

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

CASE NUMBER : **COMPT/LOK/BCD/3314/2018**
District : **Bangalore (U)**

BY :

1. SUO MOTO,

As per the Order of Honble Lokayukta Dated:
20/11/2018

COMPLAINANT/S

AGAINST :

1. PRINCIPAL SECRETARY

Urban Development Department, BENGALURU.

2. SECRETARY TO GOVERNMENT,

Minor Irrigation Department, BENGALURU.

3. DEPUTY COMMISSIONER,

D.C. Office, BENGALURU URBAN District.

4. CHIEF EXECUTIVE OFFICER,

Zilla Panchayath, BENGALURU URBAN District.

✓ **5. SECRETARY,**

Pollution Control Board, BENGALURU District.

✓ **6. ENVIRONMENT OFFICER,**

Pollution Control Board, BENGALURU URBAN District.

7. The Commissioner

BBMPN.R.SquareBangalore

8. The Commissioner

BDABangalore

9. The Secretary

Tank Development AuthorityBeeja nigram,
HebbalBangalore

10. The Principal Secretary

Forest departmentBangalore

RESPONDENT/S

Allegation/Grievance

Brief : Dereliction of Duty.

Received From : By Misc/506/2017/ARE-1

Received On : 22-11-2018

Complaint stands allotted to : ARE-1

Phone Number : 080-22257013 Extn - 322

KARNATAKA LOKAYUKTA: BENGALURU

No.COMPT/LOK/BCD-3314/2018/SECRETARY Dated:19.07.2021

ORDER

This is a suo motu complaint registered in respect of the lakes situated within Bengaluru Urban District. On behalf of the Bengaluru Development Authority (B.D.A) (1) Sri R.K. Mohan, Executive Engineer, B.D.A (2) Sri Sreeranganatha Swamy, Assistant Executive Engineer, B.D.A and (3) Sri Manjunatha.T, Assistant Executive Engineer, B.D.A., are present.

RAMASANDRA LAKE

2. I have heard the Engineers referred to above representing the B.D.A. Sri Sreeranganatha Swamy, A.E.E., B.D.A., submitted that he has already filed the status report dated 16.07.2021 before the Scrutiny Officer, setting out the steps B.D.A., has taken to rejuvenate



Ramasandra Lake situated at Bengaluru South Taluk, Kengeri Hobli, which measures about 132 Acres. It is his submission that a Detailed Project Report (D.P.R) has already been prepared and it is required to be placed before the Board for its approval. As per the report the estimated cost for overall development of the lake is Rs.21.50 crores. He further submitted that in view of the rainy season and as the lake is full of water effective steps could not be taken to fence the lake, though there is no encroachment of the lake as on this date. He submitted that around three months will be taken to get the lake surveyed and thereafter another three months time is required for fencing the entire lake boundary. According to him, the rest of the work which require for the development of the lake will be taken up stage wise as per the Detailed Project Report and it may take around one year to completely develop the lake. The statement of Sri Sreeranganatha Swamy is placed on record. **Sri Sreeranganatha Swamy/Engineers or officers in charge of Ramasandra Lake are directed to file the status report with regard**



to the development of the said lake on or before
10.11.2021.

CHIKKABANAVARA LAKE

3. Sri R.K. Mohan, Executive Engineer, Bengaluru Development Authority (B.D.A.) has submitted a status report dated 17.07.2021. It is his submission that he is incharge of development of Chikkabanavara Lake which measures around 105 Acres 15 Guntas. The previous report indicates that there is an encroachment of around 02 Acres 14.75 Guntas by private individuals and 01 Acre 12 Guntas by Government encroachment. The report also discloses that a letter has been written by the B.D.A., to the Tahasildar, Bengaluru North Taluk for removal of the encroachment. Though notice was issued to the Bengaluru North Taluk Tahasildar, he is not present and no representation is made on his behalf and no report has also been filed on his behalf. **Having regard to the present covid situation, at this stage I don't propose to consider the absence of the Tahasildar or his**

representatives seriously, except observing that the Tahasildar has a duty and obligation to comply with the instructions given by the B.D.A., and remove all the encroachments in accordance with law and submit the report by the next date of hearing. The Deputy Commissioner, Bengaluru Urban District shall ensure that the Tahasildar complies with the instructions given by the B.D.A.

4. It is also pointed out by Sri R.K Mohan, that since initially it was felt when the extent of the area of the lake was more than 100 Acres, to hand over the lake to the Minor Irrigation Department for development and since the B.D.A., didn't receive any positive response from the Minor Irrigation Department, the B.D.A., itself has now decided to develop the lake and for the said purpose the B.D.A., is in the process of finalizing the Detailed Project Report. He submitted that the D.P.R is expected to be ready by within a month and thereafter it will be placed before the Board for its approval and thereafter in the light of decision that it



will be taken by the Board, effective steps will be taken to develop the lake. Sri R.K. Mohan is given two months' time to file the additional statement setting out the steps taken and the decision taken to develop the lake. **He is directed to file the statement with regard to the steps taken for the development of Chikkabanavara Lake on or before 20th September 2021.**

KOMMAGHATTA LAKE

5. Sri Manjunatha.T, Assistant Executive Engineer, B.D.A., has submitted that a statement dated 01.07.2021 has already been filed. He submitted that he is incharge of development of Kommaghatta lake which measures around 37 Acres 05 Guntas. According to him, the lake has been completely developed except for the purpose of installation of Sewage Treatment Plant (STP) or construction of Diversion Channel. It is pointed out by him, though DPR was approved for construction of Diversion Channel by the Board, it was subsequently felt



that it is desirable to install the STP of 10MLD at the cost of Rs.77.254 crores and as per the DPR submitted by B.W.S.S.B., a decision is required to be taken by the B.D.A., and the matter is at the stage of consideration in the Engineering section of the BDA. It is needless to point out that a decision is required to be taken by the Engineering section and the matter is required to be placed before the Board for its final decision to install STP without further loss of time. I am sure the Commissioner of B.D.A., will look into the matter and take immediate steps to take a decision to install the STP substituting the earlier decision of construction of Diversion Channel. **I am sure the Commissioner will get a final decision taken within a period of six weeks from today and place its decision before the Board within two months from today for its consideration.** Sri Manjunatha.T, A.E.E., B.D.A., is directed to submit the status report with regard to the steps taken on or before **10th November 2021.** **Communicate this portion of the order with regard to the development of three lakes to the Commissioner,**



**B.D.A., as well as the Deputy Commissioner, Bengaluru
Urban District.**

6. Sri Krishna Murthy.M.N, Executive Engineer, Panchayath Raj Engineering Department, Zilla Panchayath, Bengaluru Urban is present on behalf of the C.E.O, Zilla Panchayath, Bengaluru Urban District along with Sri P.A. Poonacha, Panchayath Development Officer, Gantiganahalli Grama Panchayath, Yelahanka Taluk, Bengaluru. Sri Krishna Murthy.M.N has filed a statement setting out the number of lakes in Bengaluru within the area of Bengaluru Urban Zilla Panchayath and encroachments and the same is placed on record. It is useful to extract the same which reads as here under:

“ಬೆಂಗಳೂರು ನಗರ ಜಿಲ್ಲಾ ಪಂಚಾಯತಿ

ಸಂಖ್ಯೆ:ಕಾಲ/ಪಂರಾಇಂವಿ/ಬೆಂನ/ಎಇ-1/2021-22

ಕಾರ್ಯಪಾಲಕ ಅಭಿಯಂತರರ ಕಛೇರಿ,
ಪಂಚಾಯತ್ ರಾಜ್ ಇಂಜಿನಿಯರಿಂಗ್ ವಿಭಾಗ,
ಬೆಂಗಳೂರು ನಗರ ಜಿಲ್ಲೆ, ಬೆಂಗಳೂರು ನಗರ ಜಿಲ್ಲಾ ಪಂಚಾಯತಿ ಕಟ್ಟಡ,
ಮೊದಲನೇ ಮಹಡಿ, ಎಸ್.ಕರಿಯಪ್ಪ ರಸ್ತೆ,
ಬನಶಂಕರಿ, ಬೆಂಗಳೂರು-560070.



ಇವರಿಗೆ,

1. ಗೌರವಾನ್ವಿತ ಕಾರ್ಯದರ್ಶಿಗಳು,
ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ,
ಬಹುಮಹಡಿ ಕಟ್ಟಡ,
ಬೆಂಗಳೂರು.

2. ರಿಜಿಸ್ಟ್ರಾರ್,
ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ,
ಬಹುಮಹಡಿ ಕಟ್ಟಡ,
ಬೆಂಗಳೂರು.

ಮಾನ್ಯರೇ,

ವಿಷಯ: ಬೆಂಗಳೂರು ನಗರ ಜಿಲ್ಲಾ ಪಂಚಾಯತಿ ವ್ಯಾಪ್ತಿಯ ಕೆರೆಗಳ ಒತ್ತುವರಿ ಮತ್ತು ಪುನರುಜ್ಜೀವನಗೊಳಿಸುವ ಸಂಬಂಧ ಗೌರವಾನ್ವಿತ ಲೋಕಾಯುಕ್ತರವರು ಸ್ವಯಂಪ್ರೇರಿತವಾಗಿ ದಾಖಲಿಸಿರುವ ದೂರಿನ ಕುರಿತು.

ಉಲ್ಲೇಖ: 1. ಮಾನ್ಯ ಗೌರವಾನ್ವಿತ ಲೋಕಾಯುಕ್ತರವರ ಕಾರ್ಯದರ್ಶಿಗಳು, ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ, ಬೆಂಗಳೂರು ರವರ ಪತ್ರ ಸಂಖ್ಯೆ:ಕಂಪ್ಲೇಂಟ್/ಲೋಕ್/ಬಿಸಿಡಿ/3314/2018/ಕಾರ್ಯದರ್ಶಿಗಳು ದಿ:21.06.2021.
2. ಮುಖ್ಯ ಕಾರ್ಯನಿರ್ವಾಹಕ ಅಧಿಕಾರಿ ಕಛೇರಿ ರವರ ಪತ್ರದ ಸಂಖ್ಯೆ:ಬೆಂಜಪಂ/ಯೋವಿ2/ಸಿಆರ್/27/ಲೋಕಾಯುಕ್ತ/2021-22 ದಿ:22.06.2021.

ಮೇಲ್ಕಂಡ ವಿಷಯ ಉಲ್ಲೇಖ ಪತ್ರದಲ್ಲಿ ಬೆಂಗಳೂರು ನಗರ ಭೂ ಮಾಫಿಯದ ವ್ಯಾಪ್ತಿಗೆ ಒಳಪಡುವ ಕೆರೆಗಳ ಒತ್ತುವರಿಯಾಗಿರುವ ಬಗ್ಗೆ, ಕೆರೆಗಳ ನೀರು ಕಲುಷಿತಗೊಂಡಿರುವ ಬಗ್ಗೆ ಸೂಚಿಸಿದ್ದು, ಅದರ ಮೇರೆಗೆ ಮಾನ್ಯ ಮುಖ್ಯ ಕಾರ್ಯನಿರ್ವಾಹಕ ಅಧಿಕಾರಿ, ಬೆಂಗಳೂರು ನಗರ ಜಿಲ್ಲೆ, ಬೆಂಗಳೂರು ರವರು ದಿನಾಂಕ 19.07.2021 ರಲ್ಲಿ ತಮ್ಮ ಕಛೇರಿಗೆ ಸಂಬಂಧಪಟ್ಟ ಮಾಹಿತಿಯೊಂದಿಗೆ ಹಾಜರಾಗಲು ನಿರ್ದೇಶನ ನೀಡಿರುತ್ತಾರೆ. ಅದರಂತೆ, ಬೆಂಗಳೂರು ನಗರ ಜಿಲ್ಲಾ ವ್ಯಾಪ್ತಿಗೆ ಬರುವ ಆನೇಕಲ್, ದಕ್ಷಿಣ, ಉತ್ತರ, ಯಲಹಂಕ ಮತ್ತು ಪೂರ್ವ ತಾಲ್ಲೂಕುಗಳ ಜಿಲ್ಲಾ ಪಂಚಾಯತಿ ಕೆರೆಗಳ ಒತ್ತುವರಿ ಮಾಹಿತಿಯನ್ನು ಸಂಬಂಧಪಟ್ಟ ಭೂದಾಖಲೆಗಳ ಸಹಾಯಕ ನಿರ್ದೇಶಕರಿಂದ ಪಡೆದುಕೊಂಡು ಮಾಹಿತಿಯನ್ನು ಕ್ರೋಡೀಕರಿಸಲಾಗಿರುತ್ತದೆ ಹಾಗೂ ಕೆರೆಗಳು ಕಲುಷಿತಗೊಂಡಿರುವ ಬಗ್ಗೆ ಮಾಹಿತಿಯನ್ನು ಸ್ಥಳ ತನಿಖೆ ನಂತರ ಪಡೆದುಕೊಂಡು ನಿಗದಿತ ನಮೂನೆಯಲ್ಲಿ ಎಲ್ಲಾ ಮಾಹಿತಿಗಳನ್ನು ಭರ್ತಿ ಮಾಡಿ ಲಗತ್ತಿಸಲಾಗಿರುತ್ತದೆ. ಜಿಲ್ಲಾ ಸಮಿತಿಯ ಅಧ್ಯಕ್ಷರೊಂದಿಗೆ ಸಭೆಗಳನ್ನು ನಡೆಸಲಾಗಿದ್ದು ಸೂಚನೆಗಳನ್ನು ಸಹ ನೀಡಲಾಗಿರುತ್ತದೆ.

ಪಂಚಾಯತ್ ರಾಜ್ ಇಂಜಿನಿಯರಿಂಗ್ ವಿಭಾಗ ವ್ಯಾಪ್ತಿಯಲ್ಲಿ ಪ್ರಸ್ತುತ ಒಟ್ಟು 496 ಕೆರೆಗಳ ಪೈಕಿ 110 ಕೆರೆಗಳು ಯಾವುದೇ ಒತ್ತುವರಿಯಾಗಿರುವುದಿಲ್ಲ, 386 ಕೆರೆಗಳು ಒತ್ತುವರಿಯಾಗಿದ್ದು, ಇದರಲ್ಲಿ 49 ಕೆರೆಗಳ ಒತ್ತುವರಿಯನ್ನು ತೆರವುಗೊಳಿಸಲಾಗಿದೆ. ಪ್ರಸ್ತುತ 337 ಕೆರೆಗಳ ಒತ್ತುವರಿ ತೆರವುಗೊಳಿಸಬೇಕಾಗಿರುತ್ತದೆ ಮತ್ತು ಮತ್ತೊಮ್ಮೆ ಗಡಿಯನ್ನು ಗುರುತಿಸಲು ಸರ್ವೆ ಮಾಡಲು ಜಿಲ್ಲಾಧಿಕಾರಿಗಳು ಸೂಚಿಸಿರುತ್ತಾರೆ. ಜಿಲ್ಲಾಧಿಕಾರಿಗಳಿಗೆ ಒತ್ತುವರಿ ತೆರವು ಬಗ್ಗೆ ಕ್ರಿಯಾಯೋಜನೆಯನ್ನು ಸಲ್ಲಿಸಿದ್ದು, ಅದರನ್ವಯ ಹಂತ ಹಂತವಾಗಿ ಕೆರೆಗಳ ಒತ್ತುವರಿಯನ್ನು ತೆರವುಗೊಳಿಸಲು ಕ್ರಮ ವಹಿಸಿ ಎಲ್ಲಾ ತಾಲ್ಲೂಕು ಮಟ್ಟದಲ್ಲಿ ಕೆರೆಗಳ ಒತ್ತುವರಿಯನ್ನು ತೆರವುಗೊಳಿಸಲಾಗುತ್ತಿದೆ.

ಮುಂದುವರೆದು, ಕಲುಷಿತಗೊಂಡ ಕೆರೆಗಳಿಗೆ ತ್ಯಾಜ್ಯ ನೀರು ತಡೆಗಟ್ಟಲು Diversion Channels ಗಳನ್ನು ಮಾಡಲು ಜಿಲ್ಲಾ ಪಂಚಾಯತಿ ವತಿಯಿಂದ ಕ್ರಮವಹಿಸಲಾಗುತ್ತಿದೆ. ವಿಷಯವನ್ನು ತಮ್ಮ ಸೂಕ್ತ ಅವಗಾಹನೆಗಾಗಿ ಹಾಗೂ ಮುಂದಿನ ಕ್ರಮಕ್ಕಾಗಿ ಈ ಮೂಲಕ ಸಲ್ಲಿಸಲಾಗಿದೆ.

ತಮ್ಮ ವಿಶ್ವಾಸಿ,
ಸಹಿ/-

ಕಾರ್ಯಪಾಲಕ ಅಭಿಯಂತರರು,
ಪಂಚಾಯತ್ ರಾಜ್ ಇಂಜಿನಿಯರಿಂಗ್ ವಿಭಾಗ,
ಬೆಂಗಳೂರು ನಗರ, ಬೆಂಗಳೂರು”

BENGALURU URBAN ZILLA PANCHAYAT

LAKE ENCROACHMENT DETAILS OF PANCHAYAT RAJ ENGINEERING DIVISION, BENGALURU URBAN DISTRICT

ABSTRACT

Sl. No.	Name of Taluk	Number of Tanks		Total Extent		Free from encroachment	Total Encroachment identified						Total Encroachment			Total Encroachment to be removed			Fencing done									
		Nos.		Acre	Guntas		No. of tanks	Private		Government		Nos.	Acres	Guntas	Nos.	Acres	Guntas	Nos.		Acres	Guntas							
1	Anekal	163	57			2774		24	49	114	252								12			63	19	114	252	12	0	0
2	Jigani	57	57	1149	10	19	38	43	14	44	38.5	38	88	12.5	0	0	0	38	88	12.5	0	0	38	88	12.5	2	2	0
3	Bengaluru South	104	104	1191	6	16	88	52	37.53	12	36.92	88	65	5.45	3	1	10	85	65	5.45	3	1	85	65	5.45	0	0	0
4	Bengaluru North	58	58	1224	25	10	48	160	11.25	30	33.75	48	191	5	7	5	41	185	6	6	7	5	41	185	6	7	7	0
5	Yelahanka	89	89	2511	30	6	83	296	20	59	12	83	355	32	39	47	44	226	12	12	39	47	44	226	12	39	39	0
6	Bengaluru East	25	25	525	9	10	15	44	25	26	23	15	25	26	0	0	0	15	71	8	0	0	15	71	8	7	7	0
	Total	496	496	9374	104	110	386	847	119.8	234	163.2	386	976	93	49	53	78	337	887	56	49	53	337	887	56	57	57	0

7. Sri P.A. Poonacha, P.D.O, Gantiganahalli Grama Panchayath submitted that he is incharge of Gantiganahalli Grama Panchayath and there is only one lake known as Gantiganahalli lake; he has taken charge day before yesterday i.e., on 17.07.2021 and he will examine the matter and take appropriate decision in the matter.

8. Sri Krishna Murthy M.N, Executive Engineer submitted that in all there are 496 lakes within the jurisdiction of Bengaluru Urban Zilla Panchayath and out of that 110 lakes are free from any encroachments and out of the remaining 386 lakes in 49 lakes they have removed the encroachments and in the remaining 337 lakes encroachments are required to be removed and steps are being taken for removal of the encroachment. According to him some of the encroachments are done by the villagers for cultivation and in some portion, layouts are being formed and steps are being taken to prevent formation of the layout and remove all the encroachments.



He also submitted that the report of the Karnataka Lokayukta Police is communicated to the Chief Executive Officer, Zilla Panchayath, Bengaluru Urban District and on the basis of the report steps are being taken for removal of the encroachment. He further submitted that he has already prepared an action plan for removal of encroachment and it is submitted to the Deputy Commissioner, Bengaluru Urban District who is required to take steps for removal of the encroachment. It is needless to point out that the Deputy Commissioner under the Karnataka Land Revenue Act has abundant power for removal of the encroachment and **he shall ensure that all the encroachments are removed in accordance with law without further loss of time and at any event of the matter as expeditiously as possible and preferably within a period of six months from today.** It is also needless to point out that the encroachments will have to be surveyed and appropriate steps will have to be taken and the jurisdictional Tahasildars are required to co-



operate with the Executive Engineer, Bengaluru Urban Zilla Panchayath in removal of the encroachments.

9. Sri Krishna Murthy M.N also submitted that steps are being taken to prevent the pollution of the lakes. He also submitted that a request has already been made to the Chief Executive Officer, Zilla Panchayath, Bengaluru Urban District to instruct the concerned Panchayath Development Officers of Gram Panchayath and Executive Officers of Taluk Panchayath to take steps for diverting the channels which pollutes the lake etc. I am sure the Chief Executive Officer will take into consideration the request made by the Executive Engineer and other officers for diversion of channels and take effective steps on that behalf without further loss of time.

10. Sri Krishna Murthy M.N also pointed out that there are 46 lakes which are in the custody of Minor Irrigation Department. Though the notice to Executive Engineer, Minor Irrigation Department has been served with regard



to this proceeding, no one is present on behalf of Minor Irrigation Department. It is needless to point out it is the duty of the Minor Irrigation Department also to take effective steps to develop/rejuvenate the lakes which are under their jurisdiction. **The Executive Engineer, Minor Irrigation Department is directed to submit the status report about the steps taken with regard to the 46 lakes within their jurisdiction on or before 24.08.2021.**

I am sure the Chief Engineer, Minor Irrigation Department will instruct the concerned Executive Engineer to look into the matter to take effective steps to develop the lakes within their jurisdiction on or before **24.08.2021.**

Communicate the copy of this order to the Chief Engineer, Minor Irrigation Department and Executive Engineer, Minor Irrigation Department.

11. The Pollution Control Board/Respondent No.6 had submitted a report dated 31.01.2019. They are also directed to submit the up-to-date status report with regard

to all the lakes within the Bengaluru Urban District by the next date of hearing i.e., **10.11.2021**.

12. Sri Krishna Murthy M.N pointed out that on account of serious dearth of funds, the Bangalore Urban Zilla Panchayath is not able to develop the lakes as it is required to be developed. It is needless to point out that the development of lake is in larger public interest. The Hon'ble Supreme Court in the case ***Jitendra Singh V/s. Ministry of Environment and others (2019 SCC online SC 1510)*** has emphasized the importance of protecting the lakes 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 of India. In this connection, it is relevant to extract the observation made by the Hon'ble Supreme Court at Paragraph No. 15, 16, 18, 19 and 20, which reads as follows:

"15. In Hinch Lal Tiwari v. Kamala Devi², this Court settled that 'ponds' were a public utility meant for common use and held that they could not be allotted or commercialised. It had



refused to give any weight to similar arguments of the pond having become levelled, with merely some portion getting covered during rainy season by water. Importantly, it emphasised 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 pond is falling in disuse, should have bestowed their attention to develop the same which would, on one hand, have prevented ecological disaster and on the other provided better environment for the benefit of the public at large. Such vigil is the best protection against knavish attempts to seek allotment in non-abadi sites.”

16. This Court reiterated in *Jagpal Singh v. State of Punjab*³ and noted that since time immemorial, certain common lands had vested in village communities for collective benefit. Except in exceptional circumstances when used exclusively for the downtrodden, these lands were inalienable. It was observed that such protections, however, remained on paper, and since Independence powerful people and a corrupt system had appropriated these lands for personal aggrandisement. Pointing out the harms in allowing such misappropriation, the Court noted an urgent public interest in stopping such misdeeds. Further, various directions were issued for eviction of illegal occupants and restoration of the common land to villagers. **It was explicitly specified that “long duration of such illegal occupation or huge expenditure in making constructions thereon” cannot be a “justification for condoning this illegal act or for regularising the illegal possession”.**

18. Even otherwise, the action of the respondent-authorities contravenes their Constitutional obligations. Article 48-A of the Constitution casts a duty on the State to “endeavour to protect and improve the environment and to safeguard the forests and wild life of the country”, and Article 51-A(g) expects every citizen to perform his fundamental duty to “protect and improve the natural environment”. A perusal of our Constitutional scheme and judicial development of environmental law further shows that all persons have a right to a healthy environment. It would be gainsaid that the

State is nothing but a collective embodiment of citizens, and hence collective duties of citizens can constructively be imposed on the State. Such an interpretation of the Constitution has also been adopted in *MC Mehta v. Union of India*⁴ wherein this Court mandated the State to ensure mandatory environmental education to all school students in pursuance of the fundamental duties enshrined in Article 51-A(g):

“24. Having regard to the grave consequences of the pollution of water and air and the need for protecting and improving the natural environment which is considered to be one of the fundamental duties under the Constitution (vide Clause (g) of Article 51A of the Constitution) we are of the view that it is the duty of the Central Government to direct all the educational institutions throughout India to teach atleast for one hour in a week lessons relating to the protection and the improvement of the natural environment including forests, lakes, rivers and wildlife in the first ten classes. The Central Government shall get text books written for the said purpose and distribute them to the educational institutions free of cost. Children should be taught about the need for maintaining cleanliness commencing with the cleanliness of the house both inside and outside, and of the streets in which they live. Clean surroundings lead to healthy body and healthy mind. Training of teachers who teach this subject by the introduction of short term courses for such training shall also be considered. This should be done throughout India.”

19. There remains therefore no doubt that 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.”


13. Further, the lakes are required to be developed for the purpose of preservation of underground water so that it may increase the ground water table and there will be plenty of water available for the use of the members of the public including for drinking purposes of human beings as well as the animals. If the lakes are filled with water, laying of the borewells can be prevented and it will rejuvenate the borewells which are used by the villagers both for drinking purposes and for cultivation of their land for both agricultural and horticultural crops. Preservation of lakes plays an important role in maintaining and restoring the ecological balance. These are the matters which are required to be kept in mind by the concerned public servants of the state.

14. In the light of what is stated above, it will be in the interest of justice to suggest to the Secretary, Minor Irrigation Department and Principal Secretary, RDPR Department to examine the matter and take



steps to provide sufficient funds for rejuvenation of lakes.


15. Though notice was served on the Deputy Commissioner, Bengaluru Urban District; Tahasildar, Anekal; Tahasildar, Bengaluru South Taluk; Tahasildar, Bengaluru North Taluk and Tahasildar, Bengaluru East Taluk, no one is present on their behalf. It is needless to point out that Tahasildar of each Taluk have a responsibility in identifying the lakes and get the land surveyed and removal of the encroachment. The Deputy Commissioner is required to ensure that the Tahasildar of the various Taluk within their jurisdiction would look into the matter and submit the report with regard to the steps taken by them by the next date of hearing. **The Deputy Commissioner is also directed to send a responsible officer on the next date of hearing in addition to the filing of the statement with regard to the steps taken.** The failure to protect the lakes by the concerned revenue officers, it is needless to point out amounts to mal-



administration on their part. I am sure the concerned jurisdictional revenue officers will avoid action being initiated against them for mal-administration.

16. Communicate the copy of this order to all the parties referred to above.

List this on **10.11.2021 at 3.30 p.m.**


(Justice P. Vishwanatha Shetty) 19/7/21
Lokayukta,
State of Karnataka.

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