

Karnataka Lokayukta

(Under Section 7 of the Karnataka Lokayukta Act, 1984)

CASE
NUMBER : **COMPT/UPLOK/BGM/729/2021**District : **Bagalkote UPLOK-1****BY :****1. SUO MOTO**As per the Order of Honble Upalokayukta, Date.
16/03/2021.

Mobile/Landline:

COMPLAINANT/S**AGAINST :****1. ASSISTANT EXECUTIVE ENGINEER**Minor Irrigation and Ground Water Development
Department, Mudhol Sub-Division, Bagalkote
District.**2. ASSISTANT EXECUTIVE ENGINEER**Minor Irrigation and Ground Water Development
Department, Bagalkote Sub-Division, Bagalkote
District.**3. EXECUTIVE ENGINEER**

DUDC, DC Office, Bagalkote District.

4. ASSISTANT EXECUTIVE ENGINEER

PRE Sub-Division, Bilagi, Bagalkote District.

5. ASSISTANT EXECUTIVE ENGINEER

PRE Sub-Division, Jamakhandi, Bagalkote District.

6. ASSISTANT EXECUTIVE ENGINEER

PRE Sub-Division, Mudhol, Bagalkote District.

7. ASSISTANT EXECUTIVE ENGINEER

PRE Sub-Division, Badami, Bagalkote District.

8. ASSISTANT EXECUTIVE ENGINEER

PRE Sub-Division, Hunagund, Bagalkote District.

9. ASSISTANT EXECUTIVE ENGINEER

PRE Sub-Division, Bagalkote District.

RESPONDENT/S**Allegation/Grievance**
Brief : Dereliction of duty

Received From : Suo-Moto

Received On : 16-03-2021

Complaint stands
allotted to :**ARE-5****Seal and Signature**
Filing Officer
Karnataka Lokayukta
Bengaluru**SCRUTINY AND OPINION**

KARNATAKA LOKAYUKTA

No. Compt/Uplok/suo-moto/2021

16.03.2021.

1. During my visit to Bagalkot District, it was brought to my notice that there are about 273 ground water tanks constructed in several villages and many of them are lacking maintenance and are not capable to store water sufficiently, thereby depriving water to the people of the villages. Indeed many of them have been encroached; Steps have been allegedly initiated to remove the encroachments.
2. It has been time and again pronounced by the Apex Court that preserving and protecting lakes is one of the essential duties of the concerned authorities because everybody is entitle for clean water. The Hon'ble Supreme Court in the judgement rendered in the case of Hinch Lal Tiwari Vs. Kamala Devi and others (2001)6 SCC 496 has observed that:

'13. It is important to notice that the material resources of the community like forests, tanks, ponds, hillock, mountain etc. are nature's bounty. They maintain delicate ecological balance. They need to be protected for a proper and healthy environment which enables people to enjoy a quality life which is the essence of the guaranteed right under Article 21 of the Constitution. The Government, including the Revenue Authorities (i.e. Respondents 11 to 13) having noticed that a lakes are falling in disuse, should have bestowed their attention to develop the same which would, on one hand, have prevented ecological

4

disaster and on the other provided better environment for the benefit of the public at large. Such vigil is the best protection...'

3. Similarly, the Apex Court in the case of Jitendra Singh Vs. Ministry of Environment and others(Civil Appeal No.5109 of 2019 disposed on 25.11.2019 (2019 SCC OnLine SC 1510) has held that:

' 19. it is the responsibility of the respondents to ensure the protection and integrity of the environment, especially one which is a source for livelihood for rural population and life for local flora and fauna.

20. Protection of such village-commons is essential to safeguard the fundamental right guaranteed by Article 21 of our Constitution. These common areas are the lifeline of village communities and often sustain various chores and provide resources necessary for life. Waterbodies, specifically, are an important source of fishery and much needed potable water. Many areas of this country perennially face a water crisis and access to drinking water is woefully inadequate for most Indians. Allowing such invaluable community resources to be taken over by a few is hence grossly illegal.'

4. It is also necessary to emphasis here that as per Article 51-A(G) of the Constitution of India, it shall be the duty of every citizen to protect and improve lakes. It is unfortunate that there has been total negligence and apathy in protecting the



-3-

lakes let alone improving them. Therefore serious action needs to be initiated to identify and locate the each one of 273 lakes, carry out survey and fix boundaries. It is also necessary to protect these lakes from being encroached. The existing encroachment if any has to be removed.

5. This problem could be resolved only with the active participation of concerned officials at all levels. The concerned authorities are required to take action to remove the encroachments, identify the water storage capacity and source of water to them, take action to remove the silt deposit and obstructions caused for free flow of water into the lakes. The authorities are also required to prepare an action plan for improvement of these lakes.
6. In this regard, concerned engineers of Minor Irrigation and Ground Water Development Department, Project Director of Urban Development Cell, AEEs of PRE Sub-divisions under whose control the various lakes fall, shall be notified to initiate action as aforementioned and submit a detailed report alongwith action plan on or before 26.4.2021 failing which they shall appear before this Authority on 30.04.2021 with appropriate explanation for the delay.



7. Therefore, register a suo-moto complaint against (1) the Assistant Executive Engineer of Minor Irrigation and Ground Water Development Department, Mudhol Sub-division, (2) Assistant Executive Engineer of Minor Irrigation and Ground Water Development Department, Bagalkote Sub-division, Bagalkote, (3) Executive Engineer, Dist. Urban Development Cell, DC Office, Bagalkote, (4) Asst. Executive Engineer of PRE Sub-division, Bilagi, (5) Asst. Executive Engineer of PRE Sub-division, Jamakhandi, (6) Asst. Executive Engineer of PRE Sub-division, Mudhol (7) Asst. Executive Engineer of PRE Sub-division Badami (8) Asst. Executive Engineer of PRE Sub-division, Hunagund and (9) AEE, PRE Sub-dn., Bagalkote (by their designation and not by their names) and await reports from them as above.

8. Send copy of this order to the respondents to submit their report on or before 28.04.2021. Send copy of this order to the SP/DSP, KLA, Bagalkot, with a direction to follow up the matter and see that the concerned officers shall submit report of compliance without fail.

Send copy of this order to the Principal Secretary to Govt., Minor Irrigation, and (2) Principal Secretary to Govt., Rural Development and Panchayath Raj Dept., (3) DC,



④

Bagalkot and (4) CEO, ZP, Bagalkote for information and further needful in the matter.

Call on 03.05.2021.

comply para-8
immediately
ms
17/3/21

Bohij 16/3
Upalokayukta.

24/3/21
Letter prepared &
placed for kind
approval.

9]

ಕರ್ನಾಟಕ ಪ್ರೌಢ ಶಾಲೆ
ಹಿರೇನಗಲ್, ಗ್ರ. ಅ. ಮಂ. ಗಾ.
ಇಲಾಖೆ ಮೇಲೆ ದಾಖಲೆ:
8/4/2021 ರ ಪತ್ರ
ಖಂಡಿತವಾಗಿದೆ.