## Karnataka Lokayukta

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

CASE

NUMBER COMPT/LOK/BGM/2096/2019

District: Belgaum

#### BY:

### 1. SUO MOTO.

As per the Order of Honble Lokayukta Dated: 26/07/2019.

**COMPLAINANT/S** 

#### **AGAINST:**

## 1. PRINCIPAL SECRETARY TO GOVERNMENT

Department of Education, Primary and Secondary Education, M.S. Building, Bengaluru. 560001

## 2. PRINCIPAL SECRETARY TO GOVERNMENT

Transport Department, M.S. Building, Bengaluru.

### 3. DEPUTY COMMISSIONER

Belagavi District, Belagavi.

### 4. CHIEF EXECUTIVE OFFICER,

Zilla Panchayath, Belagavi District, Belagavi.

### 5. MANAGING DIRECTOR

Karnataka State Road Transport Authority, Central Office, K.H. Road, Bengaluru.

#### 6. MANAGING DIRECTOR

North Western Karnataka Road Transport Corporation, Central Office, Gokula Road, Hubballi. 580030

### 7. DEPUTY DIRECTOR OF PUBLIC **INSTRUCTIONS**

Belagavi District, Belagavi.

#### 8. BLOCK EDUCATION OFFICER

Khanapur, Belagavi District.

Allegation/Grievance Dereliction of duty

Brief:

Received From:

By Suo Moto

Received On:

29-07-2019

Complaint stands allotted to:

ARLO-3

SCRUTINY AND OPINION

## KARNATAKA LOKAYUKTA: BENGALURU

No: LAK / TGM/2096/2019 / ARLD-3 Date: 26-07-2019

## ORDER

In "The New Indian Express" – daily newspaper dated 26-07-2019, a news item with a title "These kids trek 24 Km on forest track to school and back" has been published high-lighting the difficulties faced by the students who live in the remote forest area. Instead of repeating the contents of the news item published, it is useful to extract the same, which reads as here under:

"GOING to school has become a risky affair for children of Chapoli, Kapoli, Mudai and adjoining villages located inside the Khanapur forest. With no bus facility to reach their school in Jamboti – located in the midst of dense forest – the children have no choice but to walk for 25 km each day to go to school and return home.

And with the onset of the monsoon, the stretch has turned muddy causing more hardship to the children. The children, however, are sometimes dropped to school by the forest department personnel in their patrolling vehicles.

Khanapur forest is home to several endangered species and man-animal conflict is common in

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the region. Villagers have been attacked by leopard, bears and other wild animals in the Residents of Chapoli, Kapoli, Mudgi, have Amgaon and Varakad-Patye demandeding amenities like good roads, power supply, education for their children and health services for many years. Speaking to TNIE, Vyankat Patil, a resident of Chapoli, recalled that villager had even boycotted the recent Lok Sabha elections to draw attention of the government towards their problems. Following heavy rain, the road which leads to Chapoli form Jamboti has turned from bad to worse, due to which the KSRTC suspended bus services to the village.

Chapoli has a school which provides education from Class 1 to 5. However, for classes 6 to 10, children have to travel 12 km to reach Jamboti. The High Court on December 24, 2014, had instructed the state government to provide all basic facilities to 20 villages located in Khanapur jungles which included Chapoli and Kapoli.

A report on the fund required for the development works has been forwarded to the government and the latter is yet to respond. Only after the government takes a final call on it, works in these 20 villages will be taken up".

2. The news item extracted above, high-lights the problem of the young children who walk in dense forest covering about 24 Kms., every day to go to the school and return to their residences. The news item also high-lights

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that, on certain occasions, the officials of the Forest Department use their patrolling vehicles to help the students to reach the school and back, where ever it is possible. While the grace shown by the officials of Forest Department is appreciable, the students cannot be made to depend upon the grace of the officials of Forest Department without providing regular transport service.

3. It is needless to point out that, Right to Education is a Fundamental Right guaranteed under Article 21-A of the Constitution of India and Right to free and compulsory education guaranteed under the Right of Children to Free and Compulsory Education Act, 2009. Therefore, it is the duty of the authorities of the state to provide all the facilities required to make the Right to Education guaranteed under Article 21-A of the Constitution of India and Right to free and compulsory education guaranteed under the Right of Children to Free and Compulsory Education Act, 2009, meaningful and purposeful, without making it as only a dead letter in the statute. The news item indicates that repeated representations were made to

the authorities concerned and the local people also had boycotted the last Lok Sabha elections. These things should have immediately attracted the attention of the concerned and they should have taken authorities either by establishing educational immediate steps institutions very close to the students' population, if possible, or at least, transport facilities. It is needless to point out that, whenever the buses are introduced or transport facilities are provided by the State, it is not looked into or examined only from the point of earning profit or income to the State or its authorities, but it is looked into from the point of providing facilities to the travelling public, more particularly to the young school going children and the women.

4. It is needless to point out that it is also the duty of the officers of KSRTC to make an assessment of the need of the travelling public in providing transport facilities in a particular area wherever it is lacking. If what has appeared in the news item extracted above is correct, it only shows that there has not been any conscious effort made by the

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authorities of the NWKRTC (North Western Karnataka Road Transport Corporation) to assess the need of the travelling public in providing transport facility. The news item also indicates that the Chief Executive Officer of Zilla Panchayat, Belagavi also had sent a report to the Government about the problems faced by the school going children.

- 5. The news item extracted above clearly indicates that the authorities of the State had failed in their duties to provide required/minimum facilities to the students to attend the school. Hence, it has to be treated as 'maladministration' within the meaning of Section 2(10) of the Karnataka Lokayukta Act, 1984, on the part of the concerned officers/authorities of the State.
- 6. It is needless to point out that the long distance of travel would seriously affect the academic curriculum of the students. Therefore, it is the duty of the authorities of the State to provide all the facilities to the students to get qualitative education and create an atmosphere congenial to them to study the subjects.

- 7. In my view, the news item published in "The New Indian Express" can be considered as source material for me to exercise my suo-moto power under Sections 7(1)(b) and 9(3)(a) of the Karnataka Lokayukta Act, 1984. Accordingly, I hereby exercise my suo-moto power and initiate suo-moto proceedings. The office is directed to register this proceeding as suo-moto proceeding.
- 8. For the purpose of investigation/enquiry, I am of the view, that it would be in the interest of justice to implead the following officers of the State as Respondents and **direct the notice** to them:
  - The Principal Secretary to Government, Department of Education (Primary & Secondary Education), M.S.Building, Bengaluru – 560 001;
  - The Principal Secretary to Government, Transport Department, M.S.Building, Bengaluru – 560 001;
  - 3. The Deputy Commissioner, Belagavi District, Belagavi;
  - 4. The Chief Executive Officer, Zilla Panchayat, Belagavi District, Belagavi;

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- 5. The Managing Director, Karnataka State Road Transport Authority, Central Office, K.H.Road, Bengaluru – 560 027.
- 6. The Managing Director,
  North Western Karnataka Road Transport
  Corporation, Central Office, Gokula Road,
  Hubballi-580 030.
- 7. The Deputy Director of Public Instructions Belagavi District, Belagavi;
- 8. The Block Education Officer, Khanapur, Belagavi District.
- 9. It is also needless to point out that the authorities concerned would immediately take steps to provide transport facilities to the school going children. The children also cannot be exposed themselves to severe sun, rain and attack by the wild animals and also by the ferocious dogs.
- 10. The officers referred to above are directed to examine the issues high-lighted in the news item and submit their comments/action taken report, within four weeks from the date of communication of this order.



- 11. Communicate this order to the Superintendent of Police, Karnataka Lokayukta, Belagavi, for information and redressal of the grievance through concerned authorities.
- 12. On the next date of hearing, the Deputy Director of Public Instructions, Belagavi and representatives of NWKRTC are directed to be present along with the status report.

List this case on 29-08-2019 at 03-00 p.m.

ustice P. Vishwanatha Shetty),

Karnataka State.

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12. ARLO-4 (Compts.Sec.)



# KARNATAKA LOKAYUKTA

No:Compt/LOK/BGM-2096/2019

Date:30-08-2019

## ORDER

This is a suo-motu proceedings. Sri. Prasanna Kumar K. Balanaik, Chief Law Officer, NWKRTC, Hubli is present along with Sri. M.R.Munji, Divisional Controller, NWKRTC, Belagavi and Sri H.Ramanagouda, Divisional Traffic Officer, NWKRTC, Belagavi.

- 2. Sri K.S.Nander, Deputy Project Coordinator, Office of the DDPI, Belagavi is present along with Smt. V.H.Bereger, Block Education Officer, Khanapur and Sri A.R.Ambigi, Block Resource Coordinator, Office of the BEO, Khanapur.
- 3. A status report is filed on behalf of 6<sup>th</sup> respondent, the Managing Director, NWKRTC. It is useful to extract the said report, which reads as hereunder:

# "BEFORE THE HON'BLE KARNATAKA LOKAYUKTA, BENGAURU

Subject: Complaint published in "The New Indian Express" on 29-7-2019 regarding providing Transportation facilities to Chapoli Villagereg.

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With reference to the above subject, it is to submit your kind information that a complaint is published in "The New Indian Express" on 29-7-2019 regarding providing transportation facilities to Chapoli, Kapoli & Mudagai Villages of Khanapur Taluka. Hence, status report is taken and details are as below:

- 1. In respect of above said villages, the Chapoli village is 25 Kms. away from Khanapur, from Jamboti 7 Kms and Mudagai/Kapoli cross the distance is 4 Kms. Like wise from Kapoli village to Mudagai/Kapoli cross 1.5 Kms and Mudagai village is 2.5 Kms away. To these three villages one bus in the morning at 8.30 and other in the evening at 17.30 were plying (Schedule No.64 & 74) from Khanapur to Chapoli via Jamboti Mudagai/Kapoli cross. (Copy of the Form –IV is placed at Annexure 'A').
- 2. The said Chapoli village is situated in thick forest area. From Mudagai/Kapoli cross to Chapoli it is reserved forest area. Due to heavy rain in the recent past the connected roads are not motor-able and this is the situation of every year and this year is even more. Hence, the transport facility is hampering due to heavy rain.
- 3. In the month of June-2019 on account of heavy rain and because of the same the roads are non- motor-able from Kapoli/Mudagai cross to Chapoli for a distance of 4 Kms., it is state that the operation of buses were temporarily suspended till 10-6-2019. The buses were operating to Kapoli/Mudagai cross till 3-8-2019 when it was stopped as roads were non-motor-able. (Copies of conductor way bills and log sheets of the drivers are placed at Annexure 'B').
- 4. In respect of complaint published in the news paper regarding inconvenience of essential services and also transportation facility to the above said villages, the Divisional Traffic Officer, NWKRTC, Belagavi Division alongwith Depot Manager Khanapur have personally conducted route survey and have reported the road is not motor-able and supportingly have produced related videos and further visited personally before the Lokayukta Office at Belagavi and narrated the facts. (Videos are placed at Annexure 'C').



- 5. In the month of August 2019 at Belagavi District due to heavy rain/flood majority of villages of Khanapur Taluka are surrounded with water and transport facility was On account of damages/deterioration of bridge stopped. Shankarpeth on Malaprabha situated near connectivity to Talevadi / Chapoli / Kapoli / Amatha / Kanakumbi/ Parawad/Chikala and Chigula villages was hampered and operation of buses was suspended. There is a very old bridge built by stones and it is in deterioration condition and to avoid untoward incidents the use of this road is prohibited and a letter to that effect is written by the Asst. Executive Engineer, PWD and Inland & Water Dept., sub-division, Khanapur Transport Tahashildar, Khanapur seeking to issue directions to stop movements of all vehicles on the said road. (Copy of the letter is placed at Annexure 'D').
- 6. The stating that the Chapoli village road is non-motorable and apprising the same, letters to the Chief Executive Engineer, Zilla Panchayath, Belagavi & Executive Engineer, Panchayath Raj Engineering Division Belagavi are written and have requested to make motor-able road to Chapoli village (Copies of the letters are placed at Annexure 'E').
- 7. As stated before, the transport facility to Chapoli village are temporarily suspended due to unavoidable circumstances and there is no any ill-intention of the Corporation for the inconvenience caused to them, it is all because of natural calamities.

In the light of the above, NWKRTC is looking forwarded to ply the buses as soon as possible in the said Routes.

Submitted on behalf of the 6th Respondent."

4. Sri K.S.Nander has also filed a status report. It is useful to extract the same which reads as hereunder:

"ಏಷಯ: ಮಾನ್ಯ ಗೌರವಾನ್ವಿತ ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ ಬೆಂಗಳೂರು ಇವರು ಮಕ್ಕಳ ಸುರಕ್ಷತೆ ಬಗ್ಗೆ ಸ್ವಯಂ ಪ್ರೇರಿತ ದೂರು ದಾಖಅಸಿದ್ದು ಮಾಹಿತಿ ನೀಡುತ್ತಿರುವ ಕುಲಿತು.

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ಉಲ್ಲೇಖ : 1) ಮಾನ್ಯ ಗೌರವಾಸ್ವಿತ ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ ಬೆಂಗಳೂರು ಇವರ ಆದೇಶ ಸಂಖ್ಯೆ: ಎಲ್ಒಕೆ/ಇಜಿಎಂ/2096/2019/ ಎಆರ್ಎಲ್ಒ–3 ದಿನಾಂಕ: 26–07–2019.

2) ತಮ್ಮ ಕಚೇಲಿ ಪಸಂ:ಇರ್/ಲೋಕಾಯುಕ್ತ/ದೂರು/ವರದಿ/ 2019–20 ದಿನಾಂಕ: 19–08–2019.

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ಈ ಮೇಅನ ವಿಷಯ ಹಾಗೂ ಉಲ್ಲೇಖದನ್ವಯ ಮಾನ್ಯ ಗೌರವಾನ್ವಿತ ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ ಬೆಂಗಳೂರು ಇವರು ಮಕ್ಕಳ ಸುರಕ್ಷತೆ ಬಗ್ಗೆ ಸ್ವಯಂ ಪ್ರೇಲಿತ ದೂರು ದಾಖಅಸಿದ್ದು "ವಿ ನ್ಯೂ ಇಂಡಿಯನ್ ಎಕ್ಸಪ್ರೆಸ್" ದೈನಂವಿನ ಪತ್ರಿಕೆಯಲ್ಲ ವಿನಾಂಕ: 26–07–2019 ರಂದು "These Kids Trek 24 KM On forest Track To School And Back" ಎಂಬ ತಲೆಬರಹದಲ್ಲ ಸುದ್ದಿ ಪ್ರಕಟವಾಗಿದ್ದು ಜಾಪೋಅ. ಕಾಪೋಅ. ಮುಡಗೈ, ಪಾಟೆ ಮುಂತಾದ ಗ್ರಾಮಗಳಂದ ಮಕ್ಕಳ್ಳು ತಮ್ಮ ವಿದ್ಯಾಬ್ಯಾಸಕ್ಕಾಗಿ ಜಾಂಬೊಟಗೆ ದಟ್ಟವಾದ ಅರಣ್ಯದಲ್ಲ ಕಾಡು ಪ್ರಾಣಿಗಳ ಬಯವಿದ್ದರೂ ವಿಧ್ಯಾಭ್ಯಾಸಕ್ಕಸಗಿ ಸುಮಾರು 25 ಕೀಮಿ ದೂವನ್ನು ಕಾಲ್ನಡಿಗೆಯಿಂದ ನಡೆದುಕೊಂಡು ಜಾಂಬೊಟಗೆ ನಡೆದುಕೊಂಡು ಬರುತ್ತಾರೆಂದು ತಿಳಸಿದ್ದಾರೆ ಆ ಕುರಿತು ಮಾಹಿತಿಯನ್ನು ಈ ಪತ್ರದೊಂದಿಗೆ ಲಗತ್ತಿಸಿದ್ದು ತಮ್ಮ ಅವಗಾಹನೆಗಾಗಿ ತಮಗೆ ಸಲ್ಲಸಲಾಗುತ್ತಿದೆ."

# "ಕ್ಷೇತ್ರ ಶಿಕ್ಷಣಾಧಿಕಾರಿಗಳ ಕಾರ್ಯಾಲಯ ಖಾನಾಸೂರ ಜಿ.ಬೆಳಗಾವಿ

- 1) ಜಾಂಬೊಣ ಸುತ್ತಮುತ್ತಅನ ಗ್ರಾಮಗಳು ಹಾಗೂ ಅಂತರ:– ಚಾಪೋಅ–9 ಕಿ.ಮೀ, ಚೀರೆಖಾನಿ–6 ಕಿ.ಮೀ, ಕಾಪೂಲೊ ಕೆಸಿ–4 ಕಿ.ಮೀ, ಮುಡಗೈ–4 ಕಿ.ಮೀ, ವಡಗಾಂವ– 3 ಕಿ.ಮೀ, ವಿಜಯನಗರ–2 ಕಿ.ಮೀ, ಹಬ್ಬಾನಣ್ಣ– 4 ಕಿ.ಮೀ, ಕುಸಮಳ–4 ಕಿ.ಮೀ.
- 2) ಚಾಮೋಅ-1 ಲಂದ 7 ನೇ ತರಗತಿ, ಚೀರೆಖಾನಿ-1 ಲಂದ 5 ನೇ ತರಗತಿ, ಕಾಮೋಅ ಕೆ.ಸಿ- 1 ಲಂದ 7 ನೇ ತರಗತಿ, ಮುಡಗೈ-1 ಲಂದ 5 ನೇ ತರಗತಿ, ವಡಗಾಂವ-1ಲಂದ 5 ನೇ ತರಗತಿ, ವಿಜಯನಗರ- 1 ಲಂದ 5 ನೇ ತರಗತಿ ಹಬ್ಬಾನಟ್ಟ- 1 ಲಂದ 5 ನೇ ತರಗತಿ ಕುಸಮម- 1 ಲಂದ 8 ನೇ ತರಗತಿ.
- 3) ಚೀರೆಖಾನಿ ಶಾಲೆಯಲ್ಲರುವ ಮಕ್ಕಳ ಸಂಖ್ಯೆ-05, ಮುಡಗೈ ಶಾಲೆಯಲ್ಲರುವ ಮಕ್ಕಳ ಸಂಖ್ಯೆ-04, ವಡಗಾಂವ ಶಾಲೆಯಲ್ಲರುವ ಮಕ್ಕಳ ಸಂಖ್ಯೆ-09, ವಿಜಯನಗರ ಶಾಲೆಯಲ್ಲರುವ ಮಕ್ಕಳ ಸಂಖ್ಯೆ-27, ಹಬ್ಬಾನಟ್ಟ ಶಾಲೆಯಲ್ಲರುವ ಮಕ್ಕಳ ಸಂಖ್ಯೆ-50, ಚಾಪೋಲ ಶಾಲೆಯಲ್ಲರುವ ಮಕ್ಕಳ ಸಂಖ್ಯೆ-46, ಕಾಪೋಲ ಶಾಲೆಯಲ್ಲರುವ ಮಕ್ಕಳ ಸಂಖ್ಯೆ-121.
- 4) ಜಾಂಬೊಣ ಗ್ರಾಮದ ಸುತ್ತಮುತ್ತಲು ಇರುವ ಪ್ರೌಢ ಶಾಲೆಗಳ ಹೆಸರು:-
  - 1) ಸರ್ಕಾರಿ ಪ್ರೌಢ ಶಾಲೆ ಅಮಬೆ ಜಾಂಬೊೞಯಿಂದ ಅಂತರ 9. ಕೀಮಿ
  - 2) ಶ್ರೀ ಮಾವುಅ ವಿದ್ಯಾಲಯ ಕಣಕುಂಚಿ ಜಾಂಬೊೞಯಿಂದ ಅಂತರ 18.ಕೀಮಿ
  - 3) ರಾಜಶ್ರೀ ಶಾಹು ಪ್ರೌಢ ಶಾಲೆ ಓಲಮನಿ ಜಾಂಬೊೞಯಿಂದ ಅಂತರ 5.ಕೀಮಿ
  - 4) ಸಂಭಾಜ ಎಚ್ ಎಸ್ ಬೈಲೂರ ಜಾಂಬೊೞಯಿಂದ ಅಂತರ 9.ಕೀಮಿ
  - 5) ವರದಿಯಲ್ಲ ಚಾಮೋಅ ಶಾಲೆಯು 1 ರಿಂದ 5 ಅಂತಾ ನಮೂದನಿದ್ದು ಇದೆ ಆದರೆ ಅಲ್ಲ 1 ರಿಂದ 7ನೇ ತರಗತಿಯವರೆಗೆ ಶಾಲೆ ಇದೆ ಚಾಮೋಅ–ಜಾಂಬೊಡಿ 12 ಕೀಮಿ ಅಂತಾ ನಮೂದಿನಿದ್ದು ಇದೆ ಆದರೆ ಅದು 9 ಕೀಮಿ ಇದೆ.
  - 6) ಕಾಸೋಅ, ಮುಡಗೈ, ಚಾಸೋಅ ಗ್ರಾಮಗಳಗೆ 1 ಬಸ್ಸ ಸೌಕರ್ಯವಿದ್ದು ಮಳೆಗಾಲದಲ್ಲ ವಿಪರೀತ ಮಳೆಯಾದರೆಎ ಬಸ್ಸ ಸೌಕರ್ಯ ನಿಲ್ಲಸಲಾಗುತ್ತಿದ್ದು ಇದರಿಂದ ತೊಂದರೆಯಾಗುತ್ತದೆ .
  - 7) ಆಗ ಇಂತಹ ಮಕ್ಕಳಗೆ ಬ್ರಾಕ್ಸ್ ಸೇವೆ ನೀಡಿದರೆ ಮಕ್ಕಳಗೆ ಅನೂಕೂಲವಾಗಅದೆ.
  - e) ಈ ಗ್ರಾಮಗಳ ಎಲ್ಲ ಮಕ್ಕಳಗೆ ಎಸ್ಕಾರ್ಟ ಸೇವೆ ನೀಡಿದರೂ ಅನೂಕೂಲವಾಗಅದೆ.





9) ಜಾಂಬೊಡಿ ಗ್ರಾಮದಲ್ಲ ಒಂದು ಹೆಣ್ಣು ಮಕ್ಕಳ ಹಾಸ್ಟೆಲ್ ಪ್ರಾರಂಡಿಸಿದರೆ ಅನುಕೂಲ

10) ಸದರಿ ಗ್ರಾಮಗಳಗೆ ಸರ್ವ ಋತು ರಸ್ತೆ ಅವಶ್ಯಕತೆ ಇದೆ ಆದರೆ ಅರಣ್ಯ ಪ್ರದೇಶವಾಗಿರುವದರಿಂದ ಅರಣ್ಯ ಇಲಾಖೆಯವರು ಹೊಸ ರಸ್ತೆಗಳನ್ನು ನಿರ್ಮಿಸಲು ನಿಯಮಾವಳಯ ಪ್ರಕಾರ ಅವಕಾಶ ನೀಡುತ್ತಿಲ್ಲ." ಮೇಟ್ರಕ ಸೂರ್ವ ವಿಧ್ಯಾರ್ಥಿಗಳ ವಸತಿ ನಿಲಯ ಜಾಂಬೋಣ ದಾಖಲಾದ ವಿದ್ಯಾರ್ಥಿಗಳ ಮಾಹಿತಿ

ಈ ಕೆಳಕಂಡಂತೆ ವಿದ್ಯಾರ್ಥಿಗಳ ಪ್ರವೇಶ ಪಡದಿರುತ್ತಾರೆ.

ಕ್ರ.ಸಂ	ವಿದ್ಯಾರ್ಥಿಗಳ	ವಿಧ್ಯಾರ್ಥಿಗಳ ಸಂಖ್ಯೆ	%હ્યાૄ	ಷರಾ
	ಊರು	ಸಂಖ್ಯೆ		
1	ಅಮಗಾಂವ	9	9	
2	ಚಿಕಲೆ	8	8	
3	ಹುಳಂದ	1	1	
4	ಚಾಮೋಅ	3	3	
5	ಕಾಸೋಲ	1	1	
6	ಹಬ್ಬಾನಟ್ಟ	8	8	
7	ಚೀರಭಾನಿ	2	2	
8	ಮುಡಗೈ	5	5	
9	ಕಾಲಮನಿ	6	6	
10	ದೇಸೂರ	1	1	
11	ಕಮಲನಗರ	1	1	
12	ಗೋಲ್ಯಾಳ	1	1	
13	ವಿಜಯನಗರ	1	1	
14	<b>ತ</b> ಳೆವಾಡೆ	1	1	
15	ಬೇಟನೆ	2	2	
	%ಟ್ಟು	50	50	

5. The Officers referred to above have jointly submitted that, since the road in question, a bridge have been completely damaged on account of rain and floods, NWKRTC is compelled to stop operation of the bus facility with a view to avoid any untoward incident to the members of the public and more particularly children. While I appreciate the steps, which were taken to stop operation of busses on the route in question on account of the bad condition of the road and collapsed bridge, it



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authorities to take immediate steps to repair the road and to reconstruct the bridge. It is admitted by them that, the area in question falls within the reserved forest. These are the matters required to be examined by the Respondents 3 & 4. Sri Nander submits that, he has been instructed to represent the Chief Executive Officer and the Deputy Commissioner as they are held up in flood relief work.

6. The ARLO-3 to go through the report and submit scrutiny note within a week from today. In the meanwhile Sri Nander submitted that, he has already taken steps to admit 28 boys, who are studying in the pre-metric school to Jamboti Social Welfare Hostel and they will be admitted within a week from today. He further submitted that 50 girls who are studying in the pre-metric school will be admitted to the Social Welfare Pre-metric Hostel at Khanapura within a week from today. The said statement made by Sri Nander is placed on record. He is instructed to submit a status report

In

within 10 days from today with regard to the admission of the students referred to above in the Social Welfare Hostels. It is the duty of the Officers concerned to persuade the parents of the students with regard to the importance of the education and the measure that is being taken by the department is in the interest of their children.

- 7. In the light of what is stated above, the authorities are directed to submit the status report with regard to the steps taken to repair the road in question and reconstruct the collapsed bridge within three months from today.
- 8. Communicate this order to all the parties concerned.

List this matter on 03-12-2019.

ustice P. Vishwanatha Shetty)

Lokayukta, State of Karnataka

ck\*

ARLO-3)



ARLO-3 07/09/2019

### **FURTHER SCRUTINY NOTE**

- 3. It is respectfully submitted that, this note is put up in compliance of the order dated 30/08/2019.
- 4. The Superintendent of Police, Karnataka Lokayukta, Belagavi has submitted report dated 23/08/2019 stating that Chapoli village is situated at a distance of 30 Km from Khanapura and 12 Km from Jamboti. Kapoli village is situated at a distance of 6 Km from Jamboti. The road connecting these places is located in a dense reserve forest which has been damaged due to flow of water and its stagnation in the pot holes. The report also indicates that the Chief Executive Officer, Zilla Panchayath, Belagavi submitted report dated 19/12/2017 to the Principal Secretary to the Government, RDPR for formation of roads within the limits of District. However, no proposal for formation of the road in question was sent by him. The I.O. has opined that due to heavy rain the road in question is not fit for use by vehicles.

- 5. The Chief Law Officer on behalf of respondent no.6 has submitted report on 30/08/2019 during the course of proceedings. The said report indicates that the road from Chapoli village is not a motarable road and that letters have been addressed to the Chief Executive Officer, Zilla Panchayath, Belagavi on 19 & 20/08/2019 requesting him for formation of motarable roads to connect the said village through bus facility.
- The respondent no.8 has also submitted a 6. report on 30/08/2019 during the course of proceedings. The said report contains the statistics with respect to the students population studying in 8th, 9th and 10th class at Government school in Jamboti coming from surrounding 13 villages. From Chapoli village there are two male students studying 8th class and one female student studying in 9th class. From Kapoli village there are three male and four female students studying 8th class and six male and four female students studying in 9th class whereas there is one male student and two female students studying in 10th class. None of the above mentioned students are travelling to the school by bus, but five of them reside in the boys hostel. As an enclosure with the said report a letter dated 13/08/2019 addressed by the DDPI, Belagavi to the State Project Director, Comprehensive Education Unit

Karnataka, Bengaluru has been submitted which indicates that, a request for release of funds to provide transport facility to 56 students studying at Khanapura Range has been made.

7. Considering the contents of the above report, apart from seeking report in compliance of the order dated 30/08/2019, it would be proper to inform the Chief Executive Officer. Zilla Panchayath, Belagavi to submit action taken report on the letters dated 19/08/2019 and 20/08/2019 addressed to him by the Divisional Controller, NWKRTC, Belagavi. Likewise the State Project Director, Comprehensive Education Unit of Karnataka, Bengaluru may also be informed to submit action taken report on the letter dated 13/08/2019 addressed to him by DDPI, Belagavi.

# 8. Hence, My Lord, if approved;

- a) The Chief Executive Officer, Zilla Panchayath, Belagavi may be informed to submit action taken report on the letters dated 19/08/2019 and 20/08/2019 addressed to him by the Divisional Controller, NWKRTC, Belagavi and
- b) The State Project Director, Comprehensive Education Unit of Karnataka, Bengaluru may also be informed to submit action taken report on the letter dated

13/08/2019 addressed to him by DDPI, Belagavi and the said reports may be awaited by 06/11/2019.

Submitted for Kind orders.

A.R.L.O-3

9. HON'BLE LOKAYUKTA]

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Letten complied
13/09/19
18/11/20

## ARLO-3 06/11/2019

- 10. It is respectfully submitted that, as per O.M. No.LOK/Admin-2/10/2018-19 dated 02/11/2019 ARLO-3 is deputed for 'II Phase Foundation Training' for four months.
- 11. DDPI, Belagavi has submitted letter dated 30/09/2019 along with enclosures.
- 12. Received copy of the letter dated 27/09/2019 of Executive Engineer, PRE Division, Belagavi addressed to Assistant Executive Engineer, PRE Sub-Division, Khanapura.
- 13. Received copy of the letter dated 09/10/2019 of Executive Engineer, PRE Division, Belagavi addressed to Chief Executive Officer, Zilla Panchayath, Belagavi.
- 14. Received copy of the letter dated 28/08/2019 of Chief Executive Officer, Zilla Panchayath, Belagavi addressed to DDPI, Belagavi
- 15. Notice to the State Project Director,
  Comprehensive Education Unit of Karnataka,
  Bengaluru is served through Lokayukta
  Police. But he has not submitted action
  taken report as sought from this office.
- Hence, in view of the authorization through
   O.M. No. LOK/Reg/COMPTS/Circular-2/
   2019 dated 31/08/2019, office to issue
   reminder to The State Project Director,

Comprehensive Education Unit of Karnataka, Bengaluru to submit report on or before 30/12/2019.

I/c A.R.L.O-3 (A.R.L.

Letter complied 18/11/19

30/12/19

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Caso Secretarion Some Signation

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कारी जिल्ला के सह हा इस के वासे हाँ य

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ARLO-3 30/12/2019

- 17. It is respectfully submitted that, as per O.M. No.LOK/Admin-2/10/2018-19 dated 02/11/2019 ARLO-3 has been deputed for 'II Phase Foundation Training' for four months.
- 18. Chief Executive Officer, Zilla Panchayath, Belgaum has submitted report dt. 20/11/2019.
- 19. Chief Law Officer, NWKRTC, Central Office, Hubbali has submitted letter (undated).
- 20. Additional Director (Programmes), Comprehensive Education unit of Karnataka, Bengaluru report dt. 26/12/2019.
- 21. Additional Commissioner, Department of Public Instructions (Education), Dharwad has submitted letter dt. 8/11/2019.
- 22. State Project Director, Comprehensive Education Unit of Karnataka, Bengaluru has not submitted action taken report as sought by this office.
- 23. Hence, in view of the authorization through O.M. No. LOK/Reg/COMPTS/Circular-2/2019 dated 31/08/2019, office to issue reminder to State Project Director, Comprehensive Education Unit of Karnataka, Bengaluru to submit action taken report as sought by this office on or before 23/03/2020.

I/c A.R.L.O-3 (A.R.L.O-5)

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02/01/2020

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24) ARLO-3

No.Compt/LOK/BGM/2096/2019

I/c ARLO-3 23/03/2020

- 24. It is respectfully submitted that, reminder to the State Project Director, Comprehensive Education Unit of Karnataka, Bengaluru is served through Lokayukta Police. But he has not submitted action taken report as sought by this office.
- 25. Hence, in view of the authorization through No. LOK/Reg/COMPTS/Circular-2/ O.M. 2019 dated 31/08/2019, office to issue State Project Director, reminder to Comprehensive Education Unit of Karnataka, Bengaluru to submit action taken report as sought by this office or before on 04/06/2020.

I/c A.R.L.O-3 (A.R.L.O-2)

04/06/2020

- 26. It is respectfully submitted that, the present file is put up with a note seeking grant of time to comply the directions at pre para no. 13 as the intimation could not be issued to the respondents for submission of their comments on the investigation report due to restricted functioning of this office accordance with the guidelines issued by the Government of Karnataka to contain Covid-19. Therefore fresh intimation will be issued and the comments will be awaited.
- 27. Hence, in view of the authorization through O.M. No. LOK/Reg/COMPTS/Circular-2/ 2019 dated 31/08/2019 and 07/05/2020, office to issue fresh intimation to the respondents with copy of the investigation report and their comments shall be awaited by 25/07/2020.

A.R.L.O-3

ARLO-3 22/06/2020

# FURTHER SCRUTINY NOTE

- 28. It is respectfully submitted that, in response to the intimation issued by this authority the DDPI, Belagavi has submitted letter dated 30/09/2019, the EE, PRE Division, Belagavi has forwarded copy of the letter dated 27/09/2019 addressed to AEE, PRE subdivision, Khanapur. Similarly the CEO, ZP, Belagavi has forwarded copy of the letter dated 28/08/2019 addressed to DDPI, Belagavi.
- 29. Subsequently the CEO, ZP, Belagavi has submitted report dated 28/11/2019 which indicates that in order to form all weather durable road from Chapoli, Kapoli and Mudagai villages, the concordance of Forest Department is required as the area proposed for construction of road falls within the limits of reserve forest area. However an estimate for construction of such road at an estimated cost of Rs. One Crore has been prepare and submitted to the Principal Secretary RDPR. copy of the estimate Though a construction of such road is enclosed with the report but the copy of the letter addressed to the Principal Secretary and the letter addressed to officials of forest department for providing sanction are not

submitted by CEO, ZP. Therefore it would be proper to inform the CEO, ZP, Belagavi to submit copies of the documents mentioned above so as to secure further action taken report from the concerned.

- Additional Director (Programs), 30. The Comprehensive Education Unit of Karnataka, Bengaluru has submitted report dated which indicates that 94 26/12/2019 students who are studying from Khanapur Taluk have been given financial benefits for the year 2019-2020 so as to encourage them in obtaining regular education.
- 31. The DDPI, Belagavi has submitted report dated 30/09/2019 stating that some of the students residing at Residential School have refused to stay there as such they have been given to the custody of their parents. It is stated that a proposal for payment of financial benefits to such students has been sent and further action taken report in that regard which is received by this authority has been narrated above. However the report indicates that if the Boys Residential Schools are improved and Girl's Residential Schools is constructed then it may redress the grievance of such students. However proposal if any in that regard has not been forwarded to this authority.

- 32. Considering the contents of the report as mentioned above since the report of CEO, ZP, Belagavi indicates that the bridge between Jamboti and Khanapura near Shankarpete is required to be improved by PWD Department, any correspondence in that regard made by the said office is required to be secured. Further since it is mentioned that for improvement of road between Chapoli, Kapoli and Mudagai villages in the area falling within the limits of reserve forest area, any made with respect correspondence Forest the permission from securing Department may also be secure from the said office.
- 33. Hence, My Lord, if approved, the CEO, ZP, Belagavi may be informed to submit copy of the correspondence made by his office with respect to the aspects mentioned at pre para no. 32 and the same may be awaited by 29/08/2020.

Submitted for Kind orders.

A.R.L.O-3

34. HON'BLE LOKAYUKTA]

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29/08/2020 C.EO. Z.P. 238 m2

ARLO-3 29/08/2020

# FURTHER SCRUTINY NOTE

- 35. It is respectfully submitted that, CEO, ZP, Belagavi has submitted report dated 19/08/2020 along with enclosures.
- 36. On perusal of the record and its enclosures it indicates that the road connecting the Kapoli, Chapoli, K.C. and Mudagaiy has been taken up for its improvement under Pradhana Mantri Grama Sadak Yojane- stage-3. It is stated that an amount of Rs. 634.99 Lakhs is the estimated cost for the improvement of road and an amount of Rs. 569.77 Lakhs is set for bidding of tenders. It is stated that the approval of the Central Government is secured for the improving the said road through Karnataka Rural Road Development Agency (KRRDA). These processes appear to have taken place from the month of March 2020. Therefore the work is question appears to be under implementation.
- 37. Though records relating to the sanction of funds and approval of plan relating to development of road are furnished but the details relating to implementation and completion of improving the said road in question have not been provided. Since the said work is required to be executed by

KRRDA, it would be proper to inform the Chief Executive Officer, KRRDA to submit the present state of with respect to the implementation and progress of the improvement of road in question.

38. Hence, My Lord, if approved, the Chief Executive Officer, KRRDA may be informed to submit a status respect with respect to the implementation and progress of the improvement of road in question and the same may be awaited by 15/11/2020.

Submitted for Kind orders.

A.R.L.O-3

39. HON'BLE LOKAYUKTA

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13-11-2020

ARLO-3 18/11/2020

- 40. It is respectfully submitted that, the Chief Executive Officer, KRRDA has not submitted report with respect to the implementation and progress of the improvement of road in question as per order at pre para 38 and 39. The acknowledgement placed on record.
- 41. Hence, My Lord, if approved, by issuing reminder to the Chief Executive Officer, KRRDA to submit the report with respect to the implementation and progress of the improvement of road in question the said report may be awaited by 19/01/2021.

Submitted for Kind orders.

A.R.L.O-3

42. HON'BLE LOKAYUKTA]

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No.Compt/LOK/BGM/2096/2019

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submitted that. respectfully 43. It Executive Engineer, Project Division, Belagavi dtd.05/12/2020 report submitted has stating that on approval of estimate for formation of road to Chapoli Village of has the work Khanapura Taluk, commenced. However, as the said road passes through forest area, permission of the forest department was sought which was refused. When approached personally the officials of forest department appears to have informed that, if the road in question was formed prior to 25/10/1980 then a certificate to that effect is required to be furnished based on which permission would be granted for improvement of road in question.

- 44. Accordingly communication with on Karnataka State Remote Sensing Application Centre (KSRSAC) Bengaluru it had issued letter dtd.01/12/2020 certifying that the road in question was in existence before 25/10/1980. Based on the said certification the AEE, Project Division, Belagavi through the letter dtd.02/12/2020 has requested the Deputy Conservator of Forest, Belagavi to issue permission for formation of road. It is that after receipt stated of the permission the road in question would be continued and further action taken report to that effect will be submitted.
- 45. Considering the contents of the report it is noticed that through letter dtd.02/12/2020 the AEE of KRRDA, Project Division, Belagavi has sought permission of forest department by addressing the said letter to the Deputy Conservator of Forest, Belagavi. The copy of the said letter is placed in the file along with the report mentioned above. Admittedly the road in question passes through forest area.
- 46. Therefore, the permission of forest department regarding improvement of road in question if required to redress the grievance of the public. In the light of the fact narrated above, the Deputy Conservator of Forest, Belagavi may be informed to submit action taken report on the letter dtd.02/12/2020 submitted to him by AEE, KRRDA Subdivision, Belagavi. Similarly the Executive

Engineer, Project Division, Belagavi may also be informed to submit further action taken report.

47. Hence, My Lord, if approved, the Deputy Conservator of Forest, Belagavi and Executive Engineer, Project Division, Belagavi may be informed to submit further action taken reports as mentioned above and the same may be awaited by 06/03/2021.

Submitted for Kind orders.

A.R.L.O-3

48. HON'BLE LOKAYUKTA]

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# ARLO-3 06/03/2021

- 49. It is respectfully submitted that, the Deputy Conservator of Forest, Belagavi and Executive Engineer, Project Division, Belagavi have submitted their reports on 11/02/2021 and 12/02/2021 respectfully. The records in this case are required to be perused in detail as such this matter is posted for FSN.
- 50. Hence, in view of the authorization through
  O.M. No. LOK/Reg/COMPTS/Circular-2/
  2019 dated 31/08/2019, this matter is
  posted on 06/04/2021 for FSN.

  A.R.L.O-2

SMAR20-3

# ARLO-3 06/04/2021

- 51. It is respectfully submitted that, FSN in COMPT/LOK/BGM/1979/2018 is being prepared. The under signed is deputed to undergo III phase Virtual Training at Karnataka Judicial Academy. Therefore due to paucity of time this matter is adjourned.
- 52. Hence, in view of the authorization through O.M. No. LOK/Reg/COMPTS/Circular-2/ 2019 dated 31/08/2019, this matter is posted for FSN on 20/04/2021.

A.R.L.O-3

20-4-2021 जन्मिन क्रीक्टिन क्रिक्टिन

53) AR10-3

ARLO-3 20/04/2021

## FURTHER SCRUTINY NOTE

- 53. It is respectfully submitted that. the Executive Engineer, Project Division. Karnataka Rural Development Institution, Belagavi has submitted dtd.12/02/2021 stating that through letter dtd.03/02/2021 the Conservator of Forest, Belagavi Zone and the Conservator of Forest, Khanapura Zone have been informed about the existence of road between Chapoli village till Jamboti by enclosing photographs of the same. On receipt of permission from Forest Department further action for improvement of road in question would be taken. Similarly it reported that through dtd.28/01/2021 the Deputy Conservator of Forest was also informed about the road in question by enclosing relevant record.
- 54. The Deputy Conservator of Forest, Belagavi has submitted report dtd.11/02/2021 stating that the records submitted by the Executive Engineer as mentioned above have been forwarded to the Chief Conservator of Forest, Belagavi for further action in the matter and soon on receipt of instruction further action would be taken in accordance with law without delay.

- 55. Considering the reports mentioned above it appears that, the communication made by Executive Engineer to the Deputy Conservator of Forest has been forwarded to the Chief Conservator of Forest, Bengaluru. Since the road in question falls within the limits of reserved forest area the action relating to improvement of road can only be taken with the prior permission of Forest Department. In the light of the circumstances mentioned above it would be proper to secure action taken report from Chief Conservator of letter the Bengaluru on Forest, dtd.28/01/2021 addressed by the Deputy Conservator of Forest, Belagavi.
  - 56. Hence, My Lord, if approved, by forwarding copy of the letter dtd.28/01/2021 submitted Deputy Conservator Forest, of by the Belagavi to Chief Conservator of Forest, Bengaluru, he may be informed to submit action taken report and the same may be volor hor awaited by 08/06/2021.

Submitted for Kind orders.

57. HON'BLE LOKAYUKTA]

ARLO-3

# ARLO-3 19/06/2021

- 58. It is respectfully submitted that, this file is put up today with a note that it could not be placed before the undersigned on the date assigned to it because of the restricted functioning of this office as per the Government order issued for containing Covid-19 pandemic.
- 59. In this case an intimation of the previous order was required to be sent to Chief Conservator of Forest, Bengaluru. However, it is reported that such letter could not be prepared and dispatched for being communicated to the above named person. Therefore, office to issue fresh intimation.
- 60. Hence, in view of the authorization through O.M. No. LOK/Reg/COMPTS
  /Circular-2/ 2019 dated 31/08/2019,
  office to issue intimation for submission of action taken report from the Chief Conservator of Forest, Bengaluru and the same may be awaited by 03/08/2021.

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