

Print

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

CASE **COMPT/UPLOK**
NUMBER : **/BD/3342/2023**
District : **Shivamogga**

BY :**1. Suo Moto**

As per the Order of Honble Upalokayukta-2, Date:
05/06/2023.

COMPLAINANT/S**AGAINST :****1. District Pollution Control Officer**

Pollution Control Board, Shivamogga District,
Shivamogga.

2. District Health Officer

Shivamogga District, Shivamogga.

3. Joint Director of Agriculture

Shivamogga District, Shivamogga District.

4. Joint Director

Fisheries Department, Shivamogga District.

5. Municipal Commissioner

City Municipal Council, Shivamogga District.

RESPONDENT/S

Allegation/Grievance Dereliction of duty.
Brief :

Received From : Suo Moto (Upalok-2 section)

Received On : 05-06-2023

Seal and Signature

ಕರ್ನಾಟಕ ನಿಯಂತ್ರಕರು

ಶಾಸನಾಂಗ ಅಧೀಶ್ವರರು

ಮೂರು ವಿಭಾಗ

SCRUTINY AND OPINION

ನಿರ್ದೇಶನ ಮತ್ತು ಅಧೀಶ್ವರರು, ಕರ್ನಾಟಕ
ಜಿಲ್ಲಾಪಾಲರು-೧,

Complaint stands DRE-4
allotted to :

KARNATAKA LOKAYUKTA

No:

Date: 05/06/2023

ORDER

The news item that appeared in 'Vijaya Karnataka' dated: 01/06/2023 drew my attention to the fact that, aluminium content is found beyond permissible limits in Thunga River water raising an alarm concerning the health of people living in Shivamogga and other areas through which the river passes.

2. In the said report, it is stated that aluminium content in Thunga River water is 0.205 m.g. per litre as against the permissible quantity of 0.02 to 0.03 mili gms.

3. This fact came to light when an Environmentalists voluntary organisation collected

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water samples from Thunga River and sent it for analysis and the lab analysis report also indicated presence of barium, boron, fluoride, magnesium, cadmium and mercury in the Thunga River water. If aluminium content is found in excess in drinking water, it will have serious adverse effects on the health of human beings and animals and it will also result in neurological disorders. Besides, causing various side effects on human beings.

4. Thunga River is considered as a sacred river originating in western ghats and flowing through Shivamogga District. It is similar to river Ganga for the people of Karnataka. Thunga River water was known for its purity and pristine qualities which flows from the western ghats and collects at Gajanuru reservoir. But, while flowing through Shivamogga it gets contaminated as effluents and harmful substances, toxic chemicals are released into the river



resulting in increasing levels of aluminium which poses serious health hazards to the persons residing by the side of the said river.

5. It is also pointed out that, Thunga river is not a perennial one and the river flow is only during rainy season and its water is stagnant during the rest of the year. It is also brought to my notice that, farmers cultivating their lands on the river bed use excessive pesticides, herbicides and chemical fertilizers which will gradually percolate into Thunga river water besides plastic waste and chemical effluents are discharged into the river at various stages which results in grave hazard to flora and fauna.

6. Right to life includes right to environmental, ecological, air and water pollution free atmosphere.

7. Further, the entitlement of citizens to receive safe drinking water is part of right to life under Article 21.



As early as 1984 (*In Bandhua Mukthi Morcha V. Union of India case*), the Supreme Court derived the concept of right to 'healthy environment' as the part of right to life under Article 21. The court, in a recent judgement (1st December, 2000), had observed that, in today's emerging jurisprudence environmental rights which encompass a group of collective rights are described as third generation rights.

8. An important ruling of the Supreme Court was in the case of *A.P. Pollution Control Board II Vs. Professor M.B.Naidu*. In this case, the A.P. Government had granted an exemption to a polluting industry and allowed it to be set up near two main reservoirs in Andhra Pradesh, the Himayat Sagar Lake and Osman Sagar Lake in violation of the Environment Protection Act 1986. Supreme Court struck down such exemption and held that, the Environment Protection Act and the Water (*Prevention and Control of Pollution*

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Act, 1974), did not enable to the State to grant exemption to a particular industry within the area prohibited for location of polluting industries.

9. The court recently reiterated again that right to access to clean drinking water is fundamental right and there is a duty on the State under Article 21 to provide clean drinking water to its citizen. The State is duty bound not only to provide adequate drinking water, but also to protect water sources from pollution and encroachment.

10. An act of the State that allows pollution of water body must be treated arbitrary and contrary to public interest and violation of the right to clean water under Article 21.

11. In *Subhash Kumar V/s State of Bihar* (1991) Hon'ble Supreme Court held that right to life includes the right of enjoyment of pollution free water and air

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for full enjoyment of life. If anything endangers or impairs that quality of life in derogation of laws, a citizen has right of recourse to Article 32 of the Constitution for removing the pollution of water or air which may be detrimental to the quality of life.

12. In *M.C.Mehta Vs. Kamalnath* (1997) the Supreme Court categorically ruled that the State is not only bound to regulate water supply, but also held to realise the right of quality water and prevent health hazards.

13. In case of *State of Karnataka Vs. State of Andhra Pradesh* (2000), the court held that the right to water is a right to life and thus a fundamental right.

14. In *Narmada Bachao Andolan Vs. Union of India* (2000) it was held that the water is the basic need for the survival of human beings and it is part of the right to life and human rights.

15. The A.P. High Court, while citing several of the above mentioned rulings of the court reiterated the responsibility of the court in providing clean drinking water to the citizens in *P.R.Subash Chandra V/s Government of Andhra Pradesh and others* (2001). Thus, in the Indian Constitution, providing every citizen with adequate clean drinking water and protecting water from getting polluted is a fundamental directive principle in the governance of the State as well as penumbral right under Article 21.

16. The key judicial pronouncements that the right to life in the Constitution means right to clean water and sanitation as well. Courts have not only termed right to water as a fundamental right, but also have defined water as a social asset.

17. Apart from expanding the content of the right to life as including a right to water, the court has in the context of water pollution, mandated cleaning up of

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water sources including rivers (*M.C.Mehtha V.s Union of India*) and even tanks and wells (*Hinch Lal Tiwari V/s Kamaladevi*).

18. The court has also applied precautionary principle to prevent potential pollution of drinking water source consequent upon the setting up of industries in their vicinity. Various judicial pronouncements have recognised that water is a community source which is to be held by the State in public trust in recognition of its duty to respect the principles of inter judicial equity.

19. Rapid industrialisation is also one of the reason for Thunga River getting polluted. Pollution Control Board, district administration, town municipalities, local bodies, department of Agriculture, agricultural universities should bestow interest in preventing water pollution in the pristine Thunga River. Otherwise, the

future generation will have to pay heavy price in the coming days.

20. Similar steps taken to clean Ganga River is to be taken in respect of Thunga River also. Sewage water generated in the villages situated on the banks of river Thunga should be treated to the tertiary level and at any cost sewage water should not be released into the river to safeguard people's health, sanctity and pristine quality of Thunga river.

21. Grama panchayaths, town municipalities and city municipal corporations should take stern action against polluters especially, against the industries which discharge chemicals and effluents into the river. Principle of polluters pay should be enforced. Awareness should be created among the farmers to shun use of chemical fertilizers, pesticides and herbicides. Farmers should be encouraged to migrate to organic farming so that consumers will not suffer

from dangerous diseases such as, cancer, diabetes, mellitus and hyper tension.

22. Pesticides Control Order, Seeds Act should be put to use to check indiscriminate use of chemical fertilizers and pesticides. Natural farming, organic farming is to be encouraged in the villages situated by the side of river Thunga. Otherwise, pollutants and alarming levels of hazardous chemicals such as, aluminium, nitrates, arsenic, chlorides, boron, mercury levels will increase in the water which will gradually effect the ecosystem resulting in fish kill and endangering aquatic life in the river.

23. In this context, there is an urgent need to take remedial measures to prevent pollution of rivers from its origin till its storage point, Thungabhadra Reservoir and also along the river course.

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24. Under these circumstances, I deem it appropriate to exercise power conferred on me under Sec.7(2) & 9(3)(a) of the Karnataka Lokayukta Act, 1984 to register a suo-moto complaint against the following persons. They may be added as respondents to adjudicate the complaint completely and effectively.

Sl. No.	Name and Designation of the officers
1.	District Pollution Control Officer, Pollution Control Board, Shivamogga District, Shivamogga.
2.	District Health Officer, Shivamogga District, Shivamogga.
3.	Joint Director of Agriculture, Shivamogga District, Shivamogga.
4.	Joint Director, Fisheries Department, Shivamogga District.
5.	Municipal Commissioner, C.M.C. Shivamogga.

25. I also direct issuance of notices to all the above mentioned respondents to secure their comments within 15 days from the date of receipt of notice. The

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ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ ಬೆಂಚು

ಕಡತ ಸಂಖ್ಯೆ 607/Uplokta-3342/2023/DK

ಪುಟ ಸಂಖ್ಯೆ 12

Deputy Commissioner, Shivamogga District and Chief Executive Officer, Zilla Panchayath, Shivamogga shall make a detailed study of the water quality and shall submit a comprehensive report to know the cause and reason for pollution of Thunga River and remedial measures taken to prevent river pollution.


List this matter after 2 weeks from today.



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


Cet)
Complied para 25
12/6


9. ಸರಸಾಕ್ಷಿಗಳಲ್ಲಿ ಇದ್ದುಕೊಂಡಿರುವುದು
10. ನಿರ್ದಿಷ್ಟವಾಗಿ ಉಂಟಾಗುವುದು
11. ಒಂದು ಅನಿರ್ದಿಷ್ಟ
12. ಮೊದಲನೆಯದಿರುವುದು
13. ನಿರ್ದಿಷ್ಟವಾಗಿ ಉಂಟಾಗುವುದು


ಸಂಯುಕ್ತರ
8. ಕವನಗಳ ಸಂಯೋಜನೆಯಲ್ಲಿ ವಿಷಯವಸ್ತು
ಯೋಗ್ಯತೆ ಸಂಯುಕ್ತವು
9. ವಿಷಯವಸ್ತು ಸಂಯುಕ್ತವು
10. ಸಂಯುಕ್ತವು ಸಂಯುಕ್ತವು
11. ಸಂಯುಕ್ತವು ಸಂಯುಕ್ತವು
12. ಸಂಯುಕ್ತವು ಸಂಯುಕ್ತವು
13. ಸಂಯುಕ್ತವು ಸಂಯುಕ್ತವು

(7) 

(6) 

(2) 

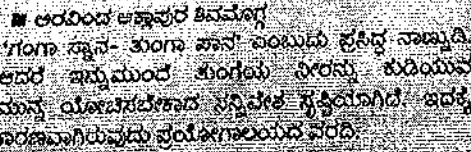
(2) 

(4) 

ENCLOSURE 40-9850-10

ಭೂ. ಪರಿಣಿತರು ಬಹುದೇನು ಮನೆಯಲ್ಲಿ ಕೆಳಗೆ ನು
 ಮೂರುಬಿಡಿಗಳು ಪಟ್ಟಿಯನ್ನು ಬೈದಿ ಅಂಚು ಹೊ
 ಬಹುದೇನು ಮೊಟ್ಟೆಗೆ ವಕ್ರ ಪರಿವರ್ತನೆ ಹೊಂದಿ ವ್ಯ
 ಸಂಬಂಧಿಸಿದ ದಾಖಲೆ ಜಜ್ಜಿ ಬಾಕಿಬಿಟ್ಟು. ಯಾವ
 ಹಕ್ಕು ಮೋಕವಾದೆಯಾಗದೆ ಎಂಬುದಕ್ಕೆ ಬಾಕಿ ಪ
 ದುಹಾರವೆ ಎನಿಸುವ ಕಂಡು ಬರುವ ಬಹುಮಾನವಿಲ್ಲ

ನದಿ ನೀರಲ್ಲಿ ಅಬ್ಬುಮಿನಿಯಂ ಅಂಶ | ಪುಯೋಗಾಲಯದ ವರದಿಯಿಂದ ಬೆಳಕಿಗೆ



ಗಾಜವೂ ಸೀತಾಶಯದಿಂದ ಮುಂದಕ್ಕೆ ಹರಿಯುವಾಗ
ಅದರ ನದಿ ನೀರು ಮರಿದಾಗಿದ್ದರಿಂದ ಅದರಲ್ಲಿ ಜಿಲ್ಲೆ
ಅಥವಾ ತಲುಪುತ್ತಿದ್ದಂತೆ ಮತ್ತಷ್ಟು ಹಾನಿಕಾರಕ ಅಂಶಗಳು
ಅದರ ಮೇರುತ್ತವೆ. ಶಿವಮೊಗ್ಗದ ತುಂಗಾ ನದಿ ನೀರಿನಲ್ಲಿ ಜನರ
ಅಪಾಯ ಉಂಟುಮಾಡುವ ಕಲ್ಲು ಮಿನಿದೂರ ಅಂಶ
ಅದರನ್ನು ಒದಗುವುದು.

ಗುಡಮಠದಲ್ಲಿ ಸುರನಲ್ಲಿ ಎಲ್ಲ ಖಜಾನೆಗಳನ್ನು ನಿಗದಿತ
ಮಾಹಿತಿಗಳನ್ನು ಇರಿಸಿದ್ದನ್ನು ಈಗ ನಾವು ಅದು ಅರಿಯುತ್ತಿ-
ರುವೆವೆ. ಆದ್ದರಿಂದಲೇ ಅಮ್ಮವಳು ಎಲೆ ಎಂಬಂತೆ ಹುಣಸೀಬೆ
ಮಾಡುವಾಗಿದ್ದು ಅರಿಯುತ್ತೇವೆ. ಅದಾಯಿತು. ಈಗದರಿಂದ
ತುಂಬಾ ಉಪಯೋಗವಾಗಿದೆ.

[illegible]

ನರ ಸಂಬಂಧಿ ಕಾಯಿಲೆಗೆ ಆಹ್ವಾನ
 ಅಲ್ಪಮೀನಿಯಂ ಪ್ರಮಾಣ ಹೆಚ್ಚುವ ನರನು ಸೇವಿಸುವುದರಿಂದ
 ಕೆಳಕಂಡ ಮನುಷ್ಯನ ಅರೋಗ್ಯದ ಮೇಲೆ ದುಷ್ಪರಿಣಾಮ ಉಂಟಾಗುತ್ತದೆ
 ಆದರಲ್ಲೂ ನರ ಸಂಬಂಧಿ ಕಾಯಿಲೆಗಳು ಬಾಧಿಸುವ ಆಹಾರವೆಂದೆ
 ಈ ನೀರಿನಿಂದ ಬೇರೆ ಅಡ್ಡ ಪರಿಣಾಮಗಳು ಇವೆ ಎಂಬುದು ಆತಂಕದ
 ಸಂಗತಿಯಾಗಿದೆ. ತುಂಗಾ ನೀರಿನಲ್ಲಿ ಕೇವಲ ಅಲ್ಪಮೀನಿಯಂ ಅಂಶ
 ಮಾತ್ರ ಹೆಚ್ಚಿರುವುದು. ಈ ನೀರಿನಲ್ಲಿ ಬೇರೆ ಲೋಹದ ಅಂಶಗಳೂ
 ಇವೆ. ಆದರೆ ಅವು ನಿಗದಿತ ಪ್ರಮಾಣವನ್ನು ದೀರಿಲ್ಲಿ ಎಂಬುದೇ
 ಸಮಾಧಾನದ ಸಂಗತಿ. ಬೇರಿಯಂ, ಬೋರಾನ್, ಟೋರೈಡ್, 14 ಮಿಲಿ
 ಗ್ರಾಂ, ಮ್ಯಾಂಗ್ನೀಸಿಯಂ, ಕ್ಯಾಡ್ಮಿಯಂ, ವಾದರಸ 0.0005 ಮಿಲಿ ಗ್ರಾಂ
 ಇವುಗಳು ಸುರಕ್ಷಿತಗೊಂಡು ನರನೊಂದಿಗೆ ಉಳಿದುಕೊಳ್ಳುತ್ತವೆ.

ನದಿ ಪಾತ್ರದಲ್ಲಿ
 ಧೃತರು ಕೃಷಿ ಜಮೀನಿಗೆ
 ಬಳಸುವ ಕೆಳನಾಡಿನ ಹಾಗೂ
 ಕೀಟನಾಶಗಳು ಮಂಗಾ ನದಿಗೆ
 ಸೇರುತ್ತಿರುವುದರಿಂದ ನೀರಿನಲ್ಲಿ
 ರಾಸಾಯನಿಕ ಅಂಶಗಳು
 ಹೆಚ್ಚುತ್ತವೆ. ನದಿ ನೀರಿಗೆ ಸೇರುವ
 ಪ್ಲಾಸ್ಟಿಕ್ ಕ್ಯಾಪ್ಸುಲಗಳಿಂದ
 ಕರ್ಮಾಣಿ ರಾಸಾಯನಿಕ ಅಂಶ
 ಬಿಡುಗಡೆಯಾಗುತ್ತದೆ. ಇದಲ್ಲವೂ
 ಪೆರೊಕ್ಸೈಡ್‌ನಿಗೆ ಸೇರು ಬಳಕೆ
 ಮಾಡುವ ಮನುಷ್ಯನ ಆರೋಗ್ಯದ
 ಮೇಲೆ ಗಂಭೀರ ಪರಿಣಾಮ
 ಬೀರುತ್ತಿರುವುದು ತಿಳಿದುಬರುತ್ತದೆ.

==|| ಡಾ. ಕೆ.ಎಲ್. ಶ್ರೀವತ್ಸಾ
ನಿರ್ಮಲಾ ಕುಂಗಾ ಅಭಿಯಾನ
ಕಂಡದ ಸದಸ್ಯ

ತುಂಗಾ ನದಿ ನೀರಿನಲ್ಲಿ
ಅಲ್ಪಮಿನಿಯಂ ಅಂಶ
ಇದೆ ಎಂಬ ಪ್ರಯೋಗಾಲಯದ
ವರದಿ ಬಗ್ಗೆ ನನಗೂ ಮಾಹಿತಿ
ನಿತ್ತಿತ್ತು. ಯಾವುದಾದರೂ ಕೈಗಾರಿಕೆ
ಕಾರ್ಖಾನೆಯಿಂದ ನೀರಿನಲ್ಲಿ ಅಲ್ಪ
ಮಿನಿಯಂ ಅಂಶ ಸೇರಿದೆಯೇ
ಅಥವಾ ಬೇರೆ ಏನಾದರೂ
ಕಾರಣಗಳನ್ನು ಇವೆಯೇ ಎಂಬ ಬಗ್ಗೆ
ಪರಿಶೀಲಿಸುವಂತೆ ಅಧಿಕಾರಿಗಳಿಗೆ
ಸೂಚನೆ ನೀಡಿದ್ದೆನು.

1. ఎస్.ఎన్. జెన్నబురమ్
తెనాలి కాలనీ

ನೀರಿನ
ಹರಿವಿನದ್ದು
ಸಗ್ಗುತ್ತು

ನೋಡುತಿದ್ದು ಬರಬರೆಯುತ್ತಿದ್ದು ಬರಬರೆಯುತ್ತಿದ್ದು
ಬರಬರೆಯುತ್ತಿದ್ದು ಬರಬರೆಯುತ್ತಿದ್ದು ಬರಬರೆಯುತ್ತಿದ್ದು
ಬರಬರೆಯುತ್ತಿದ್ದು ಬರಬರೆಯುತ್ತಿದ್ದು ಬರಬರೆಯುತ್ತಿದ್ದು
ಬರಬರೆಯುತ್ತಿದ್ದು ಬರಬರೆಯುತ್ತಿದ್ದು ಬರಬರೆಯುತ್ತಿದ್ದು

[illegible]

यह आयुक्त
यह जाति विकास ब्लॉक 4 डी,
न, नया रायपुर (छ.ग.)
263708, Fax - 2262558
mail: cklavya.ctd@gmail.com

नरसिंहापुरा, दिनांक 26.05.2022
उनिविदा क्रमांक 13298, तिथि मोठ्ठि कर

झारखंड सरकार, कार्यपालक अभियंता का कार्यालय
पंचजल एवं स्वच्छता एमडीए, आदिलपुर

ಪೊಕ್ಕಾಯ್ತುಕ್ಕೆ ಬಲೆಗೆ

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NMKRV Sh
22nd c

PRESENCE