



सत्यमेव जयते

RAJEEV CHANDRASEKHAR
MEMBER OF PARLIAMENT
RAJYA SABHA

Member of Standing Committee on Defence
Member of Consultative Committee on Finance
Member of Central Advisory Committee for the National Cadet Corps
Co-Chairman, District Development Coordination & Monitoring Committee, Bengaluru Urban District

August 04, 2017

Dear Hansavardhanj

Sub: Request your intervention in addressing discrepancies in the functioning of the State Environment Impact Assessment Authority (SEIAA)- Karnataka in violation of Environmental Regulations Notification, 2006 vis-à-vis, its role and way it handled the controversial Steel Flyover project in Bengaluru.

I am writing to you with reference to my Parliamentary Question No.1648- regarding violations of environmental norms in steel flyover and Peripheral Ring Road (PRR) projects in Bengaluru, answered on 31.07.2017, which states that the SEIAA-Karnataka has '*neither received any application seeking Environmental Clearance under the EIA Notification, 2006 nor any Environmental Clearance has been issued for construction of Steel Flyover in Bengaluru*'.

While this response maybe true, I would like to bring to your attention glaring discrepancies in the functioning of SEIAA-Karnataka.

In 2014, the Bangalore Development Authority (BDA) proposed the construction of a 6.7 kilometre Steel Flyover from Basaveshwara Circle to Hebbal in Bengaluru without following due processes- such as voluntary disclosure of Detailed Project Report (DPR), Public Consultation, Environmental Clearances etc. Opposing this, *The Namma Bengaluru Foundation (NBF)* filed RTI applications to the BDA and SEIAA-Karnataka, and filed a Public Interest Litigation (PIL) in the Hon'ble High Court of Karnataka. Other non-government organisations also approached the National Green Tribunal (NGT)- Southern Bench, Chennai.

According to the response received from SEIAA-Karnataka to the RTI application filed by Namma Bengaluru Foundation (NBF) and the NGT Order dated March 13, 2017, the SEIAA-Karnataka through a series of communication (explained below) has clarified that the BDA did not require any environmental clearances because the project did not fall under the category of Highway:-



सत्यमेव जयते

- a. On December 11, 2015, BDA wrote to SEIAA-Karnataka seeking opinion whether prior EC is required prior to the undertaking of the 'elevated road' project.
- b. On December 22, 2015, the SEIAA-Karnataka expressed their opinion, that it is necessary to examine whether the proposed project, falls under the definition of 'highways' and if it does not fall under highways prior EC is not necessary. SEIAA-Karnataka further advised the BDA to seek EC from the competent authority, if the proposed elevated road falls under the category of highways. The BDA was also asked to ascertain, if the road would form part of the highways because state and national highways are specifically covered under 7(f) of the schedule to Regulations 2006.
- c. On January 27, 2016, BDA wrote to BBMP seeking verification if the proposed 'elevated road' comes under the category of Highway.
- d. On February 09, 2016, BBMP responded to the BDA stating that the proposed 'elevated road' is under its jurisdiction (The BBMP did not specifically clarify if the road comes under the highway category).
- e. On February 18, 2016, based on the response received from BBMP, BDA again wrote to SEIAA-Karnataka stating *"it is opined that there is no necessity of obtaining the preliminary environment discharge certificate, but sent for reference and necessary action."*

It is strange that the project proponent has decided that there is no necessity for obtaining an EC as per the Regulations of 2006 and it is absurd that the SEIAA-Karnataka has failed to take action on the same.

I vociferously opposed the Steel flyover project due to its glaring environmental intrusion and it is appalling to note that throughout the series of communication between the SEIAA-Karnataka and BDA there is no reference to environmental impact due to the loss of trees. As per Paragraph 3 (7) of Regulations 2006, any decisions of the SEIAA-Karnataka must be documented in a meeting but lack of information in the communications between the SEIAA-Karnataka and BDA forces me to believe that this is opinion of the Member Secretary of the SEIAA-Karnataka. Thus, cannot be considered a decision of SEIAA-Karnataka.

Despite receiving the DPR, the SEIAA-Karnataka stated that the present project does not fall under the category of highway and is an elevated corridor with an area of 1,50,000 sq meters which was later denied by the NGT (based on information provided in the DPR) as the proposed project was an Area Development Project encompassing an area 2,13,165.9 sq meters.



सत्यमेव जयते

The NGT has declared that the Steel Flyover Project, was environmentally intrusive and contrary to law, in as much as being in direct contradiction to the provisions of the Environment (Protection) Act, 1986 and the Environment Clearance Regulations, 2006. Additionally, *the NGT had observed that the SIEAA-Karnataka had gone beyond its mandate by issuing opinion to BDA's request, which is in violation of Environmental Regulations, 2006.*

In light of all the aforementioned facts, I urge you to conduct an inquiry into the functioning of SEIAA-Karnataka and take necessary action against errant officials in accordance with the law.

Yours sincerely,

RAJEEV CHANDRASEKHAR

Dr. Harsh Vardhan
Hon'ble Minister for Environment, Forest & Climate Change
Indira Paryavaran Bhavan
Jorbagh Road
New Delhi - 110 003

70

GOVERNMENT OF INDIA
MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

RAJYA SABHA
UNSTARRED QUESTION No. 1648
TO BE ANSWERED ON 31.07.2017

Violation of environmental norms in Steel flyover and PRR projects

1648. SHRI RAJEEV CHANDRASEKHAR:

Will the Minister of ENVIRONMENT, FOREST AND CLIMATE CHANGE be pleased to state:

- (a) whether the State Environment Impact Assessment Authority (SEIAA), Karnataka has been issuing Environmental clearances and violating norms under EIA 2006 Notification dated the 14 September, 2006, as noticed in the controversial Steel Flyover and Peripheral Ring Road (PRR) projects in Bengaluru; and
- (b) if so, what steps Government is taking to ensure that SEIAA honours its mandate and protect citizens and does not become a rubber stamp for State Government and builders?

ANSWER

MINISTER FOR ENVIRONMENT, FOREST AND CLIMATE CHANGE

(DR. HARSH VARDHAN)

- (a) The State Level Impact Assessment Authority (SEIAA), Karnataka, have stated that they have neither received any application seeking Environmental Clearance under the EIA Notification, 2006 nor any Environmental Clearance has been issued for construction of Steel Flyover in Bengaluru.

The SEIAA, Karnataka have considered the application submitted by the Bangalore Development Authority seeking Environmental Clearance for development of Eight Lane Peripheral Ring Road- Phase-I, connecting Tumkur Road to Hosur Road (crossing Bellary Road & Old Madras Road) under the EIA Notification, 2006. The proposal was duly considered and Environmental Clearance granted to the said project based on the recommendation of State Level Expert Appraisal Committee (SEAC) on 20.11.2014 following due diligence as per the EIA Notification, 2006 as amended from time to time.

- (b) The SEIAA, Karnataka considers applications under the EIA Notification, 2006 and issues Environmental Clearances on the basis of recommendations of the SEAC in accordance with provision of law and on merit. The compliance monitoring of Environmental Clearance conditions is done against the baseline information available in the Environment Impact Assessment (EIA) report/Environmental Management Plan (EMP).

No BDA/Comm/EM/EO-1/TA-3/T-351/2015-16

Dated: 11.12.2015

To

The Member Secretary
State Level Environment Impact Assessment Authority
Karnataka Environment & Ecology Department
7th Floor MS Building
Bangalore -560001.

Sir

Sub: Construction of Six Lane Elevated road from Basaveshwara Circle to Hebbal Flyover via Le-Meridian Hotel and Mekhri circle. Reg - Karnataka Environment & Ecology Department requirement of clearance certificate.

With reference to the above subject the proposed Construction of Six Lane Elevated road from Basaveshwara Circle to Hebbal Flyover via Le-Meridian Hotel and Mekhri circle Bangalore has been taken up by Bangalore Development Authority. As per the requirement of Government of India Environment Impact Assessment Authority vide notification No: SO 1533 (E) dated: 14th September 2006, to obtain the opinion of the department along with detailed report and the copy of DPR are here with enclosed for needful action.

Thanking you,

Yours faithfully

Enclosure: copy of the DPR

Sd/-

Commissioner
Bangalore Development Authority
Bangalore.



TRANSLATION ATTESTED BY ME
22-11-2016
Sd/-
Bangalore Development Authority
Bangalore.
67, 4th Cross, 2nd Stage, 2 Block,
Kumar Park West, Bangalore-560020

Ramchandra IFS
Member Secretary

State Level Environment Impact
Assessment Authority - Karnataka

No:SEIAA 5 Misc 2013

dated:22.12.2015

Dear sri Shyam Bhat ji

Sub: Construction of Six Lane Elevated road from
Basaveshwara Circle to Hebbal Flyover via Le-Meridian
Hotel and Mekhri circle Bangalore.

Ref: Your letter No: BDA/Comm/EM/EO-1/TA-3/351/2015-16
dated: 11.12.2015.

With reference to the above, the proposal as per your request is verified. As per the central Government Environment Impact Assessment and forest Department (Secretariat) notification No: SO 1533 (E) dated: 14.09.2006, there is necessity to obtain the preliminary discharge certificate from the concerned department before taking up the project. The highways which are coming under the notification is listed vide annexure 7 (f) Highways. This has been published and amended vide original notification No: SO 1737 (E) dated: 11.10.2007 and SO 3067 (E) dated: 01.12.2009.

Mainly discussed the Six lane Elevated road has to be verified whether this project comes under the limit of "Highway". If not, there is no necessity to obtain the preliminary discharge certificate as per the Environment Impact estimation notification. In case if the proposed project comes under "Highway" limits, it has to be verified as per the above mentioned notification and amendments made therein from time to time and preliminary discharge certificate has to be obtained from the concerned authorities, if necessary.



The copy of the Environment Impact Assessment notification No
SO 1533 (E) dated: 14.09.2006, SO 1737 (E) dated: 01.10.2007 and SO
3067 (E) dated: 01.12.2009, are enclosed for your reference.

Yours faithfully

Sd/-
(Ramchandra)

To,

Sri Shyam Bhat IAS
Commissioner, BDA
T.Chowdaiah Road
Kumara Park West
Bangalore 560020



TRANSLATION NOTICE
SAITEENI S. IYER, B.A.L.L.S.,
67, Smt. Chowdaiah Road,
Kumara Park West, Bangalore-560020

BDA/EM/EO-1/TA-3/T-220/2015-16

Dated: 27.01.2016

To,

The Executive Engineer
Roads Infrastructure
Bhruv Bangalore Mahanagara Palike
Hudson circle
Bangalore.

Sir,

Sub: Construction of Six Lane Elevated Road from Basaveshwara Circle to Hebbal Flyover via Le-Meridian Hotel and Mekhri Circle in Bangalore.

- Ref: 1. Commissioner BDA Letter No: BDA/Commr/EM/EO-1/T-253/2015-16 dated: 06.11.2014.
2. BDA/EM/EO-1/TA-3/T-382/2015-16 dated: 06.01.2016.
3. BDA/Commr/EM/EO-1/TA-3/351/2015-16 dated: 11.12.2015.
4. State level Environment Impact Assessment Authority Letter No: SEIAA 5Misc 2013 dated: 22.12.2015.

With reference to the above cited subject, the administrative approval has been obtained for implementation of work for the Construction of Six Lane Elevated Road from Basaveshwara Circle to Hebbal Flyover via Le-Meridian Hotel and Mekhri Circle in Bangalore. The commissioner BDA has requested to Commissioner BBMP to direct the concern for handing over the road vide letter cited under reference (1).

The Engineer Member BDA has communicated to Chief Engineer BBMP vide letter cited under reference (2) for furnishing the details of development works, proposed works taken up by BBMP and land acquisition for widening in the project area since the proposed project on the existing Ballary road from Raj Bhavan to Hebbal Flyover via Mekhri circle.

Further, the BDA has communicated to Member secretary State level Environment Impact Assessment Authority vide letter cited under reference (3) in connection to environment clearance for implementing the project. In response to the letter, the Member secretary State level Environment Impact Assessment

Authority has requested to verify the proposed Flyover comes under the Highway category vide letter cited under reference (4). The copy of the same is herewith enclosed for reference. It is ascertaining that the road developmental work and maintenance work done by BBMP under jurisdiction. In this connection it is requested to hand over the roads from Basaveshwara circle to Hebbal flyover and issue the certificate for road belongs to BBMP.

Thanking you,

Yours faithfully
Sd/-
Executive Engineer
Infrastructure Division-3
BDA, Bangalore.

1. Copy submitted the Commissioner BBMP, Bangalore for information.
2. Copy submitted the Engineer Member BDA, Bangalore for information.
3. Copy submitted to the Chief Engineer road infrastructure BBMP, Bangalore with a request to direct the concern
4. Copy submitted the Engineer officer -1 BDA, Bangalore for information.
5. Copy forwarded to the Assistant Executive Engineer, Infrastructure sub division-8, BDA Bangalore for necessary action.

Executive Engineer
Infrastructure Division-3
BDA, Bangalore.

No: EE/Road Infra Structure-East/PR/462/2015-16

Dated: 09.02.2016

To,
The Engineer Member,
Bengaluru Development Authority,
Bengaluru.

Sir,

Sub:- Construction of six lane elevated road from Basaveshwara circle to Hebbal flyover via Le-Meridian hotel and Mekhri circle in Bengaluru-Regarding Implementation of the project.

Ref:- Your office letter No: BDA/EM/EO-1/TA-3/T-382/2015-16,
Dated: 06.01.2016.

With reference to the above cited subject, the widening of Bellary road has been executed & completed from Bruhath Bangalore Mahanagara Palike during the year 2007-08.

Further, this is to inform that above road is under the jurisdiction of Bruhath Bangalore Mahanagara Palike.

Your faithfully,

Sd/-

Executive Engineer,
Road Infrastructure East Division,
BBMP, Bengaluru.

509/3758
22.11.2016

TRANSLATION ATTESTED BY ME 2016

509/3758
22.11.2016

SANDEEP K. N. S.
67, 6th Cross, 8th Main Road,
Kumara Park West, Bangalore-560020

No BDA/Comm/EM/EO-1/TA-3/T-437/2015-16

Dated: 18.02.2016

To

The Member Secretary
State Level Environment Impact Assessment Authority
Karnataka Environment & Ecology Department
7th Floor MS Building
Bangalore -560001.

Sir

Sub: Construction of Six Lane Elevated road from Basaveshwara Circle to Hebbal Flyover via Le-Meridian Hotel and Mekhri circle. Reg - Karnataka Environment & Ecology Department requirement of clearance certificate

- Ref: 1. This office letter No: BDA/Comm/EM/EO-1/TA-3/T-351/2015-16 Dated: 11.02.2015
2. Your letter No: SEIAA 5 MISC 2013 dated: 22.12.2015.
3. Letter addressed to EE infrastructure division BBMP vide BDA/EM/EO-1/TA-3/T-220/2015-16 Dated: 27.01.2016.
4. Letter No: EE/R. Infrastructure East Division/PR/462/2015-16 dated: 09.02.2016.

With reference to the above subject the Bangalore Development Authority has sought for Environment clearance certificate for the work of construction of Six Lane Elevated road from Basaveshwara Circle to Hebbal Flyover via Le-Meridian Hotel and Mekhri circle from State Level Environment Impact Assessment Authority vide notification No: SO 1533 (E) dated: 14th September 2006. As per the reference (1) whether the above work is included in the above clause.



In this connection seeking of the opinion vide reference (2) to whether as to whether the proposed project comes within the limits of Highway or not vide reference (3) of Executive Engineer ID BBMP has requested to give the clarifications whether work of Basaveshwara

circle to Hebbal comes under the jurisdiction of Palike, the copy of said letter is enclosed for reference. The Executive Engineer BBMP as addressed the letter vide reference (4) that the project comes under the limits of BBMP (copy enclosed). Because the above said work doesn't come under the Highway limits.

Hence, it is opined that there is no necessity of obtaining the preliminary Environment discharge certificate, but sent for reference and necessary action.

Thanking you,

Enclosure: copy of the DPR

Yours faithfully

sd/-

Commissioner

Bangalore Development Authority
Bangalore.

Copy to the Engineer Member, BDA Bangalore for information.



TRANSLATION ATTACHED BY ME

SATISH K. SHARMA, I.A.S.,
ADMOBILE & CO. PVT.
17, 9th Cross, 1st Stage, 2nd Block,
Kumar Park West, Bangalore-560020