

MINUTES OF THE 06th MEETING OF GOA STATE WETLAND AUTHORITY (GSWA) HELD ON 23rd OCTOBER 2019.

TYPE OF MEETING: REGULAR MEETING

DATE: 23rd OCTOBER, 2019; **TIME:** 04:45 PM

VENUE: CONFERENCE HALL, 1ST FLOOR, MINISTERIAL BLOCK, SECRETARIAT, PORVORIM- GOA

MEETING WAS CHAIRED BY SHRI. NILESH CABRAL, HON'BLE MINISTER FOR ENVIRONMENT, GOA STATE; CHAIRPERSON, GOA STATE WETLAND AUTHORITY (GSWA)

The following members attended the meeting:

Sr.No.	Name	Designation
1.	Shri. Nilesh Cabral; Hon'ble Minister for Environment, Government of Goa	Chairperson
2.	Secretary (Fisheries)	Ex Officio Member
3.	Secretary (Revenue)	Ex Officio Member
4.	Director, Department of Environment	Member Secretary
5.	Representative of Principal Chief Conservator of Forests/Chief Wildlife Warden – Shri. Nandakumar	Ex Officio Member
6.	Dr. Pradip Sarmokadam Member Secretary, Goa State Biodiversity Board	Ex Officio Member HOD Nodal Agency, GSWA
7.	Dr. Sharmila Monteiro Member Secretary, Goa State Pollution Control Board	Ex Officio Member
8.	Dr. Joseph Rauto, Director, State Remote Sensing Centre	Ex Officio Member
9.	Shri. Sreepada Anantha R., NIO	Expert Member
10.	Prof. Pranab Mukhopadhyay, Goa University	
11.	Shri. Devanand Kavalekar, NIO	Expert Member
12.	Dr. Vinod Dhargalkar, Former Scientist, NIO	Expert Member
13.	Dr. G.N. Nayak, Goa University	Expert Member
14.	Representative of Chief Town Planner, Town and Country Planning Department	Special invitee
15.	Shri. Sandip Nadkarni Chief Engineer, Water Resources Department	Special invitee
16.	Representative of The Director, Department of settlement and Land Records Shri. Patrick Gonsalves, Supervisor, Department of Settlement and Land Records	Special invitee
17.	Adv. Asha A. Desai	Representing Smt. Hirabai Kavlekar

Chief Secretary, Secretary (Environment), Secretary (Forests), Secretary (Urban Development), Secretary (Rural Development), Secretary (Water Resources), Secretary (Irrigation and Flood Control), Secretary (Tourism) and Additional Principal Chief Conservator of Forests of the Regional Office of Ministry of Environment, Forests and Climate Change were unable to attend this meeting.

At the onset, Member Secretary, GSWA extended a warm welcome to the members of the Authority.

Agenda 1: Confirmation of the minutes of the meetings of 3rd meeting of Goa State Wetland Authority (GSWA).

The minutes of the 5th meeting of GSWA were confirmed by the Members present for the meeting.

Proposed by: Shri. Devanand Kavlekar

Seconded by: Dr. Vinod Dhargalkar

Agenda 2: Progress of identification and notification of wetlands in the State of Goa.

Dr. Pradip Sarmokadam, HOD Nodal agency GSWA, informed the members of the GSWA that sanction order has been issued to the National Institute of Oceanography (NIO) as per the proposal submitted by NIO on 05/08/2019 and the amount of Rs.10,00,000/- has been transferred as approved in the 05th meeting of GSWA held on 20/08/2019. He also informed that NIO has already initiated the work as per scope contained in the sanction order dated 04/10/2019.

The HOD Nodal agency GSWA, informed members that 550 wetlands have been recorded in Goa as per Wetland Atlas prepared by Space Application Centre Ahmedabad, in 2011, and if actual wetlands are not identified with ground truthing within specified time of 03 months, there is possibility that all the identified Wetlands in the Atlas may be declared as wetlands or any other order may be given by hon. NGT. For this purpose there is a need to provide the survey plans/maps of all the villages of Goa to the NIO by the DSLR. The Chairman of the Authority directed the representative of the DSLR to provide the said data to the MS of Goa State Bio-Diversity Board within a fortnight.

Agenda 3: Presentation and approval for Brief Document for "Bondvol Lake", Santa Cruz- prepared by Goa State Biodiversity Board.

The HOD, Nodal Agency GSWA, informed that an affidavit has already filed before Hon'ble High Court of Bombay at Goa based on the minutes of meeting of expert committee for suggesting wetlands in Goa, with reference to PIL - WP No. 10/2017, he

further informed that the minutes of meeting were based on the site inspection and detailed deliberations by all the expert members of the committee. HOD Nodal Agency GSWA, further informed that the GSBBis in receipt of letter dated: 16/05/2019 from Director, Department of Environment to prepare Brief Document on Bondvol Lake, Santa Cruz, Tiswadi before GSWA could formally appoint the agency for identification and notification of wetlands in the State of Goa. Subsequently the process of preparation of Brief Document for Bondvol Lake, Santa Cruz, Tiswadi- Goa was initiated and as a part of this, stakeholders consultative meeting was held on 12/06/2019 in the Santa Cruz Church Hall, Santa Cruz. Over 308 people were present who marked their attendance and have unanimously endorsed that Bondvol be declared as wetland and preserved for posterity. Subsequently, 07 days were granted for submitting the suggestions/ objections. A brief document on Bondvol along with letters of support and extract of stakeholder's opinion were displayed and also video recording of the stakeholder's consultative meeting was played during the meeting.

Eng. Shri. Sandip Nadkarni, Chief Engineer, Water Resources Department suggested that as per Wetlands (Conservation and Management) Rules 2017, Bondvol Lake, Santa Cruz should not be considered as wetland as it is manmade structure with ongoing bed cultivation and water has been used for irrigation. Further he also cautioned that the sluice gate mechanism of this lake requires regular maintenance and is presently in bad condition hence needs repairs at the earliest.

Every member deliberated on the definition of wetland as per Wetlands (Conservation and Management) Rules 2017. The significant viewpoints which were expressed are as given below.

1. All the members of GSWA present arrived at an unanimous opinion that Bondvol needs to be preserved and disposal of liquid and solid waste into the lake should not be allowed.
2. Some officials – MS GSPCB, WRD Chief Engineer, Secretary Revenue, Director remote sensing, Chief Town Planner felt that as per the definition of wetland, its use for irrigation and that the same being manmade structure may not qualify to declare it as wetland. To this there were several viewpoints by experts and other officials. Dr. G.N. Nayak, Goa University opined that larger picture has to be seen as there is dependent downstream areas which totally qualifies as wetland and Bondvol is the source of water for the dependent wetland area. Dr. Dhargalkar, Expert Member GSWA said that Bondvol is only provided with traditionally constructed wall using local material which is acting as embankment from only one side and there is natural advantage of geological setup having springs at the bottom bed which are

throughout the year hence it qualifies as manmade wetland and has ecological characteristics like presence of avifauna, fish, fauna and other features which we have observed during site visit. Shri. Kavlekar, Expert member GSWA, said that Bondvol water has many more uses including ground water recharge, dependent temple ponds and other wells in the downstream and vicinity in addition to irrigational use. He said that use of water is not constant at all times hence such a reservoir can be preserved only if declared as wetland. Prof. Mukhopadhyay drew attention to ecological services offered by the wetland and need to larger perspective from the context of ecology and economy of water as vital resource. He said that many other concepts mentioned in the Wetland Rules, 2017 along with preamble are in favour of declaring Bondvol as wetland. The MS GSWA, expressed that there is need to refer to the preamble of the Wetland (Conservation and Management Rules) 2017 and the spirit rather than just confining to the words in the definition.

HOD Nodal agency GSWA, requested Chief Town Planner who referred to the site inspection in response to the complaint prior to GSWA inspection and informed that already an FIR has been filed for encroachment and destruction in the no development zone around Bondvol. He further said that existing TCP rules are strong enough to ensure legal action against the encroachment and destruction. To this Prof. Mukhopadhyay said that that the reason for enactment of Wetland Rules 2017 and creation of Wetland Authorities itself proves that there was need of such legal provision in spite of existing framework and hence it should be applied to this case.

Chairperson GSWA requested opinion from Forest Dept. who opined that Bondvol Lake should be treated as ecosystem due to presence of dense canopy on slopes adjoining Bondvol and its ecosystem services should be considered in addition to other criteria as a wetland. The HOD Nodal agency GSWA, informed that during stakeholders consultation, a large crowd including local Comunidade Attorney and BMC in presence of Sarpanch as well as MLA overwhelmingly supported to declare Bondvol lake as a wetland on account of various reasons including its ecological role in the ecosystem. This aspect should be also considered. At the same time, an opportunity of being heard was given to one of the aggrieved tenant Mrs. Hirabai Kavlekar who had requested for personal hearing. The HOD Nodal agency GSWA, requested to grant a hearing by Authority. Chairperson approved the same.

Mrs. Hirabai Kavlekar was represented by Adv. Asha Desai who argued in detail. Adv. Desai mentioned that during Portuguese rule, in 1908, this area Bondvol waterbody work was completed and the residents having their houses within this area were rehabilitated. She said that even as on date the remains of her house can still be seen when the waterbody gets dried up wherein she cultivates the exposed area of the lake. Subsequently after liberation of Goa, in 1968 a tenancy case was filed and she/predecessor in title was declared to be an agricultural tenant of the said property. Adv. Desai also said that the bed area is still cultivated by the tenant.

The declaration of tenant should be revisited by the Revenue Dept. as to how when they were rehabilitated in 1908 can they have a tenancy case in 1968 should be examined by the Revenue Dept. The HOD, Nodal Agency GSWA, repeatedly mentioned to advocate and clarified that patient hearing given by the authority members' does not necessarily mean that they are agreeable to the points mentioned by the advocate. The authority will take its decision in this regard after detailed discussion. He also informed that all the submissions made by those objecting to the wetlands were compiled as part of the brief document.

Subsequent to the patient hearing given to the advocate, authority members had detailed deliberations on the points raised. The members objected to the argument put forward by Adv. Desai that water-entering Bondvol waterbody just flows down and there are no wells dependent on Bondvol. The members deliberated on this issue and were unanimously agreed that there are open wells within the Bondvol area and also temple tanks and other existing open structures for flow of water from Bondvol lake which also results in ground water recharge and acts as source to other downstream water bodies. Thus Bondvol lake serves as an ecosystem inhabitant of variety of flora, fauna and other dependent bio-diversity which is undisputable. The brief document for Bondvol was approved by the members of GSWA.

In addition, it was pointed out by Chairperson GSWA, that if the tenants occupying land within the Bondvol were rehabilitated for making a water-body, then the right of tenancy created post liberation is contradictory to the initial intent of rehabilitation, the fact was not brought before the Revenue Authority and on this count he stated that any orders obtained by suppression of material fact which goes to the root of the case cannot be considered to be valid legally. All the members unanimously agreed to this and it was resolved unanimously that it is need of the hour to preserve Bondvol as wetland ecosystem and at the same time ensure that its management be entrusted to Water Resources Department (WRD) after

incorporating the detailed scope of activities to the WRD in the brief document. It was also decided that in case the alleged tenant interferes with the maintenance of the water body and attempts to disturb the eco-system then appropriate proceedings be initiated. Apart from this the WRD had also given an affidavit before the Hon'ble High Court to say that Bondvol lake is not conforming to the requirements of being declared as a wetland and on this count the members re-visited the definition of wetland which inter-alia reads as: "wetland" means an area of marsh, fen, peatland or water; whether natural or artificial, permanent or temporary, with water that is static or flowing, fresh, brackish or salt, including areas of marine water the depth of which at low tide does not exceed six meters, but does not include river channels, paddy fields, human-made water bodies/tanks specifically constructed for drinking water purposes and structures specifically constructed for aquaculture, salt production, recreation and irrigation purposes. A harmonious reading of the definition on the whole instead of reading it in bits and parts for this purpose the pre-amble of the Wetland Rules have to be taken into account which determines as to why the same was required when there are already so many prevailing laws to protect the eco-systems.

National Environment Policy, 2006 recognises the ecosystem services provided by wetlands and emphasizes the need to set up a regulatory mechanism for all wetlands so as to maintain their ecological character, and ultimately support their integrated management. India is a signatory to the Ramsar Convention on Wetlands and is committed to conservation and wise use of all wetlands within its territory. Conservation and wise use of wetlands can provide substantial direct and indirect economic benefits to State and National economy, and thereby the Central Government stands committed to mainstreaming full range of wetland biodiversity and ecosystem services in development planning and decision making for various sectors. The State Governments and Union Territory Administrations need to take into account wetland ecosystem services and biodiversity values likewise within their developmental programming and economic well-being, also taking into cognizance that land and water, two major ecological constituents of wetland ecosystems, are enlisted as State subjects as per the Constitution.

From a harmonious reading of the intent of the legislature viz-a-viz the definition of wetland we cannot restrict to the later part of the definition which says that wetland shall not include river channels, paddy fields, human-made water bodies/tanks specifically constructed for drinking water purposes and structures specifically constructed for aquaculture, salt production, recreation and irrigation

purposes but by applying the principle of harmonious interpretation and by taking into account the contours of the land where the said Bondvol lake is situated it qualifies to be categorized as a Wetland.

Hence all the apprehensions expressed initially by few members of authority regarding qualification of Bondvol as wetland were overruled although kept on record in the minutes of meeting and unanimity was achieved whilst arriving at the final decision to declare Bondvol as wetland.

Agenda 4: 'Bondvol Lake', Santa Cruz is selected as one of the wetland amongst restoration of 130 wetlands as part of transformative ideas within the 100 days programme of the Government of India.... Wetland Mitra and Health Card.

Member Secretary GSWA, informed the authority members that Bondvol was selected as one amongst 130 wetlands in the country as part of transformative ideas within the 100 days programme of the Government of India. In this regard the brief document prepared would be submitted along with the health card and details about wetland mitra to Govt. of India after taking Govt. approval.

Agenda 5: Hearing – Bondvol lake regarding..... Smt. Hirabai Kavlekar

This agenda point was merged along with agenda no 3, and decision in this regard is recorded in agenda no 3 above.

Agenda 6: Legal matter:

1) Before NGT- O.A. 141/2017 (WZ) Kashinath Shetye & ors. Vs. State of Goa & ors.

2) In the High Court of Bombay at Goa- PIL WP No. 33 of 2019 Colva Civic and Consumer Forum Vs. Colva Village Panchayat & ors

Member Secretary GSWA, informed the authority members that legal counsels are appointed in above matters and the necessary work is being carried out by NIO in this regard.

Agenda 7: Recruiting staff for GSWA.....Status

The HOD, nodal agency GSWA informed the members of Authority that approval of Govt. has been received to fill the posts of GSWA by walk in interview at the earliest and the same would be ensured. He also mentioned about the need to ensure proper workspace and resources to GSWA and office of GSBB which is in need of renovation at the moment.

Agenda 8: Any other matter with the permission of Chair.

Member Secretary, GSWA requested that the further procedure with regards to Agenda 3 discussed may be completed by moving the file. He also informed about funding arrangement for the expected financial implications with respect to identification and notification of wetlands.

Meeting ended with vote of thanks by Member Secretary, GSWA.



A handwritten signature in blue ink, appearing to read "Pradip Sarmokadam".

Dr. Pradip Sarmokadam
Member Secretary, GSBB
Head of Nodal Agency, GSWA