

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
(SOUTHERN ZONE BENCH, CHENNAI)
IN
ORIGINAL APPLICATION NO. 151 OF 2020 (SZ)**

**DETAILED STATEMENT OF FACTS SUBMITTED BY CHIEF ENGINEER,
HARBOUR ENGINEERING DEPARTMENT / 5TH RESPONDENT**

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Dated at Chennai on this the 15th day of February, 2022.

M/s. E.K.KUMARESAN

Standing Counsel for State Government of Kerala - NGT(SZ) Chennai Bench

**BEFORE THE NATIONAL GREEN TRIBUNAL SOUTHERN ZONE,
CHENNAI**

ORIGINAL APPLICATION NO. 151 OF 2010 (SZ)

IN THE MATTER OF

Akhila Kerala Dheevara Sabha

...Applicant(s)

Vs.

State of Kerala,
Rep. by Chief Secretary,
Thiruvananthapuram and 15 others

...Respondent(s)

**DETAILED STATEMENT OF FACTS SUBMITTED BY CHIEF ENGINEER,
HARBOUR ENGINEERING DEPARTMENT / 5TH RESPONDENT**

The 5th Respondents submit the statement of facts in respect of the averments made in the Original Application in O.A.No.151 of 2020 filed by the applicant as follows: -

1. In respect of the averments made in para-1, the respondent has no comments.

2. **Para-2:** It is humbly submitted that it is true that the Alappuzha Coastal Populations main livelihood is fishing and they depend heavily on the fishing activities along the coast. The Harbour Engineering Department intention is to provide safe and sufficient infrastructure facilities to these people. In this direction Thottapally fishing harbour is constructed, which provides a safe and secure landing and berthing for the fishing vessels and provide facilities for the auctioning selling and transportation of the catch. For the smooth movement of fishingboats, a sufficient depth of water is

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required inside the harbor basin and entrance. To maintain this depth (3.00m below chart datum respect to CD) periodic maintenance dredging i.e., removal of deposited silt and sand from the basin is necessary.

3. **Para-3:**It is submitted that in respect of the averments made in para-2, IREL, a public section company under the Government of India engaged in the mining and separation of minerals and metals and production of value-added products from these minerals.

4. **Para-4:**In respect of the averments made in para-4, the respondent has no comments.

5. It is submitted that in respect of the averments made in **para-5**, there is illegal mining being done inside the harbor. The work arranged through IREL is the periodic maintenance dredging of the harbor to ensure sufficient water depth inside the basin and Channel. The EIA clearance for capital dredging inside the harbor issued by GOI, Ministry of Environment and forest vide OM No. J-16011/29/91-1 AIII dated 9.3.1992 and for maintenance dredging of harbours, EIA clearance is not required. The dredging work was entrusted to IREL, as it has got mutual benefits to IREL and the State government IREL. IREL carries out the dredging free of cost and they are permitted to extract minerals from the dredged spoil, for which they are paying extra amount to the Government. This was approved by Government vide G.O.(Rt) No.296/2016/F&PD dated 25.4.2016.

6. In respect of the **para-6**, it is submitted that the statement is not true to facts. 5th Respondent granted permission to IREL for dredging

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inside the harbor basin only. This was inevitable to maintain required water depth inside the harbor for the safe movement of fishing vessels. Copy to agreement furnished as Exhibit-R1. the agreed quantity of maintenance dredging is 34,768 m³. Out of which only 28767.62m³ sand is dredged by IREL so far. This is done solely with the intention of safety of fishermen. It is unfortunate that a fraction of people is opposing this.

5. **Para-7:** It is submitted that the Ministry of Environment and Forest, Government of India had issued Environmental Clearance for the Thottappally Fishing Harbour Project vide Order OM No.J-16011/29/91-1 A III dated 01.09.1998. The capital dredging work inside the harbor is one of the components in the approved project. The dredging arranged now is the maintenance dredging which doesn't require EIA clearance.

6. **Para No.8 to 12:** The 5th Respondent submits that the averments raised in Para Nos.8 to 12 are not connected with Harbour Engineering Department.

7. **Para No.13:**It is submitted that the rate was fixed by the Government vide G.O.(Rt) No.296/2016/F&PD dated 25.04.2016 after a series of discussions and technical scrutiny. The rate fixed is not for purified illmonite. It is for the mixture sand and illmonite. Further the IREL is a company fully owned by Government of India. Hence there is no relevance for the contention that no rate fixed for the sand will be a loss to Government exchequer. The intention of Harbour Engineering Department is only to deepen the harbor basin and ensure safety of fisherman. No

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dredging beyond the harbor limits is done by Harbour Engineering Department through IREL.

8. Regarding the averments raised in para-14, it is submitted that the houses and lively hood in coastal belt are affected by the monsoon wave attack. Natural calamities like floods, storm surges etc. have become more frequent due to the global climatic changes. This phenomenon is seen all along the coast of Kerala and not only in Thottappally area. A proposal for shore protection works at Thottappaly is sanctioned under KIIFB funding for an amount Rs.240.06 lakhs. Also Government is giving top priority to the rehabilitation of fishermen families in the erosion prone areas. A residential complex with 214 housing units is already under construction at Mannumpuram near to the Thottappally area for rehabilitation of fishermen.

9. Para No.15: It is submitted that There is no reports/remarks from health authorities/agencies regarding health issues due to the deposited waste sand inside the Harbour premises. Now, the dredged sand after removing minerals are proposed to reclaim the land in Mannumpuram Colony.

10. In respect of the averments made in para-16, it is submitted that the maintenance dredging inside the harbor upto 3m depth will not affect any ground water resources and as accused. The contention of the petitioner is without proper scientific proof.

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1. **Para No.17 to 19:** The 5th Respondent submits that the averments raised in Para Nos.17 to 19 are not related with Harbour Engineering Department.

12. In respect of the averments made in para-20, it is submitted that the issues outside the harbor limits is beyond the control of Harbour Engineering Department. Government machinery including police sill take care of such things.

13. In respect of the averments made in para-21, it is submitted that the removal of silt deposition inside the Harbour basin is done by dredging for maintaining the water depth for entering the fishing boats. Dredging does not come under the term mining. It will not cause any damages to the structures and houses nearby. There is no such report of damages to the building till date.

14. It is submitted that no remarks in respect of the averments made in para No.22.

15. It is submitted that the averments raised in Para Nos.23 and 24 are not related with Harbour Engineering Department.

16. In respect of the averments made in para-25, it is submitted that the Environmental Clearance had been obtained as mentioned in para 7 for the Thottappally harbor project (Copy enclosed as R1) and capital dredging inside the Harbour basin is one of the components of the above project. The maintenance dredging need not require EIA clearance.

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17. In respect of the averments made in para-26, it is submitted that the damages to the houses are not due to dredging inside harbor basin which is confined to small area within 2 breakwaters. This dredging is only upto 3 m depth below water level. Even the structures inside the harbor which are likely to get damaged before any other structures are affected, now remains without any minor damages.

18. Considering the above facts, it is respectfully submitted to this Hon'ble Tribunal that the application against maintenance dredging in Thottappally Fishery harbor may be summarily rejected. Thottappally Fishing Harbour is the main livelihood project of the fishermen in the Alappuzha District. And the smooth functioning of the Harbour requires period dredging. So, any attempt to prevent this activity will cause serious damages to the welfare of fishing community.

For the reasons stated above, it is therefore Prayed that this Hon'ble Tribunal may be pleased to dismiss the Original Application filed by the Applicant and pass suitable order and thus render Justice.

Dated at Chennai on this the 15th day of February, 2022

Verification

I Jomon K. George, representing the 5th respondent herein, do hereby verify on oath that the contents of the above paragraphs are true to the best of my Personal Knowledge and based on the information available, which I believe to be true. No material has been concealed and no part is false.



Signature

CHIEF ENGINEER
HARBOUR ENGINEERING DEPARTMENT
CHENNAI

**BEFORE THE HON'BLE
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