

ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ

ನಂ:ಕಂ.ಲೋಕ್.ಬಿಸಿಡಿ 2524/2018

ಬಹುಮಹಡಿ ಕಟ್ಟಡ,
ಬೆಂಗಳೂರು, ದಿನಾಂಕ:19/03/2019

ನೋಟೀಸು

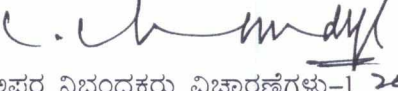
ವಿಷಯ: ಹೆಚ್.ಎಸ್.ದೊರೈಸ್ವಾಮಿ ಎಂಬುವವರು ನಮ್ಮ ಸಂಸ್ಥೆಯಲ್ಲಿ ನೀಡಿರುವ ದೂರಿನ
ಕುರಿತು.

--

ಮೇಲ್ಕಂಡ ವಿಷಯಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟಂತೆ ತಮಗೆ ಈ ಮೂಲಕ ಗೌರವಾನ್ವಿತ ಲೋಕಾಯುಕ್ತರವರ ಆದೇಶದಂತೆ
ತಮಗೆ ಈ ಮೂಲಕ ತಿಳಿಯ ಪಡಿಸುವುದೆಂದರೆ, ಗೌರವಾನ್ವಿತ ಲೋಕಾಯುಕ್ತರವರು ಕಗ್ಗದಾಸಪುರ ಕೆರೆಗೆ
ಸಂಬಂಧಪಟ್ಟಂತೆ ದಿನಾಂಕ: 12-03-2019 ರಂದು ಹೊರಡಿಸಿರುವ ಆದೇಶವನ್ನು ಇದರೊಂದಿಗೆ ಲಗತ್ತಿಸಿ ಕಳುಹಿದ್ದು ಆದೇಶದ
ನಿರ್ದೇಶನದಂತೆ ಕ್ರಮ ವಹಿಸತಕ್ಕದ್ದು.

ಮುಂದುವರೆದು ಸದರಿ ಪ್ರಕರಣವನ್ನು ದಿನಾಂಕ:28-05-2019 ರಂದು 3-00 ಗಂಟೆಗೆ ಮುಂದಿನ ವಿಚಾರಣೆಗೆ
ನಿಗದಿಪಡಿಸಿದೆ.

ಗೌರವಾನ್ವಿತ ಲೋಕಾಯುಕ್ತರವರ ಆದೇಶದನ್ವಯ


ಅಪರ ನಿಭಂದಕರು ವಿಚಾರಣೆಗಳು-1 20/3
ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ, ಬೆಂಗಳೂರು

- 1) Sri. ~~Sridhar Pappiah~~ C.E.O., Namma Bangalore foundation, 2nd floor, No54, Rockline centre, Richmond Road, Bangalore.
- 2) The Secretary, Karnataka State Pollution Control Board, Church street Bangalore.
- 3) Sri. Devaraju. M., Additional Chief Engineer, B W S S B, Cauvery Bhavan, Bangalore
- 4) Smt. Bhupradha Executive Engineer(Lakes), BBMP, Bangalore. 9845444029
- 5) Sri. S. Rajashekar, Environmental Officer, Regional Office, Bangalore East, KSPCB, Nisarga Bhavan, Shivanagar, Bangalore-10.
- 6) Sri. T. Jagannath Rao, Deputy Conservator of Forest, BBMP, Bangalore.
- 7) The Joint Director of Land Records, Bangalore East Taluk, Bangalore
- 8) The Tahsildar, Bangalore East Taluk, Bangalore.

KARNATAKA LOKAYUKTA : BENGALURU

No: Compt/Lok/BCD-2524/2018/ARE-1

Date: 12-03-2019.

ORDER

On behalf of Sri H.S.Doreswamy, who is the Complainant in this case, Sri. Lakshmikanth is present.

2. The notice of proceedings was served on Bengaluru Water Supply and Sewerage Board, Bengaluru (herein after referred to as '**BWSSB**' for short) and Bruhat Bengaluru Mahanagara Palike, Bengaluru (herein after referred to as '**BBMP**' for short). Sri. M. Devaraju, Additional Chief Engineer, BWSSB is present. Smt. Bhupradha, Assistant Executive Engineer (Lakes), BBMP is present.

3. Sri. R.V.Bhat, Law Officer of Karnataka State Pollution Control Board, Bengaluru (herein after referred to as '**KSPCB**' for short) is present along with Sri. D.R. Kumaraswamy, Deputy Environmental Officer, KSPCB, Bengaluru North and Sri. S. Rajasekhar, Environmental Officer, Regional Office, Bengaluru City East, KSPCB.

4. Sri. R.V.Bhat, Law Officer has filed a status report dated 11-03-2019. It is useful to extract the status report filed by KSPCB, which reads as here under:

"No.PCB/BCE/2018-19/

Date: 11.03.2019

To,

The Additional Registrar Enquirey-1,
Office of the Honorable Karnataka Lokayuktha,
M.S Building, Dr.B.R.Ambedkar Veedi,
Bangalore-560001.

Sir,

Sub : Submission of status report of Kaggadasapura lake –reg.

- Ref : 1. Honorable Lokayuktha Complaint No.Comp/LOK/BCD-2524/2018 dtd.11.09.2018.
2. Submission of Status report of Kaggadasapura Lake by RSEO, Bangalore City vide letter dtd.739 dtd.13.11.2018.
3. Notice of Proposed Directions issued from Board Office to BWSSB vide No.399 dtd.24.01.2019
4. Inspection of Kaggadasapura lake by the officers of this Office on 01.02.2019
5. Personal hearing held on 26.02.2019.

@@@@@

With reference to the above subject, as per Honorable Lokayuktha Complaint cited under ref (1), status report of Kaggadasapura lake was submitted vide letter cited under ref(2). In view of the discharge of sewage into the lake through storm water drain, Karnataka State Pollution Control Board has issued Notice of Proposed Directions under the provisions of Water (Prevention and Control of Pollution) Act 1974 to BWSSB vide No.399 dtd.24.01.2019(copy enclosed). Further, to verify the status, Kaggadasapura lake was inspected by the Officers of Regional Office, Bangalore City East on 01.02.2019. The details are as follows;

The lake is under the control of BBMP for the operation and maintenance. The custodian of the lake is Revenue Department. The extent of the lake is 47 acres as per BBMP records. The Kaggadasapura lake area and inlet storm water drains were inspected on 01.02.2019.During inspection following observations were made:

1. The primary source of water is entering through the storm water drains from the catchment area. The inlet storm water drains are located at Northern side of the Lake. The sewage is mainly entering the lake through North side of the storm water drain. The other inlet storm water drain is located at the western side of the lake. As per the information given by the BWSSB authorities, the sewage is entering from the northern side ie., upstream area from K.R.Puram and Pai Layout.
2. During the inspection it is noticed that the sewage is entering into the lake through the storm water drain at north side of the lake. Sample of storm water drain entering to the lake from the Northern side was collected before joining the lake and the sample of lake water collected at eastern side of the lake for the purpose of analysis.
3. Presently lake water is not used for any purpose. The lake is filled with silt and covered with water hyacinth and other weeds. As per physical observation the entire lake is contaminated due to the entry of the sewage.
4. BWSSB has laid sewer network in the periphery of the lake for adjacent residential areas.
5. Towards north and eastern side of the lake garbage is dumped on the bund line.
6. The sample of the lake water collected at the eastern side of the lake on 01.02.2019 is conforming to the Class 'E' standards ie., water suitable for Irrigation, Industrial Cooling, controlled waste disposal. Analysis reports are enclosed herewith for kind reference.

Further, in view of Notice of Proposed Directions issued to BWSSB, a personal hearing was conducted before Chairman, KSPCB on 26.02.2019. The Chairman, BWSSB has attended the personal hearing and requested 18 months time for establishment of STP to treat the sewage entering into Kaggadasapura lake.

This is for your kind information.

Yours faithfully,

Encl: As above

Sd/-
Environmental Officer
Bangalore City East".



The report indicates that Kaggadasapura lake is spread out in an area of 47 acres as per BBMP records and the said lake was inspected by Environmental Officer on 01-02-2019 and during the inspection he had collected samples of water in the lake. The KSPCB on an earlier occasion also had filed a detailed report on 13-11-2018. The said report was extracted in my order dated 13-11-2018. The report dated 13-11-2018 submitted by the Environmental Officer, KSPCB and the report dated 11-03-2019 indicates that the quality of water in the lakes falls under Class 'E' Standard. It is pointed out that 'E' Standard is unfit for either human consumption or for animals and also for portable use. According to KSPCB, it is used only for industrial cooling and irrigation. Along with the report, the notice dated 22-01-2019 issued to the Chairman, BWSSB, Cauvery Bhavan, Bengaluru is also enclosed. The said notice requires BWSSB to take immediate remedial measures set out in the notice. Even in the earlier report, the KSPCB has set out the steps that are required to be taken by the BWSSB and BBMP. The

notice also indicates that substantial amount has also been released to give financial assistance of Rs.16.57 Crores in three installments of 40%, 40% and 20%, to carry out certain steps including establishing 5 MLD STP near the lake.

5. Smt. Bhupradha, Asst. Executive Engineer (Lakes), BBMP is present. On behalf of BBMP, status report has not been filed setting out the steps they have taken in pursuance of the statement made by Sri.T.Jagannath Rao, Deputy Conservator of Forest, BBMP, on the last date of hearing on 13-11-2018. It is useful to refer Paragraph four (4) of my order dated 13-11-2018 wherein Sri. T. Jagannath Rao has submitted that he will be able to show substantial progress if financial assistance is given by the State Government. Smt. Bhupradhs has brought to my notice that State Government has released Rs.8.5 Crores on 01-02-2019 for the purpose of development of this lake. She submitted that since Code of Conduct has already been come into force in relation to Parliamentary Elections, BBMP is not able to take further

steps in the matter. She also submits that as soon as the Code of Conduct is over, the BBMP will take effective steps to commence the tender process and take developmental activities to rejuvenate the lake. She expects that after completion of tender process, at least, keeping in mind, the nature of work to be executed, the BBMP may require about 8-10 months. The statement made by Smt. Bhupradha is placed on record.

6. Sri. Lakshmikanth appearing for the Complainant brought to my notice the averments made in the complaint, wherein it is observed as follows:

“Kaggadasapura Lake: Flow of untreated sewage and encroachment by private entities is damaging the lake. The lake has started to froth and if it is not stopped now then it may turn into another Bellandur. The exact encroachment as per the House Committee Report is 3 acres 27 guntas”.

The averments indicate that, on account of flow of entry of sewage water and encroachment, the lake is being

damaged and this has resulted in deterioration of quality of lake water and production of froth.

7. The report submitted by KSPCB also shows that the quality of water in the lake is highly polluted and it requires immediate attention by the concerned authorities of the State. The BWSSB has an obligation under Section 63 and 64 of The Bangalore Water Supply and Sewerage Act, 1964.

8. It is useful to extract Sections 63 and 64 of The Bangalore Water Supply and Sewerage Act, 1964 which reads as here under:

“63. Vesting of sewers, etc., in Board.—(1) On and from the date of coming into force of this Chapter, all public sewers, all sewers in, alongside or under any public street within the Bangalore Metropolitan Area, and all sewage disposal works whether constructed out of the municipal fund of the Bruhat Bangalore Mahanagara Palike of the Bruhat Bangalore Mahanagara or otherwise, and all works, materials and thing appertaining thereto, shall vest in the Board.

(2) All public and other sewers which are vested in the Board are hereafter in this Act referred to as Board sewers.

(3) For the purpose of enlarging, deepening or otherwise repairing or maintaining any such sewer or sewage disposal work so much of the sub-soil appertaining thereto as may be necessary for the said purpose shall be deemed also to vest in the Board.

(4) All sewers and ventilation-shafts, pipes and all appliances and fittings connected with the sewerage works constructed, erected or set up out of the municipal fund of the Bruhat Bangalore Mahanagara Palike in or upon premises not belonging to the Bruhat Bangalore Mahanagara Palike whether,--

(a) before or after the commencement of this Act, and

(b) for the use of the owner or occupier of such premises or not,

Shall, unless the Bruhat Bangalore Mahanagara Palike has otherwise determined, or does any time otherwise determine, vest in the Board.

64. Control of sewers and sewage disposal works.—(1) All Government sewers, all sewage disposal works and all works, materials and things appertaining thereto shall be under the control of the Board.

(2) The Board shall maintain and keep in repair all Board sewers and sewage disposal works and shall construct as many new drains and sewage disposal works as may from time to time be necessary for effectual sewerage and sewage disposal of the Bangalore Metropolitan Area”.

9. In the light of the statutory obligation on the part of the BWSSB, it is needless to point out that they are required to take effective measures to prevent the entry of sewage to the lake. They are also required to establish STP and take other immediate steps. At this stage, Sri. M.Devaraju, Additional Chief Engineer, BWSSB pointed out that on 11-03-2019, they have called for tender for the purpose of installation of STP of 5 MLD at a cost of Rs.17.00 Crores and completion of the project would take 18 months. He pointed out that the nature of the work required to be executed for the purpose of installation of STP takes around 18 months. He pointed out that BWSSB also has taken de-silting programme for the removal of debris inside the pipeline and they also called for tenders to prevent discharge of sewage to the Storm Water Drain.

10. One of the grievances of the Complainant, as could be seen from the averment made in the complaint is encroachment of the lake bed/lake area. It is necessary to get this grievance examined. For the said purpose, issue notice to the Tahsildar, Bengaluru East and also the Joint

Director of Land Records, to survey the Kaggadasapura Lake and verify as to whether there is any encroachment of the lake area/lake bed. If there is any encroachment of the lake bed, it is needless to point out, the Tahsildar is required to take immediate steps for removal of encroachment and assist BWSSB, BBMP and KSPCB to rejuvenate and maintain the lake in all possible manners.

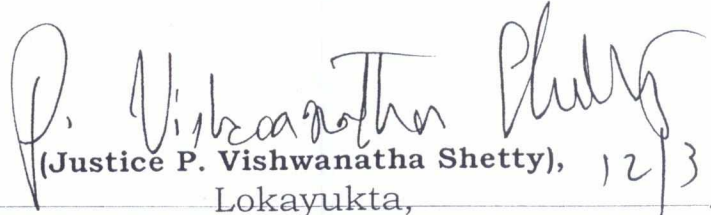
11. The Joint Director of Land Records and Tahsildar, Bengaluru East shall **get the land surveyed by the Surveyor on or before 15th of May 2019 and submit the report.**

12. In the mean while, the Complainant is reserved liberty to file an additional statement setting out the details of the steps to be carried out by the authorities, **within two weeks from today.** If such a statement is filed, all the authorities concerned are directed to examine the same and take appropriate steps.



13. Communicate this order to the parties.

List this case **on 28-05-2019 at 03-00 p.m.**


(Justice P. Vishwanatha Shetty), 12/3/2019
Lokayukta,
Karnataka State.

AS*