

ALL GOA SMALL SCALE RESPONSIBLE FISHERIES UNION

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Date: 15/04/2021

To,

Shri. Rajesh Patnekar
Speaker,
Goa Legislative Assembly,
Government of Goa,
Secretariat, Porvorim,
Goa

Subject: Dangerous consequences for Goa due to inclusion of Mormugao Port under Major Port Authorities Act, 2021 and call to exclude Mormugao Port from this law through repeal/ Amendment

Respected Sir,

Government of India through an extraordinary issue of Gazette of India (Part II, Section 1) dated February 18, 2021 has published Major Port Authorities Act 2021 after receiving assent of the President of India on February 17, 2021. Passing of this law without consulting Goa's fishing communities and public has posed major dangers to Goa, its fishing based livelihoods and other ramifications because of the following reasons:

1. Section 1 (3) has included Mormugao Port where in this law will be made applicable within 90 days of its passing. That means this law will take effect from May 20, 2021.
2. Section 2(1)(y) has definition of "port limit". Draft Coastal Zone Management Plan (CZMP) has marked several patches inside Goa's rivers as "port limit" there by creating grounds to attract application of Major Port Act, 2021. Definition under section 2 (1) states " Port limit in relation to a major port, means the limits including any piers, jetties, landing places, wharves, quayside, docks and other works made on behalf of the Public for convenience of traffic, for safety of vessels or for the improvement,

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JP Patnekar
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maintenance or good governance of the Major Port and its approaches whether within or without high water mark, and subject to any right of private property there in, any portion of the shore or bank within fifty yards of high-water mark and the area of such Major Port as may be determined by the Central Government by way of notification from time to time."

3. Section 25 empowers Board of each major port covered under this law to prepare its own master plan "in respect of any development or infrastructure established or proposed to be established within the port limits and the land appurtenant thereto and such master plan shall be independent of any local or State Government regulations of any authority whatsoever : Provided that in case of any conflict between the master plan created by the Board and any local authority, the master plan created by the Board shall prevail."

4. Section 22(3) states "The Board of each Major Port may erect, construct or build such civil structures for port development or improving commerce and trade in national interest for which no regulatory license or approval from the State authorities shall be required, unless so mandated by the Central Government. " The Panchayats, Municipalities and even Government of Goa is divested of all the decision making powers within port limits which draft CZMP has spread out far and wide needlessly to facilitate notification of port limit by Central government. Even M.L.A/ Minister/ Chief Minister roles will become redundant with all the powers concentrating in the hand of Board of Major Port.

5. Section 23 is dealing with acquisition of land that is known in legal terms as immovable property. This provision states "Where any immovable property is required for the purpose of the Board, the Central Government or as the case may be, the State Government may, at the request of the Board, procure the acquisition thereof under the provisions of Right of Fair Compensation and Transparency Act, 2013 or any other law for the time being in force, and on payment by the Board, the compensation awarded under that Act and of the charges incurred by the Government in connection with the proceedings, the land shall vest in the Board". Its land outside the port limit. Land within port limits automatically comes under Board Jurisdiction after central government notification.

6. Section 21(a) states "The Board of the Major Port Authority shall be the successor of the Board of Trustees constituted under the Major Port Trusts Act, 1963."

7. Section 75 (1) states "The Major Port Trusts Act, 1963 is hereby repealed."

8. The Board of Major Port Authority according to Section 3 (1) consists of Chairman, Deputy Chairman, One member each from Concerned State Government, Ministry of Railways, Ministry of Defence, and Customs, Department of Revenue. Not less than

two and not exceeding four Independent Members. One Member -not below the rank of Director - nominated by the Central Government, ex officio; and two Members representing the interests of the employees of the Major Port Authority." Local Panchayats, Municipalities, MLAs has no powers to appoint Members to the Board of Major Port Authority.

9. Section 4 (1) States "The Chairperson and Deputy Chairperson of the Board shall be appointed by the Central Government on the recommendation of a select committee consisting of such manner, as may be prescribed." There is no transparency as to who and how select committee itself is formed.

10. Section 3(2) makes Major Port autonomous and allows it to function as a landlord. The provision of this section states "The Board of each Major Port Authority under this Act shall be a permanent body having perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire, hold or dispose of property, both movable and immovable, and to contract, and shall by the said name sue or be sued."

This Law passed in the Parliament of India and assented to by the President of India is draconian and oppressive designed towards Blue grab of Goa's coastal area, riparian area and even the hinterlands. Constitution of India under Article 51-A (g) empowers citizens as a fundamental duty "to protect and improve the natural environment including forests, lakes, rivers, wild life, and to have compassion for living creatures." Major Port Authorities Act, 2021 is an anti-thesis of above cited Article 51-A(g) as it is designed - besides destruction of political institutions of democracy - ecocide of Goa's ecology by promoting various lethal coastal disruptions as they will be covered up as in "National Interest" as provided under section 22(3).

In exercise of Fundamental Duty under Article 51-A(g) you are requested to pay attention to points raised above, express your dissent publicly and communicate your views to the Minister of Ports, Shipping and Waterways, Government of India, Member of Lok Sabha and Rajya Sabha. For the safety of Goa, its democracy and ecology Mormugao Port must be excluded from the applicability of Major Port Authorities Act 2021. People of Goa are not consulted before passing of this draconian law just the way we were not consulted before passing of National Waterways Act 2016 wherein six rivers of Goa were included as National Waterways.

Industrialization of Rivers, Industrialization of our Coasts are not Good for us in Goa. Major Port Authorities Act, 2021 is meant to usher in intensification of Industrialization of Goa's coast to facilitate another Ecologically disastrous project named Sagarmala, marinas at Nauxim and Sancoale, coal handling, construction of fresh jetties, double tracking of Railway tracks connecting port, decimation of western Ghats forest at Mollem etc.

No nation can prosper by destroying the foundation of Economy. Foundation of Economy is ecology. It is in national interest that Goa's ecology is protected at all costs from Major Port Authorities Act, 2021.

We call upon you to pass resolution against enforcement of Major Port Authorities Act 2021 based on above cited grounds and share with Central Government (Prime Minister of India) calling for repeal - of this draconian law - at the earliest.

Thanking you,

Yours sincerely,



Roque Menezes

President



Laximan Mangueshkar

Secretary