LEGAL PROVISIONS FOR URBAN GROWTH BOUNDARIES

The Judicial Standards and Quality Planning Act, 2012 (Act 21) Section 1(1) prohibits the licensing and permission for any new urban development, unless the development falls in the category of a pro-development permit. Section 1(1) further allows for the land to be used only for the purpose for which the land is originally acquired.

Adjudications must be followed and applied to the LIC. In the LIC, the Adjudication is an adjudication of the lands which are to be used for any urban development, or to be used towards an urban land user. Further, Section 1(1) of the LIC provides the power to the LIC to notify the area as an urban area, if the urban areas are available for the enforcement, in sections 8, 9 and 110.

A two-pronged strategy – to the present approach of the license issue from the urban area, in addition to the LIC – is legally right.

The present strategy:

- Eco-sensative areas may be proposed around the Bhadra Valley National Park or as per the EIA Guidelines of areas notified by the CBDTA – up to a maximum radius of 10 km. In this method, while the LIC does not prevent any of the proposed modules, the LIC can restrict the development of the LIC, if the LIC is a space which will help protect some part of the Bhadra's forest.

- The forest area was notified as a Tiger Reserve in 2011. The buffer zone has not been in operation since 1974. Therefore, inactivating this provision will help in securing a national barrier to conserve the growth of the Conservation, by having the high forest reserves of the tiger reserve.

In our view, the forest reserve buffer (section 38) of the Act, found to be wrong and unlawful, as per the relevant provisions, is found to be the forest reserve as per the 1974 Act.

URBAN AREA AND URBANIZATION

Urbanization is the process of shifting from rural to urban areas. All plans should include urbanization, considering the environmental impacts and the development of the area.

- All urban areas which are notified by the LIC should be notified in accordance with the LIC.
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