



सत्यमेव जयते

RAJEEV CHANDRASEKHAR
MEMBER OF PARLIAMENT
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February 16, 2017

Dear *Justice Vishwanatha Shetty,*

Sub: Request for initiating *suo motu* proceedings under the Karnataka Lokayukta Act, 1984 against culpable and errant public servants, including ministers and bureaucrats, in relation to the corrupt practices pertaining to the proposed Steel Flyover between Basaveshwara Circle and Hebbal.

The Bangalore Development Authority (BDA) has proposed the construction of a steel flyover of 6.7 km length between Basaveshwara Circle and Hebbal. When the project was proposed in 2014, its cost was estimated at Rs.1,350 Crores. Whilst BDA claims that a contractor has been selected to execute the project post an international tender process, little information regarding the selection process adopted is available in public domain. Further, mandatory procedures have not been followed and legal thresholds not complied with. Public domain information also point to the fact that the cost of the project has escalated as on date to at least Rs. 1,800 Crores.

BDA and multiple other departments of the State Government have consistently depicted hesitance, in providing information to the public regarding the steel flyover project. The Hon'ble Chief Minister; the Hon'ble Minister for Bengaluru Development; and the BDA have also conducted themselves in a manner so as to ring fence the project from public scrutiny, leading to the adaptation of a non-transparent methodology for implementing the project.

I vociferously opposed the steel flyover project not only for its lack of transparency but also its glaring environmental intrusion. I had urged a complete re-evaluation of the project, in the light of the events that denoted hasty expedition of the implementation of the project, leading to public concern that the project was being used as a tool to generate illegal



monetary gratification to benefit errant public servants. My specific letters to the Chief Minister, Shri Siddaramaiah and the Commissioner of BDA Shri Rajkumar Khatri, received no response whatsoever. Copies of my letters are enclosed herewith for your kind perusal.

It was in this backdrop of mounting opposition to the steel flyover project that *Namma Bengaluru Foundation* and certain other non-governmental organizations, espousing public causes; including the larger civil society, promptly questioned the legality of the steel flyover project before multiple judicial fora. A public interest litigation challenging the legality of the project is pending consideration on the files of the Hon'ble High Court of Karnataka; and a challenge to the project is also pending on the files of the National Green Tribunal, Chennai. In the latter proceedings, National Green Tribunal has issued an order of stay, restraining BDA and other authorities from proceeding with the implementation of the steel flyover project.

Whilst various judicial fora continue to examine the legality and the environmental intrusion of the project, startling revelations were made on public media on February 12, 2017, which further demonstrates the absolute lack of *bona fides* and the various corrupt practices surrounding the steel flyover project. This prompts me to invoke the Lokayukta of Karnataka and urge you to initiate *suo motu* proceedings against the errant public servants under the provisions of the Karnataka Lokayukta Act, 1984.

On February 12, 2017, a former Chief Minister of Karnataka made public disclosures through national and regional media and placed certain information in public domain, which further demonstrated the deep-rooted corruption in connection with the steel flyover project. These disclosures indicate that Congress MLC Shri K Govindaraju was used as a conduit wherein the contractor, to whom the project was awarded, paid Rs. 150 Crores as illegal gratification to various public servants, including the Chief Minister, current Ministers and bureaucrats. The public disclosures further indicate that approximately Rs. 65 Crores was in turn paid by the politicians in the State, to what is christened as the High Command i.e., the politicians at the helm in New Delhi. The truthfulness and veracity of these disclosures need to be thoroughly inquired into, in the interest of the general public. I have enclosed various media reports that were widely publicised in print and electronic media in this regard, for your perusal.



These alarming disclosures further buttress my consistent stand that the steel flyover project is non-transparent to state the least and has perhaps been envisioned, conceived and used as a tool to illegally gratify bureaucrats and politicians at various levels within and without the State. This certainly deserves a thorough inquiry. I invite your kind attention to the observations of the Hon'ble Supreme Court in *State of Karnataka v. Selvi J. Jayalalithaa & Ors* [Criminal Appeal 300-303/2017], which wholly applies to and amplifies the present state of affairs in Karnataka and in particular to the factors surrounding the steel flyover project.

"Corruption is a vice of insatiable avarice for self-aggrandizement by the unscrupulous, taking unfair advantage of their power and authority and those in public office also, in breach of the institutional norms, mostly backed by minatory loyalists. Both the corrupt and the corrupter are indictable and answerable to the society and the country as a whole. This is more particularly in re the peoples' representatives in public life committed by the oath of the office to dedicate oneself to the unqualified welfare of the laity, by faithfully and conscientiously discharging their duties attached thereto in accordance with the Constitution, free from fear or favour or affection or ill-will. A self-serving conduct in defiance of such solemn undertaking in infringement of the community's confidence reposed in them is therefore a betrayal of the promise of allegiance to the Constitution and a condemnable sacrilege. Not only such a character is an anathema to the preambular promise of justice, liberty, equality, fraternal dignity, unity and integrity of the country, which expectantly ought to animate the life and spirit of every citizen of this country, but also is an unpardonable onslaught on the constitutional religion that forms the bedrock of our democratic polity."

The pernicious menace of corruption seems to have engrained itself in the state of affairs in Karnataka. Politicians and bureaucrats continue to indulge in corrupt practices with a sense of bravado. Not only is it antithetical to the rule of law but also demoralizing to those who are ethical, honest and upright. Corruption seems to have attained militant dominance in our State, which can only be checked by effective Ombudsman.

Every citizen in the State therefore looks to your exalted office as Lokayukta, for ensuring that the corrupt are brought to justice. I, therefore, urge you to initiate *suo motu* proceedings and inquire into the issues of corruption and corrupt practices associated with



the steel flyover project, so as to ensure that the corrupt public servants are prosecuted for various offences under the Prevention of Corruption Act, 1988; the Indian Penal Code, 1860; and other applicable laws. Initiation of *suo motu* proceedings will not only uphold the Majesty of law but will also usher in the rule of law and engrain accountability and transparency in public administration in the State of Karnataka.

Jai Hind!

Yours truly,


RAJEEV CHANDRASEKHAR

Encl.: As above.

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MS Building
Bengaluru

Copy to:

- 1) Hon'ble Shri Justice N. Ananda, Karnataka Upa Lokayukta, MS Building, Dr. Ambedkar Veedhi, Bengaluru 560 001
- 2) Hon'ble Shri Justice Subhash B. Adi, Karnataka Upa Lokayukta, MS Building, Dr. Ambedkar Veedhi Bengaluru 560 001
- 3) The Registrar, Karnataka Lokayukta, Office of the Lokayukta, Dr B R Ambedkar Road, MS Building, Bengaluru.