

KARNATAKA LOKAYUKTA

No. Compt/LOK/BCD/55/2015/ARE(2)

Date: 04-04-2015

**REPORT UNDER SECTION 12 (1) OF KARNATAKA LOKAYUKTA
ACT 1984**

Sub:- Complaint of Dr. Dominic F. Dixon S/o V.N. Dixon,
No.4, 3rd Floor, A Block, St. Patrics Complex, Brigade
Road,Bangalore-25.

Ref:-Complaint No. LOK/BCD/55/2015/ARE(2)

-\$-\$-

Dr. Dominic F. Dixon S/o V.N. Dixon, No.4, 3rd floor, A
Block, St. Patrics Complex, Brigade Road, Bangalore-25 in
his complaint dated 05.01.2015 against:

R-1 Dr. Ekroop Cour, Managing Director, BMTC, B'lore

**R-2 Mr. Ravi Kumar, IAS, Addl. Chief Secretary to
Govt. Energy dept. (presently holding addl. Charge
of transport dept.)**

**R-3 Mr. Ramalinga Reddy, Hon'ble Minister for
Transport.**

complained that BMTC Bus drivers and conductors, who
alight on the junction of Brigade road that faces
complainant's office opposite to Magrath road, urinate and
relieve themselves in Public view, causing public nuisance
and when complainant complained about the same to the
respondents, and offered practical solution of providing e-
toilets, the respondents did not respond. The complainant's
grievance was regarding the apathy of respondents.

2. Upon approval of preliminary scrutiny note dated
07.01.2015, when comments of respondents 01 & 02 were
called, respondent no.1 sent comment on 07.02.2015,



stating that on 06.12.2014, the complainant had sent SMS to her regarding the nuisance caused by the BMTC Bus drivers and conductors by urinating in public view, near the bus stop on brigade road. The 1st respondent further mentioned that the place where the buses stop on brigade road does not belong to BMTC and it is not a bus stand. It was further mentioned that on 08.12.2014 and 09.12.2014, when BMTC Officers visited the above spot and enquired the area in charge engineers Sri Sathish and Sri Raghavendra of BBMP, the said engineers informed that the above spot is by the side of the property belonging to the defence department and the spot in question belongs to BBMP. It was further mentioned that on 10.12.2014, a letter was addressed to the BBMP Commissioner for constructing toilets for the use of public including BMTC drivers and conductors and in response to the said letter, the BBMP Commissioner directed M/s Major Roads wings for constructing e-toilets and accordingly the said e-toilets have been constructed and they are existing as shown in the photograph produced along with the comments. It was also mentioned that on 04.01.2015, when the General Manager (Traffic) along with Asst. Traffic Manager of BMTC visited St. Patrick Church and talked to the Father Sagai Nathan, he pleaded his ignorance and stated that there is no place inside the Church premises for the construction of any toilets. Thus, the 1st respondent requested for closure of the complaint.

3. The 2nd respondent through asst. Executive Engineer, Shanthi nagar, Subdivision, BBMP submitted comments on 07.02.2015 stating that the copy of the complaint received by the 2nd respondent was marked to BBMP Joint Commissioner (East), on 13.01.2015 for sending remarks etc., and accordingly on 04.02.2015, the spot was visited by

URBu

the Joint Commissioner along with Asst. Executive Engineer and Asst. Engineer of BBMP and also the complainant and at that time, the BMTC bus stop existing by the side of War Memorial was inspected and it was planned to provide e-toilet there under "Pay & Use toilet scheme" and accordingly the work order was issued by the Asst. Commissioner (Advt.) of BBMP.

4. When copies of the comments of respondent 1 & 2 were sent to the complainant, he sent his rejoinder, stating that BMTC MD has claimed that the BBMP has constructed the e-toilets on the property dedicated to the War veterans of this country and it is an insult to those who sacrificed their lives. Secondly, he mentioned that the enforcement of Pay and use system by the corporation offends basic human rights and that the BMTC has to pay for the use of the above e-toilets by its drivers and conductors. He also mentioned that he has given the BMTC staff, a separate toilet facility in his portion of the building in St. Patrics Complex, Brigade road and the said staff members were using the said toilets in December 2014. But however, during the late evenings and on Sundays, when the controller was not available with the keys, the BMTC staff used to urinate in the Public view and on 02.03.2015, on noticing the same, when he requested a BMTC personnel who was urinating in the public, not to do so, the said staff member namely Pushparaj (BMTC Driver with badge No. 18526) used unparliamentary words and threatened to assault him and this incident was reported to Ashok nagar Police Station and the police treated the same as NCR 136/2015.
5. The Photographs which are produced by respondents 1 & 2 along with their comments would show that the BBMP has

UR 120

constructed e-toilets by the side of War Memorial. The photos do not indicate that any water is provided to the said e -toilets by BBMP for the use of the public including BMTC drivers and conductors. The fact that the public are urinating at the said place is evident from the copies of the photos produced by the complainant along with the complaint.

6. When factual report was called from Asst. Commissioner of Police, Ulsoor gate sub division, Bangalore, he sent report on 08.02.2015, stating that the BMTC Bus Drivers and Conductors are urinating at the place mentioned in the complaint and that nearly 42,000 students pass through that road and the above acts complained amount to public nuisance and that the BMTC Managing Director had talked to the 2nd respondent over phone for taking steps to construct e-toilets and that although the Corporation has constructed the e-toilets, the **same are not provided with water.**
7. Under Chapter 16 of the Karnataka Municipal Corporation Act 1976, the local Authority namely BBMP has an obligation to prevent nuisance. The grievance expressed by the complainant in his complaint is an allegation u/Sec. 2 (d) of Karnataka Lokayukta Act, 1984. The complaint allegations are prima facie made out. Copy of letters dated 18.12.2014 addressed by the Complainant to respondents 2 & 3 shows the inaction of BMTC to stop their staff from urinating in public view on Brigade road. Before filing the present complaint, the complainant had approached the respondents seeking solution for the above problem, the respondents did not take immediate action.
8. **Hence, this report u/Sec. 12 (1) of Karnataka Lokayukta Act, 1984 to the Competent Authority, namely**

U Rao

- a. **The Principal Secretary, Urban Development Department**, requiring the Competent Authority to issue a direction to the Joint Commissioner, BBMP (East), to fix overhead tanks on the e-toilets constructed by BBMP near Brigade road and provide water for the users of the said e-toilets and prevent nuisance at the above spots immediately.
- b. **Principal Secretary for Transport to direct the Managing Director, BMTC** to issue strict instructions to the BMTC Bus Drivers and Conductors not to cause nuisance at the above spot by urinating in public view
9. The Competent Authority is recommended to examine this report and send compliance **within one month** as required u/Sec. 12(2) of Karnataka Lokayukta Act, 1984.

Y. Bhaskar Rao
-4/4/85
(Dr. Justice Y. Bhaskar Rao)
Lokayukta,
Karnataka State