

**KARNATAKA LOKAYUKTA**

No.Compt/Uplok/GLB-1637/2015/ARLO-2

M.S.Building,  
Dr, Ambedkar Veedhi,  
Bangalore-560 001  
**Dated: 12-02-2020.**

**REPORT UNDER SECTION 12(3) OF KARNATAKA  
LOKAYUKTA ACT, 1984**

Sub: Proceedings initiated against 1) Sri. Babu S. PDO, Mantal Gram Panchayat, Basavakalyan Taluk, (2) Smt.Jayshree, President Gram Panchayat Mantal, Basavakalyan Taluk, Bidar Dist (3) Sridrama K.Patne, the then PDO, Mantal Gram Panchayat, Basavakalyan Taluk, Bidar Dist (4) Jagadishkumar B.Mamadapur the then PDO, Mantal Gram Panchayat, Basavakalyan Taluk, Bidar Dist (5) Bhimashappa D. Dandin, the then PDO, Mantal Gram Panchayat, Basavakalyan Taluk, Bidar Dist- about their dereliction of duty as Govt/ public servants - Reg

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1. An investigation was taken up under section 9 of the Karnataka Lokayukta Act, 1984, on the basis of the complaint filed by Sri. Srinivas S/o Chandrakant Kamble, at post Mantal Basavakalyan Taluk, Bidar Dist, (hereinafter referred to as complainant for short) against 1) Sri. Babu S. PDO, Mantal Gram Panchayat, Basavakalyan Taluk (2) Smt.Jayshree, President Gram Panchayat Mantal, Basavakalyan Taluk, Bidar Dist (3) Sridrama K.Patne, the then PDO, Mantal Gram

Panchayat, Basavakalyan Taluk, Bidar Dist (4) Jagadishkumar B.Mamadapur the then PDO, Mantal Gram Panchayat, Basavakalyan Taluk, Bidar Dist (5) Bhimashappa D. Dandin, the then PDO, Mantal Gram Panchayat, Basavakalyan Taluk, Bidar Dist (hereinafter referred to as respondents for short), alleging dereliction of duty, corruption and misconduct on the part of the respondents.

2. The complainant has alleged that without conducting Grama Sabhas the houses under Government schemes have been granted to the persons who have paid money and the members of the Panchayat themselves have been granted with the houses from the year 2010. The Panchayat Development Officer is not providing information with respect to the list of beneficiaries under the housing scheme and therefore has sought for investigation of all the allotments under the Housing Schemes of the Government from the year 2010.

3. The respondents are public servants as defined U/sec. 2(12) f the KL Act, 1984.

4. Since there was no specific allegations in Form No.1 & 2 a detailed complaint along with supporting

documents were called for from the complainant. The complainant on 05-08-2015 has submitted a letter stating that;

(a) From the year 2005 to 2015, the houses granted under Indira Awas, Basava Vasathi, Ambedkar Awas Schemes have not been granted to the true beneficiaries. The houses are allotted to the persons who have paid money. The members of the Panchayath have got themselves granted with the house.

(b) Further states that from the year 2005-2015 there are misuse of funds with respect to construction of check dams, open wells, cattle tanks etc., under MGNREG scheme.

© It is also stated that Sy. No.236 of Mantala village has been illegally entered in the demand register and thereafter has been sold.

Hence prays to take action against the respondents.

5. The respondents 1 & 2 together have filed their comments. In the comments they have denied the allegations made in the complaint. The beneficiaries under the Housing schemes would be elected in the

Grama Sabha in the presence of nodal officer and the public. Thereafter the list would be submitted to Taluka Panchayat thereafter to Zilla Panchayat for final approval. Hence prays to close the case against them.

6. The respondent No.3 in his comments has denied the allegations made in the complaint. He has stated that he joined Mantala grama panchayati as Secretary on 15-10-2008 and retired on 01-04-2013. During 2008-09 55 beneficiaries were selected for Ashraya Schemes. They were selected in the Grama sabha in the presence of higher officials. The photos were taken at the time of Grama sabha. The selection of 25 beneficiaries during 2009-10 was made in the grama sabha. During 2011-12 ten beneficiaries were selected and 2012-13 nineteen beneficiaries were selected. All these beneficiaries were selected in the Grama Sabha.

7. The works were undertaken under MGNREGA scheme during 2008-09 and 2009-10 as per the terms of the scheme by getting approval from the Taluk Panchayat. After completion of the works the Technical officials entered the measurements in the measurement book and the Asst. Executive Engineer, Basavakalyana verified the measurement book and

signed the same. There is no proof to say that the works were not carried out as per MB book.

**8.** The Grama Panchayat authorities allotted sites in Sy.No.236 of Mantala village during the tenure of Village Panchayat and at that time the same were entered in the Demand Register. Thereafter also some vacant sites were allotted to some persons and the same were entered in the demand register. Hence, he prays to close the case against him.

**9.** The respondent No.4 in his comments has denied the allegations made in the complaint. The beneficiaries would be selected in the Grama Sabha on the basis of priority (samiksha) list of huts already prepared. The Grama sabha would be conducted in the presence of higher officials and the beneficiaries would be selected in the Grama Sabha. Since the houseless persons are more in number, houses would not be allotted to all eligible persons in one scheme or in one Grama Sabha. After the selection of the beneficiaries list would be submitted to Taluka Panchayat and Zilla Panchayat.

**10.** The works under MGNREGA schemes would be started only after getting approval of Chief Executive Officer Zilla Panchayat Bidar. Thereafter estimate would be prepared and technical sanction would be

given. Thereafter the work would be carried out in the presence of Taluk Panchayat Officers. There is no chance of misappropriation. The complainant expected the names of one Lakshmi, Anjanna and Kalpana in the allotment list. But it is pertinent to note that all the beneficiaries would not be selected in one Grama Sabha since number of eligible allottees is more in number than the sanctioned houses. The need of houses would increase naturally due to partition and other things. Therefore the number of beneficiaries would be more in number. Therefore houses would not be allotted to all applicants in one Grama Sabha. Hence prays to close the case against him.

**11.** The respondent No.5 in his comments has denied the allegations made in the complaint. He worked as Panchayat Development Officer in Mantala Gram Panchayat from 20-1-2014 to 08-07-2015. During his tenure he conducted Grama Sabha on 28-07-2014 and selected beneficiaries for Indira Awas Yojane 2014-15 and MSDP Minority Programme. During the year 2014-15 the beneficiaries were selected in the Grama Sabha.

**12.** During his tenure a check dam, a open well were constructed under MGNREGA scheme after getting

approval from the Chief Executive Officer, Zilla Panchayat Bidar. The schemes undertaken during his period were carried out as per rules. During his period no sites were allotted in Sy.No.236 of Mantala village. Hence prays to close the case against him.

**13.** Perused the records.

**14. Grant of Houses under Government Schemes.**

The complainant has alleged that houses under various schemes from the year 2010-2015 allotted to ineligible persons by receiving bribe and also allotted to Panchayat members. On the other hand the respondents stated that the beneficiaries were selected in Gramasabha as per rules.

In order to substantiate their case the respondents have produced copies of resolutions passed in Gramsabhas from the year 2008-09 to 2014-2015. The same reveals that Gram sabhas were conducted and beneficiaries were elected in the Gramasabha in the presence of villagers. The villagers have also signed the resolutions. On the other hand there is nothing on record to show that the respondents received bribe and allotted houses to ineligible persons and Panchayat members. Further the allegation of the complaint is general in nature

and not specific one. He has not stated who are the ineligible persons among selected beneficiaries and on what basis they are ineligible. He has also not stated who are the Panchayat members to whom the houses were allotted. There is nothing on record to show that the selected beneficiaries are above poverty lines and they got allotted houses by giving bribe to Panchayat authorities.

The respondents have produced Gram sabha resolutions and list of beneficiaries. It is important to note that as per the provisions of Panchayat Raj Act, it is the Gram sabha which has to select the beneficiaries. The resolutions show that the same were sent to Taluka Panchayat to submit the same before Zilla Panchayat for final approval. The same goes to show that transparency is maintained in selection of houses.

The respondents 3 & 4 in their comments have stated that every year the number of eligible persons increases and always the number of eligible persons would be higher than the houses sanctioned. Therefore houses would not be allotted to all eligible persons in one gram sabha. Therefore there would always be eligible persons. Only because there are eligible persons it cannot be considered as the



selection process is wrong. This statement appears to be correct and true. In order to substantiate the complaint allegations the selection of ineligible person has to be shown and not that some other eligible persons were left out. The details of houseless and siteless families are furnished and the same shows that 504 persons are houseless and siteless in Mantal village. Therefore houses cannot be allotted to all the houseless persons in one Gram sabha. There is nothing on record to show that respondents received bribe and allotted houses to ineligible persons and to Panchayat members. Therefore the allegation of the complainant with regard to allotment of houses is not substantiated.

The ration cards and income certificates show that Kalpana, Anjanabai, Tanuja and Laxmibai are living under below poverty line. The respondents 3 & 4 have stated that out of them house was already allotted to Kalpana during the year 2015-16 and houses would be allotted to remaining three in future. Therefore the non allotment of houses to some eligible persons itself does not constitute dereliction of duty on the part of the respondents. Therefore it can be concluded that the respondents have not allotted houses to ineligible persons and thereby they have

not committed act amounting to dereliction of duty or misconduct.

**15. The construction of check dam to dodda halla at Mantal village at the cost of Rs.2,50,000/- under MGNREGA scheme during the year 2009-10.**

The respondents have produced list of labours who worked for construction of check dam. They have also produced detailed estimate copy. They have produced bill of cost and the same shows that amount was spent for material cost and towards wages. An amount of Rs.1.95840 was spent for material cost and an amount of Rs.53987 was spent towards wages. The same reveals that the construction of check dam was undertaken.

**16. The construction of check dam near land of Trimukha at Mantal village at the cost of Rs.2,50,000/- under MGNREGA scheme during the year 2010-11.**

The respondents have produced attendance of manual labours who worked for construction of check dam. They have also produced the estimate copy and plan. The photos show that the labours are working manually for construction of the check dam. All these

documents go to show that check dam near the land of Trimukha was constructed.

**17. The construction of check dam at drain near Kambevadi at Mantal village at the cost of Rs.500011/- under MGNREGA scheme during the year 2010-11:**

The respondents have produced attendance of manual labours who worked for construction of check dam. They have also produced the estimate copy and plan. The photos show that the labours are working manually for construction of the check dam. All these documents go to show that check dam near the land of Kambevadi was constructed.

**18. The construction of check dam at drain near the land of Ramesh Kamble at Mantal village at the cost of Rs.1,52,475/- under MGNREGA scheme during the year 2013-14:**

The respondents have produced attendance of manual labours who worked for construction of check dam. They have also produced the estimate copy and plan. The photos show that the labours are working manually for construction of the check dam. All these documents go to show that check dam near the land of Ramesh Kamble was constructed.

**19. The construction of check dam near the land Mahindra at Mantal village at the cost of Rs.1.54 lakhs under MGNREGA scheme during the year 2013-14:**

The respondents have produced attendance of manual labours who worked for construction of check dam. They have also produced the estimate copy and plan. The photos show that the labours are working manually for construction of the check dam. The completion certificate shows that the construction of check dam was completed. All these documents go to show that check dam near the land of Mahindra was constructed.

**20. Digging of Open Well in the land of Dayananda Parvathi, Shivamma and Sarubai under MGNREGA scheme during the year 2009-10 at the costs of Rs.1,25,000/-each.**

The respondents have produced estimate copy. They have produced the list of manual labours who worked for digging the open well. The work order dtd: 02-02-2010 shows that work order with regard to this work was issued subject to conditions. The respondents have produced the bill of cost. They have

also produced photos and it shows that labours manually digging open well.

**21. The construction of go-katta at Mantal village under MGNREGA scheme during the year 2009-10 at the costs of Rs.3,00,000/-.**

The respondents have produced the estimate copy of the work. They have also produced the list of labours who worked for construction of go-katta. They have also produced the copy of attendance register and the same shows that the labours attended the work. The photos show that the labours doing physical work for construction of go-katta.

**22.** The above discussion goes to show that the respondents carried out the construction of open well, check dams and cattle tank at Mantal village under MGNREGA scheme. The complainant in his complaint has stated that the respondents misused the funds with respect to construction of check dams, open well and cattle tanks under MGNREGA schemes. The respondents have denied the same. The respondents have produced several documents to substantiate their stand. But they have not produced the measurement books maintained with regard to

above three works. This case is of the year 2015 and the respondents for all these years kept quiet and they have not produced the measurement book. Therefore the transactions detail of work done is not available. The measurement book is a most important record and it is the original record of actual measurement. Since the measurement book is not maintained the accounts with regard to the contract and work are not subjected for audit. Therefore the same creates doubt with regard to work done and accounts. But it is for the respondents to explain that why they have not produced measurement book. The documents are in the custody of respondents. But they have not produced the same. **Therefore an adverse inference has to be drawn against the respondents and it can be presumed that they have failed to execute the above works with transparency and it can be inferred that they have misused the public funds while constructing open well, check dams and cattle tanks. Therefore prima facie it appears that the respondents allotted houses by receiving bribe and to panchayat members. The same amounts to dereliction of duty and corruption on the part of the respondents. Therefore Departmental Enquiry**

**needs to be conducted against the respondents 1 to 5.**

**23. The sale of land in Sy.No.236.**

The complainant has alleged that the land in Sy.No.236 was entered in Demand Register in the name of private individuals and they sold the land. The respondents have denied the same. There is nothing on record to show that the respondents entered the names of private individuals in the demand register. The respondents have contended that the land in Sy.No.236 was allotted long back during their tenure they have not allotted any land. On perusal of the records it is clear that there is nothing on record to show that the respondents mutated the land in Sy.No.236 in the name of some other persons. The RTC extract, mutation register and alleged demand registers are not on record. Under such circumstances, it cannot be considered that the allegation of the complainant is substantiated.

**24. By considering the entire materials on record, it is crystal clear that the respondents have committed dereliction of duty, corruption and misconduct.**

**25.** The facts and materials on record prima facie show that the respondents have committed misconduct as per Rule 3(2)(II) of KCS (Conduct Rules 1966). Accordingly, now, acting under section 12(3) of the Karnataka Lokayukta Act, recommendation is made to the competent authority to initiate Disciplinary Proceedings against the respondents 1) Sri. Babu S. PDO, Mantal Gram Panchayat, Basavakalyan Taluk (2) Smt. Jayshree, President Gram Panchayat Mantal, Basavakalyan Taluk, Bidar Dist (3) Sridrama K. Patne, the then PDO, Mantal Gram Panchayat, Basavakalyan Taluk, Bidar Dist (4) Jagadishkumar B. Mamadapur the then PDO, Mantal Gram Panchayat, Basavakalyan Taluk, Bidar Dist (5) Bhimashappa D. Dandin, the then PDO, Mantal Gram Panchayat, Basavakalyan Taluk, Bidar Dist and to entrust the enquiry to this authority under Rule 14-A of the Karnataka Civil Services ( Classification, Control and Appeal) Rules, 1957 along with sanction as required under section 214(2) (b) of KCSRs against the respondent.

**26.** Further as per Section 12(4) Karnataka Lokayukta Act, 1984, the Competent Authority shall intimate to this Authority within one month from the date of receipt of this report as to the action to



be taken or proposed to be taken against Respondents 1 to 5 on the basis of this report.

**DETAILS OF RETIREMENT OF THE RESPONDENTS**

Rank of the Respondents	Date of retirement	Remarks
Respondent No.1	Details Not available	-
Respondent No.2	Details Not available	-
Respondent No.3	04-03-2013	Already retired
Respondent No.4	22-07-2041	In service
Respondent No.5	25-07-2040	In service

Connected records are enclosed.

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