

KARNATAKA LOKAYUKTA

No. Compt/Uplok/BCD-37/2019/ARLO-1

M.S. Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru, dated 12/02/2020.

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

Sub: Report u/s 12(1) of the Karnataka Lokayukta Act, 1984 to remedy the injustice and hardship being caused to the public at large due to the heavy vehicular traffic congestion at Silk Board Intersection/Junction by effectively addressing the situation/problem, by stopping the vehicles plying illegally and without authorization and by taking steps for proper traffic management and infrastructure to cater to the requirements of the situation that exists in the Silk Board Intersection/Junction including the roads from Silk Board Bus stop towards Marathahalli and Attibele - reg.

An investigation was taken up under Section 9 of the Karnataka Lokayukta Act, 1984, on the basis of complaint filed by Sri. Rafi S/o Abdul Rawoof, No.6/33, BTM 1st stage, Bengaluru (hereinafter referred to as 'Complainant' for short) against 1) Sri. Prabhuswamy. M, Regional Transport Officer Electronic city, Bengaluru and 2) Regional Transport Officer, RTO South, Jayanagar, Bengaluru (hereinafter referred to as 'Respondents no.1 and 2' for short).

2. It is alleged in the complaint that about 1000 to 2000 vehicles are illegally plying from Silk Board Bus stop towards Marathahalli and Attibele without permits. The

vehicles, for which permit has been issued for the purpose of School buses, are being used for commercial purpose. The said illegal usage of vehicles is causing heavy traffic and pollution. It is stated that due to the heavy traffic jam, people are stuck for hours causing loss of valuable time. It is stated that it is also causing air pollution leading to various diseases such as asthma, heart problems and other ailments. It is further stated that these problems caused due to heavy traffic jam obstruct the effective enjoyment of the right conferred under Article 21 of the Constitution. In spite of the repeated complaints made before the respondent authorities, no action has been taken against such illegally plying vehicles. The complainant has requested this authority to take action in this regard.

The complainant has produced copies of the photographs of the vehicles and copies of the representation given to various authorities.

3. Respondent no.1 has submitted his comments dt. 20/07/2019 stating that the area mentioned in the complaint falls within his jurisdiction and inspection staff are being deputed on a daily basis to carry out inspection activities. The inspection staff are registering cases against the vehicles such as maxi cab, omni bus etc., plying without authorization. It is stated that since the area in question is a nationalized route, many vehicles belonging to IT/BT companies, BMTC, KSRTC, light motor vehicles, school vehicles, vehicles with private employees, goods vehicles, stage carriage vehicles etc., ply on the said road

causing heavy traffic. In the year 2017-18, 48,334 vehicles have been inspected, cases have been registered against 3,644 vehicles, 474 vehicles have been seized and a revenue of Rs. 3,51,24,369, fine of Rs. 60,61,337/-, and a fine of Rs. 1,64,000/- through Court cases, in total Rs. 4,13,49,706/-, have been collected. In the year 2018-19, 16,132/- vehicles have been inspected, 966 cases have been booked, 72 vehicles have been seized and a revenue of Rs. 45,49,961/-, fine of Rs. 17,24,640/-, and a fine of Rs. 1,40,400/- through court cases, in total Rs. 64,15,001/-, have been collected. It is further stated by the Respondent no.1 that in view of the present complaint, memos have been issued to the inspection staff along with the copy of the present complaint and they are carrying out inspection activities in the area mentioned in the complaint.

Respondent no.1 has stated that there is no substance in the allegation made by the complainant and that action is being taken against the vehicles plying illegally. He has enclosed the statement showing the details of tax and fines collected in respect of vehicles and has requested for closing the complaint.

4. Further, the Respondent no.1 has submitted report dt. 03/01/2020 along with enclosures. He has stated that Silk Board to Attibele and Sarjapura road fall within the limits of his office and there are thousands of companies within the said limits. These roads are used by public, employees of various companies and factories, students of schools and colleges and the general public. The

companies have hired contract vehicles such as maxi cab and motor cab for the convenience of their employees. Likewise schools and colleges have their own vehicles for the convenience of their students. There is no scope for general public to travel in such vehicles. He has stated that as the above vehicles commute in the said road, it has increased vehicular traffic causing traffic jam for hours together. The Respondent no.1 has stated that it is causing air pollution. In this regard he has stated that the State Government is conducting awareness programmes to educate the public to keep their vehicles in proper condition so as to avoid air pollution. He has stated that additional fine is being imposed on the vehicles without emission test certificates. People are being made aware about the ill-effects of air pollution. Crores of rupees is being collected as tax mainly from stage carriage vehicles, contract vehicles, maxi cabs etc., and fines are being imposed under the Motor vehicles Act, if such vehicles are used for any purpose other than for which they have been registered. The Respondent has stated that about 35 vehicles plying as commercial vehicles without permit have been seized and parked at various Police stations etc. Such vehicles are being sold through public auction every year. He has stated that the Additional Transport Commissioner, Bengaluru Urban District, has formed special investigation teams that carry out inspection operations from time to time to curb the plying of unauthorised vehicles. The Respondent has furnished copies of various check report cum receipts issued by Motor Vehicle Inspectors in support of his comments/report.

5. The research and media reports available on the internet suggest that Silk Board junction/intersection is a four legged grade intersection with roads leading towards Madivala, Agara, Bommanahalli and Jayadeva Hospital and acts as a gate way to the two important IT clusters in Bengaluru i.e., Marathahalli, Whitefield and Belanduru towards the east and Electronic City towards the South, which has led to bottleneck of vehicular movement at the Silk Board junction. It is reported that a study conducted by Consortium of Traffic Engineers and Safety Trainers in 2017 shows that the average speed of vehicles at the silk board junction during the peak hours is only around 4.5 kms per hour, which is lowest in the City. This is sufficient to indicate how worse the traffic congestion is at the silk board intersection. It is reported that the Silk Board junction features among the seven worst traffic bottlenecks in India. Further it is also reported that Silk Board junction is one of the two most polluted areas in the City according to a survey. The high pollution level has been attributed to the traffic congestion at the Silk Board junction. The comments of the respondent show that there exists the problem of unauthorised and illegally plying vehicles that has contributed to the problem of traffic congestion in the area in question. Media and research report also indicate that the traffic congestion is also due to poor traffic management and infrastructure. Some media/research reports available in the internet also suggest remedies indicating that there is scope for easing the traffic congestion problem with the help of proper traffic management and by improving the infrastructure.

(Some of the media reports printed from the internet have been placed in file for reference).

6. Considering the allegations in the complaint, the comments and report submitted by the Respondent and the aforementioned media reports, it appears that there is a problem of huge vehicular traffic congestion in the area i.e., Silk Board Intersection/Junction including from Silk Board bus stop towards Marathahalli and Attibele. The comments of the Respondent stating that fines are being imposed on unauthorized and illegally plying vehicles, shows that there exists a problem of such vehicles that are plying illegally in the area in question and are contributing to the heavy vehicular traffic congestion. It appears that due to the vehicular traffic congestion, many people are stuck for hours together resulting in wastage of valuable human resource and time. It appears that the traffic congestion in the said area has made it one of two most polluted areas in the City. It cannot be disputed that air pollution leads to many serious health problems. A person stuck in such traffic jams/congestions for hours is not only at the risk of losing his valuable time, which otherwise could have been used for productive purpose to contribute to the nations' economy, but he is also running a risk of suffering from severe health problems due to hazardous air pollution.
7. Considering the above aspects, it appears that the issue regarding traffic congestion at the area in question is not limited to the problem of illegal vehicles plying on the roads but also due to poor traffic management and

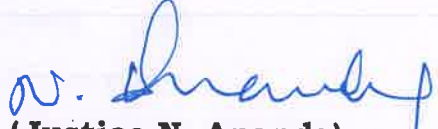
infrastructure. By merely imposing fines on illegally plying vehicles, the problem of traffic congestion cannot be remedied. The plying of such vehicles will have to be completely stopped. But then the plying of such vehicles is only one of the causes contributing to the problem of traffic congestion in the area. Considering the economic importance of the intersecting roads in the silk board area and the infrastructure requirements that is the need of the hour, it is the duty of the Competent Authority to address the problem with more seriousness by finding solutions with better traffic management and infrastructure to cater to the existing requirements. The Competent Authority cannot be a silent and quiescent witness to a problem that is not only putting the nation's economy at stake but also putting the valuable human resource and health at peril. The heavy vehicular pollution caused due to traffic congestion is also causing damage to the environment and is one of the causes for global warming. As it appears that the problem has continued to exist for a long time, it is clear that the Competent Authority is not taking enough steps to remedy the situation.

8. Therefore in view of the above, as the matter is of utmost public interest and importance, it would be proper to send recommendation u/s 12(1) of the Karnataka Lokayukta Act, 1984, to the Competent Authority with a recommendation to remedy the injustice and hardship being caused to the public at large due to the heavy vehicular traffic congestion at Silk Board Intersection/Junction by effectively addressing the

situation/problem, by stopping the vehicles plying illegally and without authorization and by taking steps for proper traffic management and infrastructure to cater to the requirements of the situation that exists in the Silk Board Intersection/Junction including the roads from Silk Board Bus stop towards Marathahalli and Attibele.

9. Accordingly, recommendation u/s 12(1) of the Karnataka Lokayukta Act, 1984 is made to the Competent Authority to remedy the injustice and hardship being caused to the public at large due to the heavy vehicular traffic congestion at Silk Board Intersection/Junction by effectively addressing the situation/problem, by stopping the vehicles plying illegally and without authorization and by taking steps for proper traffic management and infrastructure to cater to the requirements of the situation that exists in the Silk Board Intersection/Junction including the roads from Silk Board Bus stop towards Marathahalli and Attibele.
9. Further, as per Section 12(2) of Karnataka Lokayukta Act, 1984, the Competent Authority is required to intimate this Authority within one month from the date of receipt of this report, the action taken or proposed to be taken on this report.

Connected records are enclosed.


(Justice N. Ananda)
Upalokayukta -1, 12/2
State of Karnataka.