

(2012) 07 BOM CK 0244

In the Bombay High Court

Case No : Writ Petition No. 376 of 2003

Mr. Ian D"Costa, Dr. Jose D"Souza, Ph.D. (Microbiology) and
Dr. Bernard F. Rodrigues, Ph.D. (Botony)

APPELLANT

Vs

State of Goa and Others

RESPONDENT

Date of Decision : 31-07-2012

Acts Referred:

Merchant Shipping Act, 1958 — Section 356F

Citation : (2012) 07 BOM CK 0244

Hon'ble Judges : U.V. Bakre, J;A.P. Lavande, J

Bench : Division Bench

Advocate : Valmiki Menezes and Ms. S. Dias, for the Appellant; A.N.S. Nadkarni, Advocate General with Mr. Vivek Rodrigues, Addl. Government Advocate for Respondents No. 1, 2, 4, 5, 12 and 13, Mr. A.N.S. Nadkarni with Mr. D. Lawande, Advocate for Respondent No. 3, Mr. Mahesh Amonkar, Central Government Standing Counsel for Respondents No. 6, 7, 8 and 9, Mr. Y.V. Nadkarni, Advocate for Respondent No. 10, for the Respondent

Judgement

A.P. Lavande, J.—Heard Mr. Menezes for the petitioners, Mr. A. N. S. Nadkarni, learned Advocate General appearing for respondents No. 1, 2, 3, 4, 5, 12 and 13, Mr. Amonkar, learned Central Government Standing Counsel appearing for respondents No. 6, 7, 8 and 9 and Mr. Y. V. Nadkarni for respondent No.10. This petition, by way of public interest litigation, has been filed by the petitioners making grievance regarding deposition of filing residues and tar balls on the beaches of Goa. It is the case of the petitioners that most of the beaches in the State of Goa are polluted by oil and no material machinery is operating for removal of the tar balls and oil residues. By the present petition, the petitioners pray that the respondents be directed to take appropriate measures thereof.

2. From time to time, this Court has passed several orders. Respondent No.6 Union of India, sought a report from National Environmental Engineering Research Institute (NEERI), Nagpur. A copy of the report has been placed on record.

3. Mr. Menezes, Learned Counsel for the petitioners submitted that on the basis of the NEERI report, the petition be disposed of by giving appropriate directions, in terms of the Minutes of the Order, submitted by him. Learned Counsel appearing for the respondents submitted that the Minutes of the Order would ventilate the grievances made by the petitioners in the petition and it would be just and proper to dispose of the petition in terms of the Minutes of the Order. Minutes of the Order are taken on record and marked "X" for identification.

4. The petition is disposed of by giving following directions :

(i) Respondents No.3 and 7 shall carry out the tar ball analysis every year for at least next five years to further explore and confirm the likely sources of tar ball formation;

(ii) Marine transport routes in the Arabian Sea, along the coast of Goa shall be monitored by Respondent No.7, 8, 9 and 11 for oil, grease and hydrocarbons content in water column, sediments and for biological parameters, both in pre monsoon and post monsoon seasons. Respondents No.3, 4, 7 and 13 to monitor inland water ways and riverine area within the State of Goa where barges, trawlers and inland vessels sail.

(iii) Respondent No.8, through the Respondent No. 9, shall check, monitor and record entries made in the Oil Record Book to be maintained u/s 356F of the Merchant Shipping Act, for all Merchant Vessels entering or leaving Mormugao Port, and in particular shall check and record the following:-

(A) Bunker Transfer Entries showing Fuel Oil transferred to or from a Port Bunker

(B) Quantity of oily water contained in the Bilge Tanks on the vessel

(c) Quantity of oil and oily water discharged through the oily water separator

(D) Quantity of Slop Discharged to the Port or Slop Barge.

As recommended by NEERI in its report, the above respondents to comply with Regulations stipulated under MARPOL Convention by the operators involved in all marine activities, including transportation of liquid hydrocarbons, crude or refined, be followed under strict vigilance of the said Authorities.

(iv) Since, exploration of new offshore oil and gas fields, development of identified fields and enhancement of production of old fields and oil and gas processing activities on the platforms are the series of activities that would continue in the west coast, regular monitoring by respondents Nos. 7, 8 and 11 around the offshore oil and gas activities in west coast area for marine environmental quality both in pre monsoon and post monsoon season for potential pollution indicating parameters in case of water column and sediments and planktons be carried out through NIO, Goa.

(v) Beach wash is also one of the major sources of tar ball formation therefore there activities should be properly regulated with control measures.

(vi) Goa State Pollution Control Board (GSPCB) shall formulate plans for regular monitoring and control of coastal pollution through industrial and urban development in collaboration with Goa Coastal Zone Management Authority (GCZMA) and also to contribute in development of effective Coastal Zone Management Plan in the light of prevailing tar ball formation along the coast of Goa.

(vii) The Goa State Pollution Control Board shall monitor the on shore facilities of Mormugao Port Trust, Panaji Minor Port, The Indian Oil Corporation, and Hindustan Corporation Limited to meet the standards prescribed under the Water Act.

(viii) The Goa State Pollution Control Board to monitor the coastal waters of Goa at least once in a quarter and also increase the number of monitoring stations at appropriate locations of Goa coastal waters.

(ix) The Department of Tourism, Government of Goa and other concerned Local Authorities i.e. the Coastal Panchayats and Municipalities to regularly remove tar balls and oily residues from the beaches and maintain cleanliness of the beaches.

(x) Respondent No. 10 has provided facilities at the bilge and shall continue to provide such facilities at all times in future.

(xi) Respondent No.11, and Respondent Nos. 8 and 9, respectively shall conduct aerial and surface reconnaissance and to use the method of testing the origin of oil slicks or discharged oil and matching it with the use of HYDROCARBON FINGER PRINTING METHODS and other modern scientific methods of detection of oil pollution at Sea and Inland Water Ways and for better enforcement of the provisions of the Merchant Shipping Act.

Yearly report in terms of the directions given to be submitted to this Court on or before 10th September every year, beginning from 2013 onwards.

The writ petition stands disposed of accordingly.