

KARNATAKA LOKAYUKTA, BENGALURU

No: 0P/LOK/Bcd - 3547/2022/ARLO - 1

Date: 15-09-2022

ORDER

In 'Vijaya Karnataka daily' dated 14.09.2022, a news item with the heading "ಶಿಥಿಲ ಸ್ಥಿತಿಗೆ ತಲುಪಿದ ಮುಗಳೂರು ಸೇತುವೆ" has been published. Instead of repeating the news item, it is useful to extract the same, which reads as hereunder:

“ತಾಲೂಕಿನ ಸರ್ಜಾಪುರ ಮೂಲಕ ಚಿಕ್ಕತಿರುಪತಿಗೆ ಸಂಪರ್ಕ ಕಲ್ಪಿಸುವ ಮುಗಳೂರು ಸೇತುವೆ ಅಲುಗಾಡುತ್ತಿದ್ದು ವಾಹನ ಸವಾರರು ಜೀವ ಕೈಯಲ್ಲಿ ಹಿಡಿದು ಸಂಚಾರ ಮಾಡುವ ಸ್ಥಿತಿ ಎದುರಾಗಿದೆ. ಮುಗಳೂರಿನ ಬೇಟೆ ವೆಂಕಟರಮಣ ಸ್ವಾಮಿ ದೇವಾಲಯದ ಮುಂಭಾಗದಲ್ಲಿ ಸೇತುವೆ ಇದೆ. ಇತ್ತೀಚೆಗೆ ಸುರಿದ ಭಾರಿ ಮಳೆಯಿಂದಾಗಿ ದಕ್ಷಿಣ ವಿನಾಕಿನಿ ನದಿ ತುಂಬಿ ಹರಿಯುತ್ತಿದೆ. ನೀರಿನ ರಭಸಕ್ಕೆ ಸೇತುವೆ ಕುಸಿದು ಬೀಳುವ ಆತಂಕವಿದೆ. ಸೇತುವೆಯಲ್ಲಿ ಅಲ್ಲಲ್ಲಿ ಬಿರುಕು ಕಂಡು ಬಂದಿದೆ. ತಡೆಗೋಡೆ ಮುರಿದಿದ್ದು, ವಾಹನ ಸವಾರರಿಗೆ ಸುರಕ್ಷತೆ ಇಲ್ಲದಂತಾಗಿದೆ. ನಿತ್ಯ ಸಾವಿರಾರು ಸಂಖ್ಯೆಯಲ್ಲಿ

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ವಾಹನಗಳು ಸಂಚರಿಸುವುದರಿಂದ ಶೀಘ್ರ ದುರಸ್ತಿ
ಕಾರ್ಯ ನಡೆಯಬೇಕಿದೆ.

ವಾಹನ ಸವಾರ ಶ್ರೀನಿವಾಸ್ ಮಾತನಾಡಿ
ಅನಾಹುತವಾಗುವ ಮೊದಲೇ ಅಧಿಕಾರಿಗಳು
ಎಚ್ಚೆತ್ತುಕೊಂಡು ಸುಗಮ ಸಂಚಾರಕ್ಕೆ ಅನುವು
ಮಾಡಿಕೊಡಬೇಕಿದೆ, ಎಂದರು”.

2. The news item extracted above indicates the plight of the commuters/motorists on account of bad condition of Mugaluru Bridge constructed across the river Dakshina Pinakini which connects Sarjapura and Chikkathirupathi. It is also highlighted in the news item that the side protection walls of the Bridge are broken and cracks are developed which is posing threat/danger to the life and limb of commuters/motorists.

3. It is relevant to mention that it is the duty and obligation of Public Works Department and Panchayath Raj Engineering Department to maintain the roads. As could be seen from the news item extracted above, though the Bridge is in



a dilapidated condition, the concerned authorities have prima-facie failed to take steps to repair/construct a new Bridge so as to provide a safe Bridge for the commuters/motorists.


4. It is relevant to point out that in the case of **Sri. Vijayan Menon & ORS. Vs Secretary, Urban Development Department Vikasa Soudha, Bangalore (WP 42927/2015)**, the Hon'ble High Court of Karnataka vide its order dated 31/07/2020 had held that, the BBMP is liable to pay compensation to citizens who suffer loss of life or injuries owing to bad condition of roads on account of violation of their fundamental rights guaranteed under Article 21 of the Constitution. It is useful to extract the relevant portion of the judgement which reads as hereunder;

"14. During the last three or four decades, the Apex Court has considerably extended the scope of the right to life guaranteed by Article 21 of the Constitution of India. The Apex Court has held that the right to life as guaranteed under Article 21 of the

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Constitution of India includes a right to live a meaningful and dignified life. After all, the footways or footpaths are provided so that the citizens can comfortably walk from one place to another. The streets are provided for the citizens so that they can travel comfortably by using vehicles. If there are potholes on the footpaths or on the streets, or if the same are not in good condition, the life of the citizens is exposed to danger. There are number of cases wherein, due to bad condition of the roads, accidents have happened resulting in either loss of human life or causing injuries to the citizens more so, in case of persons plying or traveling by two-wheelers. Hence, exposing the citizens to any danger due to bad condition of streets will amount to violation of their rights under Article 21. In other words, a right to have streets including footways in a good and reasonable condition will have to be held as an essential part of the fundamental rights conferred on the citizens under Article 21 of the Constitution of India.....

19. The citizens have a right to seek a reasonable compensation from the State or its agencies which are responsible for violating



the fundamental rights by taking a recourse to a remedy under Article 226 of the Constitution of India. It is high time that the citizens become aware of their rights. Even the officers of Bruhat Bengaluru Mahanagara Palike (BBMP) should be made aware of the right available to the citizens to seek compensation on account of violation of the fundamental rights guaranteed under Article 21 of the Constitution of India. After all, the citizens are tax payers and their lives are not cheap. If only because of the failure of the Municipal Authorities to perform their elementary obligation of maintaining the streets in a proper condition, if somebody is deprived of his/her life or suffers injury, it will give a cause of action to claim compensation.

20. Therefore, we make it very clear that in the event any citizen suffers loss due to the failure of the BBMP and its Officers to maintain the streets in a good condition, they can always have a remedy of seeking compensation.


21. When we have laid down that it is a fundamental right of the citizens to have

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streets and footpaths in a reasonably good condition, it is not sufficient that the same are pothole-free, but the streets and footpaths must be properly leveled so that the citizens can comfortably travel either by walk or by use of vehicles....."

5. In the light of the Law laid down in the decision referred to above, it is the duty and obligation on the part of authorities who are entrusted with the responsibility of maintaining the Road/Bridge in question to take immediate steps to either to carryout repairs to the Bridge or to construct a new Bridge so as to enable the public to use the road without any fear or threat to their life or limb.

6. The object of the Karnataka Lokayukta Act 1984 (hereinafter referred to as 'K.L. Act') is to ensure good governance in the State Administration and also to prevent mal-administration. The negligence on the part of the



concerned authorities who are entrusted with the responsibility of ensuring the quality of the Bridge, in my considered view falls within the meaning of 'mal-administration' under Sec. 2(10) of the K.L. Act.

7. Therefore, I am of the view that it is desirable to consider the news item published in 'Vijaya Karnataka' as source material to exercise the power conferred on me under Sec. 7(2) and 9(3)(a) of the K.L. Act. Accordingly, I exercise my suo-motu power and the office is directed to register this proceedings as suo-motu proceeding.

8. With a view to examine the issues raised in the news item referred to above, I am of the view, that it is necessary to implead the officers mentioned herein below as parties/respondents to this proceeding and issue notice to them and call for comments from them.



1.	The Executive Engineer, Public Works Department, Bengaluru Urban District, Bengaluru.
2.	The Assistant Executive Engineer, Public Works Department, Anekal Sub-Division, Bengaluru.
3.	The Assistant Executive Engineer, Panchayath Raj Engineering Sub- Division, Anekal Taluk, Bengaluru.

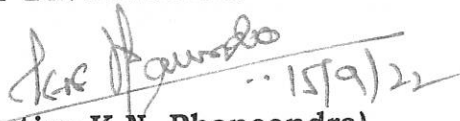
9. The Officers/Officials referred to above are given three weeks time to submit their report/comments i.e., **on or before 11.10.2022.**

10. Communicate copy of this order to the respondents referred to above along with the copy of news item published in 'Vijaya Karnataka Daily' and also to the Secretary, Public Works Department, Vikasa Soudha, Bengaluru and Director, RDPR, M.S. Building, Bengaluru to examine the issues raised in the news item and to take remedial measures to relieve the hardship



being faced by the public/motorists/commuters on account of bad condition of the Bridge in question and submit a report to this authority.

List this matter on 11.10.2022.


-Justice K.N. Phaneendra),
Upalokayukta-2,
Karnataka State.

11) ARLO-4 (Complaints Section)}

■ **ವಿಕ ಸುದ್ದಿಲೋಕ ಬೆಂಗಳೂರು**
ಹಳೆ ವೈಷಮ್ಯದ ಹಿನ್ನೆಲೆಯಲ್ಲಿ
ವ್ಯಾಪಾರಿಯ ಮೇಲೆ ಆ
ದುಷ್ಕರ್ಮಗಳು ಮಾರಣಾಂತಿಕ
ನಡೆಸಿ ಕೊಲೆಗೈದಿರುವ
ಮಂಗಳವಾರ ಬೆಳಿಗ್ಗೆ
ಶೇಷಾದಿಪುರಂ ರಾಣಿ
ವ್ಯಾಪ್ತಿಯಲ್ಲಿ ನಡೆದಿದೆ. ಗಣೇಶ

