

CASE
NUMBER COMPT/LOK/BCD/2616/2019

:
District : Bangalore (U)

BY :

1. SUO MOTO,

As per the Order of Honble Lokayukta Dated:
21/09/2019.

COMPLAINANT/S

AGAINST :

1. DEPUTY COMMISSIONER

Bengaluru Urban District, Bengaluru.

2. COMMISSIONER

BBMP, Bengaluru.

3. MEMBER SECRETARY

Karnataka State Pollution Control Board,
Bengaluru.

4. MANAGING DIRECTOR

BESCOM, Bengaluru.

5. ENGINEER IN CHIEF

BWSSB, Cauvery Bhavan, Bengaluru.

6. DEPUTY COMMISSIONER OF POLICE

East Division, Bengaluru.

7. JOINT COMMISSIONER,

BBMP, Mahadevapura Zone, Bengaluru.

8. TAHASILDAR,

East Taluk, K.R. Puram, Bengaluru.

RESPONDENT/S

Allegation/Grievance
Brief : Dereliction of duty

Received From : suo-moto

Received On : 21-09-2019

Complaint stands
allotted to : ARE-1

Seal and Signature



SCRUTINY AND OPINION

KARNATAKA LOKAYUKTA : BENGALURU

No: COMPT/LOK/BCD/2616/2019/ARE-1 Date: 21-09-2019

ORDER

In "Prajavani" - Kannada daily dated 16-09-2019, a news item with the heading "ಕೆರೆಗಳ ಕೊಲ್ಲುತ್ತಿರುವ 'ಡೈಯಿಂಗ್' ಘಟಕ" has been published. The News Item indicates that certain Dyeing Industries are illegally discharging the chemical effluents into the lakes located within the jurisdiction of K.R. Pura, Bengaluru Urban District and thereby causing water pollution and other environmental pollution. It is highlighted that the said Dyeing Industries have not obtained any licence/permission or other clearance as required under law to carry on the business and their industrial activities are totally illegal and amounts to an offence under various provisions of law. Instead of repeating the contents of the said news item, it is useful to extract the same, which reads as here under:

“ಸುತ್ತ ಉಡ-ಮರ ಮಧ್ಯೆ ಕಾಲುದಾರಿ. ಆ ದಾರಿ ಹಿಡಿದು ಒಳ ಹೋದರೆ ಕೆರೆಯೋ, ಕಾಲುವೆಯೋ ಇರುತ್ತದೆ. ಇದರ ಬಳಿಯಲ್ಲಯೇ



ನಿಮಗೆ ಕೆಲವು ತಗಡಿನ ಶೆಡ್‌ಗಳು ಕಾಣುತ್ತವೆ. ಅವು ಡೈಯಿಂಗ್ ಘಟಕಗಳು. ಬಟ್ಟೆಗೆ ಬಣ್ಣ ಹಾಕುವ ಯಂತ್ರಗಳು ಈ ಘಟಕದೊಳಗೆ ಸದ್ದು ಮಾಡುತ್ತಿರುತ್ತವೆ.

ಕೆ.ಆರ್.ಸುರ ಕ್ಷೇತ್ರ ವ್ಯಾಪ್ತಿಯ ಹಲವು ಗ್ರಾಮಗಳಲ್ಲಿ ಈ ಡೈಯಿಂಗ್ ಘಟಕಗಳು ರಾಜಾರೋಷವಾಗಿ ಕಾರ್ಯನಿರ್ವಹಿಸುತ್ತಿವೆ. ಈ ಘಟಕಗಳಿಗೆ ಪರವಾನಗಿ ಇಲ್ಲ. ಆದರೂ, ಅಕ್ರಮವಾಗಿ ವಿದ್ಯುತ್ ಸಂಪರ್ಕ ನೀಡಲಾಗಿದೆ. ಕೆರೆ ಪಕ್ಕದ ಖಾಲಿ ಜಮೀನಿನಲ್ಲಿ ತಗಡಿನ ಶೆಡ್‌ಗಳನ್ನು ನಿರ್ಮಿಸಿ, ಈ ಘಟಕಗಳನ್ನು ನಡೆಸಲಾಗುತ್ತಿದೆ.

ಡೈಯಿಂಗ್, ಪ್ರಿಂಟಿಂಗ್ ಹಾಗೂ ಕಲರಿಂಗ್ಗೆ ಬಳಸುವ ರಾಸಾಯನಿಕಯುಕ್ತ ನೀರನ್ನು ಯಾವುದೇ ಶುದ್ಧೀಕರಣ ಮಾಡದೆಯೇ ನೇರವಾಗಿ ಕೆರೆ-ಕಾಲುವೆಗಳಿಗೆ ಹರಿಯಿ ಬಿಡಲಾಗುತ್ತಿದೆ. ಇದರಿಂದ ಅಕ್ಕಪಕ್ಕದ ಹೊಲಗಳ ಬೆಳೆಗಳಿಗೆ ಹಾನಿಯಾಗುತ್ತಿದೆ. ರಾಸಾಯನಿಕ ಮಿಶ್ರಿತ ನೀರನ್ನು ಕುಡಿದು ಜಾನುವಾರುಗಳು ಅಸುನೀಗಿದ ಉದಾಹರಣೆಗಳೂ ಇವೆ. ಸದ್ದಿಲ್ಲದೆ ಕೆರೆಗಳನ್ನು ಕೊಲ್ಲುತ್ತಿರುವ ಇಂತಹ ಘಟಕಗಳನ್ನು ಕಂಡೂ ಕಾಣದಂತಿದ್ದಾರೆ ಜನಪ್ರತಿನಿಧಿಗಳು ಮತ್ತು ಅಧಿಕಾರಿಗಳು.

ಕರ್ನಾಟಕ ರಾಜ್ಯ ಮಾಲಿನ್ಯ ನಿಯಂತ್ರಣ ಮಂಡಳಿಯ (ಕೆಎಸ್‌ಪಿಸಿಇ) ಅಧಿಕಾರಿಗಳು, ತಾಲ್ಲೂಕು ಆಡಳಿತಾಧಿಕಾರಿಗಳು ನಾಲ್ಕು ತಿಂಗಳ ಹಿಂದೆ ಈ ಘಟಕಗಳ ಮೇಲೆ ದಾಳಿ ಮಾಡಿ, ಕಾರ್ಯ ಸ್ಥಗಿತಗೊಳಿಸಿದ್ದರು. ಈಗ ಇವು ಮತ್ತೆ ಕಾರ್ಯಾಚರಿಸುತ್ತಿವೆ.

ಮೊದಲಿಗೆ ಬೆಳಂದೂರು, ವತೂರು ಕೆರೆಯ ಅಸುಪಾಸಿನ ಪ್ರದೇಶಗಳಲ್ಲಿ ಈ ಡೈಯಿಂಗ್ ಘಟಕಗಳು ತಲೆ ಎತ್ತಿದ್ದವು. ಅಲ್ಲಿನ ಜನ ಎಚ್ಚೆತ್ತು ಅವುಗಳ ಜಾಗ ಖಾಲಿ ಮಾಡುವಂತೆ ಮಾಡಿದ್ದರು. ಆದರೆ, ಈಗ ಕೆ.ಆರ್. ಸುರ ಸಮೀಪದ ಮೇಡಹಳ್ಳಿ, ಅವಲಹಳ್ಳಿ ಸಮೀಪದ ಹೀರಂಡಹಳ್ಳಿ, ಕಿತ್ತಗನೂರು, ಅದೂರು, ಬಿಳಿ ಶಿವಾಲೆ ಬಿಳಿಯ ಕಲ್ಲೆರೆ, ಎಲೆಮಲ್ಲಪ್ಪನ ಕೆರೆ, ರಾಂಸುರ ಕೆರೆ ಮೊದಲಾದ ಕೆರೆ ಮತ್ತು ಕಾಲುವೆಗಳ ದಡದಲ್ಲಿ ಇಂತಹ ಘಟಕಗಳು ಸದ್ದಿಲ್ಲದೆ ತಲೆ ಎತ್ತಿವೆ. ಇಲ್ಲಿನ ಕೆಲವು ರೈತರು ಮತ್ತು ಪ್ರಭಾವಿ ವ್ಯಕ್ತಿಗಳೇ ಈ ಘಟಕಗಳಿಗೆ ಜಾಗ ಒದಗಿಸಿದ್ದಾರೆ.



ತಮಿಳುನಾಡಿನವರೇ ಹೆಚ್ಚು: ತಮಿಳುನಾಡಿನಲ್ಲಿ 720ಕ್ಕೂ ಹೆಚ್ಚು ಡೈಯಿಂಗ್ ಘಟಕಗಳು ಕಾರ್ಯನಿರ್ವಹಿಸುತ್ತಿದ್ದವು. ಇವು ಜಲಮೂಲಗಳಿಗೆ ಇಡುವ ರಾಸಾಯನಿಕಗಳಿಂದ ಅಂತರ್ಜಲ ಮಟ್ಟ ಕುಸಿಯುವುದರ ಜೊತೆಗೆ, ಜನ-ಜಾನುವಾರುಗಳ ಆರೋಗ್ಯದ ಮೇಲೆ ದುಷ್ಪರಿಣಾಮ ಉಂಟಾಗುತ್ತಿದ್ದುದನ್ನು ಗಮನಿಸಿದ ಅಲ್ಲಿನ ಜನ ಈ ಬಗ್ಗೆ ದ್ವನಿ ಎತ್ತಿದ್ದರು. ಇವುಗಳನ್ನು ಸ್ಥಗಿತಗೊಳಿಸುವಂತೆ ಮದ್ರಾಸ್ ಹೈಕೋರ್ಟ್ ಆದೇಶಿಸಿದ ನಂತರ, ಈ ಘಟಕಗಳು ಬೆಂಗಳೂರಿಗೆ ಸ್ಥಳಾಂತರಗೊಂಡಿವೆ.

ಆತಂಕದ ವಾತಾವರಣ: ಇಂತಹ ಘಟಕಗಳಿಗೆ ಜಾಗ ನಿಡಿದವರ ವಿವರವನ್ನು ಬಹಿರಂಗಪಡಿಸಲು ಸ್ಥಳೀಯರು ಹಿಂದೇಟು ಹಾಕುತ್ತಾರೆ. ಈ ಘಟಕಗಳಿರುವ ಜಾಗದ ಮಾಲೀಕರನ್ನು ಪ್ರಶ್ನಿಸಿದರೆ, ಮೊದಲು ನಡೆಯುತ್ತಿದ್ದವು. ಈಗ ಈ ಕಾರ್ಯ ನಡೆಯುತ್ತಿಲ್ಲ. 'ಕಟ್ಟಿಗೆ ಡಿಸೋ ಮಾಡಲಾಗಿದೆ' ಎಂದು ಹೇಳುತ್ತಾರೆ. ಆದರೆ, ಅಲ್ಲಿ ಡೈಯಿಂಗ್ ಘಟಕಗಳಿಗೇ ಅವಕಾಶ ಮಾಡಿಕೊಡಲಾಗಿದೆ.

ಬಟ್ಟೆಗಳಿಗೆ ಬಣ್ಣ ಹಾಕಲು ವೈಜ್ಞಾನಿಕ ವಿಧಾನವಿದೆ. ಆದರೆ, ಅದು ದುಬಾರಿ. ಹೀಗಾಗಿ, ಸಾವಯವ ಬಣ್ಣಗಳನ್ನು ಹೊರತುಪಡಿಸಿ, ಕ್ಯಾನ್ಸರ್‌ಕಾರಕ ಅಂಶಗಳಿರುವ, ಕಡಿಮೆ ವೆಚ್ಚದ ರಾಸಾಯನಿಕ ಬಣ್ಣಗಳನ್ನು ಇಂತಹ ಘಟಕಗಳಲ್ಲಿ ಬಳಸಲಾಗುತ್ತಿದೆ. ಪರಿಣಾಮ, ಜಲಚರಗಳಿಗೆ ಕುತ್ತು. ಪರಿಸರ ಹಾಳಾಗುತ್ತಿದೆ

ಮಣ್ಣಿನ ಹೀರುವ ಸಾಮರ್ಥ್ಯ ಕ್ಷೀಣ: ನಾವೇನು ಈ ರಾಸಾಯನಿಕವನ್ನು ಕೆರೆಗೆ ಇಡುತ್ತಿಲ್ಲ, ಒಂದು ಗುಂಡಿಗೆ ಹರಿಸಿ ಅದನ್ನು ಇಂಗಿಸುತ್ತಿದ್ದೇವೆ ಎಂದು ಡೈಯಿಂಗ್ ಘಟಕಕ್ಕೆ ಭೂಮಿ ಕೊಟ್ಟ ರೈತರೊಬ್ಬರು ಹೇಳಿದರು. ಕಲುಷಿತ ನೀರನ್ನು ಇಂಗಿಸಿಇಟ್ಟರೆ ಯಾವುದೇ ಪರಿಣಾಮವಾಗುವುದಿಲ್ಲ ಎನ್ನುವ ವಾದವೇ ವಿಚಿತ್ರ ಮತ್ತು ಇದೊಂದು ತಪ್ಪು ಕಲ್ಪನೆ ಎನ್ನುತ್ತಾರೆ ವಿಜ್ಞಾನಿ ವಿ.ಎಸ್. ಪ್ರಕಾಶ್. ಕೆರೆಗಳ ಬಯಲು ಪ್ರದೇಶದಲ್ಲಿ ಕಲುಷಿತ ಮತ್ತು ರಾಸಾಯನಿಕ ಬೆರೆತ ನೀರನ್ನು ಇಂಗಿಸುತ್ತಿದ್ದರೆ ಮಣ್ಣಿನ ಆರೋಗ್ಯ ಹಾಳಾಗುತ್ತದೆ ಮತ್ತು ಅದು ತನ್ನ ಫಲವತ್ತತೆ ಕಳೆದುಕೊಳ್ಳುವ ಮಣ್ಣಿನ ಸಾಮರ್ಥ್ಯ ಶೂನ್ಯವಾಗಿಇಡುತ್ತದೆ. ಮಣ್ಣು ಇಂತಹ ಶಕ್ತಿ ಕಳೆದುಕೊಂಡರೆ ಯಾವ ನೀರೂ ಇಂಗುವುದಿಲ್ಲ, ಬದಲಾಗಿ ಭೂಮಿ ಇರುಕು ಇಡಲು ಪ್ರಾರಂಭಿಸುತ್ತದೆ ಎಂದು ಅವರು ವಿವರಿಸುತ್ತಾರೆ. ಬೆಳಂದೂರು ಕೆರೆ, ವೃಷಭಾವತಿ ಕಾಲುವೆಯ ದಡದಲ್ಲ

ಕಲುಷಿತ ನೀರನ್ನು ಹೀಗೆ ಇಂಗಿಸಲಾಗುವುದು ಎಂದು ಸರ್ಕಾರ ಹೇಳುತ್ತಿದೆ. ಆದರೆ, ಅದು ತಪ್ಪು ನಿರ್ಧಾರ. ಇದರಿಂದ ಪರಿಸರಕ್ಕೆ ಅಪಾಯ ಇದೆ ಎಂದು ಅವರು ಆತಂಕ ವ್ಯಕ್ತಪಡಿಸುತ್ತಾರೆ.

ರೂ.30 ಸಾವಿರ ಬಡೋಲಾಗುತ್ತಾ? ಮುಚ್ಚಿಸುವುದಾದರೆ ಎಲ್ಲ ಘಟಕಗಳನ್ನು ಮುಚ್ಚಿಸಿ. ಇಲ್ಲವಾದರೆ ಸುಮ್ಮನೆ ಬಂದು ಕಿರಿಕಿರಿ ಮಾಡಬೇಡಿ. ಜಮೀನಿನಲ್ಲಿ ಸ್ವಲ್ಪ ಜಾಗವನ್ನು ಪ್ಯಾಕ್ಟರಿಗೆ ಬಿಟ್ಟುಕೊಟ್ಟಿದ್ದೇವೆ. ತಿಂಗಳಿಗೆ ರೂ.30 ಸಾವಿರ ಬಾಡಿಗೆ ಬರುತ್ತಿದೆ ಎಂದು ಹೇಳುತ್ತಾರೆ ಘಟಕ ಜಾಗ ನೀಡಿರುವ ರೈತರೊಬ್ಬರು.

ಮನೆಯಲ್ಲಿ ಕಷ್ಟವಿದೆ, ಸಾಕಷ್ಟು ಸಾಲವಿದೆ. ಇಂಥದ್ದರಲ್ಲಿ ಬಾಡಿಗೆ ರೂಪದಲ್ಲಿ ಬರುವ ಈ ಹಣವನ್ನು ಕಳೆದುಕೊಳ್ಳುವುದಕ್ಕೆ ಆಗುತ್ತದೆಯೇ ಎಂದು ಅವರು ಪ್ರಶ್ನಿಸುತ್ತಾರೆ.

ಬಣ್ಣಗಳಲ್ಲಿರುವ ರಾಸಾಯನಿಕಗಳು: ನೀಸ, ಕ್ರೋಮಿಯಂ, ಕಬ್ಬಿಣ, ತಾಮ್ರ, ಮ್ಯಾಂಗನೀಸ್ ಅಲ್ಲದೇ ಕ್ಯಾನ್ಸರ್‌ಕಾರಕ ರಾಸಾಯನಿಕಗಳು ಈ ಬಣ್ಣಗಳಲ್ಲಿರುತ್ತವೆ.

ಆರೋಗ್ಯದ ಮೇಲೆ ದುಷ್ಪರಿಣಾಮ: ಇಂತಹ ರಾಸಾಯನಿಕ ಬೆರೆತ ನೀರಿನ ಸೇವನೆಯಿಂದ ಆರೋಗ್ಯದ ಮೇಲೆ ದುಷ್ಪರಿಣಾಮವಾಗುತ್ತದೆ. ಸದ್ಯಕ್ಕೆ ಯಾವುದೇ ತೊಂದರೆ, ಸಂತಾನೋತ್ಪತ್ತಿ ಶಕ್ತಿ ಕ್ಷೀಣ ಚರ್ಮರೋಗ ಮತ್ತು ಉಸಿರಾಟದ ತೊಂದರೆ ಕಾಣಿಸಿಕೊಳ್ಳುತ್ತದೆ. ರೋಗನಿರೋಧಕ ಶಕ್ತಿ ದುರ್ಬಲವಾಗಿರುವವರ ಮೇಲೆ ಬಹಳ ಬೇಗ ದುಷ್ಪರಿಣಾಮ ಉಂಟಾಗುತ್ತದೆ.

ಹಾಲು - ತರಕಾರಿ ಸೇವನೆಯಿಂದ ತೊಂದರೆ: ಇಂತಹ ರಾಸಾಯನಿಕ ಬೆರೆತ ನೀರನ್ನು ಬಳಸಿ ಬೆಳೆಯಲಾದ ಎಳನೀರಿನಲ್ಲಿ ರಾಸಾಯನಿಕ ಅಂಶಗಳು ಸೇರಿರುತ್ತವೆ. ಇದನ್ನು ಸೇವಿಸಿದವರ ಆರೋಗ್ಯ ಹಾಳಾಗುತ್ತದೆ. ಇಲ್ಲಿ ಬೆಳೆದ ಹುಲ್ಲನ್ನು ತಿನ್ನುವ ಹಸುಗಳ ಹಾಲಿನಲ್ಲಿಯೂ ರಾಸಾಯನಿಕ ಅಂಶ ಸೇರಿರುತ್ತದೆ. ಅದರ ಸೇವನೆಯೂ ಅಪಾಯಕಾರಿ ಎನ್ನುತ್ತಾರೆ ವಿಜ್ಞಾನಿಗಳು.

ಡೈಯಿಂಗ್ ಫ್ಯಾಕ್ಟರಿಗಳಿಂದ ಜಾನುವಾರುಗಳಿಗೆ ತೊಂದರೆಯಾಗುತ್ತಿದೆ. ಭತ್ತ, ರಾಗಿ, ಜೋಳ ಬೆಳೆದರೂ ಹಾಗೇ ಒಣಗಿ

ಹೋಗುತ್ತಿವೆ. ಅಧಿಕಾರಿಗಳು ದಾಳಿ ಮಾಡಿದಾಗ ಮುಚ್ಚುತ್ತಾರೆ. ಸ್ವಲ್ಪ ದಿನಗಳ ನಂತರ ಮತ್ತೆ ಪ್ರಾರಂಭಿಸುತ್ತಾರೆ.

ರಾಸಾಯನಿಕ ಬೆರೆತ ಇಂತಹ ಕಲುಷಿತ ನೀರು ಕುಡಿದು ಹಲವು ಜಾನುವಾರುಗಳು ಸಾವಿರಲಿಡಲಿವೆ. ಕೃಷಿಗೆ ಈ ನೀರೇ ಆಧಾರ. ದಯಮಾಡಿ ಡೈಯಿಂಗ್ ಘಟಕಗಳನ್ನು ಮುಚ್ಚಿಸಿ.

ಘಟಕಗಳ ವಿರುದ್ಧ ಕ್ರಮ: ಕೆಎಸ್‌ಪಿಸಿಐ: ಈ ಹಿಂದೆ ಡೈಯಿಂಗ್ ಘಟಕಗಳ ಮೇಲೆ ದಾಳಿ ಮಾಡಲಾಗಿತ್ತು. ಅಗಿನ ಜಿಲ್ಲಾಧಿಕಾರಿ ಕೂಡ ಇವುಗಳನ್ನು ಮುಚ್ಚಿಸಲಾಗಿದೆ ಎಂದು ತಿಳಿಸಿದ್ದರು. ಮತ್ತೆ ಘಟಕಗಳು ಕಾರ್ಯನಿರ್ವಹಿಸುವುದನ್ನು ಯಾವುದೇ ಕಾರಣಕ್ಕೆ ಒಪ್ಪಲಾಗದು. ಅವುಗಳನ್ನು ಮುಚ್ಚಿಸಲು ಕ್ರಮ ಕೈಗೊಳ್ಳುತ್ತೇವೆ ಎಂದು ರಾಜ್ಯ ಮಾಲಿನ್ಯ ನಿಯಂತ್ರಣ ಮಂಡಳಿ ಸದಸ್ಯ ಕಾರ್ಯದರ್ಶಿ ಮನೋಜ್ ಕುಮಾರ್ ತಿಳಿಸಿದರು.

ಇಂತಹ ಘಟಕಗಳಿಗೆ ಮಂಡಳಿ ಯಾವುದೇ ಪರವಾನಗಿ ನೀಡಿಲ್ಲ ಮತ್ತು ನೀಡುವುದೂ ಇಲ್ಲ. ಇವುಗಳಿಗೆ ನಿಗದಿತ ವಿಳಾಸವಿರುವುದಿಲ್ಲ. ಅಕ್ರಮವಾಗಿ ವಿದ್ಯುತ್ ಸಂಪರ್ಕ ಪಡೆದು ಕಾರ್ಯನಿರ್ವಹಿಸುತ್ತಿರುವೆ. ಇವುಗಳ ಮೇಲೆ ದಾಳಿ ಮಾಡಿ ಮುಚ್ಚಿಸಬೇಕೇ ವಿನಾ ಬೇರೆ ಮಾರ್ಗವಿಲ್ಲ ಎಂದು ಅವರು ಹೇಳಿದರು.

ಘಟಕಗಳಿಗೆ ಜಾಗ ನೀಡಿದ ರೈತರು ಅಥವಾ ಆ ಭೂಮಿಯ ಮಾಲೀಕರ ವಿರುದ್ಧ ಕ್ರಿಮಿನಲ್ ಮೊಕದ್ದಮೆ ದಾಖಲಿಸಲು ಕಾನೂನಿನಲ್ಲಿ ಅವಕಾಶವಿದೆ ಎಂದು ಮನೋಜ್ ಕುಮಾರ್ ತಿಳಿಸಿದರು".

2. The News Item extracted above indicates that the Dyeing Industries are functioning without obtaining the permission/consent from the concerned authorities and such industries are discharging the untreated chemical effluents into the lakes illegally and thereby polluting the water in the lakes and destroying the very utility and



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purpose for which the lakes are being preserved and rejuvenated by the authorities of the State by incurring huge expenditure.

3. It is needless to point out that the preservation of lakes and maintaining the quality of the water in the lake is very much important for the well being of human beings, animals, birds etc., and it also helps to increase the underground water level. Further, the news item indicates that the Dyeing Industries who are discharging the chemical effluents into the lake and water canals are carrying on their profession in a clandestine manner illegally without obtaining required trade licence/permission and clearance from the concerned authorities including the pollution control board. It is needless to point out that using of such contaminated water either for domestic purpose or for agricultural operations would result in serious health hazards, details of which need not be elucidated in this proceedings.

4. In my considered view right to healthy environment and pollution free water is a part of right to life and liberty

guaranteed under Article 21 of Constitution of India. It is well settled that the right to life means quality life. Therefore, the existence of right to life and liberty guaranteed under Article 21 of Constitution of India creates an obligation and duty on the State and the authorities of the State who are entrusted with the responsibilities of preventing the environmental pollution.

5. In this connection, it is useful to extract the observations made by the Hon'ble Supreme Court in the case of **A.P. Pollution Control Board V/s Prof. M.V. Naidu (Retd.) and others** reported in **2001 (2) SCC 62**, which reads as hereunder;

"Drinking water is of primary importance in any country. In fact, India is a party to the Resolution of the UNO passed during the United Nations Water Conference in 1977 as under:

"All people, whatever their stage of development and their social and economic conditions, have the right to have access to drinking water in quantum and of a quality equal to their basic needs."

Thus, the right to access to drinking water is fundamental to life and there is a duty on the State under Article 21 to provide clean drinking water to its citizens.



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Adverting to the above right declared in the aforesaid Resolution, in *Narmada Bachao Andolan Vs. Union of India* (2000(7) Scale 34 (at p.124), Kirpal J observed”

"Water is the basic need for the survival of human beings and is part of right of life and human rights as enshrined in Article 21 of the Constitution of India....." There is therefore need to take into account the right to a healthy environment along with the right to sustainable development and balance them. Competing human rights to healthy environment and sustainable development:

There is building up, in various countries, a concept that right to healthy environment and to sustainable development are fundamental human rights implicit in the right to 'life'.

Our Supreme Court was one of the first Courts to develop the concept of right to 'healthy environment' as part of the right to "life" under Article 21 of our Constitution. [See *Bandhua Mukti Morcha Vs. Union of India* (1984(3) SCC 161)]. This principle has now been adopted in various countries today. In today's emerging jurisprudence, environmental rights which encompass a group of collective rights are described as "third generation" rights. The "first generation" rights are generally political rights such as those found in the International Convention on Civil & Political Rights while "second generation" rights are social and economic rights as found in the International Covenant on Economic, Social and Cultural Rights. "Right to Healthy Environment". (See Vol.25) 2000 *Columbia Journal of Environmental Law* by John Lee P.283, at pp.293-294 fn.29) The right to sustainable development has been declared by the UN General Assembly to be an inalienable human right (Declaration on the Right to Development) (1986). The 1992 Rio Conference declared that Human beings are at the centre of concerns for sustainable development.

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Human beings are entitled to a healthy and productive life in harmony with nature”.

6. As per article 48A of the Constitution the State shall endeavour to protect and improve the environment and to safeguard the forests and wild life of the country. Further as per article 51A.(g) of Constitution it is the duty of every citizen of India to protect and improve the natural environment including forests, lakes, rivers and wild life, and to have compassion for living creatures.

7. Apart from the above constitutional mandate to protect and improve the environment there are plenty of legislations on the subject but more relevant enactments for our purpose are: The Water (Prevention and Control of Pollution Act 1974 (for short the Water Act) and the Environment Protection Act 1986 (for short the Environment Act). The Water Act provides for the constitution of the State Pollution Control board. The Water Act prohibits the use of streams and wells for disposal of polluting matters. Also provides for restrictions on outlets and discharge of effluents

without obtaining consent from the Board. Prosecution and penalties have been provided which include sentence of imprisonment.

8. It is useful to extract Sec. 24 & 43 of the Water Act, 1974 which reads as hereunder;

Section 24. *Prohibition on use of stream or well for disposal of polluting matter, etc. (1) Subject to the provisions of this section- (a) no person shall knowingly cause or permit any poisonous, noxious or polluting matter determined in accordance with such standards as may be laid down by the State Board to enter (whether directly or indirectly) into any 21[Stream or well or sewer or on land]; or (b) no person shall knowingly cause or permit to enter into any stream any other matter which may tend, either directly or in combination with similar matters, to impede the proper flow of the water of the stream in a manner leading or likely to lead to a substantial aggravation of pollution due to other causes or of its consequences. (2) A person shall not be guilty of an offence under sub-section (1), by reason only of having done or caused to be done any of the following acts, namely,- (a) constructing, improving or maintaining in or across or on the bank or bed of any stream any building, bridge, weir, dam, sluice, dock, pier, drain or sewer or other permanent works which*

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he has a right to construct, improve or maintain; (b) depositing any materials on the bank or in the bed of any stream for the purpose of reclaiming land, or for supporting, repairing or protecting the bank or bed of such stream provided such materials are not capable of polluting such stream; (c) putting into any stream any sand or gravel or other natural deposit which has flowed from or been deposited by the current of such stream; (d) causing or permitting, with the consent of the State Board, the deposit accumulated in a well, pond or reservoir to enter into any stream. (3) The State Government may, after consultation with, or on the recommendation of, the State Board, exempt, by notification in the Official Gazette, any person from the operation of sub-section (1) subject to such conditions, if any, as may be specified in the notification and any condition so specified may by a like notification be altered, varied or amended.

Section 43. *Penalty for contravention of provisions of section 24* Whoever contravenes the provisions of section 24 shall be punishable with imprisonment for a term which shall not be less than 29[one year and six months] but which may extend to six years and with fine.

9. Sec. 7 of the Environment Protection Act, 1986 strictly prohibits discharge of any environmental pollutant in excess of such standards. The contravention or failure

to comply with the said provision is punishable with **imprisonment for a term which may extend to five years or with fine which may extend to Rs. 1 lakh or with both** as provided under Sec. 15 of the said Act. Further, Sec. 10 of the said Act empowers the concerned authority to enter and **seize any such equipment, industrial plant etc., if it is necessary to prevent or mitigate environmental pollution.**

10. It is needless to point out that Sec. 5 of the Environment Protection Act, 1986 empowers the Chairman of State Pollution Control Board to issue directions in writing to any person, officer or any authority for violations of standards and Rules relating to discharge of chemical effluents and such person, officer or authority shall bound to comply with such directions issued by the Chairman of State Pollution Control Board. Further, the said provision also enables the Chairman of State Pollution Control Board to direct the closure, prohibition or regulation of any industry, operation of process or stoppage or regulation of the supply of electricity or water or any other service.



11. It is useful to extract Sec. 5, 7, 10 and 15 of the Environment Protection Act, 1986, which reads as hereunder;

Section 5. *Power to give directions - Notwithstanding anything contained in any other law but subject to the provisions of this Act, the Central Government may, in the exercise of its powers and performance of its functions under this Act, issue directions in writing to any person, officer or any authority and such person, officer or authority shall be bound to comply with such directions. Explanation - For the avoidance of doubts, it is hereby declared that the power to issue directions under this section includes the power to direct- (a) the closure, prohibition or regulation of any industry, operation or process; or (b) stoppage or regulation of the supply of electricity or water or any other service.*

Section 7. *Persons carrying on industry operation, etc., not to allow emission or discharge of environmental pollutants in excess of the standards - No person carrying on any industry, operation or process shall discharge or emit or permit to be discharged or emitted any environmental pollutants in excess of such standards as may be prescribed.*

Section 10. *Powers of entry and inspection - (1) Subject to the provisions of this section, any person*

empowered by the Central Government in this behalf shall have a right to enter, at all reasonable times with such assistance as he considers necessary, any place- (a) for the purpose of performing any of the functions of the Central Government entrusted to him; (b) for the purpose of determining whether and if so in what manner, any such functions are to be performed or whether any provisions of this Act or the rules made thereunder or any notice, order, direction or authorisation served, made, given or granted under this Act is being or has been complied with; (c) for the purpose of examining and testing any equipment, industrial plant, record, register, document or any other material object or for conducting a search of any building in which he has reason to believe that an offence under this Act or the rules made thereunder has been or is being or is about to be committed and **for seizing any such equipment, industrial plant, record, register, document or other material object if he has reason to believe that it may furnish evidence of the commission of an offence punishable under this Act or the rules made thereunder or that such seizure is necessary to prevent or mitigate environmental pollution.** (2) Every person carrying on any industry, operation or process of handling any hazardous substance shall be bound to render all assistance to the person empowered by the Central Government under sub-section (1) for carrying out the functions



under that sub-section and if he fails to do so without any reasonable cause or excuse, he shall be guilty of an offence under this Act. (3) If any person wilfully delays or obstructs any persons empowered by the Central Government under sub-section (1) in the performance of his functions, he shall be guilty of an offence under this Act. (4) The provisions of the Code of Criminal Procedure, 1973, or, in relation to the State of Jammu and Kashmir, or an area in which that Code is not in force, the provisions of any corresponding law in force in that State or area shall, so far as may be, apply to any search or seizures under this section as they apply to any search or seizure made under the authority of a warrant issued under section 94 of the said Code or as the case may be, under the corresponding provision of the said law.

Section 15. Penalty for contravention of the provisions of the act and the rules, orders and directions - (1) Whoever fails to comply with or contravenes any of the provisions of this Act, or the rules made or orders or directions issued thereunder, shall, in respect of each such failure or contravention, be punishable with imprisonment for a term which may extend to five years with fine which may extend to one lakh rupees, or with both, and in case the failure or contravention continues, with additional fine which may extend to five thousand rupees for every day during which such failure or contravention

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continues after the conviction for the first such failure or contravention. (2) If the failure or contravention referred to in sub-section (1) continues beyond a period of one year after the date of conviction, the offender shall be punishable with imprisonment for a term which may extend to seven years.

12. In view of the above mentioned statutory provisions, it is needless to point out that the Karnataka State Pollution Control Board has been entrusted with the responsibilities of taking effective steps for preventing the environmental pollution by not only initiating criminal prosecution against the owner of pollutant industry and also to stop the functioning of the industry by giving necessary directions under Sec. 5 of the Environment Protection Act. But, as could be seen from the News Item extracted above, the Pollution Control Board appears to have failed in taking effective steps to prevent the water pollution highlighted in the News Item and also failed to initiate the criminal prosecution as provided under various enactments referred to supra. While the responsibility is cast upon the board to prevent the discharge of effluent substances to the water bodies and stop carrying on such illegal activities by taking

legal appropriate action against the offenders by seizing the industrial equipments and other instruments which are being utilized for commission of offence and also initiating criminal prosecution not only against the persons who actually on the field who are engaged in illegal business, but also on their masters/owners, whose instance such illegal activities are being carried on, it is the duty of all the authorities like Pollution Control Board, BBMP and other local bodies and more particularly the jurisdictional police under whose jurisdiction such illegal activities are being carried on. The jurisdictional police who are entrusted with the responsibility of initiating the action against the contravention of law cannot keep quiet merely on the ground that there are other authorities to take action against the pollution. This is a matter of serious concern as it is a matter of pollution, more particularly the water pollution seriously affects the health condition of the people at large.

13. It is needless to point out that the Deputy Commissioner is also entrusted with the responsibility of



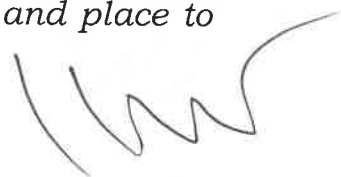
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taking steps to prevent the public nuisance. In this connection it is useful to extract Sec. 133 of Code of Criminal Procedure which reads as hereunder;

133. Conditional order for removal of nuisance.—(1) *Whenever a District Magistrate or a Sub-divisional Magistrate or any other Executive Magistrate specially empowered in this behalf by the State Government, on receiving the report of a police officer or other information and on taking such evidence (if any) as he thinks fit, considers—*

(a) that any unlawful obstruction or nuisance should be removed from any public place or from any way, river or channel which is or may be lawfully used by the public; or (b) that the conduct of any trade or occupation, or the keeping of any goods or merchandise, is injurious to the health or physical comfort of the community, and that in consequence such trade or occupation should be prohibited or regulated or such goods or merchandise should be removed or the keeping thereof regulated; or (c) that the construction of any building, or, the disposal of any substance, as is likely to occasion configuration or explosion, should be prevented or stopped; or (d) that any building, tent or structure, or any tree is in such a condition that it is likely to fall and thereby cause injury to persons living or carrying on business in the neighbourhood or passing by, and that in

consequence the removal, repair or support of such building, tent or structure, or the removal or support of such tree, is necessary; or (e) that any tank, well or excavation adjacent to any such way or public place should be fenced in such manner as to prevent danger arising to the public; or (f) that any dangerous animal should be destroyed, confined or otherwise disposed of, such Magistrate may make a conditional order requiring the person causing such obstruction or nuisance, or carrying on such trade or occupation, or keeping any such goods or merchandise, or owning, possessing or controlling such building, tent, structure, substance, tank, well or excavation, or owning or possessing such animal or tree, within a time to be fixed in the order— (i) to remove such obstruction or nuisance; or (ii) to desist from carrying on, or to remove or regulate in such manner as may be directed, such trade or occupation, or to remove such goods or merchandise, or to regulate the keeping thereof in such manner as may be directed; or (iii) to prevent or stop the construction of such building, or to alter the disposal of such substance; or (iv) to remove, repair or support such building, tent or structure, or to remove or support such trees; or (v) to fence such tank, well or excavation; or (vi) to destroy, confine or dispose of such dangerous animal in the manner provided in the said order, or, if he objects so to do, to appear before himself or some other Executive Magistrate subordinate to him at a time and place to



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be fixed by the order, and show cause, in the manner hereinafter provided, why the order should not be made absolute. (2) No order duly made by a Magistrate under this section shall be called in question in any Civil Court. Explanation.—A “public place” includes also property belonging to the State, camping grounds and grounds left unoccupied for sanitary or recreative purposes.

14. The Hon'ble Supreme Court in the case of Municipal Council, Ratlam V/s Sri. Vardichan and others reported in (1980) 4 SCC 162 had an occasion to deal with the powers conferred upon the Deputy Commissioner/District Magistrate under Sec. 133 of Cr.P.C. and has held as under;

9. So the guns of Section 133 go into action wherever there is public nuisance. The public power of the magistrate under the Code is a public duty to the members of the public who are victims of the nuisance, and so he shall exercise it when the jurisdictional facts are present as here. “All power is a trust — that we are accountable for its exercise — that, from the people, and for the people, all springs, and all must exist.” [Vivian Grey, Bk. VI Ch. 7, Benjamin Disraeli] Discretion becomes a duty when



the beneficiary brings home the circumstances for its benign exercise.

10. *If the order is defied or ignored Section 188 IPC comes into penal play:*

“Whoever, knowing that, by an order promulgated by a public servant lawfully empowered to promulgate such order, he is directed to obtain from a certain act, or to take certain order with certain property in his possession or under his management, disobeys such direction, and if such disobedience causes or tends to cause danger to human life, health or safety, or causes or tends to cause a riot or affray, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.”

13. *Section 133 CrPC is categoric, although reads discretionary. Judicial discretion when facts for its exercise are present, has a mandatory import. Therefore, when the Sub-Divisional Magistrate, Ratlam, has before him, information and evidence, which disclose the existence of a public nuisance and, on the materials placed, he considers that such unlawful obstruction or nuisance should be removed from any public place which may be lawfully used by the public, he shall act. Thus, his judicial power shall, passing through the procedural barrel, fire upon the obstruction or nuisance, triggered by the*


jurisdictional facts. The Magistrate's responsibility under Section 133 CrPC is to order removal of such nuisance within a time to be fixed in the order. This is a public duty implicit in the public power to be exercised on behalf of the public and pursuant to a public proceeding. Failure to comply with the direction will be visited with a punishment contemplated by Section 188 IPC. Therefore, the Municipal Commissioner or other executive authority bound by the order under Section 133 CrPC shall obey the direction because disobedience, if it causes obstruction or annoyance or injury to any persons lawfully pursuing their employment, shall be punished with simple imprisonment or fine as prescribed in the section. The offence is aggravated if the disobedience tends to cause danger to human health or safety. The imperative tone of Section 133 CrPC read with the punitive temper of Section 188 IPC make the prohibitory act a mandatory duty.

15. Therefore, it is needless to point out that there is a statutory obligation on the authorities of the State to take effective steps to prevent the environmental pollution. In my view the issues raised in the Prajavani and the observations made by me above, requires immediate attention of the State i.e., Deputy Commissioner, Bengaluru Urban District, Karnataka State Pollution

Control Board, BBMP, BWSSB, BESCO and the jurisdictional Police. The BESCO authority has an obligation to disconnect the electricity connection and to take action against such industries in accordance with law including recovery of the amount for the commission of theft or illegal drawing of power.

16. Further, the Lokayukta is also endowed with the responsibility of redressing the grievance of the members of the public/aggrieved, whenever such grievances are brought or comes to his knowledge before him either by means of complaint or by suo-moto.

17. The news item published in 'Prajavani' referred to above, in my considered view, can be treated as source material to initiate suo-moto proceedings in exercise of the powers conferred on me 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 as suo-moto proceedings.



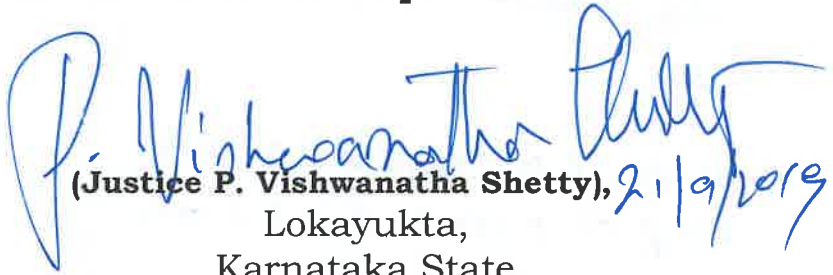
18. For the purpose of investigation of the issues raised in the news item published in 'Prajavani', I am of the view, that it would be just and necessary to hear the officers mentioned herein below and implead them as Respondents to this proceedings. Accordingly, the office is directed to implead the following officers as Respondents:

1.	The Deputy Commissioner, Bengaluru Urban District, Bengaluru;
2.	The Commissioner, BBMP, Bengaluru;
3.	Karnataka State Pollution Control Board, Bengaluru represented by its Member Secretary;
4.	The Managing Director, BESCOM, Bengaluru;
5.	The Engineer-in-Chief, BWSSB, Cauvery Bhavan, Bengaluru;
6.	The Deputy Commissioner of Police, East Division, Bengaluru;
7.	The Joint Commissioner, BBMP, Mahadevapura Zone, Bengaluru;
8.	The Tahasildar, East Taluk, K.R. Puram, Bengaluru;

19. **Issue notice to the officers referred to above. They are directed to submit their comments/up-to-date status report setting out the steps taken by each one of them to prevent the water pollution highlighted in the news item and also with regard to the observations made by me above within six weeks from the date of receipt of this notice.**

The office is also directed to send the copy of the paper publication to all the parties of the proceeding. The copy of the proceedings may also be sent to the news paper reporter of 'Prajavani' for further assistance, if he is so desirous.

List this case on **13.11.2019 at 03-00 p.m.**


(Justice P. Vishwanatha Shetty), 21/9/2019
Lokayukta,
Karnataka State.

20) ARLO-4 (Compt.Sec.) }

21) ARE-1)

೨) 13-11-2019

ಗೆ. ಅ. ಶೇಷಪುರವರ
ಅಧೀನದಂತೆ ಎಸುಕದಾರಿ
ನೋಟು ಜೀ ಪಾತಿ
ಸ್ವೀಕೃತಿ ಮಂಡಿಸಿ.

1) ಸಿಂಗಳೂರು ಎಜ್ಯುಕ್ಟ್ ಸಶಖಲು
ಕಂಪನಿ, ಕೆ. ಎ. ರವರ ಚಿತ್ರ
ಮಂಡಿಸಿ.

2) ಸಿಂ. ಎ. ಕೆ. ಕಂ. ರ ಅಭಿಕ್ಷರವರ. (ಗ್ರಾ. ಮೀ.)
ವರದಿ ಮಂಡಿಸಿ.

3) ಸಿಂ. ಎ. ಕೆ. ಕಂ. ರ ಅಭಿಕ್ಷರರು
ಸಿಂಗಳೂರು ಪ್ರಾವಣಿ ರವರ ವರದಿ
ಮಂಡಿಸಿ.

4) ಕನಾಟಲೆ ಕಾಶ್ಯ ಮೂಲವು ಮೂಡಲೆ
ಕವರ ವರದಿ ದಿ. 12.11.2019
ಚಿತ್ರ ಮಂಡಿಸಿ.
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5) ಎ. ಎ. ಎ. ಎ. ಎ. ಮಡದೇವಪುರ ವಲಯ,
ಸಿಂಗಳೂರು, ಕವರಿಂದ ದಿ. 12/11/2019
ಕವರಿ ಕ. ಚಿತ್ರ ಮಂಡಿಸಿ.
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KARNATAKA LOKAYUKTA, BENGALURU

No.Compt/LOK/BCD-2616/2019/ARE-1

Date : 13.11.2019

O R D E R

This is a suo-motu proceedings. On behalf of Karnataka State Pollution Control Board, Bengaluru, Sri M.K.Prabhudev, Chief Environmental Officer, Board Office is present along with Sri H.K.Marimadaiah, Environmental Officer, Board Office, Dr. H.R.Putta Raju, Deputy Environmental Officer, Regional Office, Mahadevapura and Sri R.V.Bhat, Law Officer. On behalf of BESCOM Sri H.R.Nusrathulla, Superintending Engineer, Bengaluru East Circle is present along with Sri M.Lokesh Babu, Executive Engineer, Shivajinagar Division, Sri M.K.Hema Prabhu, Executive Engineer, Indiranagar Division. Sri B.Shiva Prasad, Chief Engineer, BWSSB (Projects), Bengaluru is present along with Sri Pradeep, Executive Engineer.

2) On behalf of KSPCB, a Status Report dated 12.11.2019 has been filed. It is useful to extract the said Report which reads as follows –



ಇವರಿಗೆ,

ಅಪರ ನಿಬಂಧಕರು, ವಿಚಾರಣೆಗಳು-1,
ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ, ಬಹುಮಹಡಿ ಕಟ್ಟಡ,
ಬೆಂಗಳೂರು-560001.

ವಿಷಯ: ಕೆರೆಗಳ ಕೊಲ್ಲುತ್ತಿರುವ ಡೈಯಿಂಗ್ ಘಟಕದ ಕುರಿತು ನಮ್ಮ ಸಂಸ್ಥೆಯಲ್ಲಿ ದಾಖಲಾದ
ಸ್ವಯಂ ಪ್ರೇರಿತ ದೂರಿನ ಕುರಿತು.

ಉಲ್ಲೇಖ: 1. ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ ರವರ ಪತ್ರ ಸಂಖ್ಯೆ: ಲೋಕ್/ಬಿಸಿಡಿ/2616/2019,
ದಿನಾಂಕ: 24.09.2019.

2.ಪ್ರಾದೇಶಿಕ ಕಛೇರಿ, ಮಹದೇವಪುರ ಇವರ ಪತ್ರ ಸಂಖ್ಯೆ: ಕಅಃ/ಒಆಕ/2019/1324,
ದಿನಾಂಕ: 02.11.2019.

ಮೇಲ್ಕಂಡ ವಿಷಯಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ, ಈ ಮೂಲಕ ತಮ್ಮಲ್ಲಿ ತಿಳಿಸುವುದೇನೆಂದರೆ, ಉಲ್ಲೇಖ ಪತ್ರ
(1) ರಲ್ಲಿ ತಾವು ಕೆರೆಗಳ ಕೊಲ್ಲುತ್ತಿರುವ ಡೈಯಿಂಗ್ ಘಟಕಗಳ ಕುರಿತ ಪತ್ರಿಕಾ ವರದಿಗಳ ಮೇಲೆ ದಾಖಲಾದ
ಸ್ವಯಂ ಪ್ರೇರಿತ ದೂರಿನ ಕುರಿತು ಮಂಡಳಿಗೆ ವರದಿ ಸಲ್ಲಿಸುವಂತೆ ಮಾನ್ಯ ಲೋಕಾಯುಕ್ತರಿಂದ
ಕೇಳಲಾಗಿರುತ್ತದೆ.

ಮಾನ್ಯರ ಆದೇಶದನ್ವಯ ಮಹದೇವಪುರ ಪ್ರಾದೇಶಿಕ ಕಛೇರಿಯ ಅಧಿಕಾರಿಗಳು ವಿವಿಧ
ದಿನಾಂಕದಂದು ಅನಧಿಕೃತ ಡೈಯಿಂಗ್ ಘಟಕಗಳನ್ನು ಪರಿವೀಕ್ಷಣೆ ಮಾಡಿ ವರದಿಯನ್ನು ಮಂಡಳಿಗೆ
ಸಲ್ಲಿಸಿರುತ್ತಾರೆ. ಸದರಿ ವರದಿಯನ್ನು ಪ್ರಾದೇಶಿಕ ಅಧಿಕಾರಿರವರು ದಿನಾಂಕ: 02.11.2019 ರಂದು ಮಂಡಳಿಗೆ
ಸಲ್ಲಿಸಿರುತ್ತಾರೆ. ಇತ್ತೀಚಿನ ಕ್ರೋಢಿಕೃತ ವರದಿಯನ್ನು ಈ ಪತ್ರದೊಂದಿಗೆ ಲಗತ್ತಿಸಿ (Annexure-I) ತಮ್ಮ
ಅವಗಾಹನೆಗಾಗಿ ಸಲ್ಲಿಸಲಾಗಿದೆ.

- ಅಡಕ- 1) ಪ್ರಾದೇಶಿಕ ಕಛೇರಿ ಮಹದೇವಪುರ ರವರ ವರದಿ.
- 2) ಕೆರೆಗಳ ನೀರಿನ ಮಾದರಿಗಳ ವಿಶ್ಲೇಷಣಾ ವರದಿ.

ತಮ್ಮ ವಿಶ್ಲಾಸಿ,
ಸಹಿ/-

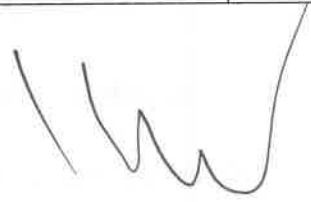
ಸದಸ್ಯ ಕಾರ್ಯದರ್ಶಿ

ANNEXURE-I

STATUS OF ILLEGAL DYEING UNITS LOCATED K R PURA AREA AND IN THE
CATCHMENT AREA OF RAMPURA, YELEMALLAPPA CHETTY LAKE AND
MARAGONDANAHALLI LAKE

Sl. No.	Name & Address of dyeing Unit	Catchment Area of Lake/Tank	Date of Inspection	Present Status of the Dyeing Unit	Remarks

1	Mr. Nagesha and Gajendran Agricultural Land , Rampura, BESCOM RR NO.AVP-74	Rampura Lake	05/01/19	Not Working and dismantled the machinery and shed	
2	Mr Kumar Agricultural Land, Rampura . BESCOM RR NO.HP-5966	Rampura Lake	05/01/19	Not Working and dismantled the machinery and shed	
3	Mr Subramani Agricultural Land, Rampura. Newly provide electricity line and RR No not alloted	Rampura Lake	05/01/19	Dismantled by the officers of the Board alongwith Police and Secretary of the Doddagubbi Gramapanchayath	
4	Mr Munikrishna Agricultural Land, Channasandra BESCOM RR No.8EP2209	Rampura Lake	05/01/19	Not Working and dismantled the machinery and shed	
5	Mr Krishnappa bn Mr.Muniyappa Agricultural Land, Near Anjenaya swamy Temple, Hirandahalli, Bidarahalli Hobli, Bengaluru East Taluk. BESCOM RR NO.HP6801	Yelemallappa Chetty Lake and Maragondana halli Lake	24.09.2019	Not Working	See Note
6	Mr Anand Agricultural Land (Bandehola), Hirandahalli Hobli,Bengaluru East Taluk. BESCOM RR NO. HP-6264	Yelemallappa Chetty Lake and Maragondana halli Lake	24.09.2019	Not Working	See Note
7	Mr Kodanda Reddy Agricultural Land, Hirandahalli, Bidarahalli Hobli, Bengaluru East Taluk. BESCOM RR NO. 7ECLK881	Yelemallappa Chetty Lake and Maragondana halli Lake	24.09.2019	Not Working	See Note



8	Mr Anand Agricultural Land, Near Krishna Layout, Hirandahalli, Bidarahalli Hobli, Bengaluru East Taluk. BESCOM RR NO. HP-6874	Yelemallappa Chetty Lake and Maragondana halli Lake	24.09.2019	Not Working	See Note
9	Mr Ashwathappa Agricultural Land(in the Sapota Planatation) Addor, Bidarahalli Hobli, Bengaluru East Taluk. BESCOM RR NO. HP-5340	Yelemallappa Chetty Lake and Maragondana halli Lake	24.09.2019	Not Working	See Note
10	Mr Punith S/o Ramakrishnappa Agricultural Land, Kitganoor, Hirandahalli Hobli, Bengaluru East Taluk. BESCOM RR NO. HEP-0356	Yelemallappa Chetty Lake and Maragondana halli Lake	24.09.2019	Not Working	See Note

Note; The RO-Mahadevapura has requested the Deputy Commissioner, Bengaluru Urban District to Demolish the shed/machinery and to seize raw materials stored in the premises vide letter No.810 dtd;14.10.2019 (copy enclosed).

Sd/-

MEMBER SECRETARY "

3) Today Sri R.V.Bhat, Law Officer, KSPCB, Bengaluru submitted few photographs and submitted that even on 12.11.2019, the officers of the Pollution Control Board have visited the spot and they found no unit is working on the site in question. It is his further submission that out of the 10 units, 4 units have been dismantled and 6 units are completely



not working. He prays for two weeks time to submit the final report. Time sought is granted.

4) Sri H.R.Nusrathulla, BESCO, Superintending Engineer, Bengaluru East Circle, submitted that they have already disconnected the electricity supply to all the units located in the area in question, and at present no unit is functioning. They have also filed a report dated 25.10.2019. It is useful to extract the said report which reads as hereunder –

“ಬೆಂಗಳೂರು ವಿದ್ಯುತ್ ಸರಬರಾಜು ಕಂಪನಿ ನಿಯಮಿತ

(ಕರ್ನಾಟಕ ಸರ್ಕಾರದ ಸಂಪೂರ್ಣ ಸ್ವಾಮ್ಯಕ್ಕೆ ಒಳಪಟ್ಟಿದೆ.)

ಅಧೀಕ್ಷಕ ಇಂಜಿನಿಯರ್(ಬಿ) ರವರ ಕಛೇರಿ, ಕಾ ಮತ್ತು ಪಾಲನಾ ವೃತ್ತ, ಬೆಂಗಳೂರು ಪೂರ್ವ,
ಬೆಂಗಳೂರು.

5ನೇ ಮುಖ್ಯರಸ್ತೆ, 2ನೇ ಕ್ರಾಸ್, ಎಚ್.ಆರ್.ಐ.ಆರ್ ಬಡವಣಿ ಕಲ್ಯಾಣನಗರ ಬೆಂಗಳೂರು-43.

ಸಂಖ್ಯೆ: ಅಇಂ(ಬಿ)/ಬೆಂಪೂವ್ಯ/ಉಲೆನಿ/ಲೆ/ಸಲೆ/ಸ-3/19-20/3672-73 Email:

seeast@bescom.co.in

ಲಗತ್ತು:

ದಿನಾಂಕ: 25.10.2019

ಗೆ,

ಅಪರ ನಿಭಂದಕರು ವಿಚಾರಣೆಗಳು- 1

ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ,

ಬಹುಮಹಡಿ ಕಟ್ಟಡ, ಬೆಂಗಳೂರು-01

ಮಾನ್ಯರೇ,

ವಿಷಯ : ಕೆರೆಗಳು ಕೊಲ್ಲುತ್ತಿರುವ ಡೈಯಿಂಗ್ ಘಟಕದ ಕುರಿತು.



ಉಲ್ಲೇಖ : 1. ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ ಬೆಂಗಳೂರು ರವರು ಆದೇಶ ಸಂಖ್ಯೆ:
COMP/LOK/BCD/2616/2019/ARE-1 Dt: 21.09.2019.

2. ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ ಅಪರ ನಿಭಂದಕರು ಬೆಂಗಳೂರು ರವರು ಪತ್ರ
ಸಂಖ್ಯೆ: ಕಂ.ಲೋಕ್/ಬಿಸಿಡಿ/2616/2019 ದಿ: 24.09.2019.

3. ಮುಖ್ಯ ಪ್ರಧಾನ ವ್ಯವಸ್ಥಾಪಕರು (ವಿ), ನಿಗಮ ಕಾರ್ಯಾಲಯ, ಬೆವಿಕಂ ರವರ
ಪತ್ರ ಸಂಖ್ಯೆ: ಮುಪ್ರವ್ಯ(ಕಾ)/ಉಪ್ರವ್ಯ-2/ಸಪ್ರವ್ಯ-3/ಬಿಸಿ-05/ಕ-333/19-
20/7566-72 ದಿ: 11.10.2019

ಮೇಲ್ಕಂಡ ವಿಷಯಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ ಉಲ್ಲೇಖ(2)ರ ಪತ್ರದಲ್ಲಿ ಬೆವಿಕಂ ನಿಗಮ
ಕಾರ್ಯಾಲಯ ರವರು ಕೆರೆಗಳನ್ನು ಕೊಲ್ಲುತ್ತಿರುವುದೆಂದು ಘಟಕಗಳ ಮಾಹಿತಿಗಳನ್ನು
ಕೋರಲಾಗಿರುವ ಪತ್ರಿಕೆ ಸಂಬಂಧಿಸಿದಂತೆ ಪೂರ್ವ ವೃತ್ತ ವ್ಯಾಪ್ತಿಗೆ ಒಳಪಡುವ ವಿಭಾಗವಾರು,
ಆರ್.ಆರ್.ಸಂಖ್ಯೆ ವಾರು ಮಾಹಿತಿಗಳನ್ನು ಪಡೆದು ತಮ್ಮ ಮುಂದಿನ ಅಗತ್ಯಕ್ರಮಕ್ಕಾಗಿ
ಸಲ್ಲಿಸಿದೆ. ವಿಭಾಗವಾರು ವಿವರಗಳು ಈ ಕೆಳಕಂಡಂತಿವೆ.

ಕ್ರ. ಸಂ	ವಿಭಾಗ	ಆರ್.ಆರ್. ಸಂಖ್ಯೆ	ಇತ್ತೀಚಿನ ವಸ್ತುಸ್ಥಿತಿ
1.	ಇಂದಿರಾನಗರ	1) 11EP0356 2) 7ECLK881	ಸಂಪರ್ಕ ಕಡಿತಗೊಳಿಸಲಾಗಿದೆ. (Final Reading - 7158.4) ಸಂಪರ್ಕ ಕಡಿತಗೊಳಿಸಲಾಗಿದೆ. (Final Reading - 101150.8) (Yelemallappa Chetty Lake, Bidharahalli hobli)
2.	ಶಿವಾಜಿನಗರ	1) 8EP2209 2) 8EP2224	ಸಂಪರ್ಕ ಕಡಿತಗೊಳಿಸಲಾಗಿದೆ. (Final Reading - 23078) ಸಂಪರ್ಕ ಕಡಿತಗೊಳಿಸಲಾಗಿದೆ. (Final Reading - 13363) (Bileshivale, Ramapura & Kalkere areas)
3.	ವಿಧಾನಸೌಧ		ಯಾವುದು ಇಲ್ಲ
4.	ವೈಟ್‌ಫೀಲ್ಡ್		ಯಾವುದು ಇಲ್ಲ

ತಮ್ಮ ವಿಶ್ವಾಸಿ,

S/d

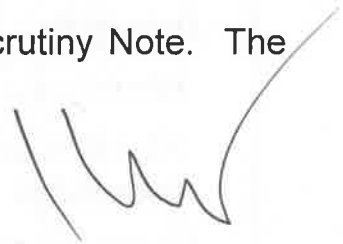
ಅಧೀಕ್ಷಕ ಇಂಜಿನಿಯರ್ (ವಿ),
ಬೆಂಗಳೂರು ಪೂರ್ವ ವೃತ್ತ, ಬೆ.ವಿ.ಕಂ

ಪ್ರತಿಗಳು:

1. ಮುಖ್ಯ ಪ್ರಧಾನ ವ್ಯವಸ್ಥಾಪಕರು (ವಿ), ನಿಗಮ ಕಾರ್ಯಾಲಯ, ಬೆವಿಕಂ ಬೆಂಗಳೂರು ರವರ ದಯಾಪರ ಮಾಹಿತಿಗಾಗಿ."

5) The Additional Registrar of Enquiries-1, Karnataka Lokayukta, Bengaluru, to go through the additional report to be filed by the KSPCB and submit his Final Scrutiny Note.

6) However, it is necessary to point out when a dying unit or any other unit which is likely to emanate polluted substances, the BESCOM authorities and the jurisdictional grama panchayath and BWSSB authorities are required to direct the applicant before starting of the unit to secure 'no objection certificate' from the KSPCB. Whenever an application for 'no objection' is sought from the KSPCB, it is needless to point out the KSPCB is required to examine the adverse effect that may have on the members of the public keeping in mind the appropriate regulations governing grant of 'no objection certificate'. It is needless to point out that all the concerned authorities are also required to objectively examine the request made for grant of appropriate permission. As observed by me, as requested, two weeks time is granted to file the objections by the KSPCB and 8 weeks time is granted to the Additional Registrar of Enquiries-1, Karnataka Lokayukta, Bengaluru to submit the Final Scrutiny Note. The



presence of the parties on the next date of hearing is dispensed with.

Communicate this order to the parties concerned. List this matter on 13th January, 2020.

P. Vishwanatha Shetty
(Justice P. Vishwanatha Shetty)
Lokayukta
State of Karnataka
13/11/2019

*vi

7) Additional Registrar of Enq.1

3) 13/01/2020.

ARE-1.

ಸದಸ್ಯ ಕಾರ್ಯದರ್ಶಿ,
ಕರ್ನಾಟಕ ರಾಜ್ಯ
ಮಾನ್ಯ ನಿಯಂತ್ರಣ
ಮಂಡಳಿಯವರ ವರದಿ
ತ: 03/01/2020
ಬಂದಿರುತ್ತದೆ.
ಉಪಾಧ್ಯಕ್ಷ ಅಯ್ಯಕ್ಕರು,
ಕ್ರಮೇ ಆಚಾರಣೆ, ಬೆಂಗಳೂರು
ನಗರವರು ಉಪಾಧ್ಯಕ್ಷ
ಅಯ್ಯಕ್ಕರು, ವ್ಯವಸ್ಥಾಪಕ
ಆಚಾರಣೆವಾಗಿ ಕಲ್ಪಿಸಿರುವ
ಪತ್ರದ ಪ್ರತಿ ಮಂಡಿಸಿದೆ.
ಅಧ್ಯಕ್ಷಕ ಇಂಜಿನಿಯರ್ (ಎ),
ಬೆಂಗಳೂರು ಕ್ರಮೇ ಪ್ರತಿ,
ಬೆಂಗಳೂರು ಪತ್ರದ ತ: 10/01/2020
ಬಂದಿರುತ್ತದೆ.

Environmental officer, Dy. Environ-
mental officer, Chief Environmental
officer, EE, (Shivajinagar Division)