

MINUTES OF THE 5th GRIEVANCE COMMITTEE MEETING OF GOA STATE WETLAND AUTHORITY (GSWA)

TYPE OF MEETING: REGULAR GRIEVANCE COMMITTEE MEETING.

DATE: 8th & 9th APRIL 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

THE 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. Sapna Mordekar | Member |
| 3. | Dr. Pradip Sarmokadam, Head of Nodal Agency (HNA) for GSWA & Member Secretary, Goa State Biodiversity Board (MS,GSBB) | Convenor |
| 4. | Mr. John M. Fernandes, Range Forest Officer, Wild Life Campal, Panaji. | Invitee |
| 5. | Mr. M.K. Kurbat, Rep of Water Resource Department (WRD) | Invitee |
| 6. | Mr. Saiesh Lawande, A.S.W. Rep of Water Resource Department(WRD) | Invitee |



Day 1: 08.04.2021

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 the 4th GC Meeting held on 24.02.2021.

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

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

Seconded by: Adv. Sapna Mordekar.

The same was approved by all the members present at the meeting.

Agenda 2: Action Taken Report of the 4th Grievance Committee Meeting.

The details of the action taken on the agenda points of the 4th GC Meeting were placed to the members for information and perusal. The same was accepted by the members present at the meeting.

Agenda 3: Personal hearing of the grievances/suggestions/complaints/objections regarding notification of Carambolim Lake, Batim Lake & Durga Lake as Wetland under Wetland (Conservation & Management) Rules, 2017.

A. Grievances/suggestions/complaints/objections regarding notification of Carambolim Lake

The members heard the Objectors accordingly on Day 1 (08.04.2021).

Slot 1: Grievances/suggestions/complaints/objections submitted by a) Farmers of Tollem – Savat Association, b) Tollem – Savat Tenants Association, c) Disha Deepak Karmalkar, and d) Village Panchayat Se-old Goa, were represented by Disha Deepak Karmalkar. The following was discussed and deliberated:

The following Grievances/ Objections were placed by the representative/s,



- a. The grievant stated that, the Carambolim Lake is not a Wetland but it's a *Savat* field (Paddy Field) and asked to remove the Buffer Zone.

HNA (GSWA) informed that there is a core water body within the notified wetland area that is perennial and is fed by freshwater channels. As mandated in the rules, the area marked as the wetland is the mean highest water holding level of the area which has included all the areas in which paddy is also grown.

- b. The grievant stated that provision Rule 5 schedule II of wetland Rules prohibits the discharge of untreated waste, chemical fertilizers, other effluents. Considering this provision, it'll prohibit the use of chemical fertilizers like Urea and pesticides in the fields in the Carambolim Lake if it is notified as Wetland. The property of the Grievant also lied within the buffer zone downstream to the identified wetland.

On the Apprehensions above GC Member Adv. Sapna Mordekar informed the Grievant that since agriculture is a traditional activity in Carambolim Lake in the dry spell, notifying the Wetland will not stop the practice of cultivation of the said land. HNA (GSWA) further added that any traditional agricultural activity which is currently carried out in the buffer zone will also continue as a pre-existing right. Since the Grievant's property is downstream to the lake, and hence the optimal use of fertilizers will not necessarily affect the Ecological character of the Wetland upstream. This was agreed upon and accepted by the grievant. The GC Members informed that this is not within the purview of this Grievance Committee to remove the buffer zone and the buffer zone has been marked according to the Rules.

- c. The grievant further submitted that Ground truthing is required to demarcate all the land in the buffer zone

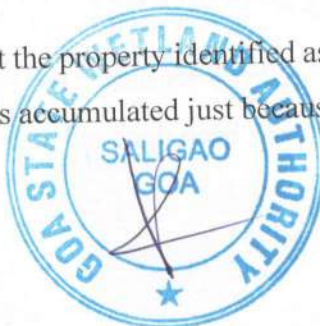
HNA, GSWA assured to consider the request.

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

Slot 2: Grievances/suggestions/complaints/objections submitted by Shri Sunil A. Naik (Panch member, Carambolim VP). The following was discussed and deliberated:

The following Grievances/ Objections were placed by the representative/s,

- a. The grievant stated that the property identified as a wetland is not a wetland neither it is a lake. The water is accumulated just because the Sluice Gates blocks water so



it seems like a lake. He also pointed out that the railway lines are also causing a disturbance in the said Wetland.

HNA (GSWA), added that there is a core water body within the notified wetland area that is perennial even if the sluice gate is opened which is fed by freshwater channels. As mandated in the rules, the area marked as the wetland is the mean highest water holding level of the area and not just the area wherein the water is retained perennially. Furthermore, the Members of GC informed the Grievant that once the Lake is notified it could be protected more effectively from such disturbance caused by railways. Moreover, HNA (GSWA), informed that as per revised guidelines the ZOI will be revised where the agriculture, as well as construction activities, will be allowed subject to permissions from local bodies.

- b. The grievant stated that his land directly comes in the area shown as the wetland however since it's private property, he should be allowed to do as per their discretion or if the govt. wishes to acquire the property then he should be adequately compensated. It was also pointed out that the water is not allowed to be released by the Forest department as per the High court Judgment. This caused great inconvenience to the farmers and aren't able to cultivate the land.

HNA (GSWA) clarified that the government will not acquire any land and the notification is only to protect the water resources of the State. He further suggested that once the lake is notified as Wetland the lake Management committee constituting the stakeholder in addition to a member from GSWA will be allowed to manage the lake as per the local requirement of the fields. This committee will also be allowed to decide on the operation of sluice gates and wise sustainable use of the water and other resources within the wetland.

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

Slot 3: Grievances/suggestions/complaints/objections submitted by **a) Pratiksha Kuttikar and b) Shaila Pandu D'Souza** were represented by Adv. Pranav Vaze. The following was discussed and deliberated:

The following Grievances/ Objections were placed by the representative/s,

- a. The grievant stated that the objectors are the owners of the property survey no. 109/0 & 106/1 which has been declared as wetland via draft notification, and they



have been cultivating paddy fields. They contended that as per wetland Rules 2017 paddy fields cannot be notified as a Wetland.

Adv Mordekar (GC member) explained to the objectors that the above-mentioned survey numbers come under Zone Of Influence where traditional activities like paddy cultivation and construction are allowed however it should not adversely affect the ecological character of the Wetland. Also in the areas coming under buffer zone, traditional activities will be permissible, however, new construction activities of permanent nature will be prohibited in the buffer zone.

.Decision: Paddy Cultivation traditionally conducted within the wetland as well as the zone of influence shall be permitted. There will be no further permissions required from GSWA regarding the same. The Grievant/ Complainants/ Objector agreed that their objections were resolved and satisfactorily dealt with.

Slot 4: Grievances/suggestions/complaints/objections submitted by **a) Anand Kuttikar and b) Datta Kuttikar** were represented by Sahil Kuttikar. The following was discussed and deliberated:

The following Grievances/ Objections were placed by the representative/s,

- a. The main apprehension was whether they'll be allowed to do new construction in the Zone Of Influence.

The GC members clarified that as per Revised guidelines regarding Zone Of Influence construction activities will be allowed However such activities of permanent nature will be prohibited in the Buffer Zone.

Decision: The notification of wetland will not hamper the Existing Rights. The existing constructions will not be demolished while approvals from the concerned department will be taken as per rules for construction of the new structure of permanent nature within the Zone of Influence. The Grievant/ Complainants/ Objector agreed that their objections were resolved and satisfactorily dealt with.

Slot 5: Grievances/suggestions/complaints/objections submitted by **a) Anil Shirodkar, b) Maya Shirodkar, c) Mathurdas Shirodkar, d) Nilkant Shirodkar, and e) Paresh Shirodkar** were represented by Deepti Shirodkar. The following was discussed and deliberated:



The following Grievances/ Objections were placed by the representative/s,

- a. The grievant stated that their contention was concerning Buffer Zone. Their Land partly came under Buffer Zone and partly under Zone of Influence (ZoI). Their apprehension was that since the land was once notified as wetland there will be unnecessary restrictions on the use of land as per their discretion.

HNA, GSWA explained that as per revised guidelines for demarcation of ZoI there won't be any restrictions in the concerned area lying in ZoI as the concerned area will not be coming in ZoI. In respect of the area lying in the Buffer zone, HNA (GSWA), inquired about the existing approved construction plans. Adv Mordekar (GC member) explained that their existing structures won't be demolished however a ground-truthing will be done.

- b. The objectors asked to remove or reduce the buffer zone.

Adv Mordekar (GC member) explained that this not within the purview of this committee. HNA (GSWA) considering the small space and the grievance of the complainant suggested that the matter be put up to the authority.

- c. The grievant also complained about the sewage that passes through their backyard creating inconvenience for them.

The GC member explained that once the Lake is notified as a Wetland, all such matters will be dealt with by the Lake Management Committee.

Decision: After considering their grievances of the aggrieved GC committee suggested putting forth this grievance to the Authority for consideration and approval. Furthermore, ground-truthing shall be carried out in this area. The Grievant/ Complainants/ Objector agreed that their objections were satisfactorily dealt with.

Slot 6: Grievances/suggestions/complaints/objections submitted by **a) Adv. Vishwas Dhaku Kankonkar** was represented by himself. The following was discussed and deliberated:

The following Grievances/ Objections were placed by the representative/s,

- a. The Objectors contended that he may not be allowed to undertake traditional Paddy Cultivation.



The GC Members clarified that there is no restriction to traditional paddy cultivation as it is allowed under the pre-existing rights. There will be no further permissions required from GSWA regarding the same.

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

Slot 7: Grievances/suggestions/complaints/objections submitted by a) **Village Panchayat Corlim**, b) **Village Panchayat Carambolim**, and c) **Village Panchayat se Old Goa** were represented by the members of each panchayat. The following was discussed and deliberated:

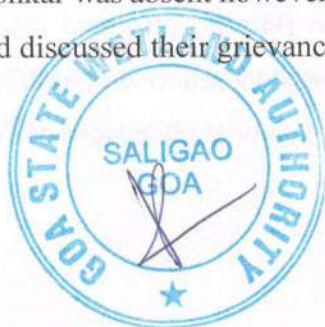
The following Grievances/ Objections were placed by the representative/s,

The Sarpanch Uttam Murgaonkar and BMC Chairperson Rajesh Naik have opposed the notification of Carambolim lake as Wetland as the buffer zone does not allow any construction of permanent nature and all of the area falling under the same has already been given permission or are planned for construction. Furthermore, ZoI covers very large areas that lie in the settlement zone. BMC chairperson inquired whether any recreational activities can be carried out in the Buffer and ZOI. The main concern was also the operation of the sluice gate for the restoration of paddy cultivation as conducted since time immemorial to the locals.

The GC members explained that the area of Zone Of Influence will be significantly reduced after revision that is ongoing. Furthermore, all the recreational activities may be allowed subject to permissions of Panchayat provided that it doesn't affect the ecological character of the Wetland. Furthermore, a lake management committee once established after final notification of the lake can decide the best wise use of the Wetland.

Decision: GC recommended that all the Sarpanch of the concerned villages concerning Carambolim lake notification, may be allowed to present their views to GSWA.

Slot 8: Grievances/suggestions/complaints/objections submitted by a) Prakash Shirodkar and, b) Devidas Kankonkar was absent however the GC Committee considered all of their written submission and discussed their grievances.



Decision: GC found most of the grievances to be similar to the other grievances and suggested the same.

Concluding remarks for Day 1 GC meeting for grievances of Carambolim Lake as wetland:

The HNA (GSWA) emphasized that the Government does not have any intention to acquire the land that is to be notified as Wetland. He informed that considering that, if the sluice gates may be opened during the month from March to August and allowed to close in August Month then the farmers are ready to do the cultivation of land, he will put up this suggestion to the Authority. He reiterated the fact that after notification a lake Management committee will be constituted that will consist of local stakeholders i.e. Village Panchayat, BMC, concerned Farmers, and Landowners & GSWA officials, that may decide the best possible wise use of the notified wetland. Considering all the grievances received this case of Carambolim Lake will be put up to the Authority furthermore a resurvey of the Lake will also be conducted along with CSIR-NIO and DSLR.

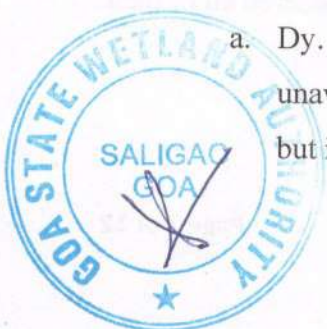
Day 2: 09.04.2021

B. Grievances/suggestions/complaints/objections regarding notification of Durga Lake

Slot 1: Grievances/suggestions/complaints/objections submitted by **a) Evonne Cardozo, b) Chinchinim –Deussua Biodiversity Management Committee (BMC), and c) Village Panchayat Chinchinim-Deussua** were represented by Evonne Cardozo, Mabel Menezes (BMC Chairperson), and Mr. Valentino Barretto (Dy. Sarpanch, Village Panchayat Chinchinim-Deussua) respectively. There were more villagers and other stakeholders present at the meeting. The following was discussed and deliberated:

The following Grievances/ Objections were placed by the representative/s,

- a. Dy. Sarpanch Mr. Valentino Barretto informed that the Village Panchayat was unaware of Durga Lake being proposed as Wetland, he claimed that it is not a lake but it is Durga Bund. Informing about the history of Durga Lake he said that it was



just a water channel wherein later when bunds were built locals started agricultural practices. He also told that in the Regional plan Durga lake is shown as a paddy field. Representing the Villagers and Village Panchayat he informed that they do not want the Durga Lake to be notified as Wetland and wants it to remain as a paddy field. He further added that the Village Panchayat wishes to promote Agriculture, encouraging the locals to cultivate the area and hence strongly opposes the notification of Durga Lake as Wetland.

- b. Mabel Menezes, the BMC chairperson, also informed the committee that in Chinchinim Village there are many Bunds one of them is Durga Bund which was earlier used for irrigation and fishing purposes. She highlighted that due to the presence of such Bunds the wells in the village do not get dried up. As a BMC chairperson, she extended her support to the Village Panchayat's decision of promoting agriculture in the Durga lake.
- c. Furthermore, after agreement of all the above, Evonne Cardozo questioned who proposed the Durga Lake as a wetland. She also told that as per the regional plan it is agricultural land and not a wetland. She argued that there are certain contradictions in the draft notification. She requested not to notify the wetland as it will disturb the residents.

Answering all of the above queries HNA (GSWA) informed that as per Wetland Atlas of India, Durga Lake is already shown as Wetland. Furthermore, as for it being considered as a paddy field the brief document of the said water body has been technically cleared by the Technical committee furthermore it is scrutinized by DSLR, TCP, WRD, then it was presented to the Authority and after the Approval of Authority, it was draft notified. This is a forum to bring forth grievances and bring to notice any existing rights and privileges concerning the Wetland. GC members further clarified that the existing traditional activities like agriculture will not be prohibited if the Wetland is notified. The ownership of the land will not change. However, the area covered under the Wetland water body and the Buffer Zone construction activities will be prohibited.

To this, all the villagers present at the meeting raised their concerns and asked for the lake not to be notified.

Decision: Considering the strong opposition to the notification of the Durga Lake as Wetland GC members decided that the selected representatives of the Grievants should



present their case to the Authority meeting. Explain their stand to the authority and final decision regarding the notification of the said water body be with the Authority.

C. Grievances/suggestions/complaints/objections regarding notification of Batim Lake

Slot 1: Grievances/suggestions/complaints/objections submitted by a) **Society of Missionaries of St. Francis Xavier**, b) **Mrs. Maria Ida Demelo e Rego & 2 ors**, c) **Tamatar Conceissao Feliciano De Braganza**, d) **Villagers affected by Draft Notification of Batim Lake rep. by Edgar Pais** e) **Villagers affected by Draft Notification of Batim Lake rep. by Agnelo De Souza** and c) **Comunidade of Batim** were presented. There were more villagers and other stakeholders present at the meeting. The following was discussed and deliberated:

The following Grievances/ Objections were placed by the representative/s,

- a. Mr. Francis Silveira (MLA St. Andre constituency) present at the meeting asserted that Batim Lake is not a lake but it is a Field with the help of sluice gates the water is stored to use during the dry season to irrigate downstream paddy fields. He also said that there are no crocodiles in Batim Lake. Furthermore, he stated that 11Kv lines are placed beneath it with around 11 poles in the Batim lake. He said that it can be notified only if the area retains water but it gets dried up and does not have natural springs, hence cannot be called a Lake. He said that if the lake gets notified there will be restrictions on the use of Batim Lake and will cause inconvenience to the landholders. Requested not to notify the lake as Wetland.

The members of the GC cleared that the area need not contain water throughout the year for it to qualify as a wetland and can be considered as a Temporary wetland. Secondly, as there are preexisting rights involved in the wetland rules all existing activities including agriculture-related activities will be permitted within the notified wetland.

- b. Villagers affected by the notification of Batim Lake as Wetland represented by Adv. Parag Rao claimed that for the notification of Wetland there was no application of mind. He said that in the brief document there's no record of site visits, ground-truthing made. There is no photographic evidence of the rare species of flora and fauna mentioned in the Brief Document. Revenue records say that it a



paddy field and hence application of section 105 of Goa land Revenue code 1968 which is Presumption of the correctness of entries in the record of rights and register of mutation. As per the Supreme Court Judgment, due credence must be given to the Revenue Records when concerned with the nature of land use. He added if the Brief Document itself mentions it as paddy fields, then it's out of the purview of Wetland Rules 2017. He said that the notification will affect the socio-economic needs of the population. Furthermore, he claimed that the essential feature to ascertain the character of the land is Ground Truthing which is lacking in this draft notification. He submitted that this notification exercise needs to be halted and should be done as mandated under Wetland Rules 2017.

- c. Milton Fernandes President of Comunidade of Batim filed an objection to the notification of Batim lake. He inquired about the existence of any Research paper to place this assumption that Batim Lake is a Wetland. Mr. Fernandes also added, as per records that it is Storage tanks consisting of sluice gates and cannot be a Wetland.
- d. Edgar Pais said it is a group of fields. It is a human-made waterbody, and there are no crocodiles as mentioned in the Brief Document. The objector raised the apprehension that they won't be allowed to do any plantation in the said area as it is prohibited in the Wetland Rules 2017.
- e. Another villager inquired whether the buffer zone can be reduced to 5 meters from the water level. The stakeholders of Batim Lake were in general not in the favor of notification of Batim Lake as Wetland.

HNA (GSWA) after considering all the above discussion, explained that CSIR-NIO is the competent Agency entrusted with the work of Ground Truthing, and have completed the exercise using satellite LISS-4 Imaging and are following all the guidelines as provided by the MoEF&CC. The Draft Notification of the Batim Lake is not based on any assumption but is based on the studies carried out by CSIR-NIO and vetted by the authorities like DSLR, TCP, and WRD. He clarified that this Grievance Committee can solve the issues relating to Pre-existing rights and that this forum is not to contest the status of Batim Lake being proposed as Wetland to be notified. Adv. Sapna Mordekar GC committee member reiterated the fact that State Government is not acquiring the land under this Wetland Rules 2017 and these rules however rights and Traditional activities carried on in the Wetland, only restrictions are placed on the new constructions of permanent nature. Furthermore



HNA, GSWA informed about the lake management committee will be constituted after final notification, which will consist of landowners, stakeholders, panchayat, and local bodies will deal with management and wise use of the Lake. Chairperson (GC, GSWA) recommended that the matter of such strong opposition to the Notification of Batim Lake as Wetland should be referred to the Authority.

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

Nil.

Concluding remarks for Day 2 GC meeting for grievances of Durga and Batim Lake as wetland:

The HNA (GSWA) said that considering all the representations and grievances received in the case of Durga and Batim Lake will be put up to the Authority for further course of action.

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



Dr. Pradip Sarmokadam

Head of Nodal Agency, GSWA