

**MINUTES OF THE SPECIAL MEETING (42nd) OF THE GOA
STATE POLLUTION CONTROL BOARD HELD ON
07th JANUARY, 2000, AT 11.00 AM.**

I. A Special meeting - (42nd meeting) of the Goa State Pollution Control Board was held in the Board Office on 7th January, 2000 at 11.00 am

The following members attended the meeting:

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| 1. | Mr. Arecio D'Souza | Chairman |
| 2. | Mr. G.K. Hegde, as a Representative of
Goa Chamber of Commerce & Industry | Member |
| 3. | Mr. S. Sridhar, as a Representative of
Goa Mineral Ore Exporters Association | Member |
| 4. | Dr. A.V. Salelkar, Director, Health Services | Member |
| 5. | Mrs. Maria D'Costa, Chairperson, Curchorem-Cacora
Municipal Council | Member |
| 6. | Mr. K.N.S. Nair, Director of Panchayats | Member |
| 7. | Mr. A.A. Parulekar | Member Secretary |

The following members did not attend the meeting:

1. Chairperson, Mormugao Municipal Council
2. Sarpanch, Village Panchayat, Kundaim
3. Director, STE
4. Managing Director, Goa Tourism Dev. Corpn.
5. Director, Industries and Mines
6. Managing Director, Industrial Dev. Corpn.

Office of Chief Engineer, Public Works Deptt. has informed that he was out of station.

II. The purpose of convening this special meeting recorded in the document, circulated among the members was elaborated as follows:

- 1) There is a Writ Petition pending before the High Court bearing no. S.M.W.P.No. 443/98 which has arisen on account of overflowing of soak pit

of buildings within the area of Village Panchayat of Santa Cruz with consequential contamination of drinking water of the wells.

2) Directions were issued in that particular case by Hon'ble High Court, but when the Court found that no adequate steps were being taken by the statutory authorities to prevent the overflowing of soak pit giving rise to contamination of water of the wells, the Court desired to know whether there is any policy of the Government to prevent or abate such pollution.

3) The matter was referred by the then Advocate General to the Government pointing out section 17 (a) of the Water (Prevention and Control of Pollution) Act, 1974 which enables the Board to prepare comprehensive program for preventing and abating pollution and to issue directions in that regard. The matter was than referred by the Government to the Board.

4) It is on this background the Board put its appearance before the Hon'ble High Court on 27/10/99 and at that time, it was brought to the notice of the Hon'ble High Court that there is already a policy framed by Central Government contained in 'Manual on Sewerage and Sewage Treatment' by Central Public Health & Environmental Engineering Organisation to be followed by all the agencies of the Government Central as well as State and particularly Chapter on Pour Flush Water latrine, and Chapter on Septic Tank and Soak Pit and it was submitted that it was necessary to make some changes to adapt the same for local conditions.

5) On the Hearing which took place on 29/11/1999, the tentative guidelines framed, were presented to the Hon'ble High Court. As few changes were required to be made in the draft so submitted, some more time was sought to finalize and to submit the document comprising of comprehensive program and directions, to the Board for approval and then place before the Hon'ble High Court.

6) For the above purpose the following documents are considered:

a) The provisions of Goa Panchayat Raj Act, 1993 in-particular dealing with sanitation namely section 60 and schedule I, item no. XVIII, and also section 70 and 89.

b) The provisions of Goa Municipalities Act 1968 in-particular chapter XIII dealing with sanitation.

c) The provisions of the Goa Town and Country Planning Act 1974, section 20 dealing with Outline Development Plan.

d) Goa Public Health Act, 1985, section 2 (16),18, 20, 21(1)(c), 23, 30(a), 36, 37(2), 38 and 113.

7) In the matter of keeping distance between source of drinking water and soak pit, the provisions of the 'Manual on Sewerage and Sewage Treatment', in particular para 21.2.4 providing minimum distance of 20 metres has been kept in mind for drafting executive instructions.

There is no statutory provision providing specific distance, save and except the provisions contained in the proposed Panchayat rule which are at stage of publication which reads as under:

Rule 45, sub-rule 7(i) - 'No water closet or appurtenance which are not connected to a public sewerage system shall be within 15 metres from any well.'

(Draft Rules Notification vide no.8/DP/GP/BLDGS/96, published in Official Gazette, Govt. of Goa, Series I No. 12, Extraordinary No. 2, dated 23rd June, 1997)

But the delegated legislation has not yet been crystalized into rules. The same proposed rule is some what in consonance with the provisions of para 21.2.4 of the Manual.

The provisions contained in the Article 81 of the Regulation of Buildings which was applicable to entire Goa i.e all Municipalities and contained in the Legislative Diploma no. 444 dated 14/10/1930 concerning construction of buildings published in the Government Gazette no. 82 dated 15/10/1930, has also been kept in view.

Translation of Article 81 is given below:

ARTICLE 81

‘No well of drinking water shall be constructed without licence from the respective Municipal Council. It shall be given after the Health Officer is satisfied that in the neighbourhood of the location where the well is intended to be opened there is no latrine, deposit of refuse at a distance which may create a likelihood of contamination and which will depend upon the nature of the soil. Nevertheless, no license shall be given for construction of, referred to in present Article where the distance is less than 10 mtrs. between border of the well intended to be constructed and the nearest point of latrine or of the deposit of refuse’.

8) It is noted that the Government while enforcing the provisions of Goa Non-Biodegradable Garbage (Control) Act, 1996, at first instance it has been extended to all Municipal Councils of Goa, and as far as Panchayats it has been extended to Panchayats of only 3 Talukas viz., Tiswadi, Bardez, Salcete by Notification dated 31/12/1997, No. LS / Misc / 1915 /96 / Panchayat / 1309 published in Government Gazette no. 41, Series I, dated 08/01/1998.

A similar pattern is proposed, but extending the area to more Panchayats where the development is in increase and conversely not applying to the Municipalities where such a provision for the time-being appears to be not necessary.

9) It is noted that the Government while extending provisions of the Goa Daman and Diu, Rent, (Building lease, Rent and Eviction) Control Act 1968 (Act no. 2 of 1969) has extended the operation to a belt of 2 kilometres around the limits of the cities as per the notification no. RD/BLDG/77/69-II dated 30/09/1969.

Similar pattern has been followed as far as the Municipal Councils because due to the congestion in the cities, development is spread to the suburbs. However the jurisdiction over the belt, will be of the respective panchayat and not of the Municipal Council.

10) It is noted that there are statutory provisions included in the Public Health Act, 1985. But there are no rules to give effect to periodical examination for sources of water supply as envisaged in section 20 and also there is no record to show that section 38 is given effect to. Most of the provisions of the Act are for abatement of pollution and not of preventive in nature. It is necessary that preventive steps be taken to avoid contamination.

11) It appears that in one of the Writ Petition in the Court in connection of disposal of Garbage, most of the local authorities complaint about lack of funds. But lack of funds does not exonerate the local authorities of complying with statutory obligation imposed on them more so concerning health.

It is of utmost importance that the local authorities make adequate provisions in the budget and acquire necessary equipment and make it functional for the purpose of disludging of septic tanks, as the provisions of the Health Act must be given prominence and this is clear from section 113 of the Public Health Act.

It is reported that at the present only two Municipal Councils namely Margao and ~~Bardéz~~ ^{major} are having the equipments, but some of them are non-functional.

A time frame has been fixed in this regard so that within a specified time, the Municipal Councils will procure the equipment keeping in mind the health of the people and take necessary steps in this regard.


III. As above, a draft of the comprehensive program comprising of technical details and the directions to be issued to the concerned authorities for effective implementation of the program, prepared in consultation with Eng. J.J.F. De Albuquerque, Chief Engineer (Retd.) Public Works Deptt. and Adv. M.S. Usgaoncar, Senior Counsel appearing for the Board in the High Court in the Writ in question, was placed before the Board for deliberations. After deliberations, the Board unanimously approved the draft and adopted the following Resolution:

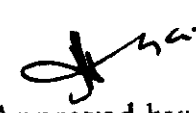
“The draft comprehensive programme comprising of the technical guidelines and the directions to be issued by the Board, to various concerned authorities, exercising powers vested with the Board under

section 33(a) of the Water (Prevention and Control of Pollution) Act 1974 was discussed by the Board at a special meeting held in the Board office on 7/1/2000. After perusal of the document in detail, the Board resolved to approve and adopt the same and authorise Member Secretary to take necessary action to pursue the comprehensive programme”.

The members appreciated the efforts put in by Member Secretary and expressed their thanks to Eng. J.J.F de Albuquerque, Adv. M.S. Usgaoncar for their valuable inputs.

IV. The meeting ended with thanks to the Chair.


Prepared by: _____
Mr. A.A. Parulekar
Member Secretary


Approved by:
Mr. Arecio D'Souza
Chairman