

**MINUTES OF THE THIRD GRIEVANCE COMMITTEE MEETING OF GOA STATE WETLAND AUTHORITY (GSWA)**

**TYPE OF MEETING:** REGULAR GRIEVANCE COMMITTEE MEETING.

**REFERENCE:** BONDVOL LAKE-1 (Draft Notification No. GSWA/2019-20/Bondvol notification/026/085 and Corrigendum to Draft Notification No. GSWA/2019-20/Bondvol notification/026/085/568)

**DATE:** 18<sup>th</sup> NOVEMBER 2020; **TIME:** 3.00 PM ONWARDS

**VENUE:** CONFERENCE HALL, 1<sup>ST</sup> FLOOR, OFFICE OF HEAD OF NODAL AGENCY OF GOA STATE WETLAND AUTHORITY, GOA STATE BIODIVERSITY BOARD, OPP. SALIGAO SEMINARY, SALIGAO, BARDEZ, GOA

**MEETING WAS CHAIRED BY RTD. JUDGE SHRI DESMOND D'COSTA, CHAIRPERSON, GRIEVANCE COMMITTEE (GC) OF GOA STATE WETLAND AUTHORITY (GSWA).**

The following members attended the meeting:

Sr. No.	Name	Designation
1.	Rtd. Judge Desmond DCosta	Chairperson,
2.	Adv. Sapana Mordekar	Member,
3.	Shri. Paresh Faldessai, Joint Secretary Revenue, rep. of Revenue Department	<i>Ex-Officio</i> Member,
4.	Shri. D.Y. Salelkar, Executive Engineer, Rep. Water Resource Department,	<i>Ex-Officio</i> Member,
5.	Dr. Pradip Sarmokadam, Head of Nodal Agency (HNA) for GSWA and Member Secretary (MS), GSBB	Convenor
6.	Shri Dashrath Redkar, Member Secretary, GSWA	<i>Special invitee</i>
7.	Shri. Arturo D'Souza, Chairperson, Santa Cruz Biodiversity Management Committee	<i>Special invitee</i>
8.	Shri Namdev Naik, Sarpanch, Village Panchayat of Santa Cruz	<i>Special invitee</i>



At the onset, Dr. Pradip Sarmokadam, HNA, GSWA extended a warm welcome to the members of the Grievance Committee of GSWA. HNA, GSWA briefly explained the history and background that eventually led to the draft notification of Bondvol Lake. He also informed that the constitution of the Task Force Committee was in pursuance of the Order dated 07/11/2017 passed by the Hon. High Court of Bombay at Goa in PIL WP No. 10/2017 and WP No. 590/2017. This committee had conducted a filed survey and prepared a technical report on Bondvol Lake. Taking this report as the basis GSBB had prepared the brief document on which the Notification for Bondvol under Wetland (Conservation and Management) Rules 2017 was prepared.

The Shri. Desmond D'Costa (Chairperson, GC) inquired as to status of the High Court Petition, to which Adv. Mordekar clarified that the same is admitted and pending.

**Agenda 1: Confirmation of Minutes of meeting of the Second Joint TC and GC Meeting held on 22/07/2020.**

The minutes of the Second Joint TC and GC Meeting were circulated before the Committee Members for confirmation.

Proposed by Shri. Desmond DCosta (Chairperson of the GC)

Seconded by Adv. Sapana Mordekar.

**Agenda 2: Action Taken Report of the Second Joint Committee Meeting.**

*The details of the action taken on the agenda points of the previous meeting were informed to the members for information and perusal.*

**Agenda 3: Personal hearing of the grievances regarding Notification of Bondvol Lake**

The members decided to hear the Objectors accordingly.

**1. M/s Tapasya Infotech Pvt. Ltd.**

Letter of Authority was filed by Mr. Upendra Timble, to represent Tapasya Infotech Pvt. Ltd., the same is taken on record and marked as EXHIBIT A. Mr. Timble put forth his grievances. He has submitted representations dated 18/05/2020,



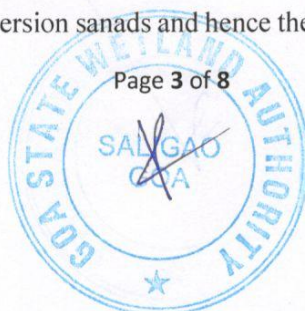
30/06/2020 and 06/11/2020, filing their objections to the Draft notification of Bondvol Lake.

He submitted that Bondvol has Survey Nos. and Land Revenue Code does not allot survey nos. to the waterbodies, hence Bondvol is not a waterbody. He added that Bondvol is in fact a water storage tank constructed during Portuguese regime, which is indicated by the retaining wall, and if this retaining wall is removed the entire waterbody gets emptied within 15 days. He also submitted that the waterbody dries up completely in the summer and is used as a paddy field wherein paddy cultivation has been carried out since long time. Mr. Timble filed his written submission which are taken on record by the GC and marked as EXHIBIT B Colly.

Mr. Timble drew the attention of the Members to the definition of the term 'wetland' as per section 2(g) under the Wetland (Conservation and Management) Rules, 2017. He submitted that according to the said definition, Bondvol does not qualify as wetland as it is human made structure and the water is utilized for irrigation purpose. He also claimed that the only source of the water in Bondvol Lake is the rain water. To this HNA, GSWA explained that the rules itself include artificial wetlands. Nonetheless Bondvol Lake has an embankment only on one side which helps its storage capacity and is not the reason for it to be called completely artificial. He also pointed out that there exist springs in the core area of the waterbody which is a source for water to feed Bondvol lake in addition to the monsoons and the surface runoff of the surrounding area. Mr. Timble asserted that they have no objection to the core area bearing survey nos. 143 and 144 being demarcated as wetland, but the surrounding area other than these survey numbers should not be included as wetland as his client has invested in the land falling within the 50 mts buffer zone

He further added that the information obtained under RTI Act from the WRD indicated that the Highest Water Level of Bondvol was demarcated by using the level of escape provided at the time of construction of dam. Subsequently the marking was done by DSLR, which seems to be illogical. He further alleged that no contouring has been done which can help demarcate the levels and hence the marking of the lake area and the buffer zone is erroneous.

Accordingly, Mr. Timble contended that, the property around Bondvol Lake is developed with plots and road constructions, and various stakeholders have obtained permissions and conversion sanads and hence their rights should not be divested due



to improper demarcation of the wetland area. He specified that their property does not fall inside the demarcated Lake area but it falls inside the Zone of Buffer i.e. 50mts radius from the demarcated waterbody. It was also pointed out that the mean high water Level of 10 years should be used to mark the wetland boundary as per rules. Which has not been done in this case and hence the demarcation should be done according to law irrespective of the public pressure. The Committee inquired as to whether there was any provision to support his contention, that the Land Revenue Code will be applicable to the notification or if there is a bar on notifying wetlands, which have survey nos. assigned to the areas. To which the answer provided by Mr. Timble was not satisfactory from the point of view of the Committee.

Mr. Timble pointed out that the GSWA has solely relied on the Task Force Committee Report and has not made efforts to conduct separate study. He further alleged that the Report submitted by the WRD was not based on the field exercise and has been done from the office. Adv. Mordekar and Mr. Paresh Faldessai, Joint Secretary, Revenue, probed whether any other report/technical data is available with the complainant or in public domain to contradict the report that is prepared by the Task Force Committee. Mr. Timble pointed out that the Task Force Committee Report itself is not according to the Rules regarding demarcation of Wetland Boundary.

## **2. Mr. Haroon Ibrahim**

Mr. Timble, submitted that he is also representing Mr. Haroon Ibrahim, who was present at the meeting. He submitted representation dated 06/07/2020 filing their objections to the Draft notification of Bondvol Lake. It was pointed out that the grievances raised by Mr. Haroon Ibrahim are on the same grounds as that of M/s Tapasya Infotech Pvt. Ltd. and as a result the argument would be same. Mr. Timble reiterated that demarcation of wetland boundary and Buffer Zone based on water level needs to be revisited and to be done according to rules. WRD representative put on record that WRD officials have done a site survey to determine the high water level during the Task force report and not merely marketed digitally as alleged by the complainant. Since Mr. Timble has adopted the arguments raised during the hearing for M/s Tapasya, the committee suggested that they have the same queries



and if Mr. Timble would like to add to the arguments. Mr. Timble did not submit anything further.

### **3. Mundus Real Estate Pvt. Ltd.**

Mr. Marcus Cardozo introduced himself as Director of the M/s Mundus Real Estate Pvt. Ltd. He submitted that they have made representation dated 29/06/2020 filing their objections to the Draft notification of Bondvol Lake. He submitted that the Bondvol waterbody is a smaller version of dam constructed during Portuguese era as per the available records.

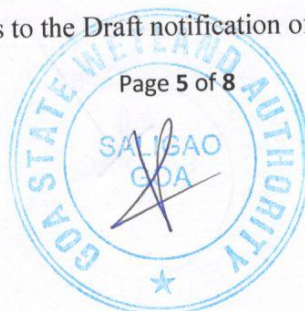
He alleged that the area surrounding the lake is cultivated land, majority of which has been inundated due to saline water flowing in from the *Four Pillar* area. He submitted that no springs exist at the Bondvol Lake, and the tenancy claims of Kavlekar family has spiraled into declaring the waterbody as wetland without relying on any scientific study or paper published showing that the waterbody is a wetland. He submitted that there should be some classification according to which a waterbody can be identified as wetland and Carambolim Lake is only waterbody which can be declared as wetland.

His further grievance is that the land owners have not been intimated while demarcating the area. In fact he pointed out the Government should acquire the land and thereafter demarcate such land as wetland as the stakeholders have purchased the land paying heavy costs which includes the various permissions obtained.

To grievance raised by Mr. Marcus Cardozo, HNA, GSWA clarified that there in fact underground springs that feed the lake which have been observed by the GSWA Committee which was constituted for identification of Wetlands (prior to Technical Committee ) during on-site inspection. He also clarified to the complainant, that the Bondvol Lake has been identified as a wetland based on the Wetland (Conservation and Management) Rules, 2017 by GSWA in the 6<sup>th</sup> Authority Meeting. Adv. Sapna Mordekar also countered that notification shall supersede any permission and licenses that have been granted before the declaration of Wetlands.

### **4. Dr. Suresh Shetye**

Adv. S. Keny filed vakalatnama on behalf of Dr. Suresh Shetye the same is taken on record and marked as EXHIBIT-C. He submitted representation dated 15/10/2020 filing their objections to the Draft notification of Bondvol Lake.

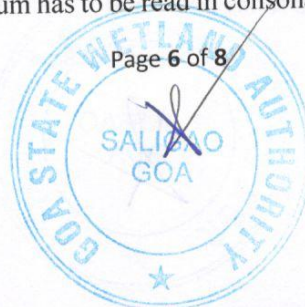


Adv. Keny pointed out that the change in area from the original draft notification to the subsequent corrigendum seems arbitrary and illogical. He claimed that the survey nos. indicated in the corrigendum as area under wetland do not in fact have any water body except the survey nos. 144/0 and 143/0. According to Mr. Keny this is apparent from the description mentioned in the corrigendum as 'Location and extent of wetland and zone of influence', thereby showing no bifurcation as to area under wetland and area under zone of influence.

Adv. Keny submitted that he is relying on the report of Mr. N. Somasundaram (annexed to the objection) which states that presence of hydrophytes is an essential feature of wetland, which are missing in the Bondvol Lake.

HNA GSWA pointed out that it is not the only feature for Wetland to be identified under the Wetland (Conservation and Management) Rules 2017. HNA, GSWA pointed out the definition which states that "*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.* He also explained with the help of the map that the bifurcation as mentioned in the Guidelines have been shown in the survey map except that of Zone of Influence as that has not been mapped for Bondvol Lake.

Adv. Keny alleged that in the corrigendum the area shown as wetland is arbitrary as compared to the original draft notification dated 07/05/ 2020. The Committee clarified that the corrigendum dated 10/09/2020 was not in super-cession of original not and as such it has to be read with together with original draft notification date 07/05/2020 hence map of the Bondvol Lake remains the same as in the original Notification. However some survey nos. were inadvertently missing in the original draft notification which were than included in the form of Corrigendum to the draft Notification. The map was shown to Adv. Keny and Dr. Suresh Shetye. Adv. Keny submitted that the boundaries of the Wetland were also not mentioned in the notification. The GC Members clarified that the boundaries were in fact mentioned and that the corrigendum has to be read in consonance with original draft notification



and not in supersession. Adv. Keny sort clarification on demarcation of Wetland area and area under zone of buffer in the Corrigendum, the same was clarified by the Members. The Members informed Dr. Shetye and Adv. Keny that the map of Bondvol Lake is a public document and available in the office of Goa State Wetland Authority for public perusal.

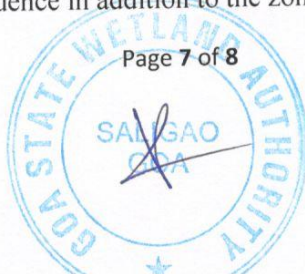
Adv. Keny submitted that the Bondvol Lake does not fit within the definition of wetland as per the Wetland Rules 2017, as it comes in the exceptions. HNA, GSWA pointed that the scope of the GC cannot override the decisions of the Technical Committee (TC) which approved the Wetland for identification and notification. He also emphasized that the TC have considered and deliberated on all the aspects and parts of the rules while approving the Bondvol Lake to be identified and Notified as a wetland.

HNA, GSWA also acknowledged that only the buffer zone of 50 mts been marked in the demarcation of the Bondvol Lake Notification.

After the hearings of the grievances and the complainants, Shri. Desmond DCosta (Chairperson, GC) requested the special invitees to give their opinions and suggestions. The Sarpanch, Santa Cruz, stated that although Bondvol Lake was used mainly for irrigation, there's a need to conserve it, as it can be used as potable water in future. Shri Arturo D'Souza, (Chairperson of Santa Cruz- BMC) urged that it is essential to demarcate the zone of influence as envisaged the Wetland (Conservation and Management) Rules, 2017. According to him, the Bondvol Lake needs to be preserved for posterity.

It was noted by the members that since the grievances raised were largely based on demarcation of the Bondvol lake, which was based on the water scape map and submissions of WRD which was basis of the report prepared by the Task Force Committee and not based on 10 years Mean High Flood Level data as required under the Wetland Rules, 2017 and Guidelines thereto. Hence, the GC meeting concluded with unanimous decision of the members as follows,

- (a) CSIR-NIO as expert's agency which has been empaneled by GSWA for Identification of Wetlands and preparation of Brief Documents, may be given the task for demarcation of Bondvol Lake as per Mean High Flood Level observed in past 10 years.
- (b) re-notify the Bondvol Lake as per the studies conducted by CSIR-NIO which shall include the zone of influence in addition to the zone of buffer



(c) An advisory to all the departments may be given with the approval of GSWA, to avoid any damage or construction or activities of permanent nature that could adversely affect the ecological character, or/ and to avoid any permission or clearances that may be given in the identified wetland area, a, zone of buffer and zone of influence, from the period of draft notification is published in Official Gazette until the final notification comes to be published.

The above recommendations are made by the Grievance Committee to GSWA and the final decision in this regard shall be of GSWA.

**Agenda 4: Any other matter with the permission of the chairperson.**

Nil.

The meeting ended with vote of thanks by Head of Nodal Agency, GSWA.



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

Dr. Pradip Sarmokadam

**Head of Nodal Agency, GSWA**