

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

CASE  
NUMBER COMPT/UPLOK/MYS/3693/2022

District : **Hasana**

**BY :**

**1. Suo Moto**

As per the Order of Honble Upalokayukta, Dated:  
21/09/2022.

**COMPLAINANT/S**

**AGAINST :**

**1. Municipal Commissioner**

City Municipal Council, Channapatna, Ramanagara  
District.

**2. Deputy Director of Public Instruction**

Ramanagara District.

**3. Tahasildar**

Channapatna Taluk, Channapatna, Ramanagara  
District.

**4. Block Education Officer**

Channapatna Taluk, Channapatna, Ramanagara  
District.

**RESPONDENT/S**

**Allegation/Grievance**  
**Brief :** Dereliction of duty.

Received From : Suo Moto  
Received On : 22-09-2022

**Complaint stands**  
**allotted to :** DRE-5

**SCRUTINY AND OPINION**

**Seal and Signature**

ಹೆಚ್.ಎಚ್.ಎಸ್. ನಿರಾಧಿಕಾರಿ

ಕಾನೂನು ಅಭಿಪ್ರಾಯ

ದೂರು ವಿಭಾಗ

ಹಿರಿಯ ನಿಯೋಗದ ಸದಸ್ಯ, ಕರ್ನಾಟಕ

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**KARNATAKA LOKAYUKTA, BENGALURU**

No:

21-09-2022

**ORDER**

In 'The New Indian Express' daily dated 19.09.2022, a news item with the heading "**School submerged, students study in temple**" has been published highlighting the plight of the students studying in the Government Upgraded Higher Primary School in Thattekere area of Channapatna town, Ramanagara District, as four feet of water is standing on the premises making it inaccessible, due to which the students are attending the classes at a nearby temple. Instead of repeating the same, it is useful to extract the said news item, which reads as here under:

*CHANNAPATNA(RAMANAGARA DIST): It has been three weeks since Ramanagara district was pounded by heavy rain, flooding many areas. But students and teachers of the Government Upgraded Higher Primary School in Thattekere area of Channapatna town still*



cannot enter their school as four feet of water is standing on the premises, making it inaccessible.

Local authorities have not taken any action to remove water from the school, while the students, left with not other option, are attending classes at a nearby temple. Thattekere is around 60 km from Bengaluru and 11 km from Ramanagara. The school has more than 60 students from Standards one to eight, five teachers and two staff members, including cooks to prepare mid-day meals.

**Lack of toilets affects teachers, girl students**

The school was flooded on August 26, a week before the Gowri-Ganesha festival, after a small waterbody nearby breached. Lakshmi, who has been working as a cook at the school for the last 20 years, said all the grains kept for mid-day meals was spoilt. "We cannot even enter the school as water is around four feet," she explained. "The school is in a low-lying area.

Even if water is removed, it keeps entering from the nearby lake," she added. For drinking and cooking purposes, water is

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being sourced from local residents. The classes are being held at Beereshwara Swamy Temple at Kattemane, which is in the middle of a residential area.

Children of all classes are packed into a small space. For a few days, residents pooled in money and ration to prepare the mid-day meals. Some days later, authorities sent the foodgrains. With no place to prepare meals, Lakshmi is cooking at the house of a nearby resident.

The students are also finding it difficult as there are no toilets, while some residents have allowed teachers and girl students to use their washrooms. The Education Department has started constructing a new building for the school.


Students and teachers hope at least one classroom is ready in two months. "But the toilets are yet to be constructed at the new building. Education Department should construct toilets, otherwise many girl students will quit studies," a resident said.

2. The news item extracted above indicates that since four feet water is standing on the premises of Government Upgraded Higher Primary School in

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Thattekere area of Channapatna town, the students, who are studying in the said School are forced to attend the classes at a nearby temple. Due to which the students are finding it difficult as there are no toilets and no place for preparing mid-day meals for students. Further, the news item indicates that the said school consists of more than sixty students, five teachers and two staff members and the local authorities have not taken any action to remove water from the school premises.

3. It is needless to point out that the Right to Education is the fundamental right guaranteed under Article 21-A of the Constitution of India and Right to free and compulsory education guaranteed under the Right of Children to Free and Compulsory /Education Act, 2009. Therefore, it is the duty of the authorities of the State to provide all the facilities required to make the Right to Education Guaranteed under Article 21-A of the



Constitution of India the Right of Children to Free and Compulsory /Education Act, 2009, meaningful and purposeful without making it as only a dead letter in the statute.

4. In this connection, it is useful to refer to the observations made by the Hon'ble Supreme Court of India, in the case of **Avinash Mehrotra Vs. Union of India and others** reported in (2009) 6 SCC 398 which reads as hereunder :

"24. Education occupies an important place in our Constitution and culture. There has been emphasis on free and compulsory education for children in this country for a long time. There is a very strong historical perspective. The Hunter Commission in 1882-1883, almost 125 years ago, recommended universal education in India. It proposed to make education compulsory for the children.

25. The Government of India Act, 1935 provided that "education should be made free and compulsory for both boys and girls". While debating on a Bill in the Imperial Legislation Council in 1911, Shri Gopal Krishna Gokhale strongly advocated that elementary education should be both compulsory and free.

26. Our original Framers of the Constitution placed free and compulsory education in the directive principles. The unamended Article 45 provided that:

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"45. *Provision for free and compulsory education for children.*—The State shall endeavour to provide, within a period of ten years from the commencement of this Constitution, for free and compulsory education for all children until they complete the age of fourteen years."

27. The Kothari Commission on Education set up by the Government of India in 1966 strongly recommended free and compulsory education for children up to 14 years. The Commission observed that there is no other way for the poor to climb their way out of this predicament.

28. Education occupies a sacred place within our Constitution and culture. Article 21-A of the Constitution, adopted in 2002, codified this Court's holding in *Unni Krishnan, J.P. v. State of A.P.* [(1993) 1 SCC 645] in which we established a right to education. Parliament did not merely affirm that right; the amending Act placed the right to education within the Constitution's set of fundamental rights, the most cherished principles of our society. As the Court observed in *Unni Krishnan*<sup>1</sup>: (SCC p. 664, para 8)

"8. The immortal poet Valluvar whose *Tirukkural* will surpass all ages and transcend all religions said of education:

'Learning is excellence of wealth that none destroy; To man nought else affords reality of joy.'"

29. Education today remains liberation—a tool for the betterment of our civil institutions, the protection of our civil liberties, and the path to an informed and questioning citizenry. Then as now, we recognise education's "transcendental importance" in the lives of individuals and in the very survival of our Constitution and Republic.

30. In the years since the inclusion of Article 21-A, we have clarified that the right to education attaches to the individual as an inalienable human right. We have traced the broad scope of this right in *R.D. Upadhyay v. State of A.P.* [(2007) 15 SCC 337

: AIR 2006 SC 1946] holding that the **State must provide education to all children in all places, even in prisons, to the children of prisoners. We have also affirmed the inviolability of the right to education.**

35. The Constitution likewise provides meaning to the word "education" beyond its dictionary meaning. **Parents should not be compelled to send their children to dangerous schools, nor should children suffer compulsory education in unsound buildings.**

36. Likewise, the State's reciprocal duty to parents begins with the provision of a free education, and it extends to the State's regulatory power. **No matter where a family seeks to educate its children, the State must ensure that children suffer no harm in exercising their fundamental right and civic duty. States thus bear the additional burden of regulation, ensuring that schools provide safe facilities as part of a compulsory education.**

37. In the instant case, we have no need to sketch all the contours of the Constitution's guarantees, so we do not. **We merely hold that the right to education incorporates the provision of safe schools.**

39. **In view of the importance of Article 21-A, it is imperative that the education which is provided to children in the primary schools should be in the environment of safety.**

45. In the end, we should need to do little but enforce existing laws and encourage States in their own well-intentioned safety programmes. However, in the years since the fire at Lord Krishna Middle School, some States have moved slowly and safety standards have varied in quality across the States. These delays and variations have subjected millions more school children to danger from fire, earthquakes and other causes, when simple

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enhancements could offer much greater protection. **Articles 21 and 21-A of the Constitution require that India's school children receive education in safe schools. In order to give effect to the provisions of the Constitution, we must ensure that India's schools adhere to basic safety standards without further delay.**

46. **It is the fundamental right of each and every child to receive education free from fear of security and safety. The children cannot be compelled to receive education from an unsound and unsafe building.**

47. In view of what happened in Lord Krishna Middle School in District Kumbakonam where 93 children were burnt alive and several similar incidences had happened in the past, therefore, it has become imperative to direct that safety measures as prescribed by the National Building Code of India, 2005 be implemented by all government and private schools functioning in our country. We direct that:

(i) Before granting recognition or affiliation, the State Governments and Union Territories concerned are directed to ensure that the buildings are safe and secure from every angle and they are constructed according to the safety norms incorporated in the National Building Code of India.

(ii) **All existing government and private schools shall install fire extinguishing equipments within a period of six months.**

(iii) The school buildings be kept free from inflammable and toxic material. If storage is inevitable, they should be stored safely.

(iv) **Evaluation of structural aspect of the school may be carried out periodically. We direct that the engineers and officials concerned must strictly follow the National Building Code. The safety certificate be issued only after proper inspection. Dereliction in duty must attract immediate**


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**disciplinary action against the officials concerned.**

(v) Necessary training be imparted to the staff and other officials of the school to use the fire extinguishing equipments."

5. It is needless to mention that it is the duty of the State and the authorities who are entrusted with the responsibility of removing the water from the school premises and make it accessible to the student who are studying in the said school. The failure on the part of the concerned authorities who are required to take steps may have to be treated as mal-administration within the meaning of Sec. 2(10) of the Karnataka Lokayukta Act, 1984.

6. Therefore, I am of the view that it is desirable for me to consider the news item published in 'The New Indian Express' 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-moto power and the office is directed to register this proceeding as suo-moto proceeding.



7. 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 Municipal Commissioner, City Municipal Council, Channapatna;
2.	The Deputy Director of Public Instructions, Ramanagara District;
3.	The Tahasildar, Channapatna Taluk, Channapatna;
4.	The Block Education Officer, Channapatna Taluk, Channapatna, Ramanagara District.


The Officers referred to above are directed the examine the issues raised in the news item extracted above and redress the grievance of the students, teachers and staff members of the said school without further loss of time. **They are given**

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three weeks time to submit their report/comments.

8. Communicate the copy of this order to the authorities/officers referred to above along with the copy of news item published in the 'The New Indian Express'. They are required to submit the status report on the issues referred to above within three weeks from the date of communication of this order. Further, communicate the copy of this order to the Commissioner, Department of Public Instructions, Nrupathunga Road, Bengaluru to examine the issues raised in the news item and submit action taken report to this authority by the next date of hearing.

**List this matter on 14.10.2022.**

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

9) ARLO-4 (Complaints Section)



leadership to pass a resolution authorising the incoming president to appoint state unit chiefs and AICC members. While adopting it, PCCs have started passing another resolution calling for the return of Rahul as party president.

In Chhattisgarh, the resolution seeking Rahul's return was moved by Chief Minister

completely different

leader P Chidambaram and Jairam Ramesh, too, have favoured a consensus for the post of AICC chief. The window for filing nomination papers for the post is between September 24 and 30. The last date for withdrawal of nominations is October 8. Elections, if required, will be held on October 17. The results will be out on October 19.

He shot the dog five times, the police said.

The accused, Krishnappa (45), who owns a piggery, is absconding after the dog owner filed a complaint. He was walking around his farm around 4 pm when the dog, Rocky, started barking. An angry Krishnappa went inside the house, brought his air gun out and shot the dog, said the Doddaballapur Rural police.

The dog owner, Ashok, alerted the police. After the postmortem, the police registered an FIR under the Prevention of Cruelty to Animals Act and under IPC Section 429.

## GEN NEXT

### New Guruvayoor chief priest is also a YouTuber

EXPRESS NEWS SERVICE @ Thrissur

THE newly-appointed head priest of the Sree Krishna Temple in Guruvayur, Kerala, is the talk of the town. Not only is the 34-year-old Kiran Anandh an ayurveda doctor, he is also a popular YouTuber. He manages a YouTube channel with his wife Manasi Mundayakkad.

"I belong to Kakkad Mana, one of the four Othikkan families of Guruvayur temple, and used to take part in major rituals of the temple with my father. I will perform my duties as mel-santhi with devotion. The new responsibility will take me one step closer to the lord," said Kiran, who had been working as an ayurveda doctor in Moscow for the past six years.

When his father found it difficult to perform temple rituals due to old age, Kiran returned from Russia and learned how to perform them. PS



## Protests in Chandigarh varsity over 'objectionable' video clips

HARPREET BAJWA @ Chandigarh

PROTESTS erupted on the campus of a private university here following claims that objectionable videos of girl students were allegedly recorded and shared on social media by a hosteller. Punjab Chief Minister Bhagwant Mann ordered a high-level probe into the matter on Sunday.

Earlier in the day, the hosteller was arrested after the Punjab Police registered a case. A 23-year-old man, with whom the hosteller had allegedly shared the objectionable videos, was arrested by Himachal Pradesh Police and handed over to Punjab Police in Rohru near Shimla. The man, who belongs to a well-to-do family, is a school dropout and was working at his hometown. His location was tracked through his mobile number. In a late night development, another 31-year-old man was taken into custody by the Punjab Police for questioning.

Protests first broke out on the campus on Saturday midnight



after three students living in the girls' hostel approached the warden and claimed that one of the students had been making objectionable videos. They alleged the hosteller had made videos of others while taking bath and shared them with the 23-year-old man in Shimla, who in turn, uploaded them on social media. The Chandigarh University management and the district administration, however, denied claims that videos of several girls were made and shared. Later they said the accused had shared her own video with the man. Contrary to the claims of the protesting students that some of them had tried to commit suicide, the management said a few had panic attacks and were given first-aid.

Students protesting over alleged objectionable videos, at Chandigarh University | PRI

### Police fail to pacify students

Protesting students demanded to see a copy of the FIR and refused to accept the management and police's version. SSP Soni tried to pacify them but failed

## School submerged, students study in temple

ASHWINI M SRIPAD

@ Channapatna (Ramanagara district)

IT has been three weeks since Ramanagara district was pounded by heavy rain, flooding many areas. But students and teachers of the Government Upgraded Higher Primary School in Thattekere area of Channapatna town still cannot enter their school as four feet of water is standing on the premises, making it inaccessible.

Local authorities have not taken any action to remove water from the school, while the students, left with not other option, are attending classes at a nearby temple.

Thattekere is around 60 km from Bengaluru and 11 km from Ramanagara. The school has more than 60 students from Standards one to eight, five teachers and two staff members, including cooks to prepare mid-day meals. PS



A view of the government school which stands flooded due to the recent rain in Ramanagara | VINOD KUMAR T