

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

TYPE OF MEETING: REGULAR GRIEVANCE COMMITTEE MEETING.

DATE: 24th FEBRUARY 2021; **TIME:** 2.30 PM ONWARDS

VENUE: CONFERENCE HALL, 1ST 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 D'Costa	Chairperson,
2.	Adv. Sapana Mordekar	Member,
3.	Shri. Paresh Faldessai, Joint Secretary Revenue, rep. of Revenue Department	<i>Ex-Officio</i> Member,
4.	Dr. Pradip Sarmokadam, Head of Nodal Agency (HNA) for GSWA and Member Secretary (MS), GSBB	Convenor

At the onset, Dr. Pradip Sarmokadam, HNA, GSWA extended a warm welcome to the members of the Grievance Committee of GSWA. The following Agenda was transacted:

Agenda 1: Confirmation of Minutes of meeting of the Third GC Meeting held on 18.11.2020.

The minutes of the Third GC Meeting were circulated before the Committee Members for confirmation.

Proposed by: Shri. Desmond D'Costa (Chairperson of the GC)



Seconded by: Adv. Sapana Mordekar.

Agenda 2: Action Taken Report of the 3rd Grievance Committee Meeting.

The details of the action taken on the agenda points of the previous GC Meeting were informed to the members for information and perusal. The same were accepted by all the members.

Agenda 3: Objections and suggestions raised by Town and Country Planning.

The objections and suggestions submitted by TCP were placed before the Grievance Committee. After detailed deliberation GC unanimously recommended the suggestions of TCP to be incorporated as guidelines for delineating zone of Influence and to be placed to GSWA for approval.

Agenda 4: Personal hearing of the grievances regarding Notification of Sarzora Lake, Cottombi Lake, Saulem Tollem, Pilerne Lake and Toyyar Lake (Chimbel).

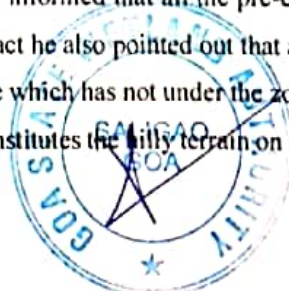
The members heard the Objectors accordingly.

1. Village Panchayat Sarzora, Sarzora, Salcete-Goa.

The Village Panchayat Sarzora was represented by Mrs. Sabita Mascarenhas, (Sarpanch, V.P. Sarzora and BMC Chairperson) and Mr. Arcanjo Mascarenhas, BMC Member and President of Comunidade of Sarzora. The following was discussed and deliberated:

- a. The complainant informed that the VP Sarzora, nor the other local bodies such as BMC, were taken into consideration by GSWA for identification of the Lake. To this HNA (GSWA) informed that GSWA had not visited the Sarzora Lake but a team from CSIR NIO that is empaneled by GSWA for wetland identification has visited under intimation to BMC chairperson. This was acknowledged by Mrs. Sabita Mascarenhas.
- b. Grievant informed the GC members that they are in fact happy with the decision of notifying the Sarzora Lake as a wetland, but are concerned about the restriction and prohibitions in the area demarcated as Zone of Influence and how it may hamper the agricultural activities in the zone of influence.

To this HNA (GSWA) informed that all the pre-existing rights of the locals have been documented. In fact he also pointed out that all the agricultural land is on the downstream of the lake which has not under the zone of influence. Rather the zone of influence mostly constitutes the hilly terrain on the upstream of the lake. He also



cleared that any traditional agricultural activity which is currently carried out in the buffer zone will also continue as a pre-existing right. This was accepted by the grievant.

- c. Mr. Arcanjo Mascarenhas added that traditional fishing was being conducted through auction since ages in the Sarzora Lake. They also submitted that every year desilting was being carried which promoted the fishing in the Lake, however since WRD started managing the lake, desilting has stopped causing reduced fishing due to causing stagnation and siltation of water.

To this HNA (GSWA) informed that fishing has been noted as a pre-existing right at Sarzora Lake, and if notified as a Wetland, locals along with GSWA will be able to decide its wise use and manage the resource of the wetlands by forming a wetland management committee. This was accepted by the grievant.

- d. The complainants further submitted that if the plantation of indigenous and horticulture plants may be included in the Brief Document and that no permission in this regard is required to be taken from GSWA.

To this HNA (GSWA) informed that the plantation of indigenous plant species will be allowed within the Zone of Influence. This was accepted by the grievant.

- e. The complainants requested that the sand from the lake should be desilted and auctioned and Co-management of the property should be allowed

To this HNA (GSWA) cleared that desilting of the lake may be carried out for restoring the Sarzora Lake, with the guidance of GSWA along with the lake management committee for Sarzora Wetland. This was accepted by the grievant.

- f. The complainants also inquired about the ownership of the land once it is declared as wetland.

Chairman of the GC Committee assured that the ownership of the waterbody will not change and the current owners will remain to be so. This was acknowledged by the grievant.

Decision: The grievant/ complainants/ Objector agreed that their objections were resolved and satisfactorily dealt with. The Complainants have agreed to withdraw the complaint.



2. Shri Babulo S. Prabhudessai

Shri. Babulo S. Prabhudessai has filed objection to the draft notification of Cottombi Lake, Quepem Taluka. Shri. Babulo S. Prabhudessai was represented by his son Mr. Suraj Prabhudessai. The following was discussed and deliberated:

- a. The apprehension of the objector was that his property was identified as wetland and he will not be allowed to cultivate his fields. The Committee gave the opportunity to the complainant to check and verify on map. After this exercise it was clear that the property of the objector did not come under the area marked as the wetland but was within the 50mts zone of buffer. The Committee explained that the notification consists of 3 different zones i.e the waterbody which is the wetland, 50 mts zone of buffer wherein no permanent structure is allowed and zone of influence within which activities are primarily regulated. HNA also clarified that the pre-existing rights on the land used has been noted, and the traditional agricultural practices will not be affected within the buffer zone. He also submitted that any activity which does not affect the ecological character of the water body will be allowed. The objector submitted that it may be clarified in the Brief Document that his property does not come within the wetland but within the zone of buffer and agricultural activities be allowed in his property.

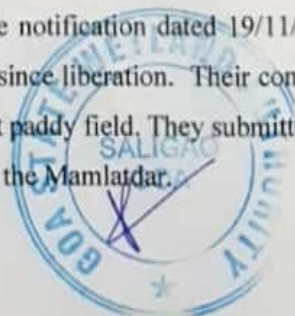
Chairman of the GC Committee assured that the suitable changes will be made in the notification for clear these kind of apprehensions. This was acknowledged by the grievant.

Decision: The Grievant/ Complainants/ Objector agreed that their objections were resolved and satisfactorily dealt with.

3. Krishna Hadfadkar and others

Krishna Hadfadkar and others have filed objection to draft notification of Pilerne Lake. Mr. Hadfadkar and others were present with their representatives and were represented by Adv. Tanmay Gawas, however no letter of authority or memo of appearance was filed the advocate.

- a. The objectors submitted that they are the owners of the property which has been declared as wetland vide notification dated 19/11/2020 and that they have been cultivating paddy fields since liberation. Their contention was that the area is not a wetland area but in fact paddy field. They submitted that they have purchased the area as paddy field from the Mamlatdar.



Adv Mordekar (GC member) explained to the objectors that by the said notification, the land ownership does not change but activities such as construction within the identified wetland will be prohibited. The objectors rebutted that construction is anyway not allowed as of now and the Wetland Rules will only increase the complexities. They further added that according to the said Rules, paddy fields are not wetlands and therefore Pilerne lake cannot be a wetland. Adv Sapna Mordekar, clarified that a simpliciter paddy field it is not a wetland but if a wetland is used as paddy field for a particular season than it is a temporary wetland and the traditional activities of cultivation shall be permitted. The objectors opposed saying that they do not believe the interpretation of the Rules as it may change anytime adversely affecting their rights. They argued that so long as they are the tenants of the land, there should not be any restriction from the Wetland Authority or WRD or any other Authority. HNA, GSWA explained the process and the aim for hearing the objections. He submitted that the objections were primarily invited so as to record the same in the Brief Document. Once the Grievance Committee is satisfied that the rights and privileges are genuine and non-detrimental to the ecological character of the waterbody, they would be recorded and permitted.

- b. The objectors questioned whether private property can be declared as wetland, The GC replied in affirmation further explaining that the land use is always determined by the Government for example through Regional Plan.
- c. The objectors submitted that water from the lake is not being released as required and is being blocked.

HNA, GSWA explained that there will be lake management committee which shall involve local stakeholders, Panchayat, BMC and other Govt. officials. This co-management shall help the objectors in paddy cultivation. The objectors agreed that they have not cultivated the fields as yet but are interested in doing so in coming time.

- d. The objectors inquired whether beautification of lake will be allowed in future, HNA, GSWA submitted that they will have to take approval from the lake management committee and GSWA with regard to beautification of the lake. The GC added that the rules are made to protect the environment and not for any other purpose.



- e. The objectors submitted that if they venture into mechanized farming in future than mechanized farming, small constructions should be allowed. The GC members pointed out that GSWA cannot give permissions for constructions as those are dealt with other departments. It also submitted by HNA GSWA that there will be no restriction for construction of temporary nature for pump house etc. subjected to permissions from concerned departments. HNA GSWA also agreed that mechanized farming may be allowed in the buffer zone, in the future.

The Secretary and The Sarpanch, Panchayat of Pilerne and Chairperson, Pilerne BMC were heard separately. They agreed that the lake has been stagnant for last few years, they even mentioned that many people have constructed small huts and carrying out various works such as welding and garbage menace has created lot of problems. The Panchayat and the BMC jointly submitted that the ecological character of the waterbody should be maintained and even though agricultural activities are allowed, horticulture should be allowed. They were strongly in favor of declaring the Pilerne Lake as Wetland.

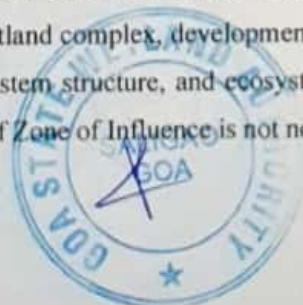
Decision: Paddy Cultivation traditionally conducted within the wetland as well as the zone of buffer shall be permitted in Kharif season. Mechanized farming as defined by Agriculture Department to be allowed in the buffer zone and wetland subject to any change in the ecological character of the lake.

4. Mahadhan Real Estate LLP

Mahadhan Real Estate LLP through its representative Mr. Ashwyn Nayak has filed objection to the draft notification of Chimbel Lake, Tiswadi Taluka.

- a. Their contention was that properties identified as zone of influence are fully developed and therefore do not fit the criteria of zone of influence.
- The GC members clarified that the Zone of Influence has been marked by the expert agency CSIR-NIO and has also been checked by Technical committee of GSWA.
- b. The party made additional submissions that the said property identified as Zone of influence but its ecological character is not identified.

On this submission HNA, GSWA explained that the Zone of Influence is defined in the Wetland rules 2017 as "zone of influence" means that part of the catchment area of the wetland or wetland complex, developmental activities in which induce adverse changes in ecosystem structure, and ecosystem services. Hence defining the ecological character of Zone of Influence is not necessary but has been defined for the identified wetland.



- c. The party also argued that the said property which belongs to party is far away from the wetland, and is a seasonal Nallah which dries up during summer season, also the said property is situated at high altitude hence any activity in this area will no adverse impact on the purported Wetland, therefore it any construction will not interfere with Zone of influence.

HNA, GSWA clarified that construction activities within the zone of influence is not completely prohibited but are subjected to approval from all concerned departments including health.

The BMC member present were strongly in support of the Chimbhel Lake, Tiswadi Taluka, to be identified and notified as Wetland.

Decision: The notification of wetland will not hamper the Existing Rights. The existing constructions will not be demolished while approvals from concerned department will be taken as per rules for construction of new structure of permanent nature within the Zone of Influence.

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.



Pradip Sarmokadam (Handwritten signature) (X)

Dr. Pradip Sarmokadam
Head of Nodal Agency, GSWA