CITIZENS' ACTION FORUM

The Additional Chief Secretary to Government,
Urban Development Department,
Room No 436, Vikasa Soudha,
Bengaluru 560 001

27th January 2025

Dear Respected Sir,

Objections to the Draft Notification on Premium FAR circulated by Govt of Karnataka vide reference number No. UDD 78 MNJ 2024 (E) dated 04 Jan 2025.

Background: In exercise of the powers conferred under Section 13-E of Karnataka Town and Country Planning Act, 1961, the Government of Karnataka proposed to make certain amendments with respect to premium FAR in the zonal regulations of Revised Master Plan-2015 of the Local Planning Area of Bangalore approved by the State Government vide Government Order no, UDD 540 BEM AA SE 2004, Dated: 22.06.2007.

We from Citizens' Action Forum, a civic group working on issues of transparency and accountability in city governance, respectfully state our opposition to these proposals and the reasons for our opposition are outlined below:

1. **Powers to amend, revise and make new RMPs/ Master Plans:**

As per the 74th Amendment to the Constitution of India, the powers relating to governance and planning for the city falls on the municipality through a democratically elected Council. The planning of this complex city is to be through the Metropolitan Planning Committee (MPC) comprising members of the Council and relevant officers of the bureaucracy. They are entrusted to develop a Masterplan for the city.

In this regard we respectfully submit

- That the entire attempt to bring in "Premium FAR" is a colourable exercise in attempting to rewrite the RMP 2015 bypassing the Metropolitan Planning Committee (MPC) and subverting the Constitutional Provisions in this regard
- Writ Petition WP 48720/2014 filed by us challenging the creation of Master Plans by entities other than the Metropolitan Planning Committee is still pending before the Hon'ble High Court of Karnataka. However given this case, the Hon'ble High Court in two separate cases was pleased to stay the Draft RMP 2031 and Draft RMP 2041 proposed by the Government of Karnataka on two separate occasions.

E : citizensactionforumblr@gmail.com
No. 593, 24th Cross, Banashankari 2nd Stage, Bengaluru 560070
@cafbengaluru
www.cafbengaluru.org

- The attempt to introduce "Premium FAR" through the impugned notification is merely an attempt to bring in a wholesale RMP change without following the due process of law.

- In this regard the Citizens' Action Forum (CAF) had written to the Hon'ble Governor of Karnataka, Sri Thawar Chand Gehlot in April 2024 and the Hon'ble Governor has referred the matter to the Government of Karnataka for its comments and necessary action. Instead of answering these queries the attempt now is to introduce an operational Premium FAR by an administrative order. This is ingenious and attempts to circumvent the Hon'ble Governor's queries and citizens' objections to the original Bill.

2. **Akrama-Sakrama through the back-door**

- An earlier legalisation scheme for illegal constructions called the Akrama Sakrama scheme was stayed by the Hon'ble Supreme Court through its order dated May 4th 2017 in SLP 11077-11078/2017
- An earlier proposed draft notification on Premium FAR was challenged by a group of concerned citizens in the Hon'ble High Court of Karnataka in WP 14959/2020. Vide its Interim order dated 25-05-2021 the Hon'ble Court was pleased to order that any Government actions would be "subject to the final outcome of the petitions filed". The Order also states that citizens must be informed of this aspect when considering use of Premium FAR. The draft notification makes no mention of the Writ and conceals the hon'ble Court's intentions and Order. This is a disservice to citizens besides carrying serious repercussions.
- The notification suffers from the lacuna that it is impossible for the civic body (the BBMP) to assess whether the developer has already deviated from the allowed FAR prior to the application for Premium FAR. In that respect a developer can freely regularise earlier violations by submitting a 'fresh' application for Premium FAR which is in effect Akrama-Sakrama in another name. However, since Akrama-Sakrama itself has been stayed by the Hon'ble Supreme Court the entire exercise appears to be to find an indirect way of regularisation.

3. **Non-application of mind relating to traffic, sewage and water infrastructure**

- No procedure has been laid down to take into account the availability of basic infrastructure to support the additional Premium FAR.

E : citizensactionforumblr@gmail.com
No. 593, 24th Cross, Banashankari 2nd Stage, Bengaluru 560070
@cafbengaluru
www.cafbengaluru.org

- Sewage pipeline diameters depend on the number of dwelling units connected to the main sewage line. Adding in additional units will put huge strain on the existing sewerage system resulting in inability to handle the additional sewage flow.
- The increased Premium FAR will result in an inflow of traffic on the affected roads which will be unable to bear the increased inflow of traffic.
- Bengaluru city is already facing a grave shortage of water during months of no rainfall. Just a few months ago the Government had placed draconian restrictions on the use of water by residential households on the grounds that it is unable to supply the water requirements of the city.
- No procedure has been laid down for a detailed assessment of the ability to manage traffic, sewage and water before granting the Premium FAR. No NOCs have been envisaged from the respective agencies in this regard.

Planning for Premium FAR is not an independent element in the overall planning of any city, rather it is an end result of careful calculations within overall planning parameters. As such it is bad planning to independently change a previously decided FAR figure without consideration of any of the other factors so necessary for planning.

It is also to be noted that there is no stated objective, study or conclusions which have led to the need of a premium FAR other than as a method to garner resources. This should be the last on the list of planning essentials and is clearly a non-scientific way of city planning which has the real threat of creating more problems than it attempts to solve.

We trust our feedback/opinions will be considered objectively.
With all good wishes,

R Sequeira

Rosita Sequeira
Secretary

E : citizensactionforumblr@gmail.com
No. 593, 24th Cross, Banashankari 2nd Stage, Bengaluru 560070

@cafbengaluru
www.cafbengaluru.org