

**BEFORE THE GOA HUMAN RIGHTS COMMISSION**  
**PANAJI – GOA**

**Proceeding No.120/2020**

Suo Motu

V/s

- 1) The Director,  
Directorate of Agriculture,  
Government of Goa,  
Panaji-Goa.
- 2) The Commissioner,  
Corporation of the City of Panaji,  
Panaji-Goa.
- 3) Shri Xavier Almeida,  
President of Progressive Farmers' Club,  
Taleigao-Goa.
- 4) The Member Secretary,  
Goa Coastal Zone Management Authority,  
Pandit Deen Dayal Bhavan,  
Pundalik Nagar, Alto-Porvorim, Goa.
- 5) The Member Secretary,  
Goa State Pollution Control Board,  
Near Pilerne Industrial Estate, Opp. Saligao Seminary,  
Saligao, Bardez-Goa.
- 6) The Managing Director,  
Imagine Panaji Smart City Development Limited,  
Adil Shah Palace, Panaji-Goa.
- 7) The Secretary,  
Village Panchayat of Taleigao,  
Taleigao-Goa.
- 8) The Captain of Ports,  
Captain of Ports Department,  
Government of Goa,  
Panaji-Goa.
- 9) The Chief Engineer,  
Department of Water Resources,  
Sinchai Bhavan, Porvorim-Goa.
- 10) M/s. Alcon Construction Pvt. Ltd.,  
1<sup>st</sup> Floor, Sukerkar Mansion,  
M.G. Road, Panaji-Goa.

- 11) The Managing Director,  
Sewerage & Infrastructural Development  
Corporation of Goa Ltd.,  
Ishan Building, 2<sup>nd</sup> Floor, Opp. CCP,  
Panaji-Goa.
- 12) The Collector,  
North Goa District,  
Panaji-Goa.

**INQUIRY REPORT**

(12<sup>th</sup> December, 2022)

On going through the newspaper report which appeared in the local daily 'Gomantak Times' dated 25/05/2020, under the caption, "**Taleigao farmers unhappy over chocking of St. Inez creek, new building projects**", the Commission took Suo Motu cognizance of the newspaper report and called for the reports from the Respondents No. 1 and 2.

2. During the course of the proceedings, Respondents No. 3 to 12 were also added to the proceedings and their replies were sought.

3. The Respondents filed their replies and additional replies, except for Respondents No. 5 and 12. So also, the Respondent No. 3 filed his Rejoinder.

4. On 14/11/2022, the Commission heard Adv. Ms. Harsha Naik for the Respondents No.1, 6, 8, 9 and 12 and Adv. Shri A. Kudchadkar for the Respondent No. 2, Adv. Ms. Albertina Almeida for the Respondent No. 3, Adv. Ms. V. Gracias for the Respondent No. 4, Adv. Shri M. Jalmi holding for Adv. Shri J. Godinho for the Respondent No. 5, Adv. Ms. Shilpa Kamat for the Respondent No. 7, Adv. Shri V. Braganza for the Respondent No. 10 and Adv. Shri S. Sarmalkar for Respondent No. 11. Adv. Shri A. Kudchadkar for the Respondent No.2 had sought time to file written submissions within three days, but nothing has been filed.

6. The Commission has gone through the replies of the Respondents, the Rejoinder of the Respondent No. 3 and the documents of the Parties.

7. The reply of the Respondent No. 1 indicates that the Directorate of Agriculture had carried out the inspection at Taleigao and adjacent areas with the help of the Respondent No.3 and other residents of Taleigao village. The paddy fields opposite Sao Miguel School upto the Community Centre were shown, in which a passage was made from under the road leading into the fields across and there was a thick black liquid flowing into the fields. It was informed that it was sewage water from the houses/buildings present across the road. So also, the reply of the Respondent No. 1 indicates that they had also carried out inspection at the base of Nagalli hills in Nagalli ward from opposite the Church Cemetery till Chamunda Residency and across the road, near Fern Residency, and it was noticed that the fields were submerged with a lot of greyish black water and looked like a swamp. The reply of Respondent No. 1 indicates that there was no cultivation in the fields, though earlier, paddy was cultivated in the kharif season followed by vegetables in the rabi season and the residents/farmers of the village informed that the flow of water from the creek is through the channels which go right up to the reservoir at Camarabhat and at the time of inspection, it was noticed that the water at the foothills of Nagalli ward was black and thick and there was a sewage like stench emanating from the water and the farmers and residents indicated that the thick black liquid was due to discharge of septic waste into the fields by the Housing complexes situated on the slopes of Nagalli hills and areas surrounding the fields.

8. The report of the Respondent No. 1 also indicates that they had noticed that several fields in Caranzalem were damaged due to the influx of the thick black liquid and were made unfit for cultivation and further towards Adarsh/Caranzalem Circle, the

fields were also submerged and ruined with thick black liquid and raw sewage has been discharged into the fields by the residential colonies from the neighbourhood.

9. As per the report of the Respondent No.1, the Sarpanch had informed that the Panchayat had written to the Housing societies to stop pumping their raw sewage in the fields.

10. The reply of the Respondent No. 3 as well as the Rejoinder of the Respondent No. 3 indicates that the building complexes which have mushroomed, either do not have a Sewage Treatment Plant or are not connected to the underground sewer line and generate a large amount of waste water which is pumped either into the creek directly or into storm water drains.

11. The reply of the Village Panchayat of Taleigao i.e. Respondent No. 7, is only in respect of the stop notice which the Panchayat had issued to the Respondent No.10, M/s. Alcon Construction Pvt. Ltd. regarding the construction of the retaining wall abutting the Nallah at Tonca.

12. As rightly submitted by learned Adv. Ms. Albertina Almeida for the Respondent No.3, the Respondent No. 7 has not produced any Show Cause Notices which they had issued to the Housing societies which were pumping their raw sewage into the fields.

13. In May 2022, the National Human Rights Commission issued an Advisory to the Centre, States, UTs and High Courts to prevent, minimise and mitigate impacts of Environmental Pollution and Degradation on Human Rights. Issuing the Advisory, the Commission has observed that in spite of having one of the world's best statutory and policy framework for environment protection, India is experiencing a serious problem of air and water pollution and ecological degradation causing impediments

in the enjoyment of basic human rights. One of the important recommendations is that each Local Body should establish an environmental cell to plan, supervise and monitor various activities to prevent, minimize and mitigate environmental pollution/degradation and for waste management.

14. Accordingly in this respect, the Commission finds the necessity to issue recommendations to the Village Panchayat of Taleigao for dealing with this issue of houses/buildings releasing the sewage water into the fields in the area.

15. The other issued involved is in respect of the St. Inez Creek. The reply of the Respondent No. 2 indicates that the development of the St. Inez Creek is being handled by the Respondent No.6, i.e. Imagine Panaji Smart City Development Limited, as approved by the Government.

16. The additional reply has been filed by the Respondent No.6 on 24/06/2022, bringing out that the project “Rejuvenation of St. Inez nallah-Improvement to hydrodynamics, water quality and stabilization of banks, a project under Smart City Mission” has been taken up under the Smart Cities Mission for Panaji City. The work comprises of following sub-estimates: (1) Desilting of waterway for a length of 3.5 km. (2) Construction of side bank wall for a length of 3800 mts. (3) Construction of storage structures, Control Room and providing arreators. The total expenditure sanction cost for the project under the Smart Cities Mission is Rs.41.13 crores. The Water Resources Department (WRD) is the executing agency for the project. As submitted by WRD, the work has been awarded to Contractor, M/s. PRN INFRATECH. The stipulated date of commencement was 01/01/2022 and the stipulated date of completion is 26/02/2023 and as on 24/06/2022, the physical progress stands at 50% and the following work is ongoing at the site:

(1) The St. Inez nallah is desilted for a length of 3.3 km from Camrabhat to Inox Theatre. The nallah is desilted 200m upstream of Camrabhat to connect with water ways joining from Nagalli, Taleigao. The excavated earth has been transported away from the work site.

(2) The composite retaining wall is completed for a length of 983m along the left bank and 691m along the right bank. A total length of 1674m is complete.

(3) The work of storage structure/bandhara has commenced.

17. So also, the Respondent No.10 has placed on record the photographs of the construction of the retaining wall undertaken by the Water Resources Department for restoring the nallah.

18. In respect of the work of the restoration of the St. Inez nallah, the Commission finds that the Respondent No. 6 is seized of the matter and the work is ongoing for rejuvenation of the St. Inez Creek, as contended by learned Adv. Ms. Harsha Naik.

19. Under Section 18(e) of the Protection of Human Rights Act, 1993, the Commission shall send a copy of the Inquiry Report together with its recommendations to the concerned Government or authority and they shall, within a period of one month or such further time as the Commission may allow, forward its comments on the report, including the action taken or proposed to be taken, to the Commission.

20. Accordingly, in the present case, the Commission recommends that the Respondent No.7, the Secretary, Village Panchayat Taleigao, shall within a period of 60 days from today take necessary action for stopping the discharge by houses/housing complexes on the slopes of Nagalli hills and areas surrounding the fields in Taleigao, of raw sewage into the area.

21. Copy of the Inquiry Report be sent to the Respondent No. 7, the Secretary, Village Panchayat Taleigao, calling for their comments, including the action taken or proposed to be taken within a period of 60 days from today or on or before 14/02/2023, in terms of Section 18(e) of the Protection of Human Rights Act, 1993, for stopping the discharge by houses/housing complexes of raw sewage into the paddy fields at Taleigao.

Date : 12/12/2022

Place : Panaji-Goa.

Sd/-  
(Justice U.V. Bakre)  
Chairperson  
Goa Human Rights Commission

Sd/-  
(Desmond D'Costa)  
Member  
Goa Human Rights Commission

Sd/-  
(Pramod V. Kamat)  
Member  
Goa Human Rights Commission