

**IN THE HON'BLE NATIONAL GREEN TRIBUNAL, WESTERN  
ZONE BENCH, AT PUNE**

**M.A. No. 03/2023 (WZ)**

**IN O.A. No. 478/2018**

**The Goa Foundation** ....Applicant

vs.

**The State of Goa & Ors.** ... Respondents

**WRITTEN SUBMISSIONS OF THE APPLICANT**

**1. There is no order of the State Govt. rejecting the T & A Reports, as stated by the Govt. in its affidavit. [pg. 4460, para 17]**

a) Govt. disbanded the T & A Committees on 23.04.2018 as their work was stated to be complete [pg. 30]. The two committees submitted their reports on 10.12.2018 and 28.12.2018 [pg. 4448, para 5]. More than a year after the reports were submitted, the Govt. on 21.01.2020 appointed the RC-II to review the T & A Reports [pg. 31].

b) Hence it is incorrect that the Govt. rejected the T & A Reports, since the RC-II was specifically appointed to review the provisional survey numbers identified by the T & A Committees.

**2. The T & A committees' work was not solely 'Ocular' as is projected by the Govt. in its affidavit [Para 5, pg. 4448; Para 11, pg. 4455; and Para 40, pg. 4468]**

- a) While the T & A committees both began their task of identification of private forests through ocular survey as per their ToRs [pgs. 28, 29], thereafter they did ground truthing of several areas as well. Thomas committee made 134 site visits (pg. 50), and the Araujo Committee made 71 site visits (pg. 67)
- b) The methodology of identification and demarcation is recorded in detail by the Thomas Committee in its report at 'Action Taken by the Committee' [pg. 50]
- c) The Araujo Committee records its methodology under the heading of 'Methodology adopted' [pg 74]. See 2.3.8 – Ocular Estimation & 2.3.9 - 2.3.12 – Demarcation, Survey, Review, finalization [pgs. 76 - 77].

Hence it is totally incorrect that the T&A committees work was only ocular.

**3. The RC-II's decision to re-examine finalized survey numbers is contrary to its ToRs:**

- a) The ToRs of the Review Committee entitle it to examine only provisionally identified Sy nos, and not finalized sy Nos.
- b) The ToRs of the RC-II were not the same as the ToRs of RC-I. The RC-I was authorised to examine the entire report of the Sawant and Karapurkar Committee. But the RC-II was authorised to examine only the provisional survey numbers of the T & A committees.

[TOR of RC-I is at Pg 30, ToR of RC –II is at pg 31]

c) By examining the finalised sy nos as well, the RC-II has exceeded its TOR and its jurisdiction. Hence its report has to be set aside insofar as it deletes the finalised sy nos of the T&A reports. Alternatively, the finalised sy nos of the T&A committees which are clearly listed in the two reports must be incorporated as finalised sy nos in the final report of the RC. In the meanwhile no development ought to be permitted on the finalised sy nos listed in the T&A reports (*Thomas Comittee - pgs 56 to 64; Araujo Comittee pgs 108 to 129*).

**4. The RC-II's decision to deviate from its TOR and examine the finalized Sy Nos. was taken of its own accord at its 9<sup>th</sup> meeting, without jurisdiction and without any approval of the Government. This is admitted by the Govt at para 11 of its reply [pg. 4456].**

- a) This decision of the RC-II shows that the RC was not only conscious of the limits of its ToR, but was also able to consciously distinguish between the two categories of survey numbers – Provisional and Final.
- b) Hence, besides violating the TOR framed by the State govt, the RC decision to re-examine finalised sy nos was not approved by the State Govt.

**5. The site visits relied upon by the RC-II were made by Inspection teams comprising a talathi, a RFO and a Surveyor (pg. 32). Based on their inspections the RC-II deleted the finalised sy nos from the T&A reports.**

- a) Of these three persons in each inspection team, only one (the RFO) can be said to understand forest criteria. On the other hand the finalisation of the sy nos by the T&A committees as explained in their methodologies was done after site inspection by the Committee members themselves. The T&A committees comprised several senior forest officers.
- b) It is simply not acceptable that site inspection of finalised sy nos by a talathi, surveyor and RFO could undo the extensive work carried out by the two Expert Committees of carrying out site visits, considering objections of land owners, re-verification / re-assessment of forest area, marking the forested area with wooden pegs / iron nails with washers on the ground using total station, demarcating the area on a plan and lastly submitting the plan to the DCF Working Division for putting boundary stones around the identified private forested plots which was the methodology for finalised private forest areas.

**6. The RC-II's methodology to ex-facie delete Sy. Nos from the T&A reports without a single site visit, solely because they did not fit into the areas shown as green cover in the Forest Survey of India maps, is contrary to the procedure followed by the RC-I and also does not do justice to its TOR to review all the provisional sy nos identified by the T&A committees.**

- a) Applicant does not dispute that FSI maps may be used by a RC. But they can only be in the nature of guidelines or reference maps. Ground truthing exercise is the final indication of whether or not the area is forest. Applicant has stated this in the M.A. as well. [*Para 24, pg. 11; Para 26, pg. 12*]

- b) The RC-I also used FSI maps, but it did not exclude areas solely based only on the FSI maps. It visited the areas to confirm the truth of the same. In fact, the RC-I report explicitly mentions that it included areas identified by the S&K committees which qualified as per the criteria on ground, even if they did not show as such in the FSI map data. Relevant extract from the RC-I final report is annexed hereto as it is not part of the annexures to the O.A [pg. 11].
- c) On the other hand, the RC-II simply deleted Sy. Nos wholesale which did not fit into the FSI maps. This can be seen in the chart prepared by the RC-II in its Ist Interim Report [pg. 273]. It shows that out of 3195 survey numbers identified by the two committees, only 1833 were considered for site visits / review, which means that 1362 survey were deleted at the stage of 'Image interpretation' itself and excluded from site inspection altogether. Thus the RC-II differs entirely from the RC-I in the way it used the FSI maps. To repeat, the RC-I used the FSI maps as a tool / a guide while the RC-II used the maps to eliminate the provisional sy nos altogether.
- d) Such incorrect use of the FSI maps to eliminate Sy. Nos does injustice to the RC's task of reviewing the T&A reports when the FSI itself admits that it was given only a short period of 3 months to prepare these maps [pg. 204]. The T&A committees worked at identifying the private forests for 5 ½ years (date of appointment - 27.11.2012, pg. 28-29; date of disbandment - 23.04.2018, pg. 30)
- e) Further, the FSI admits that its maps are not accurate because it could not do ground truthing [pg. 219]. Hence, deletion of a large number of survey numbers by RC-II, based only on the FSI maps without confirmation by site visits, was totally erroneous.

**7. The deletion of finalized Sy. Nos. of in Salvador Do Mundo village and of the DLF (a real estate property located on sy No 43/1-A in Dabolim village) by the RC-II are contrary to the reports filed by the same two committees North (Thomas) and South (Araujo) Committees in specific O.A. proceedings before the NGT involving private forest on the said plots.**

a) *Salvador Do Mundo* - The Thomas Committee had reported the final private forest sy nos of Salvador village to the NGT in OA No 166/2013 [pg. 247]. This OA was disposed of on the basis of the said report. Exact area demarcation had to be carried out.

This exercise of area demarcation of the same sy nos of Salvador village were finalized in the Thomas report [pg. 47].

Details of exact area in each sy no are specified [pg. 57].

However the finalized sy nos of Salvador village are deleted by the RC-II [pgs. 352, 353]. The NGT order in OA No 166/2013 approving the Sy. nos while disposing of the OA is legally valid, but the said order will be of no use if the RC's review of the finalised sy nos is not quashed by the NGT as prayed in this OA.

b) *Dabolim* - The DLF property (Sy No 43/1-A, Dabolim) was reported to be private forest by the Araujo Committee in O.A. 26 (THC)/2013 [pgs.150, 157]. The matter is still pending in the NGT.

The DLF property is finalized as forest by the Araujo Committee in its report in the table under the heading Dabolim Sy No 43/1 and 43/1-A [pg. 125].

The DLF property is deleted by the RC-II at Sr. No 83, listed as Dabolim, Sy No 43 [pg. 354].

There are several similar deletions of finalized sy nos by the RC-II.

For eg., *North Goa*: Tiracol, Paliem and Arambol are finalized as forest by the Thomas Committee [pg. 58]. Tiracol ,Paliem and Arambol are deleted as forest by the RC-II [pg. 354].

*South Goa*: Cortalim Sy. Nos. are finalized as forest by the Araujo Committee [pg. 112]

Cortalim Sy. Nos are deleted as forest by the RC-II [pg. 355].

Detailed table of some of the deletions is at pgs. 10-11 of the Applicant's Submissions e-filed and given to the Hon'ble Tribunal at the hearing on 18.07.2023.

**8. The Govt's order to accept the Interim reports (to date, there are 6 interim reports) and on that basis to permit development of the Sy nos rejected as private forest by the RC-II without a final report being placed before the NGT for its approval must be quashed and set aside. No development should be allowed on all the Sy Nos listed in the T&A reports until the final report of the RC-II is approved by the NGT.**

- a) The Govt is terming each Interim report as 'Part Final'. This is an absurd proposition. There is no meaning to this nomenclature as there cannot be numerous 'Part-final' reports.
- b) The T&A committees were appointed pursuant to HC orders in WP 334/2006 [pg. 28. See HC order 16.12.2009, enclosed at pg. 12 of these submissions]. The WP was transferred to the NGT in 2013 by the HC vide its order dt. 17.10.2003 [pg. 1344]. After being sent to the NGT at Delhi it was numbered as OA 479/2018.
- c) OA 479/2018 was disposed of on 12.10.2018, with a direction to place the T&A report by March 2019 [pg. 1390].
- d) In E.A. No. 26/2020 filed in O.A. 479, NGT granted time till March 2020 for the completion of the exercise by its order dt. 07.01.2021 [pg. 1420]

- e) In a second E.A. 21/2021, the NGT granted time till March 2022 for completion of the work by its order dt. 27.01.2022 [pg. 1432].

Thus, it is clear that the NGT is actively pursuing the submission of the report and will consider the final report of the T&A committees when the State govt submits the same, just as it approved the Sawant and Karapurkar reports finalised by the RC-I on 18/08/2018 [pg. 1396].

As regards development being allowed by the Govt in the meanwhile, applicant submits that the High Court did not permit any development on the Sy. nos. of the Sawant and Karapurkar report vide order dated 27.10.2010 [pg. 1336].

This restriction lasted for 10 years till the final report was approved by this Hon'ble Tribunal in 2018 [pg. 1396].

Therefore the State Govt should be restrained from granting any approvals for Sy Nos listed in the T&A reports till the final report is approved by the NGT. Applicant is particularly concerned about development commencing on the finalized sy nos of the T&A committees.

**11<sup>th</sup> August 2023**

**Mapusa, Goa**



11.08.2023

**Counsel for the Applicant**

**Adv. Norma Alvares**

*[Extract from report]*



**GOVERNMENT OF GOA**

**REPORT OF REVIEW COMMITTEE  
ON  
REVIEW OF PRIVATE FOREST AREAS  
IDENTIFIED  
BY  
SAWANT AND KARAPURKAR COMMITTEE**

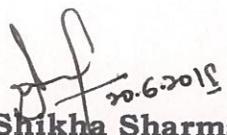
**(VOLUME I)**

**FOREWORD**

Forest plays a vital role in human life. Forest ecosystem itself is complex and comprises of multiple food chains and food web inside a small area. Emphasizing on the ecological benefits of the forests existing on other than government forest areas, with its landmark judgement, Hon'ble Supreme court in writ petition (Civil) No. 202 of 1995 of T N Godavarman Thirumalpad vs Union of India 12.12.1996, directed all the state governments to identify the forest based upon dictionary meaning of forest. Pursuant to the order, the government of Goa on 24.01.1997, constituted an expert committee headed by Shri Sadanand M Sawant to identify forest areas irrespective of ownership of land. The Committee identified 46.60 sq. km area as Private Forest in whole state of Goa and submitted its report on 08.12.1999.

To identify the balance area as private forest, Government of Goa constituted another expert committee on 04.09.2000 headed by Dr. Hemant Karapurkar. The Committee identified 20.52 sq. km area as Private Forest in whole state of Goa, making the total Private Forest area identified by both Sawant and Karapurkar committee to be 67.12 sq. km. As per directions of Hon'ble High Court of Bombay at Goa, Forest Department demarcated 41.20 sq. km area out of total 67.12 sq. km. However, the said demarcation report was challenged before the Hon'ble High Court of Bombay at Goa, in Writ Petition No. 673/2008 in the matter of Goa Foundation V/s State of Goa. Subsequently, the matter was transferred to Hon'ble National Green Tribunal, Western Zone, Pune and was numbered as 18(THC)/2013(WZ). As per directions of Hon'ble NGT dated 07.01.2016 in this matter, the Review Committee was formed by Government of Goa on 23.04.2018, under the chairmanship of Deputy Conservator of Forests (Working Plan Division) to review the areas identified by all earlier committees.

The Review Committee has completed the assigned task by Hon'ble NGT by taking inputs from Forest Survey of India, Directorate of Settlement and Land Records, data available with Working Plan Division and through ground truthing with the help of North and South Goa Forest Division. The work was carried out on highest priority in view of the dead line fixed by Hon'ble NGT.

  
**Deep Shikha Sharma IFS**  
Dy. Conservator of Forests  
Working Plan Division &  
Chairman, Review Committee  
Ponda, Goa

## CHAPTER IV

**DATA INTERPRETATION AND ASSESSMENT OF PRIVATE FOREST IN GOA**

**4.1.** The data of Canopy Density and Species Composition of all GPS locations were compiled and analyzed by the Review Committee. All areas under study were checked with respect to offence, illegal tree cutting, diversion projects and court cases, if any. The Review committee also took the help of Google earth images for verification of change of land use over a period of time (year 2003-2019), in survey numbers under review. After detailed discussions and deliberations, additional areas were identified by the committee. The Deputy Conservator of Forests North and South Goa Division were special invitees during some of the meetings and their inputs regarding field conditions were also considered by the committee. The final plans of areas identified by the Review Committee were prepared by the surveyors deputed from DSLR with the help of data provided by Working Plan Division and survey line shown by concerned field staff on field.

**4.2. Data Interpretation with respect to Forest Cover Map/Classified Image of Forest Survey of India**

The data received from concerned territorial forest divisions was checked for calculations errors and other field details. The field results were overlaid on Google Earth image and Forest Cover Map simultaneously. The survey numbers, which qualified for Canopy Density in year 2003 on FCM (the period when they were identified by Sawant and Karapurkar Committee), also qualified 75 % species composition criteria on field at present but were not qualifying for canopy density as on date, were considered to qualify for being Private Forest. The survey numbers which qualified for Canopy Density & Species Composition on ground at present were considered for being Private Forest irrespective of FCM interpretations. The survey numbers, where trees were felled without permission of competent authorities, based on the merit and number of trees felled, were included or excluded in Private Forest domain by Review Committee. The survey plans of survey numbers qualifying the criteria of private forest were prepared by the Field Surveyors deputed by Directorate of Settlement and Land Records.

**4.3. Final list of survey numbers**

The detail of Survey numbers identified by Sawant and Karapurkar Committee, areas demarcated by earlier demarcation team, area calculated from FCM and area identified by Review Committee has been compiled and annexed as **Annexure-I**. The sub division number wise detail of private forest area in each survey number identified by the review committee is shown in **Annexure-II**.

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**IN THE HIGH COURT OF BOMBAY AT GOA**

WRIT PETITION NO. 334 OF 2006

GOA FOUNDATION THROUGH ITS  
SECRETARY DR. CLAUDE ALVARES,  
MAPUSA GOA.

... Petitioner

Versus

STATE OF GOA THROUGH ITS CHIEF  
SECRETARY AND 6 ORS.,

... Respondents

Mr. J. A. Lobo, Advocate holding for Ms. Norma Alvares, Advocate  
for the petitioner.

Mr. S. S. Kantak, Advocate General with Ms. S. Mordekar, Addl.  
Govt. Advocate for the State.

Coram:- SMT. V.K.TAHILRAMANI &  
N. A. BRITTO, JJ.

Date:- 16th December, 2009

P.C.

Learned Advocate General on behalf of the State submits that an affidavit in reply will be filed in the course of the day. Learned Advocate General further submits that 2 Committees, for both the Districts, for the purpose of identification of balance areas of private forests, will be constituted by the State Government within a period of 4 weeks. He further submits that time for identification of private forests would be determined upon the response of the said Committees, once appointed. Stand over to 1st February, 2010.

SMT. V.K.TAHILRAMANI, J.

N. A. BRITTO, J.

ssm.