

# DESTRUCTION OF FISHING IN ZUARI RIVER OF GOA: A GROUND REVIEW<sup>#</sup>

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## ABSTRACT

Zuari river is currently at the heart of the intense ground level conflicts of control over fishing spaces in the light of aggressive attempts to promote water sports and India's first high tech marina. Indigenous fishermen are pitched against financial interests of tourism and shipping industries. The struggle that has taken forms of wrestling with the system as well open confrontation is ultimately directed to serve the interests of luxury tourism catering to high end tourist seeking change in use of Zuari river from fishing to water sports, marinas and casinos.

This paper attempts to intersect the popular notion of complimentary of Food and Tourism through back end prism of ongoing community conflicts in river Zuari, the biggest river of Goa. Most tasty in plates and yet costly fish is hunted in this river. However the seeds of conflicts developed due to onward march of fishing practices that is unsustainable. Further, investment plans of tourism in terms of Marinas and water sports, is pushing the fishes away from plates. This paper covers the raging debates over dredging of Zuari and threats to livelihoods of people on banks of river Zuari. It further questions the corporate-State nexus currently in vogue against coastal dwellers of Zuari with excessive bias against these dwellers. The researcher's personal involvement as well as participant observation has been the methodological tool in writing this paper.

**Keywords: Fishing, Marinas, Water Sports, Tourism, Dredging**

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## Introduction

Fish, Curry and Rice – popular staple diet in Goa – is well known not only locally but also glamorised globally. While there is enormous public debate on elimination of Curry and Rice from the food plate in Goa, local media attention on this is of low intensity, particularly after the death of Mathany Saldanha in 2012. He was a politician, who combined activism in highly effective manner, for four decades to lead nationwide movement of fishermen in India. The debate is pitched in low intensity due to various factors. Nevertheless the deficiency of media investment on possible elimination of fish from food plate does not change the status of real struggle of traditional fishermen in Zuari river.

The struggle, that has taken forms of wrestling with the system as well as open confrontation, is ultimately directed against the interests of luxury tourism catering to high end tourist seeking change in use of Zuari from fishing to water sports, marinas and casinos. This paper critically examines the threat to traditional fishing in Zuari river from marinas and water sports. It also mentions other forms of serious threats to traditional fishing such as illegal mechanised trawling, illegal mini-per seining and damage to traditional fishing spaces due to movement of barges involved in transportation of ore, barge dockyards, mining silt run offs etc., however do not go into much details. The paper has two sections. The first section deals with marinas and the second section deals with water sports, both in Zuari that has come to threatened traditional fishermen.

### *Section I: Marinas as conflict source in Zuari River*

Cacra village located on Zuari coast in Tiswadi taluka was one of the earliest villages to plunge into protest and resistance to the technological model imposed. In May 1998 mining company Fomento put up its front organisation Murmugao Maritime Limited (MML) to carry out soil testing in the village coast in order to construct Off Stockyard and Berth (OSB) and Caissons. Villagers objected and due to which the then Santa Cruz MLA Victoria Fernandes and Santa Cruz Sarpanch William Gonsalves stalled the work for few weeks.

Fomento, owned by Avduth Timblos, carried the work under police protection. Almost for a month police force stationed in Cacra were supplied with food from the five star hotel, Cidade-de-Goa owned by the same group. It proposed to dump large quantity of cement in the village. Deputy conservator of Murmagoa Port Trust (MPT) disclosed that MML was given permission to carry on soil testing near Bambolim beach but ended up in doing in neighbouring village of Cacra. Cacra villagers never asked for this type of development. Villagers united as Cacra Nagrik Vikas Samiti (CNVS) to protest in Panjim on June 5, 1998 and had discussions with Collector of North Goa. After discrepancies in venue for soil testing was noted, work of Timblos in Cacra came to grinding halt (Padekar 2003). The discrepancy was that the MPT had granted permission for soil testing in Bambolim but Fomentos' did it in Carca. Fomentos has land on the beach side in Cacra. This misadventure of MPT along with Fomento led to many questions. Under what authority did the MPT grant permission

to carry on soil testing in order to construct dockyard even in Bambolim beach when MPT is Central government organisation under Ministry of Shipping?

After the MML fiasco in Cacra, the Central Government – as per the notification issued on May 24, 2000 and cited in two lease deeds – extended the jurisdictions over Zuari covering the areas of Cacra, Nauxim, Bambolim, Odxel, Dona Paula, Siridao, Sancoale and Cortalim Coast. Based on this notification, MPT invited bids for leasing the waterfront for development of Marinas in Zuari waterfront. Chowgules<sup>1</sup> through Yacht Haven (Goa) Private Limited bid to develop Marinas on an area of 100000 (One lakh) square metres in Sancoale at land survey no. 307 of Sancoale village, Mormugao Taluka, South Goa district. This bid was for creating facility for small crafts, pleasure boats, and yacht. The bid was accepted and accordingly lease deed was signed on October 14, 2010. Two days prior on October 2010, similar lease deed was signed between MPT and Kargwal Constructions Private Limited, Mumbai for development of marina facility in all the forewater area of 100000 square metres of Nauxem village of Curca panchayat for the same purpose as Sancoale marina.

Both the lease deeds are for 30 years period. Both the agreements has common clause to protect barge movement in Zuari. The lease deed says, *‘the LESSEE shall take all precautions to ensure that barge movements are not affected during the construction as well as operation period of the Marina.’* The other major stakeholders of the Zuari river the fishermen, their interest have not been legally protected from the Marinas the way mining interest has been in the two lease deeds. This indicate very clearly that MPT and the Government of India is all out to sacrifice fishing spaces in Zuari in order to serve high end tourists as well as mining companies with their barges.

The question here is as to why the interest of local traditional fishermen in Nauxim, Odxel, Cacra, Bambolim, Dona Paula, Siridao, Agassaim, Cortalim, Sancoale, Madkai should find dead end just because tourists who are made to visit Goa are high end? The technological model that is sought to be developed here has been receiving hostile reception from people on Zuari coast. Petitions, public meetings, Gram Sabhas against marinas, public opposition from Environment Minister and Cortalim MLA Alina Saldanha and St. Andre constituency MLA Vishnu Surya Naik Wagh testify to the fact that opposition to Marinas is widespread. Not a single Marina has been installed even though in February 2016 lease deeds completed 5 years and 4 months.

The Marina promoters submitted filled form I to Goa Coastal Zone Management Authority (GCZMA) with various kinds of information. Few important aspects need to be taken up for the discussions and analysis here.

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<sup>1</sup>A company engage in mining trade and also accused of causing environment destruction in Goa.

1. Size of the project: Kargwal has submitted requirement of 100000 sq. metre water frontage in MPT water below Aldeia de Goa, Near Nauxim village, in the MPT waters under phase I and additional 50000 sq. metre under phase II. In addition to above, an additional 30 percent area is sought to be used for development of amenities like restaurant, club house, Fuelling/ Bunker, service centre for yacht repair as requirements for the operation of Marina. Yacht Haven has submitted requirement of approximately 100000 sq. metre (10 ha). The total area amounts to more than 250000 sq. metre aggression of fishing spaces. Now this is huge area and completely conflicts with the interests of the traditional fishermen.
2. The vocabulary of titles: Kargwal titled the project as 'Proposed Marina Facility at North of Zuari river, Near Village Nauxim.' The title of Yacht Haven is 'Development of a state-of-art Marina on the South bank of Zuari river in Sancoale, Goa.'
3. Locations: Kargwal location is near village Nauxim, Northern Bank of Zuari river within Curca Panchayat of Tiswadi Taluka in North Goa. In reality it is in Nauxim village itself with survey numbers mentioned in lease deed as 23, 24 and 25. This village is home to Gawda tribe who traditionally were never into fishing. They got into fishing after Goa University and Aldeia de Goa took over their land and cultivation spaces were blocked through fencing. Since this community was politically and educationally not as influential as Brahmins, they were bullied to surrender. Yacht Haven proposal is located on the opposite bank of the river at Sancoale Bay, along the South bank of Zuari river and in the adjoining land with survey numbers 307, 263/1 & 262/9 of Sancoale village in Mormugao taluka (15°24'12.10"N, 73°53'16.12"E). This site is ecologically important due to availability of rare oysters but this information has been suppressed by the project proponents. This amounts to macro damage to fishing practices on both the banks of Zuari. These concerns were echoed by the local MLA Alina Saldanha.
4. CRZ classification: Kargwal has submitted CRZ-I and on the landward side for foreshore facilities. Yacht Haven has submitted CRZ-III (land), CRZ-I (intertidal) & CRZ-IV (river between LTLs of both banks). Marinas are going to cover river between Low Tide Lines (LTLs) of both banks. So location of marinas between LTLs spells doom for fishing activities without any room for doubt.
5. Expected cost: Kargwal has submitted that its cost will be Rs. 120.41 Crore. Yacht Haven has submitted its expected cost as Rs. 31.20 Crore. So total amounts to Rs. 151.61 Crore.
6. Permanent or temporary changes in land use, land cover or topography: Kargwal in it's submission says, 'Marina is proposed to be developed in 4 metre water depth in still waters undisturbed by tidal influence. It envisages construction of break water and concrete jetty for berthing of crafts. The jetty is proposed to be developed in situ piles socketed in Hard rock with a combination of pre-cast and cast in situ members for super structure. The

break water is proposed to be developed by Deep drowned HPDE boom and rock bund. 30 percent of land is proposed to be reclaimed for the purposes of amenities like restaurants, club house and fuelling service station through dredged material.' Yacht Haven submitted that, 'Approximately 50000 sq. metres of land is proposed to be backfilled for the purpose of a hard stand.' This is direct intrusion of fishing spaces.

7. Located in CRZ-I area: According to Kargwal's submission, 'the project activities such as jetty for berthing of yacht, boats and catamarans will be in CRZ-I area.' This location is inside River Zuari where fishing activities are carried on.
8. Reclamations from River: Kargwal's submission says, 'it is estimated to reclaim 68000 sq. metres of land for the proposed development, while Yacht Haven has submitted 'a breakwater of approximately 26000 sq. metres.' These amounts to 94000 sq. metres and will directly affect fishing in multiple negative senses.
9. Dredging of Zuari River: Kargwal has proposed 'to have 4 metre depth for navigation channel. Most of the navigation channel area has 4 m depth with some requirement for dredging. The dredge material will be disposed in the low lying area on the landward side of the project area.' Yacht Haven has submitted that 'approximately 275000 sq. metre of material is proposed to be dredged. All the dredged material will be used in construction of breakwater and hard stand.' Dredging is bad for fishing activities.
10. Off shore structures: Kargwal submitted, 'office, utilities and sailing school structures of 2000 sq. mt' while Yacht Haven declared the 'the breakwater structure, access paths on the same, small docks and floating pontoons for yachts/boats' in their submission. This is an indirect conflict with fishing.
11. Any other causes that would affect local communities, fisher folks, their livelihood, dwelling units of traditional local communities etc: Here both the Marina companies has stated 'No'. This is false claim as both Marinas are going to affect fishing activities totally negative. Both the Marinas must be hauled up. When the plans submitted for Marinas include entire space on river front between LTLs and construction of break waters in between, where is the space for fishing. Both the marina companies have lied here. It's pretty clear Marinas are formidable enemy of fishermen in Zuari.
12. Lead to development of supporting facilities, ancillary development or development stimulated by the project which could have impact on environment e.g. Supporting infrastructure (roads, power supply, waste or waste water treatment, etc.): To this the Kargwal responded 'Yes. The project falls under MPT and all infrastructure facilities like road, power supply already exist. Therefore there will not be any project activities that will have any impact on the environment.' Yacht Haven has an interesting revelation 'Yes. Supporting units such as hardware suppliers, automotive suppliers, fuel and other consumable suppliers, logistics & forwarding companies, are bound

- to develop as spin-off effect of Marina operations. Moreover, Tourism and Leisure activities will receive a boost.'
13. Set a precedent for later developments: Here the Kargwal states, 'Yes. Other ancillary units may be developed in the area due to proposed development which will not have any impact on environment.' This is very tricky yet cautious approach. It's pretty clear from this submission that Kargwal is stating here about project not on any impact on environment and even they do not think of any need to work on it. There is a sense of insecurity reflected fearing environmental concerns many shot down the Marina project. To the same question Yacht Haven's response is 'Yes. Other similar projects may develop due to the precedent set by this one.' This sets the tone that MPT may be inspired to get more Marinas in Zuari and leading to a complete annihilation of fishing.
  14. Have cumulative effects due to proximity to other existing or planned projects with similar effect: Both the companies have dodged this issue. While Kargwal categorically denied with 'No' as answer, Yacht Haven has stated that this is 'not applicable'. This reflects duplicity on the part of both the companies. Both of them are bothered about their own interests and none about the cumulative effect.
  15. Areas protected under international conventions, national or local legislation for their ecological landscape, cultural or other related value: Kargwal has a straight 'No' as an answer, while Yacht Haven states 'nil', however has an interesting clue in parenthesis. It states 'the project is of a non-polluting nature with limited and localised environmental impact.' It must be noted that Goa bio-diversity board had objected Marinas in Zuari citing adverse impact on Marine life. Former Environment Minister of Goa Alina Saldanha had announced that Sancoale Bay will be declared as heritage site due to location of rare oysters over there. It is worth noting that Dr. Nitin Sawant who actively worked as member of Goa bio-diversity board to oppose location of marinas in Zuari was removed from the Board and replaced with two others – Nirmal Kulkarni and Paresh Rangnekar who are known to carry on their activities with funding from the corporate sector. In fact Nirmal Kulkarni is directly employed in hotel set up in forest of Western Ghats, while Paresh Rangnekar has direct relations with Mineral Foundation of Goa, an organisation set up and funded by mining companies including Chowgules that are involved in Marina proposal in Zuari through Yacht Haven. Interestingly the then Environment Minister Alina Saldanha herself was dropped and replaced. Speaker of the Goa Legislative Assembly Rajendra Arlekar resigned to take over as Environment Minister, whose performance was completely hostile to ecology. So critical voice in the State Administration has been officially silenced till date. This is a very dangerous situation in the interest of ecology. State has intervened politically against the interests of ecology.
  16. Areas which are important or sensitive for ecological reasons – wetlands, watercourses other water bodies, coastal zone, biosphere, mountains, forests:

Kargwal has adopted highly casual approach to this aspect. This is reflected from their reply 'Yes. Jetty, backwaters lie in the CRZ-I area. On the landward side there will be developments like administration building, club house, restaurant, club house, Fuelling/bunker, service centre for yacht repair etc.' So this is deliberate violation of CRZ law and stated so! Yacht Haven neither accepts nor denies here. Its response is 'shown in the map attached.' However no map was found attached to form-I.

17. Areas used by protected, important or sensitive species of flora or fauna for breeding, nesting, foraging, resting over winter, migration: Here both the Marina companies have given false information with single word denial. Kargwal has it 'No' while Yacht Haven referred 'Nil' as an answer. Zuari Bay is known as site for fish breeding. Any sort of information regarding fish breeding would jeopardise the prospect of getting permissions for Marinas. But how ethical is it to submit wrong information to the authorities? Further, how ethical is it on the part of the authorities to grant permissions on critical ecological factors based on wrong information? If this factor is considered seriously then none of the Marinas has any chance to get the state's approval.
18. Inland, coastal, marine or underground waters: Kargwal has answered 'Yes, Zuari river' and Yacht Haven replied 'Zuari river adjacent to the site.' It must be noted here that Marinas themselves are proposed to be constructed inside the Zuari.
19. Densely populated or build-up areas: According to Kargwal, 'Nauxim village .. away.' It has not stated far away when the proposal is adjacent to the survey numbers in Nauxim village itself. This is a misleading comment. Yacht Haven has pointed to Vasco-da-Gama city as dense populated area. It has overlooked Sancoale village totally.
20. Areas containing important, high quality or scarce resources, (ground water resources, forestry, fisheries, tourism, pilgrim area, community facilities): Kargwal has out rightly denied with a 'No'. Yacht Haven remarked that this is 'N.A' meaning Not Applicable. This is completely a false statement. This implies that existence of fishermen and fishing communities in Siridao, Agassaim, Cortalim, Chicalim, Bambolim, Siridao, Nauxim, Madkai, Cakra and Odxel engaged in fishing has been totally dismissed.
21. Areas subjected to pollution or environmental damage. (Those where existing legal environmental standards are exceeded): Kargwal has denied 'No'. Yacht Haven simply stated 'N.A' means not applicable. This again is wrong. Trawling and Mini per seining already created ecological damage to fisheries. MPT chairman Cyril George just month before retirement declared that every barge that moves in Zuari creates ecological damage and it has not been focused by any of the companies.

### **Transcripts of power point presentation**

Yacht haven had submitted the power point print transcripts to Goa Coastal Zone Management Authority. It has some very interesting information. It states that

Marina is a facility for berthing pleasure crafts, needs to provide direct walkway access to each boat, an adequate depth of water at all times, car park, toilets, security and other facilities. Transcripts procured under Right to Information states that Marina should have all boat maintenance related services. It also offers a definition for the Marina as a place you can 'sail to and from'. It is stated that an average most people use their yachts for no more than five hours. There are diagrammatic mentions of similar Marina in UK called Chichster Marina. Diagram does make it clear that possibility of co-existence of fishing along Marinas is zero as all boats are shown as crowded together. Features proposed at Sancoale Bay includes Marina fingers for approximately 300 boats, shipway of 10 metres width, boat hoist of 100 tons capacity, breakwater of caisson/ rubble mound/baffle wall construction. The transcripts also claim that Marinas will benefit local star hotels through stay as well as encourage foreign yacht owners to consider Goa as a stopover on their itinerary. Another claim is that Zuari will attract yacht owners that will facilitate high end tourists.

What is however missing from the entire transcripts is any reference to the fishing activities going on inside Zuari. This is the central point to the entire conflict. By a sweeping refusal of their existence it refers to a complete erasing of fishing activities. What a better way to erase it than this? Should high end tourism be allowed to spell doom for traditional fishing in Zuari river? Who takes such political decision?

### **Zuari River under MPT jurisdictions**

Most important document claiming jurisdiction of Mormugao Port Trust (MPT) over Zuari river is the notification of the Central Government issued by Ministry of Surface Transport (Department of Shipping), (Port Wing) dated May 24, 2000. This notification – in the Gazette of India (Extraordinary), Part II, Section 3, sub-section (i) signed by K.V.Rao, Joint Secretary – extends limits of the Port of the Mormugao as 'on the East – all the waters of river Zuari, West of Agassaim – Cortalim Ferry (excluding the ferry and the landing stages).'

It must be placed on record that no local decision making bodies – Panchayats and even the Goa Government cabinet was consulted prior to this notification. In fact the proceedings of the 24<sup>th</sup> Board of Trustees, 4<sup>th</sup> meeting held on 8<sup>th</sup> September 2010 puts displeasure and dissent of the Goa government on record. Legislators were dissatisfied with MPT jurisdictions over Zuari river and had formed Committee of six senior most ministers who met 4-5 times and made reference to Advocate General of Goa. An all party delegation from Goa met the Prime Minister who heard them.

It is worth noting what transpired in the history of MPT and the dynamics of jurisdictions over Goa as recorded in this minute itself:

'Chairman said that first time when the limits of Mormugao Port were notified during the erstwhile Portuguese Rule, the Mormugao Port was then run by a Consortium of the Portuguese Junta Government and the British Railways, and the Port limits had to be notified for the purpose of Customs and recovery of wharf-age. When the Port limits were notified, they included Aguada also, ....so also Betul and entire Mormugao



coast beginning from Zuari and entire Northern bank of Zuari upto Dona Paula. Chairman further said that when Goa got liberated in 1961, the entire Mormugao Port was taken over by the Central Government, and the entire jurisdiction of Port limit was under the Central Government. Navy also had its separate jurisdiction, which was different from MPT limits. When the Major Ports Act was notified in 1963, the Mormugao Port was declared as one of the 12 Major Ports in 1964, and under the Indian Ports Act, 1908 the limits of Mormugao Port were duly notified. Aguada was removed from the Port limits in 1963, and given to the State Administration, which was a Union Territory at that time and the entire Zuari river Waterfront, West of Cortalim Bridge was retained as coming under the ownership of MPT.<sup>2</sup>

This meeting records show that Goa Government's PA to the Secretary (Ports) in a written letter had asked the MPT that Dr. Modassir is unable to attend the meeting and requested that the item be deferred to as it is important. MPT did not agree and went ahead with the discussions granting approval to the Marinas in this meeting citing Land Policy to Major Ports of 2004 that empowers MPT to decide on lease of land for Marinas for 30 years. Further it is recorded in these minutes:

'The tendering processes for marinas have been going on for more than one year now, and the issue has come up in almost all the Board meetings since the last year, and the State Govt. has been kept duly informed. GoG has never offered any comments till now on the Marinas. On the contrary, in the meetings convened by AS&FA, Ministry of Shipping on 2nd April, 2010 and 26th July, 2010 for promotion of cruise tourism, the State Govt. has actively supported the MPT proposal for developing 2 Marinas on the Northern and Southern Banks of the Zuari.<sup>3</sup>

So it's possible to conclude that Goa Government has been wavering in its stand on Marinas. The revolt of the Goa legislators was ephemeral and faded away in less than a year. The fact that political leadership supported the Marinas is detectable from these minutes. Fishing is truly troublesome to the MPT think tanks, which is reflected in the deep resentment over fishing in Zuari and in Vasco:

'He (Capt. Jayakumar) further said that the assessment will have to be done, and accordingly aspects will have to be factored in by the operator. He raised his concern for separate laning of fishing vessels, and said that if the vessels are small, there will not be any problem, but bigger vessels will create problems for the fishing traffic.

Chairman applauded the suggestion made by Capt. Jaykumar and informed that the Kharewado Fishing jetty will be moved out in another year and half. He said that hopefully there will be no fishing lane on the Zuari, as there will be no fishing jetty in Vasco, other than the fishing jetty at Katem Baina.<sup>4</sup>

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<sup>2</sup> Note of the discussions at the meeting of the Proceedings of the MPT 24<sup>th</sup> Board of Trustees, 4<sup>th</sup> meeting held on 8<sup>th</sup> September 2010, page 29-30, point 7.8

<sup>3</sup> Ibid page 31, point 7.10

<sup>4</sup> Ibid. Page 33 point 7.21

There is no discussion at all on fishermen inside Zuari river from Siridao to Odxel coast. This is an unethical way of decision making on the part of MPT, which reflects the colonial mindset. As per these minutes the origin of the directions to set up marinas has come from Ministry of Tourism and Ministry of Shipping, Government of India (GOI) for the past two years.<sup>5</sup> Chairman is noted speaking:

‘He said that this is an initiative on MPT’s part to support the tourism activities in Goa.... He showed on Power point presentation the 3-4 sites within MPT notified limits, where the Marinas and other similar activities can come up.... He further said that both these areas are not suitable for cargo handling purposes, but are excellent locations for Marinas, which is a Marine activity to be encouraged and facilitated by the Port, and the land contiguous to these areas does not belong to MPT. He said that therefore it is best to let out the water areas for marinas. He said that MPT is a public charitable institution, as it is for the benefit of the people of Goa, and, and letting out water areas belonging to MPT will provide a boost to the tourism activities of the State.’<sup>6</sup>

Here records imply that leasing out water front to marinas is a charitable act for the benefit of people of Goa. If this was the case then why people of Goa would be protesting against Marinas? Why fishermen would be protesting loud and clear? Can charity deprive someone’s livelihood? In case of Goa what MPT is doing is opposite of charity. The land and waterfront leased out to two marinas for 30 years is useless and the best way to retain ownership is through leasing water front:

‘The award of lease for two areas of 100,000 sq. mtrs of only water and foreshore is of areas which are well outside the port operational areas, and are of absolutely no use to the port, nor are they likely to be of any use in view of their isolated location, low water depths, far away from the navigational channel of the port, and even at a fair distance from the navigational channel of the Port, and even at a fair distance from navigable barge channel of the river Zuari. The land contiguous to the impugned water areas belongs to private parties, and access to the same is not available from the land side to MPT. Conserving and managing these water areas, and saving them from encroachments and unauthorized/ illegal encroachments / reclamation, is going to be very difficult for the Port. The best way of retaining out ownership rights is to give them for use to private parties on payment of lease rentals. The leasing of these water and foreshore areas against payments of rentals, reinforces MPT’s rights over the same, and will help us in giving away adjoining areas on similar terms in future.’<sup>7</sup>

There is a combination of factors at play here – directions from Central Government’s two ministries – Shipping and Tourism, and urge to enforce MPT ownership over the waterfront that is of no use to MPT. Leasing out to Marinas is co-

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<sup>5</sup> Ibid Page 27, point 7.1

<sup>6</sup> Ibid Page 27, point 7.1

<sup>7</sup> Ibid Page 25-26, point 19.

incidental yet convenient way of enforcing ownership rights. For the sake of these two factors fishermen are deprived of fishing in Zuari.

By the virtue of Indian Army entering Goa and effecting 'Liberation' gave control of Zuari river to MPT who in turn have turned conquerors for the traditional fishermen of Zuari river. The 1961 Liberation has lost significance in view of the conduct of the Indian Tourism Ministry and Shipping Ministry. The river is leased out for two marina companies for a price. In the northern bank at Nauxim village the highest bidder is M/s Kargwal Constructions Pvt. Ltd., Mumbai at Rs.48.75 per 10 sq. mt. per month, while for the southern bank at Sancoale the highest bidder has been M/s Yacht Haven (Goa) Pvt. Ltd. Mormugao, Goa is leased out at the rate of Rs.48.50 per 10 sq. mt. per Month. If this calculation is stretched forward then it comes to Rs.4.87 per sq. mt. per month for Kargwal (per year rate is Rs. 58.44 per sq. mt). While this rate is even low for Yacht Haven (Goa) at Rs.4.85 per sq. mt. per month (per year this comes to Rs.58.20 per sq. mt. per month). So it can be safely declared that MPT leased out Zuari river for less than Rs.5 per sq. mt. per month. If this is not colonialism then what is it?

### *Section – II: Water Sports as conflict source in Zuari River*

Traditional Fishermen in Zuari river has been writing number letter to the Fisheries Department complaining about water sports activities in Zuari river that has seriously undermined fishing activities. The sources of this conflict can immediately be traced to a legal instrument created at the sub-registrar office in Panjim on 28/09/2011. This agreement was between Goan Hotels and Club Private Limited and Aquasail Distribution Company Pvt. Ltd. Closer examination of this agreement reveals that there is nothing Goan about the Goan Hotels and Club Private Limited. This is a public limited company incorporated and registered under Companies Act, 1956, a part of DB Group of Companies with registered office address as DB House, Gen. A.K.Vaidya Marg, Goregaon (East), Mumbai 400063. On 02/07/2011 it took a resolution that Mr. Firoz Pathan, 36, Son of Haji Khan, Indian National, resident of 16/2, Al Amin Park – Vatva, Ahmedabad, Gujarat to represent this company in his capacity as Manager Engineer (Operations).

Similarly Aquasail Distribution Company Pvt Ltd is also a company incorporated and registered under the Companies Act, 1956 at the office of Assistant Registrar of Companies, Maharashtra, Mumbai. It has registered office at 2J, Calcot House, 2<sup>nd</sup> Floor, 8 Muddanna P. ShettyMarg, Fort, Mumbai. 400023. It took resolution on 19/09/2011 to authorise its company director Sahkeel Kundrolli, 51, businessman, son of Rashid Kudrolli, Indian National, resident at 17/C, Usha Sadan, Colaba Post Office, Mumbai to represent the company. Short description of the company as available in this agreement itself is as follows:

'Aquasail is engaged in the business of providing high quality experience in water sports and a host of products and services in relation thereto.'

The description of Goan Hotels and Club Private Limited (GHCPL) is revealing too:

‘Goan Hotels and Club Private Limited is developing a property at Bambolim, Goa with a hotel of 5 star facilities, large conference facility, restaurants and Villas and has engaged Hyatt group of Hotels to manage the entire Hotel and Goan Hotels and Club Private Limited is further interested in setting up a water sports facility and for provisioning of water sports products and services in accordance with terms and conditions set out in the agreement’

There is one more interesting bit of information in this agreement under facilities.

‘Goan Hotels and Club Private Limited is the legal and beneficial owner of the Bambolim property being land admeasuring 94,011 sq. mts. of village Bambolim, at survey Nos. 12/1, 12/2 & 99/2, Goa.’<sup>8</sup>

This legal agreement carried on without consulting fishermen in Zuari has certain obligations placed on Aquasail that is in direct conflict with traditional fishermen in this river. Aquasail will have to conduct water sports ‘products’ and ‘services’. These are Sailing, Kayaking, Power boating, Wake boarding, Wind surfing and other beach sports, Personal Water Crafts, Scuba Diving (Only from sailing season of 2012 onwards), International Standard training courses in various water sports, Corporate events, celebrity events, and any other Events/ Activities related to water sports.<sup>9</sup>

The term of this agreement is for a decade:

‘Subject to the term of this Agreement shall remain valid for a period of 60 (sixty) months from the date of execution hereof (Term) and shall be automatically renewed for another 60 (sixty) months unless the non renewal is communicated by either party to the other in writing at least 90 (ninety) days prior to the expiry date of the Term.’<sup>10</sup>

Letter dated 01/06/2013 from Goan Hotels and Club Private Limited to Aquasail Distribution Company Pvt. Ltd specifies the date of commencement date of the Agreement as 01/06/2013 for the period of 60 months that is upto 01/06/2018 and automatic renewal for another 60 months that is up to 01/06/2023.

Business component is central to this agreement.

‘Aquasail shall pay to GHCPL a sum of Rs.75,000/- per month exclusive of all applicable taxes commencing from month of October to May (Sailing Season) and a sum of Rs.40,000/- per month exclusive of all applicable taxes commencing from June to September (Off Sailing Season). The fixed charges shall be payable by Aquasail to GHCPL within 10 days of the commencement of every month. Fixed charges shall escalate at 10% per annum.’<sup>11</sup>

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<sup>8</sup> Legal agreement is between Goan Hotels and Club Private Limited and Aquasail Distribution Company Pvt. Ltd dated 28/09/2011, sub-registrar, Panjim, Clause 1.1.

<sup>9</sup> Ibid. clause 4

<sup>10</sup> Ibid. clause 8.1

<sup>11</sup> Ibid. Clause 2.1.1

There is revenue share too.

‘In addition to the fixed charges, Aquasail shall pay to the GHCPL, 6% of the total gross revenue that Aquasail generates at the water sports centre during the sailing season only. Such payments shall be made to GHCPL with 10 days of the end of each sailing season.’<sup>12</sup>

None of the fishermen were aware of this agreement between the two companies from Mumbai intervening in the traditional fishing. In fact the agreement itself has very strict public disclosure policy inbuilt.

‘No public release of information regarding this Agreement (including without limitation, announcements, denials, or confirmation of the placing of the services) to any third party shall be made by Aquasail, its employees, agents, officers, contractors, sub-contractors without prior approval of GHCPL for each such instance of disclosure. All copy of material relating to this Agreement which is intended for publishing and presentation in any form by Aquasail or any sub-contractor, must first be submitted in draft form to GHCPL for approval indicating the where/how it will appear.’<sup>13</sup>

There is even more strict confidentiality clause inbuilt within the agreement.

‘The terms and conditions of these Agreements including its existence would be confidential information and would not be disclosed to any third party by any of the parties hereto except that the Parties would be able to disclose the terms and conditions of this Agreement to their respective advisors or if mandated by applicable law.’<sup>14</sup>

### **Arena of conflict**

There are two key government departments that are involved in granting permissions for the water sports activities – Captain of Ports and Directorate of Fisheries. The available records prove that Director of Fisheries N.V. Verlekar granted No Objection Certificate (NOC) for these water sports activities on 09/01/2013 to carry on the activities from 09/01/2013 to 31/05/2013 with a condition that the sports activities shall not cause any hindrance to any fishing activities conducted by the traditional fishermen in the area. It is not sure as to whether any water sports activities were carried on during this period. Next Director of Fisheries Dr. Shamila Monteiro revoked this NOC on 26/11/2013 citing the reasons of opposition from local fishermen. The revoked NOC was reconsidered again on 15/04/2014. This came in for sharp criticism from the Fishermen of Nauxim, Bambolim, Siridao, Cacara, and Odxel (Taleigao). In a letter of 09/05/2014 to the Fisheries Minister 132 fishermen wrote:

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<sup>12</sup> Ibid. Clause 2.1.2

<sup>13</sup> Ibid. Clause 10

<sup>14</sup> Ibid. Clause 16

'The fresh NOC dt. 15.4.2014 issued by the Directorate of Fisheries requires the Water sports operator to comply with various conditions, the first and foremost condition being that "The sports activities shall not cause any hindrance to any fishing activities conducted by the traditional fishermen in the area." However this condition can never be fulfilled because by its very nature the water sports activities interferes and disrupts the fishing activities as enumerated here below:-

- 1) The area around the hotel is a protected bay where fish breed and are found in abundance especially solar prawns, muddoxio, chonak etc. The sailing activities disturb the waters of the rich fishing grounds and drive away the fish. They also prevent spawning of fish and destroy the ova laid.
- 2) Near the Grand Hyatt, since many decades 3 families have been placing their Rampons. Due to the water sports activities they are not now in a position to carry out their fishing activity and are left destitute as their only source of livelihood has been destroyed.
- 3) The Rampons and fishing activities are based on tidal movement and not conducted at fixed/regular timings. Water sports activities are conducted daily from 6.00 am in the morning to 6.00 pm in the evening so disruption of the fishing activities is a daily occurrence.
- 4) Some of the Company's sailing boats have reached as far as Siridao during the last few days. This is the area where the traditional Ramponkars put their nets but now the Ramponkars fear that fishing activities will be disrupted.
- 5) The fishermen of the area are generally magkars whose nets (katai) extends to a length of minimum of 300 mts. The Company's sailing/motor boats very often damage these nets.

Further, one of the conditions of fresh NOC issued by the Directorate of Fisheries is that "the area of water sports activities is restricted to the area marked by the competent authority." Till date no area has been marked by any authority and the water sports boats are freely moving about, even as far as Siridao.

Due to the Water sports activities our livelihood is threatened. Please do not force us to come on the streets and agitate against the injustice that is being done to us.

Sir, we are not highly educated and some of us are even illiterate, but our knowledge of our traditional occupation, the fishing conditions, fishing timings, tidal influences is based on experience and knowledge that is coming down from generations and is not based on mere book knowledge.

We therefore humbly request you to immediately cancel the NOC granted for the water sports activities, and save our traditional fishing occupation and only source of livelihood, for which we shall be ever obliged.'

State never obliged to this. Never again the permissions were revoked. In fact the permissions were granted with level of political pressure on the Director of Fisheries from the office of the Secretary to Fisheries who is an IAS officer who heads the fishing administration in Goa even though the operation of water sports became difficult on ground because of daily monitoring of fishing rights violations put in place by organised fishermen. Single IAS officer Amjad Tak is holding charge

currently both as Secretary to Fisheries as well as Secretary and Commissioner to Ports. Captain of Ports has granted permissions to 40 water sports boats ultimately rulings off the grievances of fishing community notching over the rights. Fishermen through petitioning to the Captain of Ports have created written record of their protests over water sports. The daily monitoring and regular filing of complaints to various authorities' right from the Governor to the Sarpanch has played a role in building up resistance to fishing disruptions. More updated records of the protests are stored in 'fishing' folder at [www.bharatmukti.blogspot.in](http://www.bharatmukti.blogspot.in).

### **Conclusion**

Both the marinas as well as water sports is major assault on the fishing activities. The impact is not just on the fishermen and the families of the fishermen who sell fish in market but also on those people who buy fish and eat directly from the fishermen. Overwhelming population of Goa has fish as their staple diet. Goa's cuisine too is decked up with fish recipes of diverse kinds. Goa's cuisine with fish as integral factor is also important item on tourist's food menus. Ironically in order to attract more tourists of high end variety the fishing community dependent on Zuara are at the receiving end. Certainly a massive blow. The logic of cuisine does not rhyme with the logic of investment in Zuari. In fact it has created deep disharmony between the two. The wider section of society has to get involved in support of the fishermen of Zuari in order to restore rhythm and harmony.

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