

# CLOSING THE ENFORCEMENT GAP

A community-led groundtruthing of the expansion  
of a National Highway in Uttara Kannada

---



**December 2019**

**Proofreading:** Ruchi Vadehra

**Design:** Yashwant Rawat

**Cover Picture:** Vinod Patgar

**Print:** PRINTFORCE

**Disclaimer:** There is no copyright on this publication. You are free to share, translate and distribute this material. We request that the source be acknowledged and a copy/link of your reprint, report or translation be sent to the CPR-Namati Environmental Justice Program.

# CLOSING THE ENFORCEMENT GAP

---

A groundtruthing study of the social and environmental impacts and legal non-compliance of the National Highway expansion project in coastal Uttara Kannada, Karnataka



# CONTENTS

---

<b>List of Abbreviations.....</b>	<b>4</b>
<b>Introduction.....</b>	<b>6</b>
<b>Part I: Research Approaches and Methodology .....</b>	<b>9</b>
The Study Area.....	9
Methodology.....	10
Collection of project documents .....	10
Mapping the framework of approval conditions of the project.....	10
Groundtruthing of the status of project compliance .....	11
Quantification of project impacts and affected people.....	11
<b>Part II: Findings of Non-compliance by the project.....</b>	<b>12</b>
Project Details .....	12
Project Approvals .....	13
Impacts of Project Non-Compliance: .....	17
Blasting, groundwater and river water withdrawal.....	18
Flooding, saltwater intrusion and dumping of soil on wetlands .....	19
Soil erosion and landslides along embankments .....	22
Dust pollution from stone crushers and hot-tar mix .....	24
No submission of six-monthly compliance reports .....	26
Non-compliance of other laws and compensation arrangements .....	27
Case Study: Violations of the stone crusher unit at Bogribail.....	29
No action on public complaints .....	29
Water pollution on account of a restraining wall not being built.....	30
Dust pollution due to non-existence of a green belt.....	31
Dust pollution due to non-installation of preventive devices.....	32

<b>Part III: Scale of impacts by project activities</b> .....	33
Road construction .....	33
Stone blasting .....	35
Construction of bridges .....	37
Secondary activities .....	37
Quantification of impacts .....	37
<b>Conclusion</b> .....	43
<b>Annexures</b> .....	44
Annexure I.....	44
Annexure II.....	47
Annexure III .....	56

# ABBREVIATIONS

---

CEPI	Comprehensive Environmental Pollution Index
CGWA	Central Ground Water Authority
CGWB	Central Ground Water Board
CPR	Centre for Policy Research
CRZ	Coastal Regulation Zone
CTE	Consent to Establish
CTO	Consent to Operate
CVCA	Critically Vulnerable Coastal Area
DBFOT	Design, Build, Finance, Operate and Transfer
EAC	Expert Appraisal Committee
EC	Environment Clearance
EIA	Environment Impact Assessment
EPA	Environment Protection Act
ESA	Ecologically Sensitive Area
FCA	Forest Conservation Act
FC	Forest Clearance
FRA	Forests Rights Act
ha	Hectares
INR	Indian Rupees
INS	Indian Naval Ship
IPC	Indian Penal Code
IRC	Indian Road Congress
IWTPL	IRB West-coast Tollway Private Limited
KLD	Kilo Litres per Day

km	Kilometres
KSCZMA	Karnataka State Coastal Zone Management Authority
KSPCB	Karnataka State Pollution Control Board
LHS	Left Hand Side
MoEFCC	Ministry of Environment, Forests & Climate Change
MoEF	Ministry of Environment & Forests
mts	Metres
NBWL	National Board for Wildlife
NGT	National Green Tribunal
NHAI	National Highway Authority of India
NH	National Highway
NHRC	National Human Rights Commission
NOC	No Objection Certificate
PRoW	Proposed Right of Way
R&R	Rehabilitation and Resettlement
RFCTLARR	Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013
RHS	Right Hand Side
ROB	Road Over Bridge
RoW	Right of Way
RTI	Right to Information
RUB	Road Under Bridge
SBWL	State Board for Wildlife
SC	Supreme Court
ToR	Terms of Reference
ULB	Urban Local Body

# INTRODUCTION

---

In 2011, the National Highway Authority of India (NHAI) proposed the widening and upgrading of the existing National Highway (NH) 17, renaming it NH-66 in the process. The proposed project stretches up to 187 km from the Goa/Karnataka border to Kundapur through the Western Ghats. The contract for this project was given to IRB Infrastructure Pvt. Ltd. The acquisition of land and the construction began in 2014, and it was estimated that by 2019, about 50% work of the project would be completed as per the Concessionaire Agreement<sup>1</sup>, 2014. It is mentioned in the Environmental Impact Assessment (EIA) report and in the Environmental Management Plan (EMP) that the construction of the highway will reduce traffic, fuel consumption and accidents, and save time.<sup>2</sup> It is also claimed by the project proponent that the construction of the highway will bring development in all the areas it passes through and lead to economic growth of the region.

From the time the project-related activities began, local newspapers have consistently reported ongoing disputes between the communities and the project authorities. The perusal of media reports showed that between the periods of January 2016 to August 2018, there have been 81 reports of difficulties arising as a result of the construction of NH-66. According to newspaper reports in Prajavani,<sup>3</sup> residents of 19 villages protested against the construction of the highway in 2018. Several news reports<sup>4</sup> suggested that many of the protests are related to land acquisition process in the Karwar, Bhatkal and Ankola regions. News papers<sup>4</sup> reported that village residents of Amdalli, Chendiya and Todur objected to the highway expansion project since they were faced with having to be displaced from their land for a second time, the first time being for the Indian Naval Ship (INS) Kadamba, commonly known as the Seabird Project almost two decades ago. Apart from land acquisition, the local people from across the district have also raised objections to the non-compliance of the project's clearance conditions and the resultant adverse impacts.<sup>5</sup> Village residents of Bogribail<sup>6</sup> and Chandumata<sup>7</sup> filed complaints to the NHAI and other regional administrative authorities about the loss of livelihood due to impacts such as dust pollution and flooding.<sup>8</sup>

---

<sup>1</sup>A **concession agreement** typically refers to a contract between a company and a government that gives the company the right to operate a specific business within the government's jurisdiction, subject to certain terms.

<sup>2</sup>EIA report submitted by NHAI(Available at: <https://kspcb.gov.in/PH/NH%20234%20EIA%20Report.pdf>)

<sup>3</sup>News report in Prajavani, December 27, 2018

<sup>4</sup>Sequeira, N. (2016, January 7). Karwar locals protest against extension of highway through Panaji: Goa News - Times of India. Retrieved from <https://timesofindia.indiatimes.com/city/goa/Karwar-locals-protest-against-extension-of-highway-through-Panaji/articleshow/50481742.cms>;

<sup>5</sup>NewsKarnataka. (2016, January 12).Villagers of Uttara Kannada protest relocation for second time. Retrieved from <https://www.newskarnataka.com/karwar/villagers-of-uttara-kannada-protest-relocation-for-second-time>.

<sup>6</sup>Karavali Mujnavu Daily. (May 2018, 18). Stone blasting in mountains by IRB, stone fell on Houses, School, and Nursery, no one harmed; Vijayavani Kannada. (May 2017, 04). Dust pollution by stone crusher in Bogribail: Villagers complaint to DC.

<sup>7</sup>Vijayavani Kannada Daily. (January 2018, 01). Violations by Nations Highway, villagers are suffering.

<sup>8</sup>Karavali Munjavu Daily (January 2017, 14). Blunder by IRB submerged farmlands in Chandumata village.

The Centre for Policy Research (CPR) - Namati Environmental Justice (EJ) Program conducted a pilot study of the impacts of the project in April 2016 in the villages of Chandumata, Bogribail, Mavinkatta and Haldipur to understand the issues associated with the expansion of the NH in Uttara Kannada district. The pilot study showed that the NH project affected families beyond those who had lost their land to the project. The occupational areas and livelihoods of the coastal communities of the district were affected on a large scale as a result of the project. Many village communities lost the right of access to public property, such as public roads, drinking water sources and schools. Some communities had lost access to use common land. Several rivers, streams and creeks had been blocked for the construction of bridges and roads, and these blockages resulted in flooding and saltwater intrusion into farmlands during the monsoon. All these issues went beyond the primary concerns raised by the communities regarding land acquisition by the project. These concerns can be considered more significant as they were the unaccounted impacts of the project.

Many villages were affected by the stone blasting activities carried out for the widening of the highway in the hilly *ghat* sections of the district. Villages located near the stone crusher units encountered health and livelihood-related problems due to dust pollution. There were reports of damage to public property such as pipelines, drainage systems, water tanks and other public utilities. The project construction activities led to massive landslides in several areas. One such example is a landslide which occurred in Byndoor in June 2017. This landslide not only blocked the road for several hours, but also damaged three houses.<sup>9</sup> On the next day, another landslide near Divgi village in Kumta completely destroyed eight houses. Three children who were sleeping in these homes were killed by this landslide.<sup>10</sup>

## Need for this groundtruthing study

In view of all the above impacts of the highway project, the research team carried out the current study along with communities who had been affected by the highway expansion to assess and ascertain the extent and nature of social and environmental impacts caused by this project. The aim of the study was to understand the application of environmental regulations on the project, the various regulatory agencies involved in approving the project, and the status of legal compliance of the project in relation to its widespread socio-economic and environmental impacts in the district.

This report consists of three parts: The first section lays out the methodologies used to undertake this community-based groundtruthing of environmental and social impacts of the highway expansion project. The second section of the report provides an assessment of the project's legal compliance with approval procedures and approval conditions. The third section of the report presents the landscape level project impacts

---

<sup>9</sup>The New Indian Express. (June 2017, 12). Landslide block NH 66 near Ottinene.

<sup>10</sup>The New Indian Express (June 2017, 11). 2 landslides on NH 66; 3 children killed in Kumta; Deccan Chronicle (June 2017, 12). Rain fury massive landslide Kills 3 kids near Kumta.

identified through the study. This section also enumerates the estimated number of people affected by the specific project activities and violations of approval conditions.

The report highlights and suggests that given the scale and nature of project impacts, there is a grave need to bring to attention the burdens caused by the project beyond land acquisition. This study has focused on not only those people who have lost their land due to acquisition for the project, but also on those whose private and common land, homes, livelihood sources and local public infrastructure have been affected by the project operations. Since several of these impacts were not identified by the project through its EIA and EMP reports, the people affected by these impacts are invisible in the project's implementation plans. The affected communities have tried hard to make themselves visible by lodging complaints and protests. The study provides an analytical basis to their claims for justice in light of these project impacts.

## RESEARCH APPROACHES AND METHODOLOGY

### A. The Study Area

The proposed project is located along the coastal region from Karwar to Kundapur and through the *ghat* region of the district. For this study, the villages and towns located along the entire length of the proposed NH from the Goa/Karnataka border to Kundapur were considered. The study area includes private revenue land, farmland, forest land, common land, rivers and creeks present in these areas. Site visits, community meetings (focus group meetings) were conducted in 34 villages from Karwar to Kundapur (**Annexure I: Table 1, 2 and 3**). The study area covered 27 panchayats in Uttara Kannada district and was carried out between June 2016 and August 2018. Details of the study area are tabulated below:

Details	Description
<b>Span</b>	187 kms from Majali, on the Goa/Karnataka border to Kundapur.
<b>Land use details</b>	Villages, farmlands, forest lands, rivers, mangroves, coastal plains, mountains, creeks and other water bodies and other common land.
<b>Livelihood details</b>	<p><b>Farmers:</b> Farmers were affected by flooding, saltwater intrusion, dust pollution and the indiscriminate dumping of construction waste on agricultural fields.</p> <p><b>Land owners:</b> As a result of expansion, several people lost their land.</p> <p><b>Agricultural labours:</b> People who are dependent on either acquired or impacted farmland by the project.</p> <p><b>Street vendors:</b> They were displaced as a result of highway expansion.</p> <p><b>Shopkeepers:</b> They were affected by dust pollution during construction work.</p> <p><b>Fisherwomen:</b> They used to sell fish near the highway and they are either displaced or access is blocked due to expansion</p>
<b>Major Towns</b>	Karwar, Ankola, Kumta, Honnavar, Bhatkal, Byndoor and Kundapur.
<b>Panchayats</b>	27 panchayats from Uttara Kannada
<b>Time period</b>	June 2016 to August 2018.

This study uses two specific research approaches: legal compliance framework analysis and community social impact analysis. Both these research approaches are used widely by researchers and community organisations to understand and provide empirical evidence for environmental justice demands by affected communities.

## B. Methodology

### 1. Collection of project documents

Project documents related to the National Highway expansion were obtained from specific offices mentioned in the table below, during the period June 2016 to December 2016. These documents were obtained through visits to government offices, RTI applications, local panchayats and from local activists and affected people. Official government approvals such as the Environmental Clearance, Forest Clearance, Concession Agreements and consent letters were sought to understand the institutional and legal basis of the project

Approval related documents	Offices from where they were obtained
<b>Environmental Clearance (EC)</b>	Website of the Ministry of Environment, Forests and Climate Change (MoEFCC)
<b>Concession Agreement</b>	Website of IRB Infrastructure Pvt. Ltd.
<b>Forest Clearance (FC)</b>	Office of the Forest Department located at Honnavar
<b>Consent to Establish (CTE) and Consent to Operate (CTO)</b>	Office of the Karnataka State Pollution Control Board (KSPCB)
<b>Permission for Abstraction of Sand</b>	Office of the Department of Mines and Geology
<b>Approval for Stone Blasting</b>	Office of the District Commissioner (DC) at Karwar
<b>Environmental Impact Assessment (EIA) Report, Public Hearing Meeting Minutes and Environmental Monitoring Report</b>	Regional Office (RO) of the MoEFCC at Bangalore

### 2. Mapping the framework of approval conditions of the project

Once all the documents specified above were collected, they were studied in detail by the research team to identify and understand the conditional approval procedures applicable to the project. The various approval conditions regulating different activities and aspects of the project were identified. The different institutions that are responsible for the monitoring and compliance of the approval terms and conditions were also identified. This framework of approval conditions was used to identify if and to what extent it covered the range of impacts caused by the project. This helped to ascertain if all project impacts were legally regulated or not.

### 3. Groundtruthing of the status of project compliance

During August 2016 to December 2017, site visits were conducted at the 18 affected sites along the project area. During these site visits, more attention was paid to the impacts on farm lands, common land and forest land that were located along the proposed project, areas where blasting operations were undertaken and locations which were prone to landslides<sup>11</sup> Site visits were also carried out in the areas where access to roads, villages and public property was blocked due to the project activities. The ground level observations from the site visits were recorded through photographic evidence and GPS coordinates.

Several interviews and focus group discussions were conducted with the affected people to confirm the site visit observations, and to obtain information on the scale and intensity of impacts. A series of community meetings was also conducted to assess the impacts caused by the project, such as livelihoods loss, contamination or blocking of water bodies, landslides, restrictions on access and mobility, loss of common land and damage to public property. These methods helped collect estimated quantifiable data on the extent and nature of project impacts on communities, resources and local infrastructure. Adequate measures were taken to avoid any double counting during the exercise of collating the aggregate figures of affected people through the survey and discussions.

These site-based observations and community inputs were then compared with the framework of approval conditions of the project to identify the level of compliance and potential violations of the specific approval conditions by the project. This comparison of the ground level impacts with project approval conditions is called groundtruthing.

### 4. Quantification of project impacts and affected people

To triangulate the site visit observations and community inputs on impacts caused by this project, we also conducted primary research through surveys, interviews and focus group discussions with members of the local governments. Since the Gram Panchayat is the closest administrative unit for the affected villages, a survey questionnaire was prepared to collect information on various kinds of impacts caused by the expansion of the highway within the panchayat jurisdiction. This survey was administered across 27 panchayats which fell in the study area. The respondents were Panchayat Development Officers or elected Panchayat Representatives. The panchayat members responded to all the questions in the survey with accompanying documents mentioned below:

- Official Notices, Circulars, Letters from Competent Authority for Land Acquisition for NH-66.
- Official Records and Gram Sabha Meeting Minutes available with them.
- Complaints filed by the village residents on the impacts of NH-66, which were available with them.

The survey questionnaire (in Kannada) is given in **Annexure III**.

---

<sup>11</sup> Landslides at Karwar: Cause and Remedial Measures. (2009, October). Retrieved from <http://wgbis.ces.iisc.ernet.in/energy/paper/ETR33/content.htm>.

## **FINDINGS OF NON-COMPLIANCE BY THE PROJECT**

---

### **a. Project Details**

On March 25, 2013, the NHAI and IRB West-coast Tollway Private Limited (IWTPL) of IRB Infrastructure Developers Ltd., entered into a concession agreement to develop, operate and maintain the Goa/Karnataka Border to Kundapur section of NH-17 Project. The IWTPL was entrusted to expand this 189.6 km section of NH-17 between Goa/Karnataka Border and Kundapur in Karnataka from two to four lanes on a Design, Build, Finance, Operate and Transfer (DBFOT) basis. The concession period for the project is 28 years from the appointed date. It was noted that the concessionaire would be allowed to collect the notified user fee from the road users during this period. Therefore, in this Public Private Partnership (PPP) model, the NHAI is the public entity and IRB Infrastructure Pvt. Ltd. is the private one.

The detailed study of project documents such as EIA reports, EAC meeting minutes and EC conditions related to National NH-66 (earlier known as NH-17), shows that the project road is part of NH-66 that starts from Goa-Karnataka border and ends in Kundapur, Udupi District, Karnataka.

As per the EIA report<sup>12</sup> and the EC, the project proposal involves the widening and upgradation of the existing carriageway to four lanes from Goa/Karnataka Border at the Majali to Kundapur section of NH-17 in the state of Karnataka. The proposed road passes southward from the Goa/Karnataka border through densely populated towns/villages such as Karwar, Amadalli, Kumta, Haldipur, Honnavar, Kasarkod, Shirali, Bhatkal, Shirur, Byndoor, Maravanthe and Tallur. It also passes through the Karwar port and the Seabird project. The proposed project is a part of the National Highway Development Program (NHDP) for 4/6 laning with a total length of 189.600 km, whereas the proposed length is 187.240 km. The project passes through 120.13 km of plain terrain, 24.20 km of hilly terrain and 45.67 km of rolling and hilly terrain.

As per the EIA report, land use along the highway is predominantly agricultural and built-up land. The width of the existing Right of Way (RoW)<sup>13</sup> varies from 11 mts to 45 mts from Karwar to Bhatkal, and is 45 mts from Bhatkal to Kundapur on the project road (11 mts in the mountainous terrain and 45 mts in the plain terrain). The widening of the highway

---

<sup>12</sup> EIA Report submitted by NHAI(Available at: <https://kspcb.gov.in/PH/NH%20234%20EIA%20Report.pdf>)

<sup>13</sup> A **right of way** is a type of easement granted or reserved over the land for transportation purposes, such as a **highway**, public footpath, rail transport, canal, as well as electrical transmission lines, oil and gas pipelines.

requires additional land of 525.16 ha in the proposed RoW throughout the length of the project. Patches of reserved forests are situated along the existing RoW. So, widening of the highway would necessarily affect forest areas. Approximately 162.429 ha of forest land would be required, of which 2.629 ha consists of mangroves. As per the EC, a road section on stilts is also proposed to ensure that the mangroves remain protected. Few sections of the existing highway fall under the Coastal Regulation Zone (CRZ).

According to the project EIA Report, 2011, there are 13 major bridges, 40 minor bridges, and 606 culverts along the existing road. Bridges and culverts along the existing road are proposed to be upgraded or reconstructed during the expansion. 2 pedestrian/cattle underpasses, 4 Road Over Bridges (RUBs) and 2 Road Under Bridges (ROBs) are already present along the existing highway. In the proposed alignment, 22 underpasses (3 vehicular, 19 pedestrian and cattle) and 4 new flyovers have been proposed. There are 15 major junctions along the existing alignment. A total of 4 truck bays and 53 bus bays has been proposed. 3 new toll plazas have also been proposed. 7 m-wide service roads of 60.742 km are proposed on both sides at urban and rural built-up stretches.

According to the information available<sup>14</sup> the total cost of the project is estimated to be INR 1756.32 crore. It has been estimated that 1132 structures would be affected and the total cost of R&R would be INR 328.32 crore. The total water requirement is estimated to be 1829.868 Kilo Litres per Day (KLD). 59.09 lakh of soil, 33.17 lakh cubic mts of aggregate and 2.07 lakh cubic mts of sand would be required. It has been proposed that this sand be taken from nearby quarries/borrow areas. The cost of the EMP was proposed at INR 45 crore.

## b. Project Approvals

Highway projects, both new and expansions of existing highways require the following permissions:

**Environment Clearance (EC):** New Highway Projects and those where expansions are more than 30 km, and involve an additional 20 m wide land acquisition, are classified as Category A projects as per Schedule 7F of the EIA Notification of 2006. Thus, such projects require clearance from the MoEFCC.

The collection of documents regarding the NH-66 project revealed that the NHAI had proposed the expansion in 2011. The project was considered by the EAC in January 2012 and was granted Terms of Reference (ToR) in March 2012.<sup>13</sup> A public hearing was conducted in Byndoor in December 2012 and in Kumta in March 2013. During both these public hearings, several objections were raised. In the Byndoor public hearing, objections were raised regarding confusion about the exact nature of the expansion, non-publication of the ToR before conducting the public hearing, failure of the draft EIA report to mention turtle-nesting grounds in the Maravanthe region, and the failure of submission of the High-Tide Line and Low-Tide Line maps for the CRZ clearance.

---

<sup>14</sup>ToR submitted by NHAI (Available at: <https://kspcb.gov.in/PH/TOR.pdf>)

In Kumta, even before the public hearing took place, some of the general public had submitted some queries to the PCB Chairman, Dr. Vaman Acharya. These were mainly regarding the competence of the consultants who had prepared the draft EIA report, reasons for not including the Cotigao Wildlife Sanctuary in Goa, measures for mangrove protection on the Kumta-Honnavar road, measures for the protection of the turtle-nesting site at Apsarkonda, and the opinion of the Forest Department regarding impacts on the flora and fauna of the region.<sup>15</sup> The project proponent was asked to furnish the requisite information regarding these queries.<sup>16</sup>

The gathered public urged for the cancellation of the public hearing since the draft EIA report had not been provided in the vernacular language, and the public hearing was scheduled to take place during the election period. Despite that, the hearing was conducted.<sup>17</sup> People provided detailed submissions objecting to the project, and 2500 people who had gathered for the hearing refused to give their signatures fearing that the signatures would be used by the project proponent to claim that the people were in support of the project.<sup>18</sup>

**Coastal Regulation Zone (CRZ) Clearance:** For highway projects which are proposed in coastal areas, a CRZ clearance has to be obtained under the CRZ Notification, 2011.

The proposal was discussed in the EAC meeting in October 2013, and the committee decided that Mr. S.K. Sinha, member, EAC, would go through the original map and provide comments since the CRZ boundary was unclear. Though the project proponent had prepared the CRZ maps on the scale of 1:4000 with the help of IRS Anna University, they had not submitted the maps of scale 1:25000, which would have provided a more detailed description of the project area. The EAC was of the opinion that on account of the vastness of the project, new maps would have to be submitted by the project proponent for the project appraisal.<sup>19</sup> In its 128th meeting, which the EAC held in November 2013, members were informed that the total length of Proposed Right of Way (PRoW) was 189.6 km (from 93.7 km to 283.3 km).<sup>20</sup> The intersection of PRoW with CRZ zone is CRZ I (A) – 2.13 km, CRZ I (B) – 9.75 km, CRZ II – nil and CRZ III – 34.32 km. The part of the PRoW which was passing over CRZ I was mainly over the creeks, and it also directly overlapped 10.5 ha of mangrove area. All the above estimates were based on the original survey mapping generated by the IRS, and provided for examination. However, no information regarding the resolution of this ambiguity was found in the EAC meeting minutes or in any other documents. The Karnataka State Coastal Zone Management Authority (KSCZMA) recommended the project for CRZ clearance in September 2013. The EC was granted on 19 February, 2014.

---

<sup>15</sup>Public Hearing Proceedings.(Available at:[https://www.kspcb.gov.in/PH/Procee/NH-17-Kundapur\\_02042013.pdf](https://www.kspcb.gov.in/PH/Procee/NH-17-Kundapur_02042013.pdf))

<sup>16</sup>Id.

<sup>17</sup>Id.

<sup>18</sup>Complaint filed by National Highway Land Acquisition Resistance and Opposing Committee.

<sup>19</sup>Meeting Minutes of the 127th Meeting of the EAC, Infrastructure Development, CRZ, Building/Construction and Miscellaneous Projects held between 28th and 30th October, 2013. (Available at: [http://environmentclearance.nic.in/writereaddata/Form-1A/Minutes/0\\_0\\_11116125312111127minutesfinal.pdf](http://environmentclearance.nic.in/writereaddata/Form-1A/Minutes/0_0_11116125312111127minutesfinal.pdf))

<sup>20</sup>Meeting Minutes of the 128th Meeting of the EAC, Infrastructure Development, CRZ, Building/Construction and Miscellaneous Projects held between 20th and 23rd October, 2013. (Available at: [http://environmentclearance.nic.in/writereaddata/Form1A/Minutes/0\\_0\\_12113121712151128minutesforuploading.pdf](http://environmentclearance.nic.in/writereaddata/Form1A/Minutes/0_0_12113121712151128minutesforuploading.pdf))

It was also observed that while the application for the EC was under process, local communities had started to object to the land acquisition for the project. The *Rashtriya Heddari Bhuswadhina Virodhi Horata Samiti* (National Highway Land Acquisition Resistance Committee), Uttara Kannada – Karwar filed a complaint against the project with the National Human Rights Commission (NHRC). The main issues were land acquisition, forest and wildlife clearances, destruction of mangroves, blasting operations for making tunnels in the forest area and the submission of false data to the MoEFCC. The above-mentioned complaint was cited in the EAC meeting minutes of October 2013, and the EAC had asked the project proponent for a response. However, no further information was available about action taken against this complaint.

Agriculture and fishing are the major livelihoods in the project-affected area. The major crops cultivated are paddy, groundnut, black gram, onion, mango, cashew, fruits and vegetables. Abundant amounts of coconut, bananas, areca nut, black pepper and other spices are also grown in this region. The study revealed that more than 11000 families are dependent on the agricultural lands located along the highway.<sup>21</sup> Among them, 7000 families stand to lose their land to the project.<sup>22</sup> Only a few of them have received compensation, and the rest remain hopeful that they will receive fair compensation.

People of this region are also involved in large-scale traditional fisheries, clam collection, aquaculture and daily wage labour. More than 30,000 traditional fisher folk depend on this ecosystem.<sup>23</sup>

Regular site visits by the team, community interactions, panchayat level surveys and perusal of project-related documents revealed that although 60% of the land acquisition had been completed in the villages, NHAI had taken possession of only 30% land as on August 2018. It is estimated that 60% of the widening and construction work had been carried out in the villages by 2019. All major bridges have been constructed, but the minor bridges and culverts are under construction. Information regarding the status of construction in those stretches of the highway passing through the urban areas was not available. The absence of information about the urban areas was due to lack of information regarding construction of flyovers and by-pass connections.

**Forest Clearance (FC):** Highway projects are categorised as linear projects, and such projects require an FC under Forest Conservation Act, 1980. The FC was granted to the project on 6 May 2016.

It was mentioned in the EC which was granted in 2014 that the NHAI had submitted a detailed response on the complaint and also provided certain details to the EAC with respect to the tunnels. One of the tunnels to be constructed in Karwar is proposed after the famous London Bridge and would bypass the Karwar port. The length of the tunnel

---

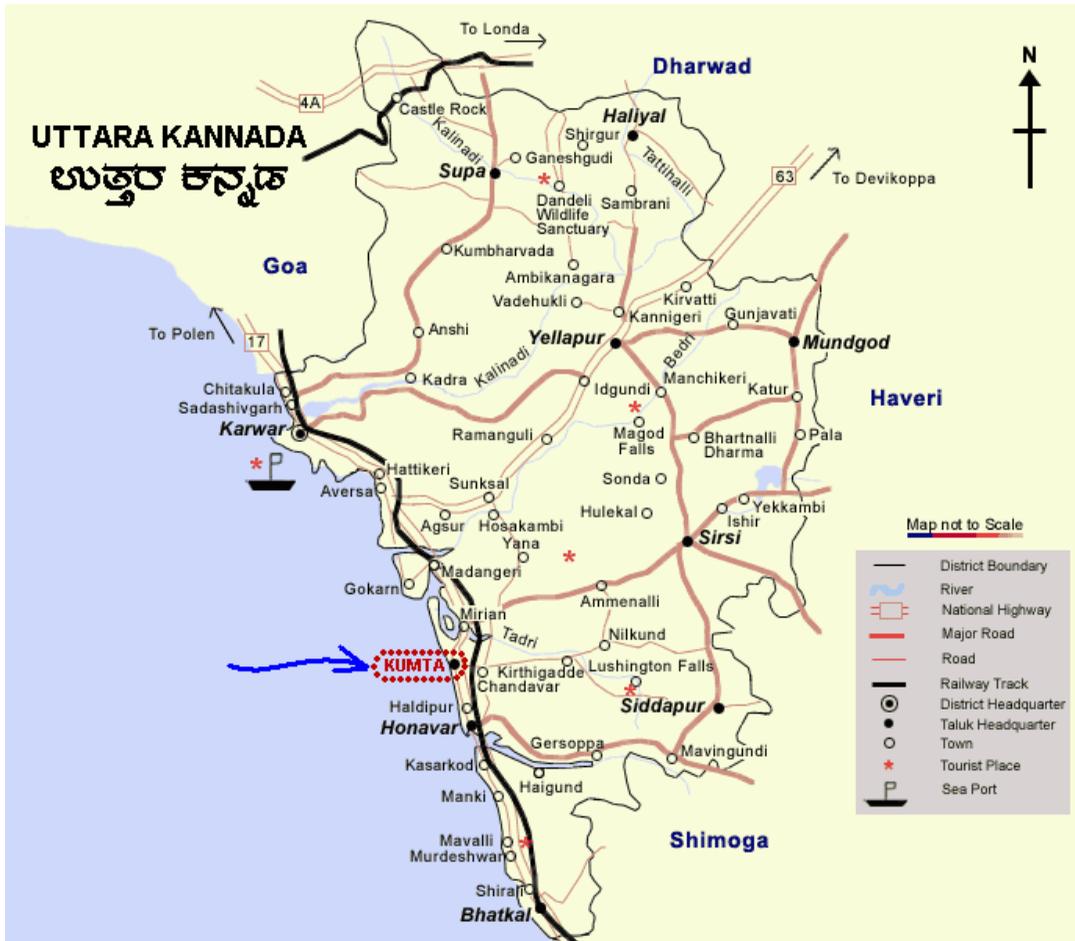
<sup>21</sup> Uttara Kannada District at Glance (2017), Uttara Kannada district statistical census report, published by District Administration, Uttara Kannada, Karwar.

<sup>22</sup> EIA report (2009) EIA report submitted by NHAI in 2009.

<sup>23</sup> Government of Karnataka, Coastal Development Authority website, accessed on October 10, 2019, <https://www.karnataka.gov.in/kkap/Pages/Home.aspx>

would be 550 mts on the Left Hand Side (LHS) and 594 mts on the Right Hand Side (RHS). The total length would be 1144 mts. Hence, it was claimed by the project proponent that no mangrove and forest land would be damaged.

The proposed project is to be located along the coastal plain from Karwar to Kundapur, in the vicinity of the Western Ghats. It passes through 6 major rivers, namely, Kaali, Gangavali, Aghanashini, Sharavati, Venkatapura, Panchagangavali, and 17 minor rivers (Map of UK). All these rivers/estuarine water bodies are rich in diversity and productivity. The area also comprises creeks and coastal drainage systems which are unique due to the Western Ghat catchment region and are also ecologically sensitive.<sup>24</sup>



**Consent to Operate and Consent to Establish (CTO and CTE):** Consent has to be obtained from the State Pollution Control Board (SPCB) under the Water (Prevention and Control of Pollution) Act, 1974 (Water Act) and Air (Prevention and Control of Pollution) Act, 1981 (Air Act). For secondary activities, CTE and CTO were obtained on November 2015.

<sup>24</sup>S. S Honnanagouder, D. Venkat Reddy, and Maneeha, A (2012), Terrain Analysis and Hydrogeochemical Environment of Aquifers of Southern West Coast of Karnataka, India. International Journal of Earth Sciences and Engineering, (05) 6:1619-1629

In January 2015, a No Objection Certificate (NOC) for blasting activities was obtained from the DC. Permission for abstraction of sand from rivers was obtained from the Department of Mines and Geology in September 2017.

It was observed by the team that in 8 locations, stone blasting activities were being carried out for widening of the road. As a secondary activity for the highway construction, 4 stone crusher units and hot-tar mix units have been established in Bogribail, Belase, Balale and Mavinkatta villages. In Mavinkatta and Shetageri, stone blasting activities are being carried out to supply raw material for the construction of the highway.

### c. Impacts of Project Non-Compliance

The present study assessed the legal status and compliance of construction and secondary activities project activities which were carried out up to August 2018. The study of the status of compliance revealed that there were several violations and non-compliances carried out by the concessionaire during project construction. The number and nature of non-compliances, presented in the following sections, were assessed by comparing the legal framework of approval conditions of the project with ground level observations. The study of the legal status of the project activities revealed that several secondary activities were undertaken without obtaining the requisite permissions or approvals from the competent authorities.

#### Compliance Status with respect to various clearances

Type of Clearance	No. of Conditions	Complied with	Not Complied with	No Information available
Environmental Clearance	Specific Conditions: 31	6	12	13
	General Conditions: 17	1	7	9
Forest Clearance	29	1	6	22
CTO for Bogribail Stone Crusher Unit	37	13	13	11
CTO for Mavinkatta Stone Blasting Unit	9	4	1	4
NOC for Sand Abstraction	18	7	2	9
NOC for Stone Blasting at Shetageri	9	4	1	4

## 1. Blasting, groundwater and river water withdrawal

### Conditions Violated:

*EC (Specific Condition no. 6) All the other clearances required for carrying out blasting shall be obtained from the competent authority including Forests and Wildlife.*

*EC (Specific Condition no. 10) Permission for groundwater withdrawal shall be obtained from the competent authority.*

*EC (Specific Condition no. 18) The project proponent shall obtain necessary permission from the State Irrigation Department before drawing water from the river sources for the purpose of the proposed construction activity.*

The EC conditions specify that forest and wildlife clearances have to be obtained for secondary activities such as blasting. The study revealed that neither the project proponent nor the concessionaire had obtained **“clearances required for carrying out blasting”** from the Forest department for any of the stone blasting units. A response from the Forest department dated 01/07/2018 to an RTI application regarding the stone-blasting unit clarified that an FC had not been granted to NHAI or any other entity to carry out blasting activities in forest land (**Annexure II Doc 1**). During the site visits, it was observed that stone blasting was being carried out in the forest areas of Binaga, Chendiya and Amadalli villages for the purpose of road widening. Interactions with the communities of Bengre and Shetageri villages revealed that the communities were severely affected by the stone blasting activities around their villages. In Bengre,



Residents of Bogribail village showing damaged crops due to dust pollution, Photo credit: Maruti Gouda

near Bhatkal, 12 houses had been damaged by heavy blasting activities and several farmlands were covered in a layer of dust. In Shetageri, village residents were deprived of access to forest land because of blasting activities taking place along their usual route and the cattle-grazing lands had been affected by the dust that was generated from the blasting.

The EC states that the project can draw groundwater only after obtaining permissions for the activity. With respect to groundwater withdrawal, an RTI response on 26/02/2018 from the Karnataka Ground Water Board, clearly states that no permission was granted to the NH-66 project for the withdrawal of groundwater (**Annexure II Doc 2**). During site visits conducted by the team, it was observed that several bore wells were installed in all four stone crusher units and withdrawal of groundwater was taking place with complete disregard of the abovementioned condition in the EC. In Bogribail, communities had filed a complaint against the excessive groundwater withdrawal by the IRB. The excessive withdrawal had resulted in a scarcity of groundwater in the village. Although a complaint was filed by village residents of Ankola with both the IRB and the NHAI, no action had been taken with respect to the same at the time this report was compiled.

The EC of the project also requires permissions to be taken before drawing river water for project construction. However, similar violations were observed with respect to the use of water from river sources. An RTI response from the Irrigation Department, dated 07/04/2018, states that no permissions were sought, and no clearances were accorded to the project proponent for the use of river water (**Annexure II Doc 5**).

## 2. Flooding, saltwater intrusion and dumping of soil on wetlands

### Conditions Violated:

*EC (Specific Condition no. 11) Rain water harvesting including oil and grease trap shall be provided. Water harvesting structures shall be located at every 500 mts along the road. Vertical drain type rainwater harvesting structures shall be set up to minimise surface runoff losses of rainwater.*

*EC (Specific Condition no. 21) Longitudinal drains shall be provided all along the project road to ensure proper drainage of the area. In addition, adequate number of underpasses and culverts to act as cross drainage structures shall also be provided.*

*EC (General Condition no. 3.b) No excavation or dumping shall be allowed on wetlands, forest areas or other ecologically valuable or sensitive locations.*

During a site visit conducted by the study team in September 2017, no longitudinal drains or vertical drains were observed along the constructed road. The EC requires longitudinal drains to be in place to arrest flooding and vertical drains in order to harvest rainwater. It was discovered during discussions with the village residents that no sufficient underpasses and culverts were provided to ensure proper drainage.

Underpasses and culverts were provided for only the large streams and creeks, whereas, small creeks which flow only during the monsoon had been blocked by the road construction. This resulted in floods in the farmland during monsoon and saltwater intrusion during summer.

In Belase village near Ankola, more than 30 acres of agricultural land was submerged due to floods in June 2018. Residents explained that the highway passed through their farm land and the height of the road was elevated by 5 feet by filling it up with soil. However, while filling up, the company did not provide any drainage facility to allow water to pass through, and this resulted in the flowing in of rain water during the beginning of the monsoon, in turn flooding the farmland. The rain water also carried with it a lot of eroded soil from the mountains, which settled in the agricultural lands, leading to increased siltation. Because of this non-compliance and its impact, around 60 families of Belase village lost the entire season's crop, and since their land had not been acquired, they did not receive any compensation. In July 2017, around 30 families of Salikeri village near Honnavar lost the season's crop as a result of similar flooding. The farmers approached the local panchayat for remedial measures. The panchayat in turn undertook remedial measures and facilitated the removal of the material which had been dumped in the creeks and streams so as to avoid any flooding in the future.



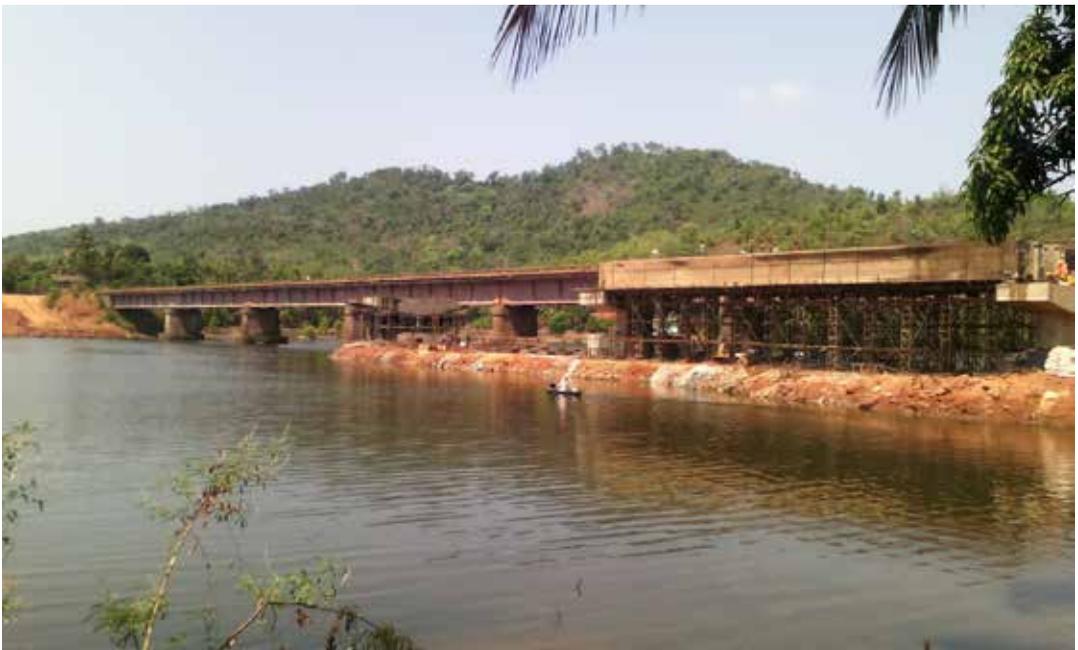
Flooding in Belase Village, Photo credit: Maruti Gouda

Another problem which resulted in saltwater intrusion and flooding was also linked to the project. The EC specifies that soil must not be dumped on wetlands. This condition was violated on several occasions in several locations by the project



Blockage of creek in Haldipur village, Photo credit: Vinod Patgar

proponent and this created serious flooding and saltwater intrusion-related problems for people who live near rivers or creeks. One such example is Chandumata village where saltwater intrusion took place in 2016. In Chandumata, which is located on the banks of Gangavali River, fertile agricultural land is cultivated by nearly 300 farmers



Blockage of Gangavali River due to bridge construction, Photo credit: Maruti Gouda

in the Ankola taluk. When the construction of the bridge was carried out over Gangavali River as part of the NH expansion, the river flow was blocked due to dumping of soil. This impacted the tidal flow pattern of the river and resulted in saltwater intrusion. This affected 300 acres of farmland, which was used to cultivate rice, groundnut, onions and other vegetables, rendering it unsuitable for cultivation.<sup>25</sup> Water also entered houses and coconut fields during the spring tide in October 2016.



Salt water intrusion in Chandumata village, Photo credit: Maruti Gouda

### 3. Soil erosion and landslides along embankments

#### Condition Violated:

*EC (Specific Condition no. 27) The embankments/slopes and the slopes left after cutting shall be provided with vegetative turning to avoid soil erosion.*

During the study, several newspaper reports and site visits by the study team revealed that the project concessionaire had not been planting vegetation along the slopes and embankments although the same was required by the EC. This was observed in several places and as a result of this non-compliance, serious soil erosion and landslides were reported several times in the last four years. The soil erosion and landslides resulted in blockage of the road and increased siltation in the farm land.

<sup>25</sup>Kohli K., Kapoor, M., Menon, M., & Viswanathan, V. (2018). *Midcourse Manoeuvres: Community strategies and remedies for natural resource conflicts in India*. New Delhi: CPR-Namati Environmental Justice Program



Landslide near Dundakuli village, Photo credit: Maruti Gouda

Additionally, the project concessionaire also created embankments and slopes along the mountains for widening the road which were left uncovered. In June 2017, one such huge mountain slope near Divgi village collapsed and slid down to the village. This particular landslide completely destroyed 8 houses and killed 3 children who were



3 children died and 10-15 houses were damaged to the landslide near Divgi village, Photo credit: Maruti Gouda

sleeping in the houses. During an interview, a resident of Divgi village said that the children had stayed home that day because of heavy rain.

#### 4. Dust pollution from stone crushers and hot-tar mix plants

##### Condition Violated:

*EC (Specific Condition no. 28) The hot-tar mix plant shall be located at least 500 mts away from habitation and on barren land to avoid its adverse impact on the human population.*

*Section 6 (1) (a), (b) and (c) of the Karnataka Regulation for Stone Crusher Act, 2011.*

The EC conditions and the Karnataka Regulation for Stone Crushers Act of 2011 specify that secondary units such as stone crushers or hot-tar mix plants are required to be at least 500 mts from human habitation. Four major stone crusher units were operational for this project. The study shows that violation of the above requirement took place in two units: a stone crusher unit and hot-tar mix plant in Bogribail village near Ankola, and a stone blasting and stone crusher unit in Mavinkatta village near Bhatkal. The stone crusher unit in Ankola violated section 6 (1) (a), (b) and (c) of Karnataka Regulation for Stone Crushers Act, 2011 that states that a stone crusher unit shall be located (a) 200 mts away from national and state highways, (b) 100 mts away from major district roads and other roads, and (c) 500 mts away from revenue villages, temples and schools. In Bogribail, the stone crusher unit and hot-tar mix plant were constructed only 20 mts away from the village, 60 mts away from nursery schools and 10 mts away from NH-63.



The crusher unit has been operational since 2014. It operates for sixteen hours a day, causing serious dust and noise pollution in the village.<sup>26</sup> Around 200 farmers belonging to 60 families are dependent on farming which has been affected by the dust pollution created by the unit. Farmers in Bogribail village grow cashew, mango, vegetables and coconut. In the flowering season between January to March, due to dust accumulation on the flowers, the yield has reduced to 50% over the years.



Collapsed mango crops due to dust pollution in Bogribail village, Photo credit: Maruti Gouda

Complaints to various authorities have been filed since January 2015. Moreover, it was stated by the villagers that the dust pollution due to the stone crusher unit has also impacted the health of the village residents. Impacts have also extended to contamination of drinking water sources such as open wells in the village. Ravi Gouda, a resident of Bogribail village, said that since 2015 the village residents have been using the water from other villages with the help of water tankers belonging to the local panchayat. In Mavinkatta village near Bhatkal, the stone crusher unit is located only 300 mts away from the village and farmers are facing dust pollution-related problems similar to the problems in the Ankola unit. Residents of Mavinkatta informed the team that a compensation amount of INR 1 lakh per acre was paid to each farmer in the village after several complaints had been filed with the NHAI.



Nursery school children playing near stone crusher unit, Photo credit: Maruti Gouda

<sup>26</sup>Kohli K, .Kapoor, M., Menon, M., & Viswanathan, V. (2018). *Midcourse Manoeuvres: Community strategies and remedies for natural resource conflicts in India*. New Delhi: CPR-Namati Environmental Justice Program

## 5. No submission of six-monthly compliance reports

### Conditions Violated:

*EC (Specific Condition no. 15) All the recommendations of the EMP shall be complied with letter and spirit. All the mitigation measures submitted in the EIA report shall be prepared in a matrix format and the compliance for each mitigation plan shall be submitted to MoEF along with half yearly compliance report to MoEFCC-RO.*

*EC (Specific Condition no. 16) The project proponent shall also submit six monthly reports on the status of compliance of the stipulated clearance conditions including results of monitored data (both in hard copies as well as by email) to the respective regional office of MoEF, the respective zone office of CPCB and the SPCB.*

*EC (General Condition no. 10) A six-monthly monitoring report shall need to be submitted by the project proponents to the RO of this Ministry regarding the implementation of the stipulated conditions.*

*FC (Specific Condition no. 27) The user agency shall submit the annual self compliance report with respect to the above conditions to the state government and to the concerned RO of the MoEFCC.*

The EC requires the submission of six-monthly compliance reports by the project proponent. Information collected from the RO, MoEFCC in Bengaluru indicates that these compliance reports had not been submitted regularly, and therefore, several notices were issued. On April 2017, the Regional Office (RO), MoEFCC in Bengaluru issued a notice (**Annexure II Doc 3**) which stated that *“as per the condition no.16 in the Environmental Clearance letter, it is mandatory to submit six monthly reports pertaining to the period April to September and October to March each calendar year on the status of compliance to the stipulations in the Environmental Clearance letter including the results of monitoring data. However, this office has not received any such report from year end to February 2015.”*

In another notice issued on November 2017 by the RO, MoEFCC in Bengaluru (**Annexure II Doc 4**) it is stated that *“on perusal of the records pertaining to your project, it is observed that your company has been a defaulter in the submission of half yearly compliance report which in itself is a violation that can lead to action and recall of the Environmental Clearance already issued. The Regional office of MoEFCC shall hereafter view seriously any leniency in the submission of half yearly compliance reports by your firm and you are hereby requested to take adequate steps and ensure the timely submission of the same.”* It is clear from both these notices that the project proponent has been repeatedly failing to submit compliance reports. This is a serious concern for monitoring of compliance of the clearance conditions by the ministry, which has resulted in poor implementation of environmental safeguards by the project concessionaire. Due to the lack of regular reporting and monitoring, several environmental issues have been left unresolved. This is against the spirit of clause 10 of the EIA Notification 2006, which speaks about the necessity to carry out post-clearance monitoring.

## 6. Non-compliance of other laws and compensation arrangements

### Conditions Violated:

*EC (Specific Condition no. 11) R & R shall be as per the guidelines of state/central government.*

*EC (Specific Condition no. 13) Indian Road Congress (IRC) guidelines shall be followed for widening & upgradation of road.*

With respect to land acquisition, guidelines specified by either the state or the central government are required to be followed as per the EC. Similarly, with respect to road widening and upgradation, the IRC's guidelines are required to be followed. A study of the land acquisition documents revealed that although the land would be acquired under National Highway Act, 1956, it was possible that the compensation, rehabilitation and resettlement could be carried out according to the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement (RFCTLARR) Act of 2013. This was on account of an order passed by the Central government in 2015 under section 105 of the RFCTLARR, whereby, the benefits of compensation, rehabilitation and resettlement in the RFCTLARR were extended to the 13 other acts related to land acquisition, which are excluded from the scope of the RFCTLARR. One of these 13 acts is the National Highway Act, 1956. The benefits under RFCTLARR would however apply to only those acquisitions which took place after 2015. For the ones before 2015, the National Rehabilitation and Resettlement Policy of 2007 would be used.

In this project, R&R was not provided and only compensation was paid to the people who lost their land. Many community members who lost their land complained about the ruthless procedure that the NHAI/IRB follow for land acquisition. Many of them have filed complaints stating that an eviction notice was served with only a 15-day prior notice and that only partial compensation was paid. The village residents were asked to approach the NHAI headquarters in Mangalore if they had further queries. The residents also stated that houses were demolished by the IRB with the support of the police in early hours of the morning, and before the amount of compensation due was determined. They stated that the 15-day notice period did not provide them with sufficient opportunity to challenge the compensation amount and the acquisition procedure.

Many people in the area were undergoing displacement for a second time. One such example is the eviction of the residents of 137 houses in Arga village near Karwar. In 1984, the Seabird Project, was proposed in Karwar.<sup>27</sup> The project led to the displacement of almost 32,645 people belonging to 4,444 households from 13 villages. The Seabird Project acquired 10,338.127 ha of coastal land in Karwar and Ankola taluks.<sup>28</sup> The majority of households displaced were fisher folk and they resettled in some large colonies along

<sup>27</sup>Sharma, R. (1998, August). For a Base at Karwar. Retrieved from <https://frontline.thehindu.com/static/html/fl1518/15180680.htm>.

<sup>28</sup>Chapter 2, "Background of the Seabird Project", Available at: [https://shodhganga.inflibnet.ac.in/bitstream/10603/96371/10/10\\_chapter%202.pdf](https://shodhganga.inflibnet.ac.in/bitstream/10603/96371/10/10_chapter%202.pdf)

the coast. They lost their traditional fishing grounds and are being forced to make do with the remaining marine region.<sup>29</sup> Many of them are still fighting for compensation for the land they lost during the years 1984-1999.<sup>30</sup> 137 families who lost their land to the INS Kadamba Project from Arga village have resettled by the side of the village in 1999 beside the old highway. They now face the threat of being displaced for a second time, and are thus directly affected by the on-going expansion of the highway.

Thirty years have passed since the first acquisition in these areas, and the on-going expansions are expected to displace these families for the second time. Many of the families are still living on the land assigned to them by the Naval Base rehabilitation schemes. Obtaining compensation from NHAI is a big challenge because of the combined ownership of the land between the Naval Base and the community. Chandru Naik (67) said that in 1999, the village residents were displaced by the Naval Base in the early hours of one morning, and were left homeless for months until they were able to resettle on the other side of Arga village. In 2018, they again lost their homes and 4 gunta or 0.10 acres land due to the National Highway expansion. The NHAI also demolished the resettlement village with police protection in the early hours of the morning. Chandru Naik has lost his family land twice. He is left with compensation money in the bank and an ongoing court case with the Naval Base, but he has no home to live in. He said “we were not born refugees, but the government made us so in the name of development and national interest.”

*Specific condition no. 13 in the EC states that “IRC guidelines shall be followed for widening and upgradation of roads.”* However, this is such an ambiguous condition that it becomes difficult to understand whether it is being complied with or not. There are several IRC guidelines for various operations, and the approval condition implied does not explain which of the many IRC guidelines are to be followed. Such ambiguous conditions create scope for the justification of non-compliance due to lack of clarity. During the study, residents of the villages, NHAI officers and local district administrative authorities were spoken to in order to understand which specific IRC guidelines were required to be followed. The government authorities suggested that the safety norms of the IRC guidelines ought to be followed, but they again failed to provide any specific details regarding the same.

At the time of construction of the highway near Kodibagh near Karwar city, the project authorities increased the height of the road by 10 feet, due to which access to the beach was blocked. Fisher folk living in that area were concerned about not being able to get direct access to the beach, and they requested for construction of an underpass bridge in order to be able to access the beach. A complaint was filed with the DC, Karwar by some fisher folk requesting that the IRC guidelines be followed during the highway construction in Kodibagh, Karwar. However, no response from the DC was received.

---

<sup>29</sup>Chapter 4, “Socio-Economic consequences due to Seabird Project Displacement”, Available at: [https://shodhganga.inflibnet.ac.in/bitstream/10603/96371/12/12\\_chapter%204.pdf](https://shodhganga.inflibnet.ac.in/bitstream/10603/96371/12/12_chapter%204.pdf)

<sup>30</sup>Deccan Herald. (March 13, 2012), Land Losers in Troubled Waters. Retrieved from <https://www.deccanherald.com/content/234234/land-losers-troubled-waters.html>

# Case Study: Violations of the Stone Crusher unit at Bogribail

A CTO was granted to Modern Road Makers Pvt. Ltd. (A subsidiary of IRB Infrastructure Developers Ltd.) by the KSPCB on 7 November, 2015 to operate a stone crusher unit at Bogribail village near Ankola. The consent was granted under the Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981 and the Karnataka Regulation of Stone Crusher Act, 2011. The consent was valid up to 30/06/2016 (**Annexure II Doc 6**) and it was not renewed after that until April 2018. When the present study was carried out, the stone crusher unit was operational without a valid consent. This was a clear violation of the Water Act, 1974 and the Air Act, 1981 and section 4 of the Karnataka Regulation of Stone Crusher Act, 2011. Below are some of the observed violations of the consent conditions granted to the stone crusher unit:

## i. No action on public complaints

*In case of any public complaint due to operation of unit in respect to air pollution, industry shall stop its operation completely. (Condition no.5)*

In June 2014, IRB infrastructure established a stone crusher unit and hot-tar mix plant in Bogribail village. The unit used to operate for 16 hours a day and used heavy machinery to crush stones into powder for the tar-mix plant. As mentioned earlier in this report, the unit is located in very close proximity to the village and the nursery school, and this is thereby a violation of the Karnataka Regulation of Stone Crusher Act, 2011. Residents of the villages near the plant filed several complaints of dust pollution caused by the stone crusher unit, but so far no action has been taken by any authority (**Annexure II Doc 7**).



Newspaper report about the hot-tar mix 2017

## ii. Water pollution on account of a restraining wall not being built

*Whenever the stone crusher unit is in the vicinity of a water body, the unit must have a restraining wall between its premises and the water body to prevent carryover of fine dust to the water body in the rainy season. (Condition no. 6)*

The unit is located near a water body and agricultural land, but a restraining wall has not been installed. Therefore, dust enters the water body during monsoon, and also contaminates the agricultural land. Due to non-compliance of this condition, residents of the village have not been able to use drinking water from open wells since last three years. Dust also accumulates on water sources used for agriculture.



Compound wall at the stone crusher unit, Photo credit: Maruti Gouda



Water pollution due to stone blasting near Mavinkatta Village Bhatkal, Photo credit: Vinod Patgar

### iii. Dust Pollution due to non-existence of a green belt

*Minimum five rows with a minimum 50 mts wide green belt of tall growing leafy trees should be planted around the crusher plant to minimise dust and improve aesthetic appearance. (Condition no. 7)*

Site observations revealed that there was no such green belt or a single row of trees around the crusher unit. Non-compliance of this condition has caused serious dust pollution in Bogribail village. Dust enters the houses constantly and female residents have been complaining about not being able to keep their homes and surroundings clean.



Bogribail stone crusher unit, Photo credit: Maruti Gouda



Dust pollution due to stone crusher unit at Bogribail village Ankola, Photo credit: Maruti Gouda

#### iv. Dust Pollution due to non-installation of preventive devices

*The applicant shall construct bunkers for storage of fine dust with a wind breaking wall, water sprinkling arrangement, etc. to mitigate the dust during the windy days. (Condition no. 8)*

*The Industry shall provide all around covering of the premises using G.I. sheet (1.66 mm and 1.25 mm thickness) for a height of 6 mts and provide Netlon-mesh up to 30 feet with a regular water sprinkling arrangement to suppress the dust generation. (Condition no. 6)*

Wind breaking walls have been installed at the unit, but the walls have been damaged, and thus the pollution remains unmitigated.



No wind breaking wall at Bogribail stone crusher unit, Photo credit: Maruti Gouda

## **SCALE OF IMPACTS BY PROJECT ACTIVITIES**

---

The groundtruthing exercise to identify legal violations by the project and the legal status of the different project activities revealed that several impacts of the project were caused by non-compliance of regulatory safeguards by the project. However, many impacts like landslides and flooding had not been adequately assessed in the EIA report based on which the environment clearance was granted. As a result, there were few or no legal conditions or safeguards imposed on the project through the approvals to mitigate the impacts caused by these activities.

The project caused impacts such as loss of lives, livelihoods, and also damage to common lands, public infrastructures and private properties. It also caused damage to public utilities, homes, farmlands, forest areas, and caused severe landslides, flooding and health problems due to dust pollution. These impacts were a result of specific activities carried out during the highway construction, and have disrupted the lives of village communities in coastal Uttara Kannada. The impacts are categorised according to the corresponding project activities by which they are caused and presented below:

### **a. Road construction:**

This activity was carried out to widen the existing national highway, and involved acquisition of private land and acquisition of common land, forest land and other revenue lands. Although compensation may have been provided for the acquired private land, in the process of road construction and widening by filling of the acquired land, adjacent farm lands, private land, common land, water bodies and drainage systems were adversely affected. The EIA report identified that along the RoW there are 13 water tanks, 1 pond, 3 hand pumps and 1 bore well. The EIA did not provide details of other Common Property Resources (CPRs) which would be taken over by the project. With respect to these public utilities and CPRs, the EMP stated that they would be relocated before the commencement of construction. However, there is no information available with NHAI Mangalore regional office regarding compensation provided or relocation done in case of loss of CPRs.

Several public utilities such as water tanks, pipelines, bore wells, schools and panchayat property were destroyed or damaged during the road construction. Complaints in this regard were filed with the NHAI, but no response has been received. One such example is in Vandige village near Ankola where a pipeline supplying drinking water was destroyed during the highway construction, and the residents were deprived of drinking water for three months in the summer of 2017. Later, the panchayat came forward to repair the pipeline.



Damaged pipeline near Vandige Village Ankola, Photo credit: Maruti Gouda

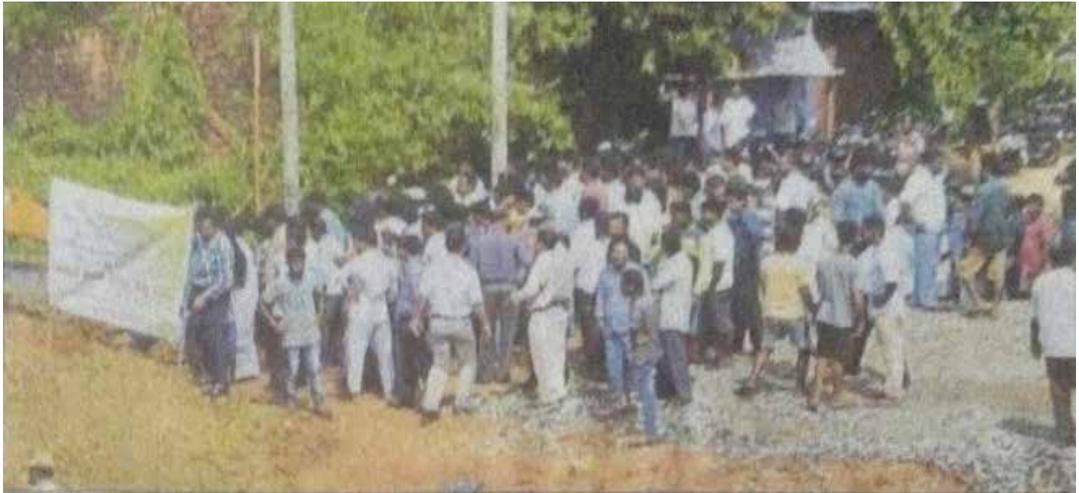
One of the major impacts identified was road construction impacts in the *ghat* sections of the project. The EIA report makes note of the fact that the area is geologically fragile, but does not go any further to demarcate particularly fragile areas. In terms of mitigating the impacts resulting from landslides, the report just goes on to mention that the highway and other structures have to be of the highest standards. Many locations in the project area are prone to landslides as recognised in a 2009 Western Ghats Task Force report titled “Landslides in Karwar, Uttara Kannada”.<sup>31</sup> The report details out the places in which landslides have taken place and also lists out the areas which are prone to landslides. These locations are not identified by the EIA report. Many mountain slopes were left uncovered during the monsoon.



NH work in progress near Shiroor Bhatkal, Photo credit: Vinod Patgar

<sup>31</sup>Landslides at Karwar: Cause and Remedial Measures. (2009, October). Retrieved from <http://wgbis.ces.iisc.ernet.in/energy/paper/ETR33/content.htm>

Widening of the road, and dumping of construction materials and waste has also blocked several creeks along the stretch, thus leading to flooding of rain water in villages and farm lands during monsoon, and intrusion of saltwater during summer. In some cases, road construction also involved increasing the height of the road that led to blockage of the roads and blockage of access to the other side of the highway. In one such instance, fisher folk of Kodibag were deprived of access to the beach in front of their houses since the highway passes between their houses and the beach.



## b. Stone blasting:

Stone blasting is carried out for two purposes: 1) to widen roads in mountainous and rocky regions, and 2) to supply stones to the stone crusher unit for preparation of construction materials. In both cases, stone blasting is carried out by initiating controlled explosions. Although the EIA report mentions that blasting may lead to damage, the mitigation measures prescribed are very vague and only speak of controlled blasting without giving any parameters as to how the same is to be done.

In the current highway project, stone blasting is being carried out at 11 sites, out of which at 8 sites, blasting is carried out for the purpose of widening of the road, and at the remaining 3 sites, blasting is being carried out to supply construction material. An assessment of their impacts was conducted at all 11 sites and villages surrounding them. The assessment revealed that the major impact that the communities faced was damage to their houses and property due to heavy explosions. For example, the stone blasting unit in Mavinkatta village near Bhatkal was operational in the forest land without any forest clearance. Regular intense blasting near this village damaged roofs and walls of 30 houses. Further, village residents also complained of severe dust pollution due to the blasting and stone crushing activities



Damaged house due to stone blasting near Mavinkatta, Bhatkal  
Photo credit: Vinod Patgar

that affected 40 acres of farmland. They also complained that they were deprived of grazing land and common forest resources since the blasting activity began in the area.

Another major impact which many residents complained about, and which was also covered in press reports, was the stone blasting activity along public roads being conducted without prior notice. Blasting was done even while the road was in use for public transportation. In Chendiya, in Amadalli village near Karwar and Karki village near Honnavar, stone blasting was being carried out beside the existing national highway which was open for transportation, putting the public at risk. Due to the negligence in handling stone boulders, several accidents and injuries were caused..



Stone blasting near Amadalli, Karwar, Photo credit: Vinod Patgar



Stone Blasting near Chendiya, Karwar, Photo credit: Vinod Patgar



Stone blasting near Arga, Karwar, Photo credit: Vinod Patgar

### **c. Construction of bridges:**

For the current project, 13 major bridges and 40 minor bridges are under construction, and construction of 606 culverts for small creeks is under progress. In the current study, it was observed that the construction caused blockages in the flow of two rivers and 87 minor creeks. Excessive digging in river banks and dumping of construction waste in the river was also observed. One of the major impacts reported was flooding of rain water in the agricultural fields and villages during the monsoon.

### **d. Secondary activities:**

Secondary activities include stone crusher units, hot-tar mix plants, storage yards and stone blasting units. In this study, the impact of the stone crusher units on livelihood and health of the people living near the units has been studied. As stated earlier in the report, these units operate for many hours of the day, cause severe noise, air and water pollution, and flout the safeguard norms for mitigating these impacts. They cause distress to communities as they are located close to the villages and public amenities like schools, making young children particularly vulnerable to dust and noise pollution. The dust has affected standing crops in the fields nearby.

### **e. Quantification of impacts:**

This report presents an assessment of the impacts caused by the project activities observed in the study. The impacts were assessed through methods such as site visits, community meetings and group discussions with affected people. The study also aimed



Damaged crops due to stone crusher unit at Bogribail, Ankola, Photo credit: Maruti Gouda

to quantify the impact in a presentable format. To do this, a questionnaire survey was carried out in 27 panchayats that are within the project area. The main data collected was regarding the major impact in the panchayat area, the number of complaints received by the panchayat, the total population that was affected, the total area of agricultural land affected, the total number of water bodies affected, the total number of public properties destroyed and the total loss of common land to the highway project in the panchayat jurisdiction. Three broad types of damages were assessed through the survey. The estimated affected population, agricultural land affected and other aspects were calculated using the data provided by each panchayat against the types of damages studied through the survey form. The information provided by the panchayats was supported by the official records with the panchayat or the complaints filed with them by the affected community members. Information obtained from these methods and from other secondary sources was analysed and impacts were estimated, all of which is presented below.

### **Types of damages assessed:**

1. Damage to property and life caused by construction activities
2. Damage to farmlands as a result of blocking of creeks and streams
3. Exposure of people and crops to dust pollution

Impacts	Area Impacted	Instances / occurrence	Estimated population affected	Estimated population affected
Landslides		47	No data available	
Farmland destruction due to flooding, saltwater intrusion or dust pollution	617 acres	43	4000	4000
Loss of common land	6.5 acres	9	3600	3600
Destruction and blocking of public roads	-	123	7260	7260
Destruction of water facilities	-	121	19960	19960
Destruction of public buildings and infrastructure	-	151	11320	11320
Blockage of streams and creeks	-	80	3388	3388
Dust Pollution from construction activities affecting farmland and health	250 acres	9 villages	4900	4900

The survey conducted with members of the local panchayats from May 2018 to August 2018 revealed that villages under 27 gram panchayats have been affected by this project. It was understood that 382 complaints had been filed with the local panchayats and various administrative institutions regarding the problems caused by the project. The impacts of the highway expansion have been a matter of dispute in almost every village, taluk, and zila panchayat meeting. It has also been a matter of concern for town municipalities, forest and revenue departments, as well as the district administration.

The total population in the area covered by these 27 panchayats is 2,10,238<sup>32</sup>, out of which approximately 44000 people have been estimated to be affected by the NH expansion project. Multiple instances of flooding, saltwater intrusion, dumping or dust pollution due to construction and secondary activities of the project have adversely affected approximately 617 acres of farmland across 20 panchayats. These figures have been retrieved from the complaints filed by affected people at the panchayat level, Minor Irrigation Department and the Agriculture Department. Our case studies and newspaper articles<sup>33</sup> suggest that altogether, more than 4000 farmers dependent on these farmlands have been affected due to crop damage and damage to agricultural lands.

47 cases of landslides were reported in villages and on public roads. In one such landslide, 8 houses were destroyed and 3 children lost their lives. The Shiroor Panchayat

<sup>32</sup>Uttara Kannada District at Glance (2017), Uttara Kannada district statistical census report, published by District Administration, Uttara Kannada, Karwar.

<sup>33</sup>Vijayavani Kannada Daily, on 16, October, 2017

received complaints from 30 households which reported wall and roof damages owing to regular intense blasting near the village. According to our site visit, in Shiroor village, where stone blasting was carried out for widening of the road, the blasting damaged 23 houses. This was also reported in the media.<sup>34</sup>



Damaged house due to stone blasting near Bogribail, Ankola, Photo credit: Maruti Gouda

As per the survey, 123 public roads were estimated to have been blocked due to highway construction affecting 129 villages. These blockages affected a population of 7260 people residing in these areas. Surveys conducted at the panchayat level also showed that 75 structures built as part of public welfare schemes and common properties belonging to the local panchayats were destroyed by this project. Further, 76 public facilities, such as school buildings, public toilets, primary healthcare centres, and APMC properties were damaged partially.

Panchayats take care of water supply in each village through the management of water pipelines, water tanks, public wells and bore wells. After the highway construction began, many village residents complained about water supply problems due to damage to water tanks, pipelines, and loss of government wells. It is estimated that 121 water supply facilities had been damaged since the commencement of the project. Almost 19960 people residing in these 27 panchayats were adversely affected by the loss and damage of water related public infrastructures.

As per the notices issued to the 27 panchayats by the competent authorities regarding survey numbers and takeover of panchayat land, a total of 6.5 acres of common land was acquired, such as cremation grounds and grazing lands, adversely affecting around 300 people, since alternate land was not made available by the project proponent.

---

<sup>34</sup>News report 5. Kannada Prabha Daily news report, Newspaper report 6- KaravaliMunjavu, Kannada daily 18, May 2019



Salt water intrusion in Chandumata vilage, Photo credit: Maruti Gouda

Another major set of impacts reported during the survey was flooding during the monsoons due to blockage of the water flow. There are more than 460 streams, creeks, rivers flowing from the Western Ghats and into the expanse of the coastal plain from Karwar to Kundapur. Some of them flow perennially, while many of them flow only during the monsoon season. The project proponent had promised that sufficient bridges, water underpasses and culverts would be constructed to maintain the natural water flow. However, the study revealed that the project proponent did not take into consideration many of the seasonally flowing creeks and rivers. This created a drainage problem in the coastal areas. During the construction, many streams and creeks were blocked due to the construction of the highway and some were blocked due to dumping during the construction.

According to the survey, complaints were made regarding the blockage of streams and creeks during construction in 80 locations. In 2017, due to flooding alone, 3388 people were estimated to be affected in at least 43 villages along the stretch from Karwar to Kundapur. Areas were also deprived of natural water flow through the farmlands located on the other side of the highway due to adverse impacts of the construction on the tidal flow in coastal estuaries and rivers. The residents of these areas approached the local panchayat for relief.

In 2017, the construction activity of the bridge at Gangavali resulted in the blockage of the Gangavali River, and during the high tide, saltwater entered the farmland thus damaging the paddy crop in 170 acres in Chandumata village, and adversely impacting around 900 people dependent on these farmlands. This was also reported in the media.<sup>35</sup> In June 2017, residents of Haldipur village made an official complaint to their panchayat reporting damage to 30 acres of farmland by flooding caused due to river blockage.

<sup>35</sup>(News Report 3. KaravaliMunjavu Kannada daily on November 15, 2017)



Flooding due to blockage of creek near Salikeri village, Photo credit: Vinod Patgar

Secondary activities such as stone crusher units and hot-tar mix plants, stone blasting units and dumping yards have also affected the communities that live near the project site. The dust pollution created by the stone crusher and stone blasting units has had a serious impact on the health and livelihood of the people. It is estimated that 270 acres of land in Ankola, Bhatkal and Byndoor, where these units operate, has been affected. A total of 1890 people are dependent on these farm areas covering 7 villages that are affected by dust pollution. Over 4900 people residing in nine villages have also been exposed to the effects of dust pollution due to these secondary activities taking place in their vicinity.



Bogribail village residents, Photo credit: Maruti Gouda

# CONCLUSION

---

As of June 2019, the expansion of NH 66 from Karwar to Kundapur is still underway. As discussed in this study, it has already impacted the lives and livelihoods of many coastal families of Uttara Kannada. This is in addition to damaging the ecology of the region and the intricate livelihood arrangements between communities and land and waterscapes. The summary of the findings by this groundtruthing study are as follows:

- The project EIA Report did not estimate the population that would be affected by environmental impacts. It gave only the estimate of people who would be affected by land acquisition for the project. As per the EIA report approximately 2602 structures/households comprising of 3953 population would be affected by the project. As per our study, more than 44000 people are affected by various project activities and related impacts.
- Permissions which were specified in the EC were not taken by the project proponent, as a result of which many activities undertaken for the project are illegal. These unregulated activities have seriously affected the lives of communities. The regulatory bodies have largely failed to address non-compliance and illegal operations of the project.
- Lack of adequate safeguards and non-implementation of legally mandated safeguards have put the lives of many people at risk and even caused death and destruction of private and public property.
- The once-displaced oustees of INS Kadamba, female residents and children are particularly affected by the project-siting and impacts.
- Many complaints have been filed by the affected people and protests have been undertaken by them to obtain remedies for these impacts. There has been little or no response to these from the concerned institutions, and almost none from the project proponents. There has been delay in enforcement or leniency in action on non-compliance reported by affected communities.
- The government mechanism has only chosen to provide compensations in an arbitrary and selective manner to some affected people. It has failed to uphold the principle of rehabilitation of project-affected people.

# ANNEXURE I

**Table 1: Details of Site visits conducted for the study.**

Date	Village	Taluka	Details of information
06/09/2017	Bogribail	Ankola	Collected information about the stone crusher unit.
06/09/2017	Chandumata	Ankola	Collected information about salt water intrusion in the area.
07/09/2017	Shadashivgadh	Karwar	Collected information about stone blasting in the area.
15/09/2017	Mavinakatta	Bhatkal	Collected information about stone blasting in the area.
16/09/2017	Salikeri	Honnavar	Collected information about rain water flooding the area.
19/09/2017	Shiroor	Baindoor	Collected information about landslides in the area.
20/09/2017	Shadashivgadh	Karwar	Collected information about stone blasting, flooding and a road blockage issue in Sarvodaya Nagar.
21/09/2017	Siddanabavi	Kumta	Collected information about the bypass which was being constructed.
21/09/2017	Tanneerkuli	Kumta	Collected information about landslides in the area.
21/09/2017	Dundakuli	Kumta	Collected information about creeks being blocked in the area.
05/01/2018	Ankola	Ankola	Conducted a taluk level meeting with the Gram panchayat presidents, the Panchayat Development Officer (PDO) and members of Taluka panchayat discussing the various issues linked to the highway issues in Ankola.
10/01/2018	Vandige	Ankola	Collected information about pipeline damage
10/01/2018	Ambedkar colony	Ankola	Collected information about damage to water sources.
08/03/2018	Mavinkatta	Bhatkal	Collected information about stone blasting.
12/06/2018	Shiroor	Ankola	Collected information about stone blasting.
12/06/2018	Belase	Ankola	Collected information on flooding.

**Table 2: Details of survey conducted in the village panchayat for the study.**

Date	Village	Taluka	Details of informtion
27/07/2018	Mirjan	Kumta	Panchayat properties damaged
27/07/2018	Divagi	Kumta	Landsliding
31/07/2018	Hattikeri	Ankola	Service road
31/07/2018	Alageri	Ankola	Stone crusher unit
31/07/2018	Vandige	Ankola	Pipeline and water source damaged
31/07/2018	Belase	Ankola	Salt water intrusion
01/08/2018	Amadalli	Karwar	Stone blasting
01/08/2018	Chendiya	Karwar	Stone blasting
02/08/2018	Belake	Bhatkal	Service road
02/08/2018	Kelaginooru	Honnavar	Access blockage
02/08/2018	Kasarkod	Honnavar	Access blockage
06/08/2018	Majali	Karwar	Stone blockage
06/08/2018	Chittakula	Karwar	Creek blockage
08/08/2018	Honnavar	Honnavar	Access blockage
08/08/018	Karki	Honnavar	Landsliding
08/08/2018	Haldipur	Honnavar	Creek blockage
08/08/2018	Devagiri	Kumta	Access blockage
10/08/2018	Vasurkudrige	Ankola	River blockage
10/08/2018	Hiregutti	Kumta	Access blockage
10/08/2018	Bargi	Kumta	Access blockage
13/08/2018	Manki	Bhatkal	Service road/ Under pass
13/08/2018	Anantavadi	Bhatkal	Creek blockage
13/08/2018	Bailoor	Bhatkal	Access blockage
13/08/2018	Shirali	Bhatkal	Service road
13/08/2018	Bengre	Bhatkal	Stone blasting
14/08/2018	Mavalli	Bhatkal	Access blockage
14/08/2018	Sagadageri	Ankola	Stone blasting

**Table 3: Details of community meeting conducted for the study.**

S.I No	Date	Village	Taluka	Details of information
1.	15/02/2017	Bogribail	Ankola	Stone crusher unit
2.	20/09/2017	Chandumata	Ankola	Salt water intrusion
3.	16/10/2017	Sarvodaya Nagar	Karwar	Access blockage
4.	12/06/2018	Shiroor	Ankola	Stone blasting
5.	09/08/2017	Mavinakatta	Bhatkal	Stone blasting
6.	21/09/2017	Dundakuli	Kumta	Creek blockage
7.	19/09/2017	Haldipur	Honnavar	Creek blockage
8.	10/01/2018	Vandige	Ankola	Pipeline damage
9.	21/08/2018	Arga	Karwar	Compensation
10.	31/01/2018	VasurKudrige	Ankola	Salt water intrusion

# ANNEXURE II (DOC 1)



ಉಪ ಅರಣ್ಯ ಸಂರಕ್ಷಣಾಧಿಕಾರಿಗಳ ಕಚೇರಿ, ಹೊನ್ನಾವರ ವಿಭಾಗ, ಹೊನ್ನಾವರ -581334

OFFICE OF THE DEPUTY CONSERVATOR OF FORESTS, HONAVAR DIVISION, HONAVAR-581334

ದೂರವಾಣಿ : 08387-220235

ಫ್ಯಾಕ್ಸ್ ನಂ: 0.08387-221170

ಕ್ರ.ಸಂ.ಬ2/ಜಿಎಫ್.ಎಲ್/ಮಾ.ಹ.ಅ/ಸಿಆರ್-14/2018-19 ಹೊನ್ನಾವರ. ದಿನಾಂಕ: 1 -07-2018.

ಇವರಿಗೆ,

ಶ್ರೀ ಮಾರುತಿ ಅಶೋಕ ಗೌಡ.

ಸ್ನೇಹಕುಂಜ,

ಮೋ: ಕಾಸರಕೋಡ.

ತಾಲೂಕು ಹೊನ್ನಾವರ

ಮಾನ್ಯರೇ,

ವಿಷಯ: ಮಾಹಿತಿ ಹಕ್ಕು ಅಧಿನಿಯಮ 2005 ರಡಿ ಮಾಹಿತಿಯನ್ನು ಒದಗಿಸುವ ಕುರಿತು.

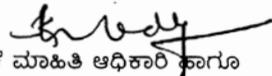
ಉಲ್ಲೇಖ ನಿಮ್ಮ ಅರ್ಜಿ ಸಂ. ದಿನಾಂಕ: 24-07-2018.

=====

ನೀವು ಮಾಹಿತಿಹಕ್ಕು ಅಧಿನಿಯಮ 2005 ರಡಿಯಲ್ಲಿ ಉಲ್ಲೇಖ ಪತ್ರದಲ್ಲಿ ಕಾರವಾರದಿಂದ ಕುಂದಾಪುರದ ವರೆಗಿನ ರಾಷ್ಟ್ರೀಯ ಹೆದ್ದಾರಿ 66 ರ ವಿಸ್ತರಣಾ ಕಾಮಗಾರಿಗಾಗಿ ಕಲ್ಲು ಸ್ಫೋಟ (Stone blasting) ಮಾಡಲು ಅರಣ್ಯ ಇಲಾಖೆಯಿಂದ ನೀಡಲಾದ ಪರವಾನಿಗೆ ಪತ್ರದ ಪ್ರತಿಯನ್ನು ಕೋರಿ ಅರ್ಜಿ ಸಲ್ಲಿಸಿರುತ್ತೀರಿ.

ಆದರೆ, ಕಾರವಾರದಿಂದ ಕುಂದಾಪುರದ ವರೆಗಿನ ರಾಷ್ಟ್ರೀಯ ಹೆದ್ದಾರಿ 66 ರ ವಿಸ್ತರಣಾ ಕಾಮಗಾರಿಗಾಗಿ ಕಲ್ಲುಸ್ಫೋಟ (Stone blasting) ಮಾಡಲು ಅರಣ್ಯ ಇಲಾಖೆಯಿಂದ ಯಾವುದೇ ಪರವಾನಿಗೆ ನೀಡಿರುವುದಿಲ್ಲ. ಎಂಬುದನ್ನು ಈ ಮೂಲಕ ನಿಮಗೆ ತಿಳಿಸಿದೆ.

ನಿಮ್ಮ ವಿಶ್ವಾಸಿ,

  
ಸಾರ್ವಜನಿಕ ಮಾಹಿತಿ ಆಧಿಕಾರಿ ಹಾಗೂ  
ಉಪ ಅರಣ್ಯ ಸಂರಕ್ಷಣಾಧಿಕಾರಿ,  
ಹೊನ್ನಾವರ ವಿಭಾಗ, ಹೊನ್ನಾವರ.

# ANNEXURE II (DOC 2)



ಕರ್ನಾಟಕ ಸರ್ಕಾರ

ಹಿರಿಯ ಭೂವಿಜ್ಞಾನಿ, ಜಿಲ್ಲಾ ಅಂತರ್ಜಲ ಕಛೇರಿ, ಅಂತರ್ಜಲ ನಿರ್ದೇಶನಾಲಯ, ಕಾರವಾರ(ಉ.ಕ) -581301  
 Senior geologist, District Groundwater office, Ground Water Directorate, Karwar (U.K)581301  
 ಫೋನ್/Phone/Fax: 08382-226266 Email: sgkrwr@gmail.com

ಸಂಖ್ಯೆ:ಹಿಭೂವಿ/ಜಿ.ಅಂ.ಕ/ಅಂ.ನಿ/ಉಕಜಿ/ಮಾಹ/2017-18/814

ದಿನಾಂಕ: 23.02.2018

೩೬-೦೨-೨೦೧೮

ಗೆ,

ಮಾರುತಿ ಅಶೋಕ ಗೌಡ  
 ಸ್ನೇಹಕುಂಜ ಟ್ರಸ್ಟ್  
 ಕಾಸರಗೋಡ, ಹೊನ್ನಾವರ

ಮಾನ್ಯರೇ,

ವಿಷಯ: ಮಾಹಿತಿ ಹಕ್ಕು ಅಧಿನಿಯಮ 2005 ರ 6 (1) ರಡಿ ಮಾಹಿತಿ ಪೂರೈಸುತ್ತಿರುವ ಕುರಿತು.  
 ಉಲ್ಲೇಖ: ತಮ್ಮ ಅರ್ಜಿ ಸ್ವೀಕರಿಸಿದ ದಿನಾಂಕ: 12.02.2018.

ಮೇಲ್ಕಂಡ ವಿಷಯ ಹಾಗೂ ಉಲ್ಲೇಖಿತ ಅರ್ಜಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ, ಮಾಹಿತಿ ಹಕ್ಕು ಅಧಿನಿಯಮ 2005 ರ 6 (1) ರಡಿ ಮಾಹಿತಿ ಕೋರಿರುತ್ತೀರಿ. ಸದರಿ ವಿಷಯಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ ತಾವು ಕೋರಿದ ಮಾಹಿತಿ ಹಾಗೂ ಈ ಕಛೇರಿಯಿಂದ ಪೂರೈಸಿದ ಮಾಹಿತಿ ಈ ಕೆಳಗಿನಂತೆ ಇರುತ್ತದೆ.

ಕೋರಿದ ಮಾಹಿತಿ	ನೀಡಿದ ಮಾಹಿತಿ
ಕಾರವಾರದಿಂದ ಕುಂದಾಪುರದ ವರೆಗಿನ ಹೆದ್ದಾರಿ ಕಾಮಗಾರಿ ನಡೆಯುತ್ತಿದ್ದು ಸದರಿ ಕಾಮಗಾರಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ಅಂತರ್ಜಲ ವನ್ನು ಬಳಸಿಕೊಳ್ಳಲು ಮತ್ತು ನದಿ ನೀರನ್ನು ಉಪಯೋಗಿಸಿಕೊಳ್ಳಲು ತಮ್ಮ ಇಲಾಖೆಯಿಂದ ಪರವಾನಿಗೆ ಪತ್ರವನ್ನು ಪಡೆದಿದ್ದಲ್ಲಿ ಆ ಪರವಾನಿಗೆಯ ಪ್ರತಿಯನ್ನು ಕೋರಿ ಅರ್ಜಿ.	ಸದರಿ ವಿಷಯಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ ಈ ಕಛೇರಿಯಿಂದ ಸದರಿ ಕಾಮಗಾರಿಗಳಿಗೆ ಯಾವುದೇ ಪರವಾನಿಗೆಯನ್ನು ನೀಡಿರುವುದಿಲ್ಲ. ಈ ಮಾಹಿತಿಯನ್ನು ತಮ್ಮ ಮಾಹಿತಿಗಾಗಿ ರವಾನಿಸಿದೆ.
2) ಮಾಹಿತಿಯನ್ನು ಯಾವ ಸಾರ್ವಜನಿಕ ಅಧಿಕಾರಿಯಿಂದ ಕೋರಿದೆಯೋ, ಆ ಅಧಿಕಾರಿಯ ಪದನಾಮ ಮತ್ತು ವಿಳಾಸ	ಹಿರಿಯ ಭೂವಿಜ್ಞಾನಿ, ಜಿಲ್ಲಾ ಅಂತರ್ಜಲ ಕಛೇರಿ, ಅಂತರ್ಜಲ ನಿರ್ದೇಶನಾಲಯ ನಗರಸಭೆ ಈಜುಕೊಳ ಪಕ್ಕ, ಎಂ.ಜಿ. ರಸ್ತೆ, ಉತ್ತರ ಕನ್ನಡ ಜಿಲ್ಲೆ, ಕಾರವಾರ.

  
 ಸಾರ್ವಜನಿಕ ಮಾಹಿತಿ ಅಧಿಕಾರಿ,  
 ಜಿಲ್ಲಾ ಅಂತರ್ಜಲ ಕಛೇರಿ, ಕಾರವಾರ

# ANNEXURE II (DOC 3)



सत्यमेव जयते

भारतसरकार  
GOVERNMENT OF INDIA  
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय  
MINISTRY OF ENVIRONMENT, FORESTS & CLIMATE CHANGE  
Regional Office (Southern Zone),  
Kendriya Sadan, IVth Floor, E & F Wings, 17<sup>th</sup> Main Road,  
IInd Block, Koramangala, Bangalore – 560 034,  
Tel.No.080-25635901, E.Mail: [rosz.bng-mef@nic.in](mailto:rosz.bng-mef@nic.in)



No. EP/12.1/2013-14/11/KAR 46  
27.04.2017

To

**The Project Director-PIU**  
National Highways Authority of India  
Door No.3-29, Bethel  
Tharethota, Near Pumpwell (NH-66)  
Mangalore-75005, Karnataka.

Sub: Submission of factual report - regarding.

Ref.: (1) Ministry's Environmental Clearance No. **F.No.10-107/2011-IA.III dated 19.02.2014.**  
(2) Representation relating to air pollution due to establishment of a stone crusher unit and hot mix plant for highway construction from Shirikuli and Bugaribail Village, Ankola Taluk, Uttara Kannada District, Karnataka.

Sir

I am directed to draw your kind attention to the Environmental Clearance cited above and state that as per the Condition No. 16 in the Environmental Clearance letter, it is mandatory to submit six monthly reports pertaining to the period April to September and October to March, each calendar year on the status of compliance to the stipulations in the Environmental Clearance letter including the results of monitored data. However, this office has not received any such report from your end since February 2015. Therefore, you are requested to submit the same in hard copy as well as by e-mail (PDF) to this office.

Further, herewith you are informed that this Office has received a representation regarding air pollution from a stone crusher unit and hot mix plant established for highway construction from Shirikuli and Bugaribail Village, Ankola Taluk, Uttara Kannada District, Karnataka. Enclosed is a copy of the representation which is self explanatory. It is requested to look into the matter and send a factual report on the same to this office. This may be treated as **MOST URGENT**.

Encl.: As above

MOEFCC Response

Sincerely,

  
[Dr. Dola Bhattacharjee]  
Research Officer

o/c.

# ANNEXURE II (DOC 4)



सत्यमेव जयते

भारतसरकार

GOVERNMENT OF INDIA

पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय

MINISTRY OF ENVIRONMENT, FORESTS & CLIMATE CHANGE

Regional Office (Southern Zone),

Kendriya Sadan, IVth Floor, E & F Wings, 17<sup>th</sup> Main Road,

IInd Block, Koramangala, Bangalore – 560 034,

Tel.No.080-25635907, E.Mail: [rosz.bng-mef@nic.in](mailto:rosz.bng-mef@nic.in)



File No: EP/12.1/11/2013-14/Kar 1041  
To

Dated. 09.11.2017

The Chief General Manager (LA),  
M/s. National Highways Authority of India,  
G -5 & 6, Sector -10, Dwarka,  
New Delhi -110 075.

Sub: **Submission of Half Yearly Compliance Report –CRZ clearance for widening and upgradation of existing carriageway to 4/6 laning of Goa-Karnataka Border (km 93,700) to Kundapur (km 283.300) Section of NH-17 in the State of Karnataka by M/s. NHAI.**Reminder- reg.

Ref: (i) EIA Notification, 2006.  
(ii) EC No. No. 10-107/2011-IA.III, dated: 19.02.2014

Sir

Immediate attention is drawn to the Environmental Clearance issued to your project and the stipulations in the same wherein you are directed to submit half yearly compliance report to this Regional office of the Ministry of Environment Forest & Climate Change (MOEF&CC) with para-wise submissions on the conditions laid out. On perusal of the records pertaining to your project, it is observed that your company has been a defaulter in the submission of half yearly compliance report which in itself is a **violation** that can lead to action and recall of the Environmental clearance already issued. The Regional Office of MOEF&CC shall hereinafter view seriously any leniency in the submission of half yearly compliance reports by your firm and you are hereby requested to take adequate steps and ensure the timely submission of the same.

You may take cognizance of our earlier communication with details/manner of submission of the same and send half yearly reports on 1<sup>st</sup> June and on 1<sup>st</sup> December of each calendar year by providing the details of compliance to the stipulated conditions in the environmental clearance letter and analysis of monitoring data respectively for the preceding periods October to March and April to September. It is requested to kindly send environmental compliance reports as per the above schedule in hard copy as well as by e-mail, preferably in PDF, at [rosz.bng-mef@nic.in](mailto:rosz.bng-mef@nic.in) to this office.

All changes in communication address, telephone numbers, emails, websites, and mobile numbers of responsible officials of the company should be furnished without fail including details of Environment Management Cell. You are hereby requested to give utmost importance to the aspects mentioned above and comply with the regulations laid out in the Environmental Clearance.

Yours faithfully

Tejaswini, G.S.

Research Assistant (Env)  
Phone no: 080 25635906

MOEFCC Response

# ANNEXURE II (DOC 5)



ಕರ್ನಾಟಕ ಸರ್ಕಾರ  
ನೀರಾವರಿ ಇಲಾಖೆ

ನಂ.ಸಕಾನಿಇಂ/ಸನೀ&ಅಂಅ/ಉವಿ/ಕಾ/ಕಿಇಂ-3/ಮಾಹಿತಿಹಕ್ಕು/2018-19

ಸಹಾಯಕ ಕಾರ್ಯನಿರ್ವಾಹಕ ಇಂಜಿನಿಯರ್ ರವರ ಕಚೇರಿ  
ಸಣ್ಣ ನೀರಾವರಿ ಮತ್ತು ಅಂತರ್ಜಲ ಅಭಿವೃದ್ಧಿ ಉಪ-ವಿಭಾಗ,  
ಕಾರವಾರ (ಉಕ)

ಇವರಿಗೆ

ದಿನಾಂಕ:- 7-4-2018

ಮಾರುತಿ ಎ. ಗೌಡಾ  
ಸ್ನೇಹ ಕುಂಜ ಟ್ರಸ್ಟ್  
ಕಾಸರಗೋಡ

ಹೊನ್ನಾವರ - 581342

ಮಾನ್ಯರೇ

ವಿಷಯ:- ಮಾಹಿತಿಹಕ್ಕು 2005 ಅಧಿನಿಯಮಡಿಯಲ್ಲಿ ಕೇಳಿರುವ ಮಾಹಿತಿಯನ್ನು  
ಸಲ್ಲಿಸುವ ಕುರಿತು.

ಉಲ್ಲೇಖ:- ತಮ್ಮ ಅರ್ಜಿ ದಿನಾಂಕ: 28-03-2018.

\*\*\*\*\*

ಮೇಲಿನ ವಿಷಯ ಹಾಗೂ ಉಲ್ಲೇಖಿತ ಪತ್ರಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ ತಮ್ಮ ಅರ್ಜಿಯಲ್ಲಿ ಕೇಳಿರುವ  
ಮಾಹಿತಿಯಂತೆ, ಕಾರವಾರದಿಂದ ಕುಂದಾಪುರವರೆಗಿನ ರಾಷ್ಟ್ರೀಯ ಹೆದ್ದಾರಿ ಕಾಮಗಾರಿಗಾಗಿ ನದಿಯ ನೀರನ್ನು ಬಳಸಿಕೊಳ್ಳಲು  
ಈ ಇಲಾಖೆಯಿಂದ ಪರವಾನಗಿ ನೀಡಿದ್ದು ಇರುವುದಿಲ್ಲ. ಇದನ್ನು ತಮ್ಮ ಮಹಿತಿಗಾಗಿ ಸಲ್ಲಿಸಲಾಗಿದೆ.

ತಮ್ಮ ವಿಶ್ವಾಸಿ

ಸಹಾಯಕ ಕಾರ್ಯನಿರ್ವಾಹಕ ಇಂಜಿನಿಯರರು  
ಸಣ್ಣ ನೀರಾವರಿ ಮತ್ತು ಅಂತರ್ಜಲ ಅಭಿವೃದ್ಧಿ ಉಪ-ವಿಭಾಗ,  
ಕಾರವಾರ (ಉಕ)

RTI Response from Minor irrigation department, Photo credit: Maruti Gouda

# ANNEXURE II (DOC 6)

258

Phone / Fax : 080-25586321  
 E-mail : ho@kspcb.gov.in  
 Website : http://kspcb.gov.in



25581383, 25589112  
 25588151, 25588270  
 25588142, 25586520

## ಕರ್ನಾಟಕ ರಾಜ್ಯ ಮಾಲಿನ್ಯ ನಿಯಂತ್ರಣ ಮಂಡಳಿ Karnataka State Pollution Control Board

"ಪರಿಸರಭವನ", 1 ರಿಂದ 5ನೇ ಮಹಡಿಗಳು, ನಂ.49, ಚರ್ಚ್‌ಸ್ಟ್ರೀಟ್, ಬೆಂಗಳೂರು - 560 001, ಕರ್ನಾಟಕ, ಭಾರತ  
 "Parisara Bhavana", 1st to 5th Floor, # 49, Church Street, Bengaluru - 560 001, Karnataka, INDIA

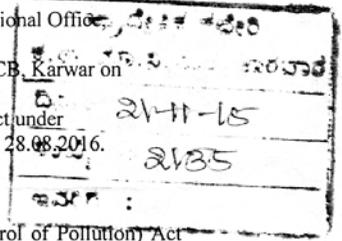
//BY REGD. POST WITH ACK. DUE//

(This document contains.....೦೨.....pages including annexure)

Consent Order No. 1545 / PCB/MIN/CFO/2015-16 / 1545 Dated: 17 NOV 2015

Consent for discharge of effluents under the provisions of Water (Prevention & Control of Pollution) Act 1974, and Emissions under the provisions Air (Prevention & Control of Pollution) Act 1981.

- Ref: 1. Karnataka Regulation of Stone Crusher Act, 2011 and its Amended Act, 2013.  
 2. Work order issued by the National Highway Authority of India vide letter No. 30501, dtd: 31.07.2012.  
 3. Contract Agreement between M/s. IRB Infrastructure Developers Ltd., & M/s. Modern Road Makers Pvt. Ltd., dtd: 30.08.2013.  
 4. CFE issued by the Board vide order No. 721, dtd: 09.09.2014.  
 5. Board Office Letter No. 753, dtd: 10.08.2015.  
 6. Extension of work order issued by the National Highway Authority of India vide letter No. 228, dtd: 28.09.2015 which is valid up to 28.08.2016.  
 7. Your Consent for Operation (CFO) application re-submitted at Regional Office, KSPCB, Karwar on 04.09.2015 with Registration No. 98901.  
 8. Inspection of the site by the Assistant Environmental Officer, KSPCB, Karwar on 02.09.2015 vide report No. 1031, dtd: 04.09.2015.  
 9. License issued by the Deputy Commissioner, Uttar Kannada District under Sec 7 of KRSC Act, 2011 vide dtd: 21.10.2015 which is valid up to 28.08.2016.  
 10. Proceedings of Consent Committee Meeting held on 03.11.2015.



\*\*\*\*\*

Consent is hereby granted under section 25 of Water (Prevention & Control of Pollution) Act 1974, and under Section 21 of Air (Prevention & Control of Pollution) Act 1981, (herein after referred to as the Water Act and the Air Act respectively) and the Rules and Orders made there under and subject to the terms and conditions as detailed in the schedule annexed to this order.

Consent is granted to **Occupier, M/s. Modern Road Makers Pvt. Ltd. (A subsidiary of IRB Infrastructure Developers Ltd.)**, authorizing him to operate temporary **Stone Crusher Units (2 Nos), Hot Mix Plant, Wet Mix Plant & Ready Mix Concrete Plant** and to make discharge of emissions from the premises as detailed below.

**M/s. Modern Road Makers Pvt. Ltd. (A subsidiary of IRB Infrastructure Developers Ltd.)**,  
 Sy No. 199/1, Shirkuli Village, Ankola Taluk, Uttar Kannada District.

1. Discharge of effluents under water Act:

Sl. No.	Description	Permitted Quantity of discharge	Limits Specified Refer schedule	Mode of disposal
1	Domestic	0,7 KLD	--	Septic tank & soak pit.
2	Industrial	--	--	---

Issued Under RTI Act.  
 Regional Office  
 KSPCB, Karwar  
 "ಪ್ರಾಕೃತಿಕ ಲಲಿತ ನಿರ್ಮಿಸಿ, ಪರಿಸರ ಹಾನಿ ತಪ್ಪಿಸಿ"

*Udaya Kumar*  
 SENIOR ENVIRONMENTAL OFFICER  
 Page 18 of 18

AVOID USE OF PLASTICS- BE 'ECO' FRIENDLY

II. Discharge of air emissions under the Air Act from the following stacks/process etc.

SI. No.	Description of chimney/outlet	Limits specified refer schedule
1	Jaw Crusher (2Nos), Vibratory Screen.(2 Nos), Conveyor Belts, Hot Mix Plant, Tar (Bitumen) Heating Tank, Wet Mix Plant, Ready Mix Concrete Plant (Silos), 750 KVA DG Set (1 No), 180 KVA DG Set, 380 KVA DG Set (1 No), 82.5 KVA DG Set.	

This Consent is issued for temporary Stone Crushers (2 Nos), Hot Mix Plant, Wet Mix Plant and Ready Mix Concrete Plant of capacity 200 TPH each, 160 TPH, 200 TPH and 60 Cum/hr respectively only.

This Consent is valid for the period up to 30.06.2016 only.

FOR AND ON BEHALF OF THE KSPCB  
Sd/-

SENIOR ENVIRONMENTAL OFFICER

To:

The Managing Director,  
M/s. Modern Road Makers Pvt. Ltd.,  
(A subsidiary of IRB Infrastructure Developers Ltd.),  
C/o Kailash Auto Works,  
Kadekodi Village, Post – Dharieswar,  
Kumta Taluk, Uttara Kannada District.

Copy to:

1. Regional Officer, KSPCB, Karwar for information.
2. Master file (Dispatch).
3. Master file (SEO-Mines).
4. Case file.

  
SENIOR ENVIRONMENTAL OFFICER.

Issued Under RTI Act  
Regional Office  
KSPCB, Karwar

Page 02 of 18

Consent from PCB

# ANNEXURE II (DOC 7)

ರಿಗೆ.

The CCF, Regional Office.  
Ministry of Environment & Forests (SZ)  
Kendriya Sadan, 4<sup>th</sup> floor, E&F wings,  
17<sup>th</sup> Main Road, Koramangala 2<sup>nd</sup> Block,  
Bangalore – 560034

ಇಂದ.

1. ಗ್ರಾಮಸ್ಥರು  
ಬೊಗ್ರಿಬೈಲ್, ಶಿರಕುಳಿ.  
ಅಂಕೋಲಾ ಉತ್ತರ ಕನ್ನಡ 581314
2. ಮಾರುತಿ ಗೌಡ  
ಸಿಪಿಆರ್- ನಮತಿ, ಸ್ನೇಹಕುಂಜ ಟ್ರಸ್ಟ್,  
ಕಾಸರಕೋಡ್, ಹೊನ್ನಾವರ.  
ಉತ್ತರ ಕನ್ನಡ 581342

ವಿಷಯ : IRB Infrastructure developers ರವರು ಪರಿಸರ ಪರವಾನಿಗೆಯ ಜರತುಗಳ ಉಲ್ಲಂಘನೆ ಮಾಡಿದ್ದು ಕ್ರಮ ಕೈಗೊಳ್ಳುವ ಕುರಿತು.

ಮಾನ್ಯರೇ.

ನಾವು ಉತ್ತರ ಕನ್ನಡ ಜಿಲ್ಲೆಯ ಅಂಕೋಲಾ ತಾಲೂಕಿನ ಬೊಗ್ರಿಬೈಲ್ ಗ್ರಾಮದ ನಿವಾಸಿಗಳಾಗಿರುತ್ತೇವೆ. ತಮಗೆ ಈ ಪತ್ರದ ಮುಖಾಂತರ ತಿಳಿಯಬಯಸುವುದೇನೆಂದರೆ, ಗೋವಾ ಗಡಿಯಿಂದ ಕುಂದಾಪುರದ ವರೆಗಿನ ರಾಷ್ಟ್ರೀಯ ಹೆದ್ದಾರಿಯ ಕಾಮಗಾರಿ ನಡೆಯುತ್ತಿದ್ದು ಅದರ ಗುತ್ತಿಗೆಯನ್ನು IRB Infrastructure developers ರವರಿಗೆ ನೀಡಲಾಗಿದೆ. ಆ ಕಾಮಗಾರಿಗೆ ಸಂಬಂಧಿಸಿದ Stone Crusher Units ನ್ನು ನಮ್ಮ ಗ್ರಾಮದ ಸರ್ವೆ ನಂ 199/1 ಮತ್ತು 199/2 ರಲ್ಲಿ ನಿರ್ಮಿಸಿಕೊಂಡಿರುತ್ತಾರೆ. ಈ Stone Crusher Units ದಿಂದ ಹೊರ ಹೋಗುವ ಧೂಳು ಗಾಳಿಯಲ್ಲಿ ಮಿಶ್ರಣಗೊಂಡು ನಮ್ಮ ಕೃಷಿಭೂಮಿಗಳಮೇಲೆ ಹರಡಿ ಅಪಾರ ಪ್ರಮಾಣದ ಹಾನಿಯಾಗಿರುತ್ತದೆ. ಆರೋಗ್ಯ, ಮತ್ತು ಕುಡಿಯುವ ನೀರಿನಮೇಲೆ ಸಾಕಷ್ಟು ದುಷ್ಪರಿಣಾಮ ಬೀರುತ್ತಿವೆ. ಹತ್ತಿರದಲ್ಲಿಯೇ ಅಂಗನವಾಡಿ ಮತ್ತು ಪ್ರಾಥಮಿಕ ಶಾಲೆ ಇದೆ. ಶಾಲೆಗೆ ಬರುವ ವಿದ್ಯಾರ್ಥಿಗಳೂ ಈ Stone Crusher Units ನಿಂದ ಸಮಸ್ಯೆ ಅನುಭವಿಸುವಂತಾಗಿದೆ. ಕೇವಲ 50 ಮೀಟರ್ ಅಂತರದಲ್ಲಿಯೇ ಅಂಗನವಾಡಿ ಇರುವುದರಿಂದ ಅಲ್ಲಿಗೆ ಬರುವ ಮಕ್ಕಳು ದಿನನಿತ್ಯ ಈ ಘಟಕದಿಂದ ಆರೋಗ್ಯ ಮತ್ತು ಉಸಿರಾಟದ ಸಮಸ್ಯೆ ಅನುಭವಿಸುವಂತಾಗಿದೆ. ಈ ಕುರಿತು ನಾವು ಭಾರತೀಯ ರಾಷ್ಟ್ರೀಯ ಹೆದ್ದಾರಿ ಪ್ರಾಧಿಕಾರದವರ ಅಧಿಕಾರಿಗಳನ್ನು ಭೇಟಿಯಾಗಿ ಸಮಸ್ಯೆಗಳ ಬಗ್ಗೆ ತಿಳಿಸಿರುತ್ತೇವೆ. ಮತ್ತು ಲಿಖಿತ ರೂಪದಲ್ಲಿಯೂ ಮನವಿ ಸಲ್ಲಿಸಿರುತ್ತೇವೆ. ಆದರೆ ಇಲ್ಲಿಯತನಕ ಯಾವುದೇ ತರಹದ ಪರಿಹಾರಮಾರ್ಗ ಕೈಗೊಂಡಿದ್ದು ಇರುವುದಿಲ್ಲ.

National Highway Authority Of India ಇವರಿಗೆ ಗೋವಾ ಗಡಿಯಿಂದ ಕುಂದಾಪುರದವರೆಗಿನ

ಹೆದ್ದಾರಿ ಕಾಮಗಾರಿಗಾಗಿ MOEF ನಿಂದ ದಿನಾಂಕ 19.02.2014 ರಂದು ಪರಿಸರ ಪರವಾನಿಗೆ ದೊರೆತಿದ್ದು, ಆ ಪರವಾನಿಗೆಯಲ್ಲಿನ Specific Condition ನ ಕ್ರಮ ಸಂಖ್ಯೆ 28 ರಲ್ಲಿ Hot Mix Plant ನ್ನು ಜನವಸತಿ ಪ್ರದೇಶದಿಂದ ಕನಿಷ್ಠ 500 ಮೀಟರ್ ದೂರದಲ್ಲಿ ನಿರ್ಮಿಸಬೇಕು ಮತ್ತು ಜನರಿಗೆ ಯಾವುದೇ ತೊಂದರೆಯಾಗದ ರೀತಿಯಲ್ಲಿ ಬರಡು ಭೂಮಿಯಲ್ಲಿ ನಿರ್ಮಿಸಬೇಕು ಎಂದಿದೆ. ಆದರೆ ಇಲ್ಲಿ ಜನವಸತಿ ಪ್ರದೇಶದಿಂದ ಕೇವಲ 50 ಮೀಟರ್ ಅಂತರದಲ್ಲಿಯೇ ಘಟಕವನ್ನು ಸ್ಥಾಪಿಸಲಾಗಿದೆ. ಇದು ಸ್ಪಷ್ಟವಾಗಿ ಅನುಮತಿ ಪತ್ರದ ಉಲ್ಲಂಘನೆಯಾಗಿದೆ.

ಅದಲ್ಲದೇ, ರಾಜ್ಯ ಮಾಲಿನ್ಯ ನಿಯಂತ್ರಣ ಮಂಡಳಿ ಬೆಂಗಳೂರು ಇವರಿಂದ Modern Road Makers Pvt. Ltd ರವರು ಸದರಿ ಘಟಕವಾದ Stone Crusher Units, Hot Mix Plant, Wet Mix Plant, & Ready Mix Concrete Plant ನ್ನು ನಿರ್ಮಿಸುವ ಸಲುವಾಗಿ Consent to Discharge ಪರವಾನಿಗೆಯನ್ನು ದಿನಾಂಕ 17.11.2015 ರಂದು ಪಡೆದಿರುತ್ತಾರೆ. ಆ Consent to Discharge ನ ಅವಧಿಯು 30.06.2016 ಕ್ಕೆ ಮುಗಿದಿರುತ್ತದೆ. ನಾವು ತಿಳಿದಿರುವಂತೆ ಈ Stone Crusher Units ನ್ನು ಮುಂದುವರೆಸುವುದಕ್ಕಾಗಿ ಪರವಾನಿಗೆಯನ್ನು ನವೀಕರಿಸಿಕೊಂಡಿರುವುದಿಲ್ಲ. ಹಾಗಾಗಿ ಸದರಿ ಘಟಕವನ್ನು Water Act 1974, Air act 1981 ರ ಉಲ್ಲಂಘನೆ ಮಾಡಿ ಮುಂದುವರೆಸಿಕೊಂಡು ಬರಲಾಗುತ್ತಿದೆ.

ಸದರಿ ಘಟಕದಿಂದ ನಮಗೆ ಆರೋಗ್ಯ, ಉಸಿರಾಟ, ಕುಡಿಯುವ ನೀರು, ಕೃಷಿ ಚಟುವಟಿಕೆ, ಹಾಗೂ ಅನೇಕ ತರಹದ ತೊಂದರೆ ಆಗುತ್ತಿದ್ದುದರಿಂದ ಪರಿಸರ ಅಧಿಕಾರಿಗಳು ಕಾರವಾರ ಇವರಿಗೆ ಅನೇಕಬಾರಿ ದೂರು ನೀಡಿರುತ್ತೇವೆ. ಹಾಗೆಯೇ, ವಿಭಾಗೀಯ ಪರಿಸರ ಅಧಿಕಾರಿಗಳು ಮಂಗಳೂರು, ಹಿರಿಯ ಪರಿಸರ ಅಧಿಕಾರಿಗಳು ಬೆಂಗಳೂರು ಹಾಗೂ ಸರಕಾರದ ಅಧೀನ ಕಾರ್ಯದರ್ಶಿಗಳು ಬೆಂಗಳೂರು ಇವರಿಗೆ ಪತ್ರದ ಮುಖೇನ ದೂರು ಸಲ್ಲಿಸಿರುತ್ತೇವೆ. ಆದರೆ ಇಲ್ಲಿಯತನಕ ಯಾವುದೇ ಕ್ರಮ ಕೈಗೊಂಡಿರುವುದಿಲ್ಲ.

National Highway Authority Of India ಇವರಿಗೆ MOEF ನಿಂದ ದಿನಾಂಕ 19.02.2014 ರಂದು ಪರಿಸರ ಪರವಾನಿಗೆ ನೀಡಲಾಗಿದೆ. ಆ ಪರವಾನಿಗೆಯಲ್ಲಿನ General Condition ನ ಕ್ರಮ ಸಂಖ್ಯೆ 12 ರಲ್ಲಿ, ಪರವಾನಿಗೆ ಪಡೆದ ಸಂಸ್ಥೆಯು ಪರವಾನಿಗೆ ಪತ್ರದಲ್ಲಿ ಹಾಕಿರುವ ಷರತ್ತುಗಳಲ್ಲಿನ ಯಾವುದಾದರೂ ಷರತ್ತುಗಳ ಉಲ್ಲಂಘನೆ ಮಾಡಿದ್ದಲ್ಲಿ ಪರವಾನಿಗೆಯನ್ನು ರದ್ದುಗೊಳಿಸುವ ಅಧಿಕಾರ ಮಂತ್ರಾಲಯಕ್ಕೆ ಇರುತ್ತದೆ. ಆದ್ದರಿಂದ ಈ ಎಲ್ಲಾ ವಿಷಯವನ್ನು ಗಮನದಲ್ಲಿಟ್ಟುಕೊಂಡು ಗ್ರಾಮಸ್ಥರ ಹಿತರಕ್ಷಣೆ, ಮಕ್ಕಳ ಆರೋಗ್ಯ, ಹಾಗೂ ಕಾನೂನು ಉಲ್ಲಂಘನೆಗಳನ್ನು ಪರಿಗಣಿಸಿ ಸದರಿ ಘಟಕವನ್ನು ಸ್ಥಗಿತಗೊಳಿಸಿ ಪರವಾನಿಗೆಯನ್ನು ರದ್ದುಗೊಳಿಸಬೇಕಾಗಿ ಕೋರಿಕೊಳ್ಳುತ್ತಿದ್ದೇವೆ.

ವಂದನೆಗಳೊಂದಿಗೆ,

ಸ್ಥಳ : ಅರಸೀಕೆರೆ  
ದಿನಾಂಕ : 24.04.2017

ಲಗತ್ತುಗಳು :

- 1) ಪರಿಸರ ಪರವಾನಿಗೆ ಪತ್ರ ದಿ. 19.02.2014.
- 2) Consent to Discharge ದಿ. 17.11.2015.
- 3) ಸ್ಥಳೀಯ ಇಲಾಖೆಗಳಿಗೆ ಬರೆದ ಅರ್ಜಿ.
- 4) ಛಾಯಾಚಿತ್ರಗಳು.

ಗ್ರಾಮಸ್ಥರು ಬೊಗ್ಗಿಬೈಲ್, ಶಿರಕುಳಿ.

Maruti Gowda

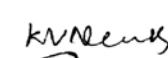


① Suhas S Shetty 

② Keshav. v. Naik 

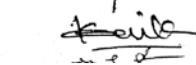
③ B. T. Gowder 

④ Santosh J Naik 

⑤ Krishna v Venk 

⑥ Hanuma. H. Gowda 

⑦ Naveen N. Nayak 

⑧ Keshav A Naik 

⑨ 

# ANNEXURE III

## ರಾಷ್ಟ್ರೀಯ ಹೆದ್ದಾರಿ ಕಾಮಗಾರಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ಪಂಚಾಯತ ಸಮೀಕ್ಷೆಯ ಪ್ರಶ್ನಾವಳಿ:

ಜಿಲ್ಲೆ:

ತಾಲೂಕು:

ಗ್ರಾಮ ಪಂಚಾಯತ:

ದಿನಾಂಕ:

ಮಾಹಿತಿ ನೀಡುವವರ ಹೆಸರು/ಹುದ್ದೆ:

1. ರಾಷ್ಟ್ರೀಯ ಹೆದ್ದಾರಿ ಕಾಮಗಾರಿಯು ಗ್ರಾಮ ಪಂಚಾಯತ ವ್ಯಾಪ್ತಿಯಲ್ಲಿ ನಡೆದಿದೆಯೇ ? ರಾಷ್ಟ್ರೀಯ ಹೆದ್ದಾರಿ ಕಾಮಗಾರಿಯು ಎಷ್ಟು ವರ್ಷದಿಂದ ಆರಂಭವಾಗಿದೆ?
2. 2011ರ ಅಂಕಿ ಅಂಶದಂತೆ ಪಂಚಾಯತ ಜನಸಂಖ್ಯಾ ಪ್ರಮಾಣ ಎಷ್ಟು ಮತ್ತು ರಾಷ್ಟ್ರೀಯ ಹೆದ್ದಾರಿ ಕಾಮಗಾರಿಯಿಂದ ತೊಂದರಗೊಳಪಟ್ಟ ಜನಸಂಖ್ಯಾ ಪ್ರಮಾಣ ಎಷ್ಟು?
3. ರಾಷ್ಟ್ರೀಯ ಹೆದ್ದಾರಿ ಪ್ರಾಧಿಕಾರದವರು ಹೊರಡಿಸಿರುವ 3ಡಿ ಅಧಿಸೂಚನೆಯಲ್ಲಿ ಪಂಚಾಯತ ವ್ಯಾಪ್ತಿಯ ಎಷ್ಟು ಪ್ರದೇಶಗಳು ಬರುತ್ತವೆ? ಎಕರೆಗಳಲ್ಲಿ.
4. ರಾಷ್ಟ್ರೀಯ ಹೆದ್ದಾರಿ ಕಾಮಗಾರಿಯು ನಡೆಯುತ್ತಿರುವ ಪ್ರದೇಶದಲ್ಲಿ ಎಷ್ಟು ಖಾಸಗಿ ಮತ್ತು ಎಷ್ಟು ಸರ್ಕಾರಿ ಪ್ರದೇಶಗಳಾಗಿವೆ? ಎಕರೆಗಳಲ್ಲಿ.
5. ರಾಷ್ಟ್ರೀಯ ಹೆದ್ದಾರಿ ಕಾಮಗಾರಿಯು ಆರಂಭವಾದಾಗಿನಿಂದ ಇಲ್ಲಿಯವರೆಗೆ ಕಾಮಗಾರಿಯಿಂದ ತೊಂದರೆಯುಂಟಾಗುತ್ತಿದೆ ಎಂದು ಎಷ್ಟು ಸಾರ್ವಜನಿಕ ದೂರುಗಳು ದಾಖಲಾಗಿವೆ?
6. ತಮ್ಮ ಗಮನಕ್ಕೆ ಬಂದಿರುವಂತೆ ರಾಷ್ಟ್ರೀಯ ಹೆದ್ದಾರಿ ಕಾಮಗಾರಿಯಿಂದ ಪಂಚಾಯತ ವ್ಯಾಪ್ತಿಯಲ್ಲಿ ಏನೆಲ್ಲಾ ತೊಂದರೆಗಳುಂಟಾಗಿವೆ? ಸಂಕ್ಷಿಪ್ತವಾಗಿ.
7. ರಾಷ್ಟ್ರೀಯ ಹೆದ್ದಾರಿ ಕಾಮಗಾರಿಯಿಂದ ಪಂಚಾಯತ ವ್ಯಾಪ್ತಿಯ ಎಷ್ಟು ಕೃಷಿ ಭೂಮಿಗಳಿಗೆ ಹಾನಿಯುಂಟಾಗಿದೆ? ಇದರಿಂದ ಎಷ್ಟು ಜನರಿಗೆ ತೊಂದರೆಯುಂಟಾಗಿದೆ?
8. ರಾಷ್ಟ್ರೀಯ ಹೆದ್ದಾರಿ ಕಾಮಗಾರಿಯಿಂದ ಎಷ್ಟು ಪ್ರದೇಶಗಳಿಗೆ ಪ್ರವೇಶಕ್ಕೆ ಅಡಚಣೆಯುಂಟಾಗಿದೆ? ಇದರಿಂದ ಎಷ್ಟು ಜನರಿಗೆ ತೊಂದರೆಯುಂಟಾಗಿದೆ?

9. ರಾಷ್ಟ್ರೀಯ ಹೆದ್ದಾರಿ ಕಾಮಗಾರಿಯಿಂದ ಎಷ್ಟು ಹಳ್ಳ, ತೋರೆಗಳಂತಹ ನೀರಿನ ಹರಿವಿನ ಪ್ರದೇಶಗಳಿಗೆ ಧಕ್ಕೆಯುಂಟಾಗಿದೆ? ಇದರಿಂದ ಎಷ್ಟು ಜನರಿಗೆ ತೊಂದರೆಯುಂಟಾಗಿದೆ?
10. ರಾಷ್ಟ್ರೀಯ ಹೆದ್ದಾರಿ ಕಾಮಗಾರಿಯ ಸೇತುವೆ ನಿರ್ಮಾಣ ನಡೆಯುವ ಪ್ರದೇಶದಲ್ಲಿ ನದಿ, ಹಳ್ಳಗಳಿಗೆ ಮಣ್ಣು ತುಂಬಿ ಅದರ ಹರಿವಿಗೆ ತಡೆಯೊಡ್ಡಿರುವುದರಿಂದ ಎಷ್ಟು ಪ್ರದೇಶಗಳಿಗೆ ಉಪ್ಪು ನೀರು ನುಗ್ಗಿದೆ ಮತ್ತು ಇದರಿಂದ ಎಷ್ಟು ಜನರಿಗೆ ತೊಂದರೆಯುಂಟಾಗಿದೆ?
11. ರಾಷ್ಟ್ರೀಯ ಹೆದ್ದಾರಿ ಕಾಮಗಾರಿಯಿಂದ ಸಾರ್ವಜನಿಕ ಆಸ್ತಿಗಳಾದ ಕಟ್ಟಡ, ಶಾಲೆ, ಕುಡಿಯುವ ನೀರಿನ ವ್ಯವಸ್ಥೆ ಮತ್ತು ಸಾರ್ವಜನಿಕ ಸೌಲಭ್ಯಗಳಿಗೆ ಹಾನಿಯುಂಟಾಗಿದೆ ಮತ್ತು ಅದರಿಂದ ಎಷ್ಟು ಜನರಿಗೆ ತೊಂದರೆಯುಂಟಾಗಿದೆ?
12. ರಾಷ್ಟ್ರೀಯ ಹೆದ್ದಾರಿ ಪ್ರಾಧಿಕಾರದವರು ಎಷ್ಟು ಸಾರ್ವಜನಿಕ ದೇಶಗಳನ್ನು ಸ್ವಾಧೀನ ಪಡಿಸಿಕೊಂಡಿದ್ದಾರೆ ? ಅದರಿಂದ ಎಷ್ಟು ಜನರಿಗೆ ತೊಂದರೆಯುಂಟಾಗಿದೆ?
13. ರಾಷ್ಟ್ರೀಯ ಹೆದ್ದಾರಿ ಪ್ರಾಧಿಕಾರದವರು ಪರಿಹಾರವಾಗಿ ಎಷ್ಟು ಮೊತ್ತವನ್ನು ನೀಡಿದ್ದಾರೆ? ಅದರಿಂದ ಎಷ್ಟು ಜನರಿಗೆ ತೊಂದರೆಯುಂಟಾಗಿದೆ?
14. ರಾಷ್ಟ್ರೀಯ ಹೆದ್ದಾರಿ ಕಾಮಗಾರಿಯ ವಿವಿಧ ಚಟುವಟಿಕೆಗಳಿಂದ ದೂಳು ಮಾಲಿನ್ಯ ಉಂಟಾಗಿದೆ ಇದರಿಂದ ಪಂಚಾಯತ ವ್ಯಾಪ್ತಿಯ ಎಷ್ಟು ಜನರ ಆರೋಗ್ಯದ ಮೇಲೆ ಪರಿಣಾಮ ಬೀರಿದೆ? ಎಷ್ಟು ಜನರ ಜೀವ ಶೈಲಿಯ ಮೇಲೆ ಪರಿಣಾಮ ಬೀರಿದೆ ? ಎಷ್ಟು ಪ್ರದೇಶಗಳ ಮೇಲೆ ಇದರ ಪ್ರಭಾವ ಬೀರಿದೆ?

## Other Groundtruthing Reports:

---

**Closing the Enforcement Gap:** Findings of Community-led Groundtruthing of Environmental Violations in Mundra, Kutch

**Closing the Enforcement Gap:** Findings of Community-led Groundtruthing of Environmental Violations in Sarguja, Chhattisgarh

**Around the Landfill Sites:** A Groundtruthing of Solid Waste Management Law Across Landfill Sites in Coastal Areas of Uttara Kannada District, Karnataka,

**Closing the Enforcement Gap:** Findings of a Community-Led Groundtruthing study of Environmental Violations in Sundergarh, Odisha

**Closing the Enforcement Gap:** Findings of a Community-Led Groundtruthing study of Environmental Violations in Mormugao, Goa

**Closing the Enforcement Gap:** Groundtruthing of Environmental Violations in Bodai-Daldali, Chhattisgarh





## **About Centre for Policy Research (CPR)**

The Centre for Policy Research (CPR) has been one of India's leading public policy think tanks since 1973. The Centre is a nonprofit, independent institution dedicated to conducting research that contributes to a more robust public discourse about the structures and processes that shape life in India.

[www.cprindia.org](http://www.cprindia.org)

## **About Namati**

In a world where billions live outside the protection of the law, Namati is dedicated to putting the law in people's hands. It is building a global movement of grassroots legal advocates who work with communities to advance justice. These advocates are fighting on the front lines to ensure that people can protect their land, access essential services, and take part in the decisions that govern their lives.

[www.namati.org](http://www.namati.org)

## **Closing the Enforcement Gap: A Community-Led Groundtruthing of Environmental Violations of the expansion of a National Highway in Uttara Kannada**

Linear projects like highways have the potential of changing existing land use across long distances. These changes are not limited only to the stretch which allows transportation of vehicles. The effects of construction are also visible on both sides of the breadth of a highway. This study presents the findings of a two-year long groundtruthing exercise carried out between June 2016 and August 2018 across 187 kilometres of a national highway. A collaborative effort of members from the Bogribail, Chendiya, Chandumata, Shiroor and Mavinakatta villages, residents Kumta and Karwar town and people from 27 Panchayats, all from the district of Uttara Kannada in Karnataka and the Centre for Policy Research-Namati Environmental Justice Program, presents evidence of non compliance of environmental safeguards resulting in several impacts. It also highlights several instances that were hidden or not envisaged in impact assessments.

This report highlights the wide range of impacts which arose from the construction of just one stretch of National Highway 66 from the Goa-Karnataka border to Kundapur. These include landslides during monsoons, flooding and salt water intrusion, dust pollution from stone crushers and blasting. All of them led to the loss of lives in some cases and the loss of livelihoods in most. The report explains the manner in which the expansion has proceeded without any regard to the people or the ecology of the region.