

Print

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

CASE
NUMBER COMPT/LOK/BD/3161/2019
:

District : **Tumkur**

BY :

1. SUO MOTO,

As per the Order of Honble Lokayukta Date:
19/11/2019.

COMPLAINANT/S

AGAINST :

1. MANAGING DIRECTOR

Rajiv Gandhi Housing Corporation Ltd., Bengaluru.

2. DEPUTY COMMISSIONER

Tumkur, Tumkur District.

3. CHIEF EXECUTIVE OFFICER,

Zilla Panchayath, Tumkur District.

4. DISTRICT SOCIAL WELFARE OFFICER

Social Welfare Department, Tumkur District.

5. DISTRICT OFFICER

Backward Classes and Minorities Department, Tumkur District.

6. TALUK BCM OFFICER

Backward Classes and Minorities Department,
Madhugiri, Tumkur District.

7. TALUK SOCIAL WELFARE OFFICER

Madhugiri Taluk Tumkur District.

8. EXECUTIVE OFFICER ,

Taluk Panchayath, Madhugiri Taluk, Tumkur District.

9. PANCHAYATH DEVELOPMENT OFFICER

Bijavara Grama Panchayath, Madhugiri Taluk, Tumkur District.

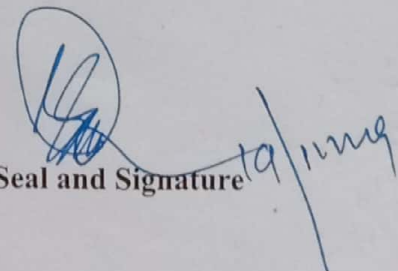
RESPONDENT/S

Allegation/Grievance
Brief : Dereliction of duty

Received From : suo-moto

Received On : 19-11-2019

Complaint stands
allotted to : ARLO-2

8105574266

Seal and Signature

SCRUTINY AND OPINION

KARNATAKA LOKAYUKTA, BENGALURU

No: COMPT/LOK/33/3161/2019-ARLO-2 Date: 19-11-2019

ORDER

'Prajavani' daily news paper dated 17.11.2019 has published a news items highlighting the plight of a family residing in the cave/den located in ಅಂಬೆಸೆಯುವ (Ambeseyuva) hill of Kambathanahalli Village, Madhugiri Taluk, Tumkur District.

2. It is useful to extract the said news item, which reads as here under:

“ಸ್ವಂತ ಸೊಲ್ಲಿದೆ ಈ ಕುಟುಂಬ ಗುಡ್ಡದಲ್ಲೆ 35 ವರ್ಷಗಳಿಂದ ವಾಸಿಸುತ್ತಿದೆ. ನಿತ್ಯವೂ ಕಾಡು ಪ್ರಾಣಿಗಳ ಭಯ ಕಾಡುತ್ತಿದೆ. ಗುಡ್ಡದಲ್ಲೆ ಬದುಕುತ್ತಿರುವ ಕಾರಣ ಕುಟುಂಬದಲ್ಲೆ ಮದುವೆ ವಯಸ್ಸಿಗೆ ಬಂದ ಐದು ಗಂಡು ಮಕ್ಕಳಿಗೆ ಹೆಣ್ಣು ಕೊಡುವವಿಲ್ಲ.

ಮಧುಗಿರಿ ತಾಲ್ಲೂಕಿನ ಬಿಜವರ ಗ್ರಾಮ ಪಂಚಾಯತಿ ವ್ಯಾಪ್ತಿಯ ಕಂಬತ್ತನಹಳ್ಳಿ ಗ್ರಾಮದಿಂದ ಒಂದು ಕಿ.ಮೀ. ದೂರದಲ್ಲರುವ ಅಂಬೆಸೆಯುವ ಗುಡ್ಡದಲ್ಲೆ ವಾಸಿಸುತ್ತಿರುವ ತಿಮ್ಮಣ್ಣ (75), ನಾಗಮ್ಮ (65) ದಂಪತಿಯ ಬದುಕಿನ ಕಥೆ ಇದು.

ಮಿಡಿಗೇಶಿ ಹೋಬಳಿಯ ಜಿ.ಡಿ. ಪಾಳ್ಯದ ಈ ದಂಪತಿ ಮದುವೆಯಾದ ಹೊಸತರಲ್ಲ ಕಂಬತ್ತನಹಳ್ಳಿಗೆ ವಲಸೆ ಬಂದರು. ಮೊದಲು ಸರ್ಕಾರಿ ಜಾಗದಲ್ಲ ಗುಡಿಸಲು ಹಾಕಿಕೊಂಡು ಜೀವನ ಸಾಗಿಸಿದರು. ಆದರೆ ಜಾಗದ ವಿಚಾರವಾಗಿ ಗ್ರಾಮಸ್ಥರು ಕಿರಿ ಕಿರಿ ಮಾಡಿದ್ದರು. ಇದರಿಂದ ಬೇಸತ್ತ ದಂಪತಿ ಅಂಬೆನೆಯುವ ಗುಡ್ಡದ ಗುಹೆಯಲ್ಲಿ ವಾಸವಾಗಿದ್ದ ಶಂಕರಪ್ಪ ಎಂಬ ಸಾಧುವಿನ ಬಳಿ ಆಶ್ರಯ ಪಡೆದರು, ಸಾಧು ಮೃತಪಟ್ಟ ನಂತರ ಅನ್ಯ ಮಾರ್ಗ ಇಲ್ಲವೇ ಈ ಕುಟುಂಬ ಅದೇ ಗುಹೆಯಲ್ಲಿಯೇ ವಾಸಿಸುತ್ತಿದೆ.

ಗ್ರಾಮ ಪಂಚಾಯತಿಯಿಂದ ಆಶ್ರಯ ಯೋಜನೆಯಡಿ ನಮಗೆ 1990ರಲ್ಲಿ ನಿವೇಶನದ ಹಕ್ಕು ಪತ್ರ ಕೊಟ್ಟಿದ್ದಾರೆ. ಆದರೆ, ನಿವೇಶನದ ಜಾಗ ತೋರಿಸಲು ಅಧಿಕಾರಿಗಳಿಗೆ ಹಾಗೂ ಜನಪ್ರತಿನಿಧಿಗಳಿಗೆ ಕೈಮುಗಿದು ಸಾಕಾಗಿದೆ. ನಮ್ಮ ಕಷ್ಟ ಕೇಳುವವರೇ ಇಲ್ಲ ಎಂದು ಕಂಬನಿ ಮಿಡಿಯುತ್ತಾರೆ ನಾಗಮ್ಮ.

ಇಬ್ಬರು ಹೆಣ್ಣು ಮಕ್ಕಳ ಮದುವೆ ಆಗಿದೆ. ಐದು ಮಂದಿ ಗಂಡು ಮಕ್ಕಳಿಗೆ ಯಾರೂ ಹೆಣ್ಣು ಕೊಡುತ್ತಿಲ್ಲ. ಹೆಣ್ಣು ಕೇಳಲು ಹೋದರೆ ಸ್ವಂತ ಮನೆ, ಜಮೀನು ಇಲ್ಲ, ವಾಸಿಸುವ ಸ್ಥಳಕ್ಕೆ ತೆರಳಲು ದಾರಿಯೂ ಇಲ್ಲ. ನೀರಿನ ಸೌಕರ್ಯ ಮೊದಲೇ ಇಲ್ಲ. ಇಂತಹ ಮನೆಗೆ ಯಾವ ಸುರುಷಾರ್ಥಕ್ಕೆ ಹೆಣ್ಣು ಕೊಡಬೇಕು ಎಂದು ಹೀಯಾಳಿಸುತ್ತಾರೆ ಎಂದು ನೋವು ತೋಡಿಕೊಂಡರು.

ಮದುವೆ ಆಗದ ಕಾರಣ ಬೇಸತ್ತಿರುವ ಇಬ್ಬರು ಗಂಡು ಮಕ್ಕಳು ಬೆಂಗಳೂರಿಗೆ ಕೂಲಿ ಕೆಲಸಕ್ಕೆ ತೆರಳಿದ್ದಾರೆ. ಉಳಿದ ಮೂವರು ಇಲ್ಲಿಯೇ ಕೂಲಿ ಮಾಡಿಕೊಂಡಿದ್ದಾರೆ. ಆಧಾರ್ ಕಾರ್ಡ್, ಮತದಾರರ ಗುರುತಿನ ಚೀಟಿ, ಪಡಿತರ ಚೀಟಿ ಇದೆ. ಇದು ಐಬ್ಬರೆ, ಬೇರೆ ಸೌಲಭ್ಯ ಪಡೆಯಲು ಸಾಧ್ಯವಾಗಿಲ್ಲ ಎಂದು ಹೇಳಿದರು

ಭೇಟಿ ನೀಡಿ ಪರಿಶೀಲಿಸುವ

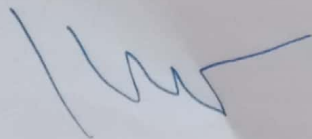
ನಾನು ಹೊಸದಾಗಿ ಬಂದಿದ್ದೇನೆ. ಅಲ್ಲಿನ ಕುಟುಂಬದ ಸ್ಥಿತಿ ಬಗ್ಗೆ ಮಾಹಿತಿ ಇಲ್ಲ. ಶೀಘ್ರ ಭೇಟಿ ನೀಡಿ ಪರಿಶೀಲಿಸುತ್ತೇನೆ. ಸಂಚಾಯತಿಯಿಂದ ದೊರೆಯುವ ಸೌಲಭ್ಯಗಳನ್ನು ದೊರಕಿಸಿಕೊಡಲು ಪ್ರಾಮಾಣಿಕವಾಗಿ ಪ್ರಯತ್ನಿಸುತ್ತೇನೆ ಎಂದು ಬಿಜವರ ಗ್ರಾಮ ಸಂಚಾಯತಿ ಅಭಿವೃದ್ಧಿ ಅಧಿಕಾರಿ ಎಂ. ಗೌಡಪ್ಪ ಪ್ರಜಾವಾಣಿಗೆ ತಿಳಿಸಿದರು".

3. The news item extracted above indicates that, a homeless family consists of Sri. Thimmanna, aged about 75 years and Smt.Nagamma, aged about 65 years along with their five sons are living in a cave/den located in the Ambesaveyuva hill, Kambathanahalli village, Madhugiri Taluk, since 35 years. Further, it indicates that in the year 1990 Bijavara Grama Panchayath had issued the Hakkupathra to the said family for having allotted a site under the Ashraya Scheme. But the location/existence of the site was not shown to the said family/beneficiary. In this connection all the efforts made by the said family to get the site

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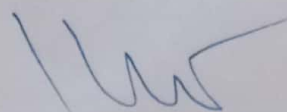
identified proved futile. If, what has appeared in the news paper is true, it indicates the inaction/failure on the part of the concerned authorities of the State in extending the various benefits meant for weaker section of the State. The said inaction/derelection of duty may have to be treated as mal-administration within the meaning of Sec. 2(10) of the Karnataka Lokayukta Act, 1984. I am also under an obligation to take steps for redressal of the grievance of the public as redressal of the grievance of the public is one of the duties of the Lokayukta.

4. It is needless to point out that inaction/failure on the part of the authorities of the State in not showing the existence/location of the site which was allotted in favour of the said family under Ashraya Scheme, compelled the said family to live in the cave/den in the forest and thereby they have been denied of essential services such as shelter,



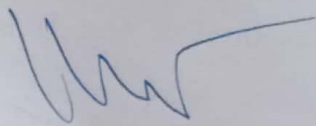
electricity, education etc., Apart from that the said family is also living under the threat of attack by the wild animals of the forest, as they are residing in the forest. The Government has introduced several schemes such as Ashraya Scheme, Rajiv Gandhi Rural Housing Scheme with an object to provide house to the house less people and economically weaker section of the society so as to bring them to the main stream and to provide an opportunity to lead a qualitative life. As it can be seen from the news item, the concerned authorities of the State who have been entrusted with the responsibility of implementing the said social schemes have failed to in discharging their duties.

5. It is needles to mention that the Right to Life as guaranteed under Article 21 of the Constitution of India includes the Right to Shelter/Housing, Clean Water, Electricity, Sanitation, Education, Livelihood, etc., Right to Life is one of the basic

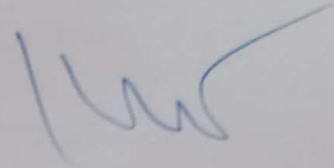


human right and not even the State has authority to violate that right. In this connection, it is useful to extract the observation made by Hon'ble Supreme Court in the case of **Chameli Singh & others V/s State of Uttar Pradesh and another** reported in **(1996) 2 SCC 549**, which reads as hereunder;

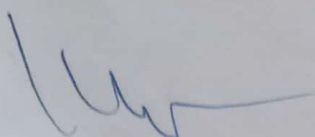
7. In State of Karnataka v. Narasimhamurthy [(1995) 5 SCC 524 : JT (1995) 6 SC 375] (SCC p. 526, para 7 : JT at p. 378, para 7), **this Court held that right to shelter is a fundamental right under Article 19(1) of the Constitution. To make the right meaningful to the poor, the State has to provide facilities and opportunity to build houses. Acquisition of the land to provide house sites to the poor houseless is a public purpose as it is the constitutional duty of the State to provide house sites to the poor.**



8. In any organised society, right to live as a human being is not ensured by meeting only the animal needs of man. It is secured only when he is assured of all facilities to develop himself and is freed from restrictions which inhibit his growth. All human rights are designed to achieve this object. Right to live guaranteed in any civilised society implies the right to food, water, decent environment, education, medical care and shelter. These are basic human rights known to any civilised society. All civil, political, social and cultural rights enshrined in the Universal Declaration of Human Rights and Convention or under the Constitution of India cannot be exercised without these basic human rights. Shelter for a human being, therefore, is not a mere protection of his life and limb. It is home where he has opportunities to grow physically, mentally, intellectually and spiritually. Right to shelter, therefore, includes adequate living space, safe and decent structure, clean and decent surroundings, sufficient light,

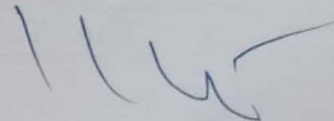


pure air and water, electricity, sanitation and other civic amenities like roads etc. so as to have easy access to his daily avocation. The right to shelter, therefore, does not mean a mere right to a roof over one's head but right to all the infrastructure necessary to enable them to live and develop as a human being. Right to shelter when used as an essential requisite to the right to live should be deemed to have been guaranteed as a fundamental right. As is enjoined in the Directive Principles, the State should be deemed to be under an obligation to secure it for its citizens, of course subject to its economic budgeting. In a democratic society as a member of the organised civic community one should have permanent shelter so as to physically, mentally and intellectually equip oneself to improve his excellence as a useful citizen as enjoined in the Fundamental Duties and to be a useful citizen and equal participant in democracy. The ultimate object of making a man equipped with a right to dignity of



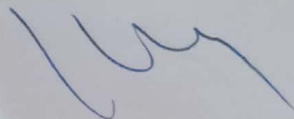
person and equality of status is to enable him to develop himself into a cultured being. Want of decent residence, therefore, frustrates the very object of the constitutional animation of right to equality, economic justice, fundamental right to residence, dignity of person and right to live itself. To bring the Dalits and Tribes into the mainstream of national life, providing these facilities and opportunities to them is the duty of the State as fundamental to their basic human and constitutional rights.

6. In the light of what is stated above, I am of the view the news item published in 'Prajavani' can be treated as source material for me to exercise my suo-motu power under Sec. 7(1)(b) and 9(3)(a) of the Karnataka Lokayukta Act, 1984. Accordingly, I hereby exercise my suo-motu powers and initiate suom-motu proceeding. The office is directed to register this proceeding as suo-motu proceeding.



7. For the purpose of redressal of the grievance and to examine as to whether there is any inaction or mal-administration on the part of the concerned authorities of the State and for the proper redressal of the grievance of the family in question, it is just and necessary to implead the officers mentioned herein below to this proceedings and issue notice to them. Accordingly, the officers mentioned herein below are directed to be treated as respondents.

1.	The Managing Director, Rajiv Gandhi Housing Corporation Ltd., Bengaluru.
2.	The Deputy Commissioner, Tumkur District, Tumkur.
3.	The Chief Executive Officer, Zilla Panchayath, Tumkur.
4.	The District Social Welfare Officer, Social Welfare Department, Tumkur.
5.	The District Officer, Backward Classes and Minorities Department, Tumkur.
6.	The Taluk BCM Officer, Backward



	Classes and Minorities Department, Madhugiri, Tumkur District.
7.	The Taluk Social Welfare Officer, Madhugiri Taluk, Tumkur District.
8.	The Executive Officer, Taluk Panchayath, Madhugiri Taluk, Tumkur District.
9.	The Panchayath Development Officer, Bijavara Grama Panchayath, Madhugiri Taluk, Tumkur District.

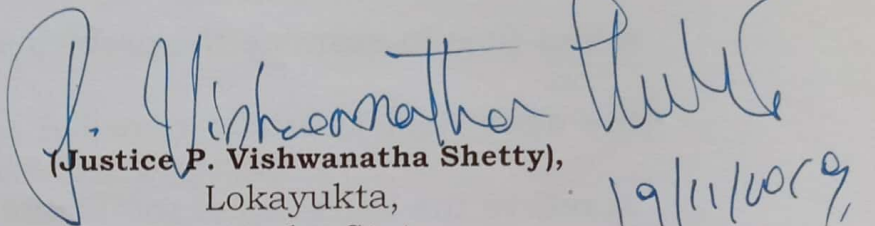
8. The Officers referred to above are given four weeks time to examine the problems highlighted in the news item and take remedial steps/measures to relieve the hardship of the family that they may be facing. The officers referred to above are directed to file the status report setting out the details of the site allotted to the said family under Ashraya Scheme and the other benefits that are required to be extended to the said family and the measures they have taken to redress the grievance of the said family by the next date of hearing i.e.,

09-01-2020. However, it is needless to mention that before the next date of hearing, it is open to the authorities referred to above to redress the grievance of the family in question.

9. Communicate this order to the authorities referred to above along with the copy of news item published in the 'Prajavani'.

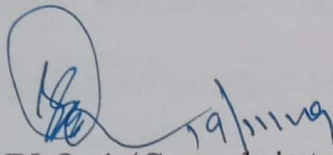
List this matter on 09.01.2020 at 3:00

P.M.


(Justice P. Vishwanatha Shetty),
Lokayukta,
Karnataka State.

19/11/2019

GAK*


19/11/2019

10) ARLO-4 (Complaints Section) }