



Gudigargali,
 Kumta 581343
 Uttara Kannada
khushiparisara@gmail.com
 +918618784047
www.khushiparisara.in

OPEN LETTER IN THE MATTER OF GOKARNA ECOCIDE

Since Public Servants (elected and bureaucrats) are refusing to comply with their duties assigned by the Constitution of India, The Karnataka Panchayat Raj Act, Environmental and Waste Management Rules, the infamous ruin of Gokarna environment needs an extremely strong intervention to enforce all stakeholders to comply with their legal obligations.

The basic need, that is to enforce the rules, has not been the choice.

KHUSHI PARISARA DEBUT

Khushi Parisara (KP) is a society of ecologically conscious citizens whose activity aims at protecting natural capital, prioritizing it in all situations and contexts, requiring governance to maintain and value it. KP wants to involve all stakeholders, beyond political, cultural, social, economic variances, in order to implement URGENT and incontrovertible measures for good environmental governance

<https://www.khushiparisara.in/our-mission/>

KP recognizes that the dangerous state of environment which can lead to disaster, with its explicit points of erosion mainly caused by wastes mismanagement, is grounded on the local environmental illiteracy of local governance and is also a blatant lack of enforcement of environmental laws.

Considering it, KP has been acting by doing the below:

1. Reporting all situations of irresponsible governance and environmental mismanagement (whether public or private)
2. Promoting ENVIRONMENTAL EDUCATION of civil society, with special emphasis on educating the local bodies and promoting capacity building for a strategic environmental vision, boosting strength of the representatives and managers to embed consistent

change at 3 environmental segments [literacy of elected bodies, instruction of administration, education of public]

3. Working to bring fundamental "Trash Change" in people's relation to wasteS, with a particular focus on statutory authorities, eliminating all detrimental Environmental Practices through Education, Monitoring and Penalty (EMP), with the help of concerned bodies.
4. After identifying and accessing the main snags, in order to contribute to reverse the disastrous environmental condition, KP has supplied outreach tools, methods, material, information and ideas, to plan and implement change-making programs, trying to go beyond the scope of conventional solutions.
5. Lastly, KP has over the years with multiple emails, letters and personal meetings, requested all civic servants and regulatory authorities, to strictly accomplish their duties. *For more than 5 years no reaction and no action came from them to change the ruinous scenario. Hence we urgently approach the National Green tribunal / NGT/ Green Bench - South Zone (Chennai) to kindly pursue this matter.*

TO:

1. Panchayat Development Officer

Grama Panchayat Gokarna
Gokarna, 581 326, Uttara Kannada
Ph: 08386-256126
Email: gokarna.kum.utt@gmail.com

2. President Grama Panchayat Gokarna

Grama Panchayat Gokarna
Gokarna, 581 326, Uttara Kannada
Ph: 08386-256126
Email: gokarna.kum.utt@gmail.com

3. Executive Officer

Taluk Panchayat Kumta 581343
Ph: 08386222050
Email: tpkumta@gmail.com

4. Assistant Commissioner

Near Inspection Bungalow, Kumta - 581 343
Ph: 08386-222052
Email: acokumta@gmail.com

5. Chief Executive Officer

Zilla Panchayat Uttara Kannada
M.G Road, Karwar, 581 301
Ph: 08382-226560
Email: ceo_zp_kwr@nic.in

6. Deputy Commissioner

Uttar Kannada District
Karwar, 581301
Ph: 8382-226303
Email: dckarwar@gmail.com

7. District Health and F.W Officer (DHO)

Old Civil Hospital Compound, Konekar Wada
 Karwar, 581301
 Ph: 08382-222452
 Email: dhoukannada@gmail.com

8. Chairman Karnataka State Pollution Control Board

"Parisara Bhavan", #49, Church Street, Bengaluru-560001
 Ph: 080-25589111-4 / 25586520
 Email: chairman@kspcb.gov.in

9. Principal Secretary, Rural Development and Panchayat Raj

3rd Gate, 3rd Floor, MS Building, Bengaluru-560001
 Phone: 080 2235 3929
principalsecretaryrdpr@gmail.com

10. Tourism Department

4th Floor/Level, No 3, Embassy Icon, Infantry Road, Bengaluru-560001
 Tel: +91-80-2235-2828
 Email: acs-tour@karnataka.gov.in

11. Principal Secretary

Forest, Ecology and Environment Department,
 4th Floor, M.S. Building, Bengaluru-560001
 Ph: 080-22256722, 080-22032509
 Email: prs-fee@karnataka.gov.in

12. Karnataka State Coastal Zone Management Authority (KSCMZA)

Chairman & Additional Chief Secretary to Government,
 Forest, Ecology and Environment Department,
 4th Floor, M.S. Building, Bengaluru-560001
 Ph: 080-22256722, 080-22032509
 Email: acscikar@gmail.com

13. SLEIAA (State Environment Impact Assessment Authority)

State Level Environment Impact Assessment Authority, Karnataka
 Member Secretary
 Department of Ecology & Environment
 Room No. 709, 7th Floor, IV -Gate, M.S Building, Bangalore-560001
 Ph: 080 2203 2497
 Email: msseiaakamataka@gmail.com

14. TAHSHILDAR

CCF8+8C6, Kumta, Karnataka 581343
 Ph: 08386-222054
 Email: tah.kumta@gmail.com

15. Karnataka Forest Department

Principal Chief Conservator of Forest (PCCF),
 4th Floor, Aranya Bhavan, Malleshwaram, Bangalore-56003
 Ph: 08023343770
 Email: pccfkar@gmail.com

16. Ministry of Environment Forest and Climate Change (MoEF & CC)

Deputy Director General of Forests (C),
 Kendriya Sadan, 4th Floor, E&F Wings,

17th Main Road, Koramangala II Block, Bangalore - 560034

Ph: 080-25537184, 25537180

Email: rosz.bng-mef@nic.in

17. Superintendent of Police, Uttara Kannada District

M.G. Road, Kajubag, Karwar 581301

Ph: 083820-226233

Email: spkwr@ksp.gov.in

FACTS OF THE CASE – GOKARNA FEATURES

1. OUTLINE – Facts in brief

Potentially Gokarna might be the wealthiest Gram Panchayat of the whole Uttara Kannada district, would its multiple resources be properly managed.

The Petitioner, extremely concerned with the adverse effects of uncontrolled and unplanned tourism growth at Gokarna (with its extensive use & throw practices of wastes including banned plastic materials), the rampant illegal commodification of environment, the large-scale burning of garbage including plastic wastes, the death of water bodies by dumping all kinds of wastes, etc., got prepared to make a move in Gokarna waste management and sanitation.

Due to sheer number lakhs of floating population, the waste management is a bigger issue than in smaller towns and, with the water channels, creeks and *tirthas* filled with solid waste and sewage, the place has not only become an endemic abode for mosquitoes spreading but the blocking of these of creeks and disposal of raw sewage into them has contaminated the water bodies and ground water.

Then, despite the comprehensive system of rules available, the information and caveats given by State and Central authorities, garbage is openly dumped and burned everywhere by public and Grama Panchayat, drains are clogged with trash, banned plastics are given at all shops day after day.

The difficulties are many but not impossible to overcome. It only requires a broad, intense, inclusive, joint actions/ concerted and robust effort.

To trigger a change, Khushi Parisara has designed at 2016 an **Action Plan [ANNEXURE A]** to establish a fundamental 'Trash Change' in the way people view their relationship with trash, building a healthy community by a clean environment, through simple everyday actions. It was all about to develop new practices, implementing positive activities focused on education, community and governance actors, assuming that without a paired action (public/governors) no change is bound to be sustained.

So, if local strong stakeholders, together with empowered state governors, bet on Gokarna as a green pilgrimage place, preparing it to be part of the Green Pilgrimage Network, that might bring an effective and durable change with a broad range of benefits – environmental at the top.

Khushi Parisara sought to drive an intense, vast and deep collaborative endeavor with all the stakeholders, but it ended up having to fight a daily fight with the ignorance, indifference, lethargy of local bodies and administration.

Outreach programs can be done, local bodies can be reminded of their duties, listing and calling their attention for them, clean-ups can be conducted, surveys can be made, corporations can be motivated for eco-friendly behaviour, for re-sourcing resources; It is possible to explain, propose, remind, teach, call press meets, create and install eco-collecting points, etc., as Khushi Parisara did it.

<https://www.khushiparisara.in/plastic-bottles-collection-points-in-gokarna/>

<https://www.khushiparisara.in/functional-guidelines/>

BUT it was not possible to implement the laws, approve policies, allot funds for environment protection, for waste remediation, force civic bodies to lead the way on complying with Environment and Waste Management rules, showing the general public the way to follow.

Indeed Khushi Parisara COULD NOT and its actions were blocked by their inaction.

There are enough guidelines provided by the government, enough notifications, orders, enough complaints to get the work done. However, given the amount of inertia, of lethargy, of damage, of violation, of political pressure, no regular officer will be able to tackle Gokarna situation.

Gokarna is a challenge. A huge challenge, as it got the self- and hetero-empowered right of being out of rules and regulations, out of commons, out of any concern with nature, grounded on their **nefarious governance system of "not governing themselves, nor allowing to be governed"**.

2. DETAILED FACTS OF THE CASE AND SUBSTANTIAL ISSUES

❖ Broad-spectrum

1. Massive CRZ violations all along the Gram Panachayat coast with huge buildings disposing wastes at the seashore and burning them openly.
2. Chronic discharge of fecal sludge & raw sewage to dunes, seashore, water drains & water bodies
3. Appalling usage of all types of banned plastics sanctioned by local authorities
4. Unlicensed tourism operators (hotels, restaurants, resorts, homestays, etc.) indulge in plastic pollution, encroachment of drains, roads, dunes, seashore, etc.
5. Gram Panchayat long standing illegal open dumping in Forest area
6. Devastating common waste dumping and burning all around the place
7. Unanswered Reports & Complaints notified by PHC Officer on S&L W Mismanagement
8. Escalating of unlicensed hoteliers buildings
9. Dunes replaced by homestays
10. Clog of water drains with solid waste
11. Roads and roadsides full of waste
12. Glass bottles thrown (and broken) EVERYWHERE
13. Recurrent burning of waste by GP workers and public
14. Persistent outlet of toilets into water bodies and seashore
15. Huge amount of waste dumped into the sangam by shopkeepers
16. Ingrained filthiness of bustand, fishmarket, sangam banks, tirthas, santhe

17. Non compliance with S&LWM rules by Hoteliers, Tourist and Pilgrims operators
18. Water drains used as incinerators, urinals, waste bins, sewage & fecal sludge collectors

❖ **Specific Gram Panchayat Solid Waste MisManagement:**

1. Lack of adequate planning, scheduling, segregation, workers, supervisor, vehicles
2. No accurate collection of SWM charges/penalties are being taken by Gram Panchayat
3. Scarce and incorrect waste collection by GP of mixed waste
4. No segregation of waste at source, at collection, at transportation, at disposal.
5. Huge gap between generation and collection of waste
6. Huge gap between sweeping and collecting
7. Absence of disposal instructions for tube lights, Sanitary items, E-waste, Demolition, Hazardous, etc.
8. Absence of bins at shops and for secondary collection at visitors areas
9. Last but not the least, a complete lack of transparency on the absence of Sanitary Landfill and dearth of request for it – crucial for a place like Gokarna very far from the ZERO WASTE requirements.

Why Gokarna [a huge generator of mixed solid waste], does not need a landfill?

Gram Panchayat is using without permission, since many years, land of Forest Department, for dumping and burning all types of garbage well showing that the dream of ZERO WASTE is locally impossible to take shape.

The persistent intervention of several groups and locals, has disrupted the dumping and burning procedure at that place, but not completely. **[ANNEXURE B]**

Recently it was entirely mixed up with the soil by JCB.

Nowadays some other un-sanctioned operation is under construction at the same landfill.

However, no assignment of land for sanitary landfill has been requested so far.

Which steps were taken/not taken for it?

Back in 2018, local body submitted to Forest Department application for allotment of land for the construction of Solid Waste Unit and Fecal Sludge treatment Plant at Gokarna [Proposal No. FP/KA/Others/36295/2018] **[Annexure C]**, but so far it seems that it did not apply for a place for Sanitary Landfill.

Also, previous Zilla Parishad CEO, Mr. Roshan in his tenure began a waste-sorting center. However, this center now showcases about 0.5% of village waste and is clearly unable to handle ALL the recyclable waste produced in the Gram Panchayat limits barely treating a minimal part of it. As the extent and pace of tourism development is fast and the administration growth of pace is utterly inadequate, there is no relation between the required capacity and actual waste collection system.

QUESTION(S) OF LAW RAISED

Rule of Law applicable /Violation of all Environment rules, namely

- Environment (Protection) Act, 1986
- Environment (Protection) Rules, 1986
- Solid Waste Management Rules, 2016.

- Plastic Waste Management (Amendment) Rules, 2022
- Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016
- Bio-Medical Waste Management (Amendment) Rules, 2018.
- Batteries (Management and Handling) Amendment Rules, 2010.
- E- Waste (Management) Amendment Rules, 2018
- Construction and Demolition Waste Management Rules, 2016.
- Coastal Regulation Zone Notification in 2011

The failure of the respondents to perform their duties has resulted in the present situation and in violation of all environmental laws.

PRAYERS - REQUEST FOR SOLUTIONS

Most of the snags do not require a big project or financial investment in order to be solved, rather a simple but **robust mechanism of daily, weekly and monthly enforcement of laws and bylaws and frequent reviews of the situation**. However, because the situation in Gokarna is beyond a routine administrative governance, by all reasons and facts brought to the knowledge of authorities, the commitment of paramount stakeholders is unavoidable, with immediate ENFORCEMENT OF RULES.

BRIEF

After a preliminary collection of attested data by **Request of Information** to concerned Bodies, and directly **Audit by Survey the place, [ANNEXURE D]** then proceed for

- A. ROBUST ENFORCEMENT** and the
- B. CONTRIVANCE OF INFRASTRUCTURAL CHANGES**

DETAIL

A. IMMEDIATE ROBUST ENFORCEMENT of rules, regulations and orders, namely:

1. GENERAL

- a) Undertake wastes management in compliance with WM Rules & Panchayat Raj Act
- b) zero plastics stance in compliance with PWM rules
- c) bulk waste generators lawfully processing of wet waste
- d) CRZ rules – remove all illicit buildings
- e) STOP chronic discharge fecal sludge to water bodies, dunes, drains, etc.

2. GRAM PANCHAYAT PRODDINGS/ENJOINMENTS

- a) Fix bylaw for penalties for giving plastics to public, littering, burning trash, dumping trash anywhere, failure to segregate garbage at source
- b) Provide suitable training for sanitary workers (public toilets, sweepers, drivers)
- c) Stop burning trash by GP workers, ensuring no burning of trash anywhere
- d) Notify strict waste management at Santhe, poultry stores, Bhojana, High School & temples
- e) Notify shopkeepers to keep bins outside and not litter on road or drain
- f) Notify temples to ban plastic bags inside premises
- g) Notify *karma mantapas* to properly dispose garbage stopping their customers chronic dumping
- h) Notify shacks/hotels to collect waste dumped by their customers at shore
- i) Notify Bus Stand to keep premises clean

- j) Provide loud announcement on waste rules
- k) Distribute a handbill on waste good practices mindfulness at all households
- l) Provide waste management liability memo to all **shops, temples, hotels**, etc
- m) Clean the nala banks dumping spots & put warnings to prevent dumping
- n) Clean the GP dumped place at Belle Hittala
- o) Fix boards and distribute SWM handbill to visitors

B. CONTRIVANCE OF INFRASTRUCTURAL CHANGES

1. **CREATE** a liable committee coordinated with CEO and DEC to reverse Gokarna disaster [composed of Government Stakeholders, proposed list attached] **[ANNEXURE E]**
2. **APPOINT** for 1 year a knowledgeable Environmental Engineer for (vide Prayer5)
 - a) drawing a comprehensive Strategic Rescue Plan to be accomplished by the Committee
 - b) triggering the stern implementation of the Strategic Rescue Plan
3. **PLACE** an IAS officer as Gokarna PDO for the same period
4. **ASSIGN** immediately a legal landfill and specific areas for decentralized waste processing
5. **ENGINEER** a sound and sustainable Gokarna Sangam Remediation Project
6. **ENGAGE** Tourism Department to submit a Waste Management Plan for Gokarna

PRAYERS

In light of the above facts and circumstances, it is most respectfully prayed that this Hon'ble Court may be pleased to assert the liability of civil servants (elected and bureaucrats) involved in the **ECOCIDE** of Gokarna, obliging all to restore the violated condition and pay for the damages produced by their wrong doings and inaction, and, in view of that, **to reverse the Gokarna environmental disaster, Khushi Parisara demands** to this Hon'ble Court to pass the following directions:

1. A ward-wise survey within a specific time frame piloted by a team assigned to assess the waste conditions, exhaustively identifying chronic waste hotspots, mandatorily attended by the respective GP member/s, and providing appropriate record of the pollution extent, ranking wards as most, moderate and less polluted.
2. To charge the answerable stakeholders for the violations, mismanagement and non enforcement of rules that created the issues.
3. To direct the outline of a comprehensive, systemic, time-framed remedial Action Plan, with the liable stakeholders, reflecting the assessment of the survey
4. To ensure accurate monitoring of the remediation process [within a pre-given form], with monthly report.
5. To deploy for a given period of time, an environmental official, extremely experienced, knowledgeable, skilled, deeply connoisseur of the local issues, to tackle the situation in full time, to trigger the needful emergency and structural changes.
6. To call Legal Service Committee of District for
 - a) Monitoring and acting on identified Wastes Management and Environmental violations
 - b) Refer liable officers who fail their responsibilities
7. To fully enforce laws, bylaws, orders and guidelines in a given timeframe.

PROCEDURAL RECORD OF PRESENT COMPLAINT GROUNDWORK

Brief on Petitioner UNRETURNED ADDRESSES to governing authorities **to reverse**

Gokarna environmental disaster [2017/2022]

- ✓ KP called intervention from **DC, AC, CEO, EO, PDO, THO, DHO, PCB, Director of HFWS, PS of RPDR, Tourism Dept**
- ✓ KP gave to **THO** and **PHO** Complaint on the Criminal Waste Management at Gokarna
- ✓ KP demanded Inspection of CRZ violations to **Regional Director of Environment**, Karwar
- ✓ KP requested an audit to **Principal Accountant General** on Waste Management at Gokarna.
- ✓ KP filled RTIs on most of the issues to add official data to our claim.
- ✓ KP requested to **DC** a meeting with appeal to the **District Environment Committee** to file comprehensive report on environmental violations at Gokarna by responsible officers, namely
 - to make an assessment of the current environmental disaster estimating its extent
 - to inspect the violation of CRZ
 - to assess the violation of Solid Waste Management Rules and all environmental rules
 - to make risk assessment of environmental damage upon drains, water bodies, ocean, coastal areas of creeks, bays, rivers, backwaters, dunes, flora, etc.
- ✓ Complaint given to **NGT [ANNEXURE F - BRIEF ON PAST COMPLAINTS TO NGT & KSPCB]**
- ✓ Detailed report requested about the Management of S&L Wastes by Gokarna GP President & PDO, TP EO and ZP CEO.
- ✓ Meeting requested to **Superintendent of Police UK** with appeal to the educative duty of the Police body to reverse the current environmental disaster
- ✓ Meeting requested and repeated to the CEO **ZP** to get attention and care for the environmental issues related to the Coastal Disaster, especially to understand how orders and instructions from NGT have been prioritized, scheduled and implemented.
- ✓ **Adresses** given to **RDPR, CS (FEE), Tourism Department, Additional CS (FEE)**

GROUND TO INTERPELLATE LOCAL GOVERNANCE

In order to identify the liability for the violations, mismanagement and non-enforcement of rules and to draw prioritized rectification with the liable stakeholders.

GENERALLY

1. WHO IS RESPONSIBLE FOR

- a) The escalating CRZ violations in UK
- b) The enforcement of Plastic law **at source** in UK
- c) The marine trash prevention at UK
- d) Preparing a legal framework to penalize those public servants allowing the violation of the laws to protect environment
- e) Preparing a strategic plan for a sustainable tourism development at Gokarna and all coast
- f) Preparing and triggering the Storm water drain Project
- g) Applying EPR of SWM rules to the alcohol traders, compelling a deposit return charge for glass & tetra pack items

DEP of DEC

Repeatedly NGT has noted, and noticed, the notorious illiteracy of Officers about the environmental rules (especially Waste Management Rules), consequently, we need to know

- Which department, which Officer, will be capable to identify, and assess, the gaps between the current status and the desired levels for the implementation of environmental norms on each sector at the District level?

- Which department, which Officer, will be capable to outline time framed action plans to close the assessed gaps?
- How the liable departments and officers of DEP will be capable to provide a consistent tool for proficient monitoring of environmental norms compliance?

NOTE: A view of the current situation of the various sites is captured in latest images and attached as **Annexure G**

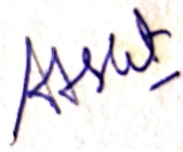
Please contact us in the supra mentioned email and phone number for any further information or data.

Date: 25 February 2023

Yours Sincerely,



Arun Shet
Secretary



Anushree Shet
Treasurer



Ana S.
President

For Khushi Parisara



Gudigargali,
Kumta 581343
Uttara Kannada
khushiparisara@gmail.com
+918618784047
www.khushiparisara.in