

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

CASE
NUMBER COMPT/UPLOK/BCD/3931/2023
:
District : Bengaluru (U)

BY :

1. Suo Moto

As per the Order of Honble Upalokayukta,
Dated:06/07/2022.

COMPLAINANT/S

AGAINST :

1. Execerutive Engineer

Solid Waste Management-5 and 6, Annex-3, 4th
Floor, BBMP Head Office, N.R.Square, Bengaluru.

2. Assistant Executive Engineer

Solid Waste Management-5 and 6, Annex-3, 4th
Floor, BBMP Head Office, N.R.Square, Bengaluru.

RESPONDENT/S

Allegation/Grievance Dereliction of duty.
Brief :

Received From : Suo Moto(Upalokayukta-1section)
Received On : 06-07-2023

Seal and Signature

ಸಹಾಯಕ ವಿಭಾಗೀಕರಣ

ಕಾನೂನು ಅಭಿಪ್ರಾಯ

ಮೂರು ವಿಭಾಗ

SCRUTINY AND OPINION

ಕರ್ನಾಟಕ ಲೋಕಯುಕ್ತ ಕಛೇರಿ

ಬೆಂಗಳೂರು-೧.

**Complaint stands
allotted to :**

ARLO-1

KARNATAKA LOKAYUKTA, BENGALURU

No:Up/0K/BCD/3931/2023

Date:06.07.2023

O R D E R (Suo Moto)

An article is published in 'ವಿಜಯಕರ್ನಾಟಕ' ('Vijay Karnataka') daily newspaper on Wednesday 5th July 2023 in page no.10 with a heading 'ಪಾಲಿಕೆಯ 14ನೇ ಹಣಕಾಸು ಯೋಜನೆಯಡಿ ತಲಾ 7 ಲಕ್ಷರೂ. ವೆಚ್ಚದಲ್ಲಿ ನಿರ್ಮಾಣ' 'ಇ-ಟಾಯ್ಲೆಟ್ ನಿರ್ವಹಣೆ ನಿರ್ಲಕ್ಷ್ಯ' (hereinafter referred as news item). The news item is extracted here under: -

“ಉದ್ಯಾನ, ಬಸ್ ತಂಗುದಾಣ, ಆರೋಗ್ಯ ಕೇಂದ್ರ ಮತ್ತಿತರ ಜನನಿಬಿಡ ಸ್ಥಳದಲ್ಲಿ ನಿರ್ಮಿಸಲಾಗಿರುವ ಬಹುತೇಕ ಇ-ಟಾಯ್ಲೆಟ್‌ಗಳು ನಿರ್ವಹಣೆ ಇಲ್ಲದೆ ಪಾಳು ಬಿದ್ದಿವೆ.

ಪಾಲಿಕೆಯ 14ನೇ ಹಣಕಾಸು ಯೋಜನೆಯಡಿ ತಲಾ 7 ಲಕ್ಷರೂ. ವೆಚ್ಚದಲ್ಲಿ ಮಲ್ಲಸಂದ್ರದ ಪೈಪ್‌ಲೈನ್ ಉದ್ಯಾನ ಹಾಗೂ ಮಲ್ಲಸಂದ್ರ ಆರೋಗ್ಯ ಕೇಂದ್ರದ ಬಳಿ ಇ-ಟಾಯ್ಲೆಟ್‌ಗಳನ್ನು ಖಾಸಗಿ ಸಹಭಾಗಿತ್ವದಲ್ಲಿ ನಿರ್ಮಿಸಲಾಗಿತ್ತು. ಇವೆರಡೂ ಬಳಕೆಗೆ ಸಾಧ್ಯವಾಗದ ಸ್ಥಿತಿ ತಲುಪಿವೆ. 2 ಕಡೆ ಟಾಯ್ಲೆಟ್‌ಗಳು ನಿರ್ವಹಣೆ ಇಲ್ಲದೆ ದುರ್ವಾಸನೆ ಬೀರುತ್ತಿವೆ. ಟಾಯ್ಲೆಟ್ ಬಳಕೆ ವೇಳೆ ಉರಿಯಬೇಕಿದ್ದ ಕೆಂಪು ದೀಪ, ಖಾಲಿಯಾಗಿದ್ದಾಗ ಹಸಿರು ದೀಪಗಳು ಬೆಳಗುತ್ತಿಲ್ಲ. ಇವೆರಡೂ ಶೌಚಾಲಯಗಳು ಆರಂಭದ ಕೆಲ ದಿನಗಳಷ್ಟೇ ಬಳಕೆಯಾಗಿದ್ದು, ಬಳಿಕ ವೃಥಾವಾಗುತ್ತಿವೆ.

ಮಲ್ಲಸಂದ್ರದ ಪೈಪ್‌ಲೈನ್ ಉದ್ಯಾನದಲ್ಲಿ ಶೌಚಾಲಯ ಕೊರತೆಯಿಂದಾಗಿ ಉದ್ಯಾನಕ್ಕೆ ಬಂದವರು ನಂದಿನಿ ಹಾಲು ಕೇಂದ್ರದ ಹಿಂಭಾಗದಲ್ಲಿ ಮೂತ್ರ ವಿಸರ್ಜನೆ ಮಾಡುತ್ತಿದ್ದಾರೆ. ಇದರಿಂದಾಗಿ ಉದ್ಯಾನದಾದ್ಯಂತ ದುರ್ವಾಸನೆ ಬೀರುತ್ತಿದೆ.

ಕೆಲವು ಕಡೆಗೆ ಪಾಲಿಕೆಯೇ ಶೌಚಗೃಹ ಒದಗಿಸಿದ್ದರೆ, ಇನ್ನೂ ಕೆಲವನ್ನು ಸಮಾಜಮುಖಿ ಸಂಘಟನೆ-ಸಂಸ್ಥೆಗಳು ಸಾರ್ವಜನಿಕ

ಉಪಯೋಗಕ್ಕೆ ಕೊಡುಗೆಯಾಗಿ ನೀಡುವೆ. ಅಳವಡಿಕೆ, ಸ್ಥಳಾಂತರ ಸುಲಭ ಎಂಬ ಕಾರಣಕ್ಕೆ ಇ-ಟಾಯ್ಲೆಟ್‌ಗಳಿಗೆ ಆರಂಭದಲ್ಲಿ ಬೇಡಿಕೆ ಸೃಷ್ಟಿಯಾಗಿತ್ತು”.

ಹೈಟೆಕ್ ವ್ಯವಸ್ಥೆ

2ರೂ. ನಾಣ್ಯವನ್ನು ಹಾಕಿದರೆ ಬಾಗಿಲು ತೆರೆಯುವಂತೆ ಹಾಗೂ ಶೌಚಾಲಯ ಬಳಕೆಗೆ ಅನುಕೂಲವಾಗುವಂತೆ ವ್ಯವಸ್ಥೆ ರೂಪಿಸಲಾಗಿತ್ತು. ಪ್ರತಿ ಇ ಟಾಯ್ಲೆಟ್ ಕೂಡ ಜಿಪಿಎಸ್ ವ್ಯವಸ್ಥೆ ಹೊಂದಿದ್ದು, ತಾಂತ್ರಿಕ ವ್ಯವಸ್ಥೆ ಕೈಕೊಟ್ಟರೆ ಕಂಪನಿಯ ಕೇಂದ್ರ ಕಚೇರಿಗೆ ಸಂದೇಶ ಹೋಗುವಂತೆ ರೂಪಿಸಲಾಗಿದೆ. ಆದರೆ, ಇವ್ಯಾವುದೂ ಕೆಲಸ ಮಾಡುತ್ತಿಲ್ಲ.

2. The news item extracted above relates to PeenyaDasarahalli, which falls within the jurisdiction of Bruhat Bengaluru Mahanagara Palike (BBMP). In the news item it is said that most of the E-toilets constructed/installed near parks, bus stops/stands, health care centers which are crowded places, are not maintained, as such they are derelict. It is also stated in the above news item that the said E-toilets are installed by spending Rs.7 Lakhs each in Mallasandra Pipe line Park and near Mallasandra health care center in collaboration with private partnership. It is further stated that both the above E-toilets have become unusable and due to lack of maintenance there is stench. It is also stated that the same were working in the initial days when they were installed and thereafter, have stopped working.

3. The news item also states that due to lack of toilet facility in Mallasandra Pipe line Park, the public visiting

the said park are urinating behind the Nandini Parlor, which is spreading disgusting odor all over the park. It also states that, the BBMP has provided toilets at few places and at certain places the NGOs/other institutions have made it available.

4. From the above news item, it can be ascertained that due to lack of measures taken by BBMP in maintaining the E-toilets, much inconvenience is caused to the public. It can also be ascertained that the E-toilets in the area of Mallasanda are being neglected and are not maintained. Further, it also indicates that the situation with such E-toilets installed all around the city within the jurisdiction of BBMP are also not good.

5. It is the right of every person to live in a healthy and clean environment. The places like parks, bus stops/stands, health care centers are places where there is more foot fall of public and it is necessary that such places are kept neat and clean. These places should have hygienic toilets for the use of public and such hygiene can be maintained by use of E-toilets. When such E-toilets are not maintained as required, then the same would violate the right under Constitution of India. As per Article 21 of Constitution of India, every person has a right to life and personal liberty. The right not only means to live with liberty, but also to lead a quality life with safety and healthy environment. It also creates obligation on the State to provide for such facilities to

2

maintain a healthy environment and to maintain the same from time to time.

6. In this regard the Hon'ble Supreme Court of India in Vincent Panikurlangara v. Union of India, reported in (1987) 2 SCC 165, has held as under:

"A healthy body is the very foundation for all human activities. That is why the adage "Sariramadyam Khaludharma Sadhanam". In a welfare State, therefore, it is the obligation of the State to ensure the creation and the sustaining of conditions congenial to good health. "It is the fundamental right of everyone in this country, assured under the interpretation given to Article 21 by this Court in Francis Mullin case (Francis Coralie Mullin v. Administrator, Union Territory of Delhi, (1981) 1 SCC 608: 1981 SCC (Cri) 212) to live with human dignity, free from exploitation. This right to live with human dignity enshrined in Article 21 derives its life breath from the Directive Principles of State Policy and particularly clauses (e) and (f) of Article 39 and Articles 41 and 42 and at the least, therefore, it must include protection of the health".

7. Therefore, with the above discussion, it is evident that, Article 47 of the Constitution of India makes improvement of public health, a primary duty of the State. The Hon'ble Supreme Court has also expanded the scope of the Fundamental Right under Article 21 and has included in Article 21 the right to live with dignity and all the necessities of life such as adequate nutrition, clothing, health, etc.

8. In my considered view, the principle laid down in the above judgment would cast an obligation on the

authority of the state and persuades me to take note of the above news. The BBMP and the concerned authorities are under an obligation to maintain the E-toilets installed by them not just in the area mentioned in the above news item, but also at all the places where they are installed within their limits.

9. Therefore, if, what has appeared in the news item is true, it indicates the inaction/failure on the part of the concerned authorities of the state. Therefore, in my view, the issues raised in news item and the observations made by me above, requires immediate attention of the Authorities of the State i.e., Bruhath Bengaluru Mahanagara Palike.

10. The Karnataka Lokayukta Act, 1984 casts an obligation on the Lokayukta/Upalokayukta under Section 12(1) for redressal of the grievance of the public and Section 2(10) casts an obligation on the Lokayukta/Upalokayukta to prevent the maladministration by the public authorities.

11. In the light of what is stated above, I am of the view the news item published in 'ವಿಜಯ ಕರ್ನಾಟಕ' can be treated as source material for me to exercise my Suo Moto power under Section 7(2) and Section 9(3)(a) of the Karnataka Lokayukta Act, 1984. Accordingly, I exercise my powers

1

and initiate Suo Moto proceedings. The office is directed to register this proceeding as Suo Moto proceedings.


12. 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 in question, it is just and necessary to implead the officers mentioned here in below to this proceeding and issue notice to them. Accordingly, the officers mentioned herein below are directed to be treated as Respondents.

1.	Executive Engineer, Solid Waste Management-5 & 6, Annex-3, 4 th Floor, BBMP Head Office, N.R. Square, Bengaluru.
2.	Assistant Executive Engineer, Solid Waste Management-5 & 6, Annex-3, 4 th Floor, BBMP Head Office, N.R. Square, Bengaluru.

13. The Respondents are directed to take all immediate necessary steps to redress the grievance if any as alleged and submit their comments and action taken report to me (Upa-Lokayukta-1) within 4 weeks from today on the issues referred to in the news item extracted above as well as various issues referred to above in my order.

14. Communicate the copy of this order to the respondents referred to above along with copy of the news item published in 'ವಿಜಯ ಕರ್ನಾಟಕ' newspaper. **Also send a copy of this order to Chief Commissioner, Bruhath Bengaluru Mahanagara Palike and Chief Engineer, Solid Waste Management-5 & 6, Annex-3, 4th Floor, BBMP Head Office, N.R. Square, Bengaluru to supervise the directions issued to respondents and report.**

List this matter on **09.08.2023**.


(Justice K.N. Phaneendra)
Upalokayukta-1,
Karnataka State.

15. ARLO-4 (Complaints Section)

ಗ್ರಾಹಕರ ಸೇವಾ ವಿಭಾಗ



ಇ-ಟಾಯ್‌ನಿವರ್‌ಹಣೆ ನಿರ್ಲಕ್ಷ

ಅಳವಡಿಕೆ, ಸ್ಥಳಾಂತರ ಸುಲಭ ಎಂಬ ಕಾರಣಕ್ಕೆ ಇ-
ಟಾಯ್‌ಗಳಿಗೆ ಆರಂಭದಲ್ಲಿ ಬೇಡಿಕೆ ಸೃಷ್ಟಿಯಾಗಿತ್ತು.

[illegible]