC Act is extracted hereunder:

503B. Metropolitan Planning Committee.- (1) *The Government shall constitute a Metropolitan Planning Committee for the Bangalore Metropolitan Area to prepare a draft development plan for such area as a whole.*

Explanation.- For the purpose of this section "Bangalore Metropolitan area" means an area specified by the Governor to be a metropolitan area under clause (c) of Article 243P of the Constitution of India.

(2) *The Metropolitan Planning Committee shall consist of thirty persons of which,-*

(a) such number of persons, not being less than two-thirds of the members of the Committee, as may be specified by the Government shall be elected in the prescribed manner by, and from amongst, the elected members of the corporations, the Municipal Councils and town Panchayats, and the Adyakshas and Upadyakshas of Zilla Panchayats, Taluk Panchayats and Grama Panchayats in the Metropolitan area in proportion to the ratio between the population of the city and other municipal area and that of the areas in the jurisdiction of Zilla Panchayat, Taluk Panchayat and Grama Panchayat;

(b) such number of representatives of,-

(i) the Government of India and the State Government as may be determined by the State Government, and nominated by the Government of India or as the case may be, the State Government;

(ii) such organisations and institutions as may be deemed necessary for carrying out of functions assigned to the committee, nominated by the State Government;

(3) All the members of the House of the People and the State Legislative Assembly whose constituencies lie within the Metropolitan area and the members of the Council of State and the State Legislative Council who are registered as electors in such area shall be permanent invites of the Committee.

(4) The Commissioner, Bangalore Development Authority shall be the Secretary of the Committee.

(5) *The Chairman of the Metropolitan Planning Committee shall be chosen in such manner as may be prescribed.*

(6) *The Metropolitan Planning Committee shall prepare a draft development plan for the Bangalore metropolitan area as a whole.*

(7) *The Metropolitan Planning Committee shall, in preparing the draft development plan,-*

(a) have regard to,-

(i) the plans prepared by the local authorities in the Metropolitan area;

(ii) matters of common interest between the local authorities including co-ordinated spatial planning of the area, sharing of water and other physical and natural resources, the integrated development of infrastructure and environmental conservation;

(iii) the overall objectives and priorities set by the Government of India and the State Government;

(iv) the extent and nature of investments likely to be made in the Metropolitan area by agencies of the Government of India and of the State Government and other available resources whether financial or otherwise;

(b) consult such institutions and organisations as the Governor may, by order, specify.

(8) *The Chairman of the Metropolitan Planning Committee shall forward the development plan, as recommended by such Committee, to the State Government.*

6. As is demonstrably evident from a conjoint reading of Article 243ZE of the Constitution of India and Section 503B of the KMC Act, it is the constitutional and statutory intent to vest the MPC with duties *inter alia*, to prepare and draft a development plan for the Bangalore Metropolitan Area (as defined *vide* Notification No. UDD 356 MNJ 2005 (P), dated 18.06.2013), sharing of water and other physical and natural resources, integrated development of infrastructure and environmental conservation, by consulting such institutions and organizations as the Governor may, by order, specify. The aforesaid notification bearing Notification No. UDD 356 MNJ 2005 (P), dated 18.06.2013 is produced herewith as **Annexure B.**

7. It is submitted that the importance of MPC has been constantly reiterated by various independent committees and other statutory authorities. Pertinently, the 'Report of Expert Committee on Governance in the Bangalore Metropolitan Region and Bruhat Bangalore Mahanagara Palike' dated March 2008 and chaired by Dr. K. Kasturirangan (the "**Kasturirangan Report**"), has observed the following in asserting the role that has been

contemplated for MPC, particularly in the context of the City of Bengaluru.

*“5.11 The range and variety of plans developed by different levels of government on the same subject matter within the BMR has resulted in inconsistent planning and wide resource gaps. Presently, in Bangalore there is no MPC that plays a co-ordination role for synergising all these planning functions exercised and ensuring that there are no overlapping jurisdictions and conflicts. The role of BMRDA as a reviewing and co-ordinating authority has had at best limited success for a variety of reasons. To enable the MPC to carry out a co-ordinating and integrating role, we need to develop and put in place a clear hierarchy of planning institutions and plans where the MDP under the MPC should co-ordinate and override all other plans developed by other state functionaries and local bodies in the metropolitan region. The Constitution provides that the MPC will have a reference jurisdiction whereby important decisions by other levels of government must get the MPC approval as well as a review and clarification power over local government plans. **This institutional hierarchy whereby the MPC is conferred with the overall decision making power in this area must be established in the statutes to be drafted for creation of the MPC in Karnataka. Related statutes such as the KTCP Act and the BMRDA Act should also be amended to accommodate the primacy of the MPC.**”*

[Emphasis supplied]

A copy of an extract of the Kasturirangan Report, including Chapter 5 – Planning for Bangalore Metropolitan Region, from the said Report is produced herewith as **Annexure C**. It is not out of place to mention that the Report on the BBMP Restructuring Plan dated June 2015, which revisited the entire conspectus of the organizational structure of BBMP, reiterated the importance of the MPC in the planning and development of the city, including recommendations as to the membership of the MPC. A copy of the executive summary of the Report on the BBMP Restructuring Plan dated June 2015 is produced herewith as **Annexure D**.

8. Although the KMC Act was amended in 1994 to provide for the establishment of Metropolitan Planning Committee(s) as contemplated under Article 243-ZE, it was not until 2013, that the Respondent State had taken any effort to establish a Metropolitan Planning Committee for the City of Bengaluru. Specifically, it is only after the lapse of nineteen years since the insertion of Section 503B in the KMC Act that the draft Bangalore Metropolitan Planning Committee Rules, 2013, were notified (the “**BMPC Rules**”). Pursuant to the above, the BMPC Rules came into force on January 4, 2014. It is pertinent to note that the BMPC

Rules were brought into effect pursuant to the order dated January 3, 2014 passed by a Single Judge Bench of this Hon'ble Court in WP No. 21436/2005. As per the aforementioned order, the Respondent State was directed to notify the BMPC Rules within 48-hours of that order. Therefore, it was only in compliance of the order dated January 3, 2014 that the Respondent State had notified the BMPC Rules on January 4, 2014. A copy of the BMPC Rules as notified on January 4, 2014 is produced herewith as **Annexure E**. A copy of the order dated January 6, 2014 passed by this Hon'ble Court in WP No. 21436/2005, recording the compliance of the State Government of the order dated January 3, 2014, directing the notification of the Rules for the constitution of the BMPC, is produced herewith as **Annexure F**.

9. In the interregnum, the Respondent State created the Bangalore Vision Group (hereinafter referred to as "BVG"), the purpose of which was to come up with an integrated vision for the development of Bangalore. The BVG was to be headed by the Chief Minister, alongwith 4 MLAs as vice-chairs, and 5 members from general public.
10. It is submitted that this Hon'ble Court in WP No. 21436/2005, whilst examining *inter alia* the constitutional

validity of Section 14-A, Karnataka Town and Country Planning Act, 1961, had by way of its order dated March 17, 2014 restrained the BVG from carrying out any functions as may be contemplated upon its constitution. A copy of the order dated March 17, 2014 passed in WP No. 21436/2005 is produced herewith as **Annexure – G**. It is pertinent to submit that the interim order granted on March 17, 2014 was periodically continued till June 18, 2014.

11. It is relevant to submit that this Hon'ble Court, in its order dated March 21, 2014 in WP No. 21436/2005, while discussing about the propriety in the establishment of the BVG, has observed thus:

“In the instant case, it is useful to notice that for 20 long years, the State of Karnataka under several dispensations did nothing to constitute the Metropolitan Planning Committee under Section 503(B) of the Karnataka Municipal Corporation Act, 1976, though the amendment was brought about to the statute pursuant to an amendment of the Constitution of India. Petitioner having brought to the notice of the Court about the inaction, lethargy and indolence on the part of the successive governments, led to the present dispensation issuing a notification for constitution of the Metropolitan Planning Committee. If that is so, then the question necessarily arises, as to what power is exercised by the

State in the constitution of the Vision Group for development of Bangalore, Annexure D.”

A copy of the order dated March 21, 2014 passed in WP No. 21436/2005 is produced herewith as **Annexure – H**.

12. It is respectfully submitted that WP No. 21436/2005 was disposed of by this Hon’ble Court on October 29, 2014. A copy of the final order in WP No. 21436/2005 is annexed herewith as **Annexure J**. Certain observations in the final order made by the Hon’ble Single Judge are extracted herein below for ease of reference:

10. By and large, the decision of the Division Bench of this Court is to regulate the activities of the public at large who are residing in residential area or in the land falling within corporation limits & metropolitan area. While sanctioning the change of land use from residential to commercial either by the Corporation or by any local body, it was suggested to follow mandate of the Constitution. With that idea, a committee was sought to be constituted as is envisaged in Article 243ZE of the Constitution of India read with S. 503 [sic.] of the Karnataka Municipal Corporations Act. In furtherance thereon and at the instance of some of the interested public, an order has been passed to constitute a committee. Be that as it may, the very mandate of Article 243ZE of the Constitution of India has to be implemented in total spirit. So far, in the absence of such committee being constituted, the activities have

been carried out at the official level or at the local body level as a matter of convenience. After one fine day, some people started raising their voice to protect the unhealthy growth of the city saying that due to illegal sanctioning of change of land use from residential to commercial purpose, nuisance is being caused affecting the peaceful living in the residential area. Might be for the reason of overpopulation and requirement of need to be served at the doorsteps such changes should have been considered by the local bodies granting permission or otherwise for change of land use from residential to commercial use. **As and when city grows, ultimately the local bodies or the persons in the bureaucracy or the officials of the concerned government department have to take a decision according to the mandate of Constitution and a separate body has to be constituted.** Normally such power is being exercised in the usual course by framing rules from time to time, as per the convenience of the citizens. Of Course, **this Court has directed for compliance of the mandatory provisions of Article 243ZE of the Constitution of India, in the sense, it is not as if no such permission is denied, but to enable and to regulate the activities, a direction was given by this Court to constitute a body either by election or by nomination.** As such, there is no total ban on the activity of conversion/change of land use. **What is being envisaged by this Court is to regulate the activities and a decision to be taken at the higher/appropriate level.** Of course, this is an undisputed fact and also Constitution of India

mandates. Now it has become necessary to have a uniform law for the regulation of planned growth of land use and development and for the making and execution of town planning schemes in the State.

XXX XXX XXX

15. [...] It is for the BDA and the State Government to follow the mandate of S. 14-A of the Act since this petition is being disposed to place such matters pending consideration before the High Level Committee constituted by notification dated 4.1.2014.

XXX XXX XXX

17. The elected body constituted to deal with, as reported to this Court, should start functioning. Body constituted in its form gives wider representation and to deliberate and take reasoned decision thereby unbridled power conferred on any one of the person is scuttled. At least, meeting shall be fixed as and when necessary at regular intervals so as to enable the local body to take up all those applications pending and it should be cleared, in accordance with law. [...]

[Emphasis Supplied]

It is submitted that thereafter, elections for 18 members of the MPC were conducted on September 16, 2014. However, against the spirit of the observations of this Hon'ble Court, the MPC has not convened a single meeting since its

conception. It is also pertinent to note that the term of the the 18 elected members, being co-terminus with the term of the BBMP Council, had come to an end in April, 2015. It is also pertinent to note that thereafter, elections for the 18 vacancies was only completed in February, 2016. It is proposed that the first meeting of the MPC is to be convened on June 1, 2016.

13. It is most respectfully submitted that it is a constitutional mandate embodied in Part IXA of the Constitution which envisages a strategic planning for the ends of a holistic and comprehensive development of a Metropolitan area. Article 243ZE of the Constitution of India is directed towards facilitating such all around development being mindful of the necessity to integrate development of infrastructure with that of environmental conservation. It is trite that such visionary ends have been encapsulated in the constitutional document by no less than a constitutional amendment bearing in mind the relative importance of planned growth which alone is able to cure or prevent the malady of chaotic growth of urban areas often leading to the failure of administrative mechanisms resulting in deprivation of the citizens in such areas from the provisions of basic amenities which a welfare state is

bound to provide. For often, in large metropolitan areas, where different organs of the State are entrusted with the provision of basic amenities such as electricity and water, fail to work at tandem resulting in unfruitful development of certain areas/layouts, where even though certain infrastructures are provided, failure of electrification or provision of potable water causes the failure of such developmental works. It is humbly submitted that in all such instances, it is the citizenry which faces the brunt of such unplanned growth.

14. It is humbly submitted that lack of planning and resultant lack of coordination and transparency breeds large scale corruption in public life. It shall not be out of place to mention that the laudable 74th Amendment to the Constitution, which incorporated Article 243ZE to the Constitution of India, being mindful of the same, aims at democratic decentralization and greater accountability between citizens and State apparatus, as has also been noted by the Hon'ble Supreme Court in *K. Krishna Murthy v. Union of India*, (2010) 7 SCC 202. It is in the light of the above, that in establishing the Metropolitan Planning Committees, the Constitution mandates that such Committees shall be constituted with not less than two-

thirds of its members being elected from among elected members of the Municipalities and Chairpersons of the Panchayats in any Metropolitan area. Any erosion of such democratic character bestowed on the MPCs for the planned development of metropolitan areas is a severe blow to democratic principles and is an affront to Constitutional obligations of the State.

15. It is in this background, that the Respondent State has passed the Impugned G.O. proposing the constitution of the BBPAG. It is further submitted that the Respondent State has apparently relied on an opinion issued by the Advocate General in denoting that there are no subsisting orders regarding the functioning or constitution of the Vision Group (or BVG). However, it is humbly submitted that the same is incorrect as the interim order restraining the functioning of BVG is essentially an incidental interim order, which did not have any direct bearing on the final prayers in WP No. 21436/2005, i.e., challenge to constitutional validity of Section 14A of the Karnataka Town and Country Planning Act, 1961. Accordingly, it may not be entirely correct to hold that there are no subsisting orders restraining the functioning and constitution of the BVG. Needless to state, the BBPAG has

been sought to be established as a revised version of the same BVG, whose functioning was interdicted by this Hon'ble Court.

16. It is submitted that the BBPAG, which is sought to be established with the objectives indicated *supra*, consists of the following members, as per the Impugned G.O.:

Sl No	Name	Designation
1	Hon'ble Chief Minister	Chairman
2	Hon'ble Bengaluru Development Minister & District In charge Minister	Vice Chairman
3	All Ministers representing Bengaluru City	Members
4	N.R. Narayana Murthy, Chairman emeritus, Infosys	Non Official Member
5	Azim Premji, Chairman of Wipro Limited	Non Official Member
6	Kiran Mazumdar Shaw, CMD, BIOCON Limited & President, BPAC	Non Official Member
7	Ramesh Ramanathan, Janaagraha	Non Official Member
8	KalpanaKar, Director, Microland & Member, BPAC	Non Official Member
9	Sachin Bansal, Flipkart	Non Official Member
10	MD Pai, Vice President, BPAC	Non Official Member
11	Ramakanth, Member SWM expert committee of BBMP	Non Official Member
12	B.S. Patil, IAS (Retd), Chairman, BBMP Restructuring Committee	Non Official Member
13	Siddaiah, IAS (Retd), Member, BBMP Restructuring Committee	Non Official Member
14	V. Ravichandar, Urban Expert & Member, BBMP Restructuring Committee	Non Official Member
15	K Jairaj, IAS (Retd), Former ACS to GoK & Trustee & Secratry, BPAC	Non Official Member
16	Swati Ramanathan, Co-Founder, Janaagraha	Non Official Member
17	R.K. Misra, Urban Expert	Non Official Member