

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
SOUTHERN ZONE, CHENNAI  
ORIGINAL APPLICATION No. 172 of 2020 (SZ)**

**IN THE MATTER OF:**

Association of Deep Sea going Artisanal Fishermen

Applicant(s)

Versus

Union of India & Ors.

Respondent(s)

**REPORT OF THE JOINT COMMITTEE CONSTITUTED IN THE O.A.  
NO. 172 OF 2020 IN THE MATTER OF ASSOCIATION OF DEEP SEA  
GOING ARTISANAL FISHERMEN VERSUS UNION OF INDIA &  
OTHERS BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,  
SOUTHERN ZONE, CHENNAI.**

Place: Chennai

Date:11/01/2021

**Report of the Joint Committee constituted in the O.A. No. 172 of 2020(SZ) in the matter of Association of Deep Sea going Artisanal Fishermen Vs Union of India & Ors. before the Hon'ble National Green Tribunal, (SZ), Chennai.**

**1. Introduction:**

In order to ascertain the genuineness and real state of affairs and also the nature of alleged violation said to have been committed in carrying out the construction of check dam in Tamiraparani River referred therein the O.A. No. 172 of 2020(SZ) and also its impact on ecology, the Hon'ble National Green Tribunal, Southern Zone, Chennai vide Order dated 08.09.2020 appointed a Joint Committee comprising the members of (1) the District Collector, Kanyakumari District, or a Senior Officer not below the rank of Assistant Collector or Revenue Divisional Officer, as designated by the District Collector, (2) Senior Officer from Ministry of Environment Forests and Climate and Change (MoEF&CC), Regional Office, Chennai, (3) a Senior Officer from State Coastal Zone Management Authority, Chennai (4) The Superintending Engineer of Public Works Department and Water Resources Organisation, who is in-charge of that area with the direction to inspect the area in question and submit factual as well as action taken report, if there is any violation. In the above said Order Hon'ble NGT appointed Ministry of Environment Forest and Climate Change, Regional Office, Chennai as nodal agency for co-ordination and for providing all necessary logistics for this purpose.

**2. Constitution of the Joint Committee:**

In compliance with the directions of the Hon'ble NGT, as a nodal agency Regional Office of MoEF&CC at Chennai vide O.M. No. EP/12.7/NGT(SZ)/055/2020/ dated 09.11.2020 constituted a Joint Committee comprising the following members based on the Officers deputed / nominated from the Authorities concerned:

- (i). Smt. Sharanya Ari, I.A.S, Sub-Collector, Padmanabhapuram, Kanniyakumari District.
- (ii). Er. N. Gnanasekar, Superintending Engineer, WRD/PWD, Thamiraparani Basin Circle, Tirunelveli.
- (iii). Shri. D. Eswaran, Assistant Conservator of Forests, Department of Environment, Govt. of Tamilnadu.
- (iv). Dr. M.T. Karuppiah, Scientist – E, MoEF&CC, Regional Office, Chennai.

### **3. Terms of reference (ToR) to the Joint Committee:**

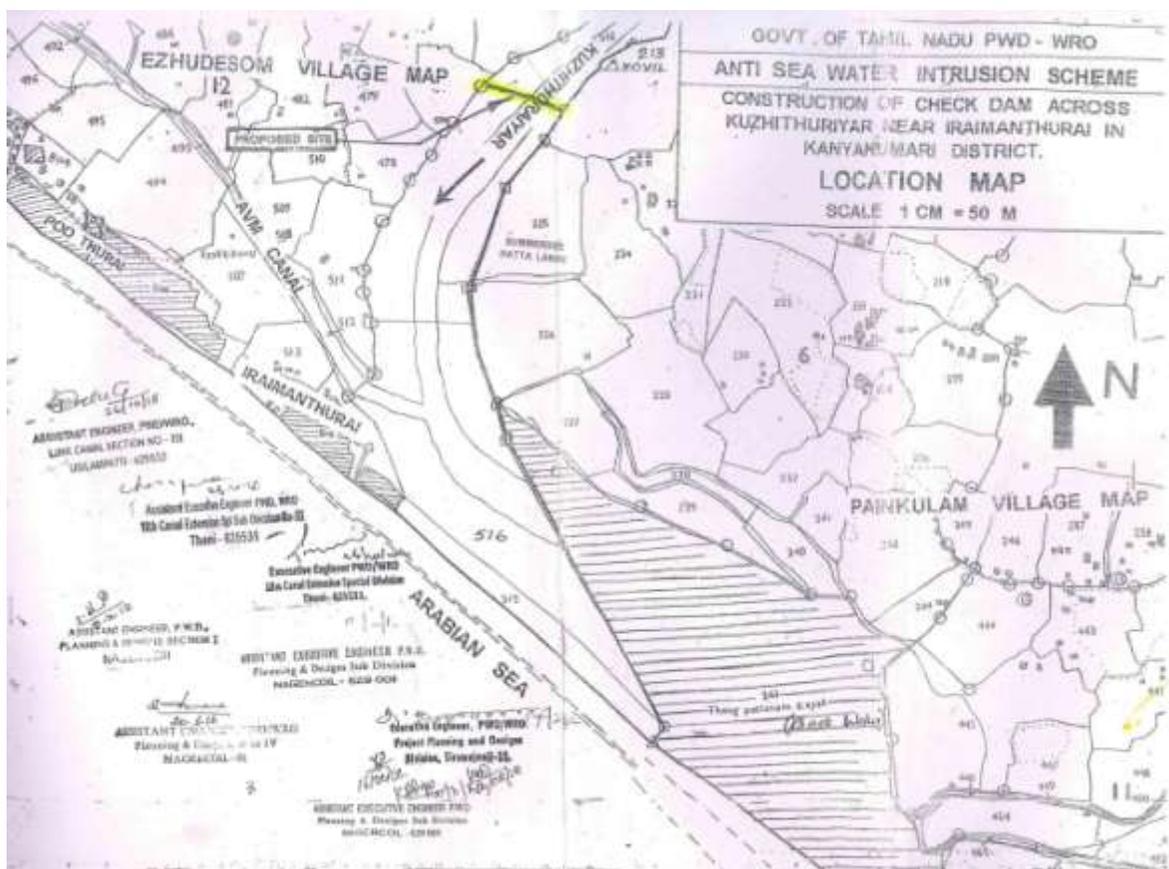
The Terms of the Reference (ToR) to the Joint Committee referred therein the Order dated 08.09.2020 of Hon'ble NGT in the above matter inter-alia include the following:

- (i). The committee shall go in to the question as to whether there was any violation of any environmental laws?
- (ii). If there is any damage caused to environment including river bed and surrounding area in the process of constructing the check dam in the river and if so, the committee is directed to assess the environmental compensation as well.
- (iii). The impact on the livelihood of the local fisherman on account of the construction of dam in the river, and
- (iv). If there is any damage caused to environment the committee is also directed to suggest the ways and means to restore the damage caused to the environment and who is responsible to carry out for the same as well.

### **4. Background of the project:**

Tamiraparani,(Kodayar or Kuzhithuraiyar or Kuzhithurai river) which is one of the major rivers of the Kanniyakumari district, which is flowing about 60 km distance in the central part of the district and drain in the Melpuram, Kuzhithurai, Munchirai and Killiyur blocks. The river after traversing Killiyur and Munchirai Blocks, confluence in to the Arabian Sea near Erayumanthurai and Thengapatnam, which is at a distance of 56 km west of Cape Commerin. Thengapattanam estuary banks are Thengapattanam at the East and Erayumanthurai at West. The stretch of the coast from Pozhiyoor to Neerodi in Kerala and Neerodi colony to Erayamunthurai in Tamilnadu is an island surrounded by Arabian Sea in south and AVM Canal in North Poovar estuary in west and Thengapainam estuary in East.

Reportedly natural sandy mouth formed near the confluence point has been removed for the fishing harbor works. Further, it has also been observed from the report of PWD that many years sand was quarried in the Kuzhithuraiyar, which resulted deeply lowering the river bed below the mean sea level (MSL) with heavy undulations and thus to prevent the back water entry and mixing the saline sea water, the Government of Tamilnadu vide G.O.(3D). No.26 dated 24.08.2018 has accorded administrative sanction for construction of Check Dam across kuzhithuraiyar near Eraimanthurai in Kanniyakumari District with estimated cost of Rs. 1537.07 lakhs.



**Location map of ongoing Check Dam construction (source: DPR of PWD)**

## **5. Meeting of the Joint Committee:**

In compliance with the Order dated 08.09.2020 of Hon'ble NGT in the above matter and in continuation to the Joint Committee Constitution vide O.M. dated 09.11.2020 of Regional Office of MoEF&CC at Chennai, the meeting of the Joint Committee was held on 08.12.2020 at Office of District Collector, Collectorate, Nagercoil, Kanniyakumari District. As a nodal agency, the meeting was coordinated by the MoEF&CC, Regional Office, Chennai. All the members of the Joint Committee were present in the said meeting. As part of natural justice and as consented by all the members of the Committee an opportunity was given to the Counsel of the Applicant in the O.A. and also to the project authority i.e. Water Resources Organization, Public Works Department, Govt. of Tamilnadu to submit their views before the Committee. During the meeting of Joint Committee, members discussed the facts, issues and prayers in the above case and the Terms of the Reference (ToR) to the Joint Committee referred therein the Order dated 08/09/2020 of Hon'ble NGT.

### **5.(i). Submissions of project authority (Public Works Department, Govt. of Tamilnadu):**

In the above Joint Committee meeting, on behalf of Public Works Department, Govt. of Tamilnadu, as a project authority, Officers from the Water Resources Organization, Public Works Department took part in the meeting and

made their submissions in connection with the above alleged construction of Check Dam, which inter-alia include the following:

- (a). The River bed is lower than the Mean Sea Level (MSL) and thus construction of Check Dam is necessary to prevent the sea water intrusion.
- (b). Project Authority claimed that in order to develop the livelihood of the fishermen, the Government of Tamilnadu has formulated new fishing harbor at Thengapattinam. Reportedly, PWD consented the development of fishing harbor at Thengapattinam, subject to the condition that one check dam across the river within 1 km from the Thengapattinam in the upstream side of the river shall be provided in order to avoid sea water intrusion during high tides.
- (c). Project Authority claimed that CRZ clearance is not required for the said project activity, since the G.O. for the said project activity was issued on 24.08.2018, that is prior to the CRZ Notification, 2019 and thus it is not attracting the provisions of the CRZ Notification.
- (d). It was informed that in the W.P.(MD)No. 7069 of 2019, Hon'ble High Court of Madras, Madurai Bench passed the judgment with the direction to commence the check dam work and complete it before the rainy season.
- (e). No fishermen would be affected due to construction of Check Dam, since the same is being constructed 800 m away from the mouth of the river.
- (f). Project authority informed that the petitioner association has intention to misuse the river bank for the activities such as landing of their boats etc. beyond the harbour area.

**5.(ii). Submissions of the Applicant to the O.A.:**

The Counsel for the applicant Shri. Edwin Jerome took part in the above said Joint Committee meeting and made the following submissions on behalf of the applicant Association:

- (a). The applicant Association claimed that the said construction of check dam at Tamiraparani River (Kuzhithuraiyaru) near Eraiyumanthurai of Kanyakumari District is falling well within the CRZ area and the project authority executing the same without obtaining prior CRZ clearance from the Competent Authority.
- (b). The river Tamiraparani (Kuzhithuraiyaru) had two Check dams at Kuzhithurai and Mancaud. In the year 2016, Kuzhithurai Check dam was reconstructed by increasing its height and can deliver maximum of 55000 cu.ft of water. The Mancaud Check dam has already damaged. The project authority failed to reconstruct the Mancaud check dam instead

they commenced construction of new check Dam in the CRZ area without obtaining prior CRZ clearance.

- (c). Due to the construction of Check Dam resulted sand deposit and tidal influence near the mouth of Thengapatnam Fishing Harbour, which is causing deaths and damage to the boats.
- (d). The applicant claimed that due to continuous unregulated sand mining activities in the past, the river bed is lowered than the Mean Sea Level (MSL).
- (e). AVM canal joins to the Thamiraparani river at Erayumanthurai, which serves as feed river which help to distribute the flood in the river to the Canal. Due to the present construction of the Check Dam about 50 m away from the AVM Canal, the entire stretch of the AVM Canal will become saline due to sea water ingress, which affects the local fishermen as well as the farmers, who depend on the fresh water.
- (f). The dwelling units located just close to the coast are facing threat of erosion. The width of the beach along this stretch of the coast is about 30 m and gets washed away during the South-West (SW) monsoon leads to the occasional seawater intrusion into the dwelling units. Beach slope in this stretch is quite steep. An existing sea wall for a length of 1km is in a collapsed stage.
- (g). Due to the construction of alleged Check Dam, the boats of the fishermen can not go to the Tamiraparani River, which will affect the fishermen community as their main source of income is fishing.
- (h). The applicant association claimed that there is technical flaw in the proposed activity, wherein height of the proposed Check Dam (6 m) is less than the height of the River (+ 6.5 m).
- (i). The present Check Dam construction leads to reduction of fresh water flow into the sea. The reduction in the freshwater discharge to the estuary would have major catastrophic impact due to the imbalance in the salinity and other aquatic parameters in the estuary region.
- (j). Applicant claims that the river banks are not having side walls and thus the present construction of the Check Dam can not hold the water, which may lead to flooding in the adjoining area of the river stretch.
- (k). Applicant informed that already numerous applications have been submitted to various Govt. Authorities with the request to shift the location of check dam from the current location.

- (l). It was alleged that the project authority failed to assess the ecological impact due to construction of the check dam at the present location, taken into account of the environmental and ecological damages to the local people and marine environment.
- (m). Finally he has submitted a collective representation duly signed by the local fishing communities with the request to drop the check dam construction to ensure the livelihood security to the fishermen communities. The said representation is enclosed as **Annexure – I**.

**6. Status of Statutory requirements:**

(i) In exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 read with clause (d) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, Ministry of Environment, Forest & Climate Change had notified the Coastal Regulation Zone Notification, 1991 on 19<sup>th</sup> February, 1991, which, *inter-alia*, provided classification of Coastal Regulation Zone (hereinafter referred to as CRZ) areas and norms for regulating developmental activities referred therein. This Notification was subsequently amended from time to time.

(ii). Subsequently, in supersession of the CRZ Notification, 1991, the Coastal Regulation Zone Notification, 2011 was notified on 6<sup>th</sup> January, 2011 for regulation of developmental activities along the coastal stretches and to ensure the livelihood security to the fisher communities and other local communities, living in the coastal areas, to conserve and protect coastal stretches.

(iii) All the developmental activities / projects attracting the provisions of the CRZ Notifications 2011 are required to obtain prior CRZ clearance from the authorities concerned.

(iv). As per the CRZ notification, the State Coastal Zone Management Authority (SCZMA) is primarily responsible for enforcement and implementation of the provisions of the notification. For the purpose of implementation and enforcement of the provisions under CRZ Notification, the powers either original or delegated, under the Environment (Protection) Act, 1986 are with the State Governments and State Coastal Zone Management Authorities (SCZMAs).

- Further, the Government of Tamil Nadu constituted District Coastal Zone Management Authorities (DCZMA) for all the Coastal districts vide G.O.Ms.No.163 dated 09.06.1998 of Environment and Forests Department. The District Environmental Engineer of the Tamil Nadu Pollution Control

Board is the Convener of the District Coastal Zone Management Authority and is the appropriate authority to take action in this regard.

- The DCZMAs are entrusted with the following responsibilities, in their respective jurisdictions, as per the above G.O.
  - a) to be responsible for monitoring and enforcement / Implementation of the provisions of the Coastal Regulation Zone Notification.
  - b) to ensure that the activities within Coastal Regulation Zone take place as per the approved Management Plan.
  - c) to advise the State Government on any matter relating to protection and control of pollution in Coastal areas.
  - d) to act as an Authority under Sec. 4 of Coastal Regulation Zone Notification, 1991 dated 19.02.199 for taking action on Coastal Regulation Zone Plan violations.

(v). MoEF&CC vide letter No. 12-8/2018-IA.III dated 24.10.2018 has approved the Coastal Zone Management Plan (CZMP) of Tamilnadu for all its coastal districts as per the provisions of the CRZ Notification, 2011.

(vi). As approved by the Union Cabinet the new CRZ Notification, 2019 was notified vide S.O. GSR 37(E) dated 18.01.2019. However, CRZ Notification, 2019 come into force only after the respective Coastal Zone Management Plan (CZMP) framed to the CRZ Notification, 2011 have been revised / updated by the States / UTs, as per the provisions of the new CRZ Notification and approved by the Ministry of Environment, Forest & Climate Change. Para 6 (i) of CRZ Notification, 2019 inter alia states as under:

*(i) "All coastal States and Union territory administrations shall revise or update their respective coastal zone management plan (CZMP) framed under CRZ Notification, 2011 number S.O. 19(E), dated 6<sup>th</sup> January, 2011, as per provisions of this notification and submit to the Ministry of Environment, Forest and Climate Change for approval at the earliest and all the project activities attracting the provisions of this notification shall be required to be appraised as per the updated CZMP under this notification and until and unless the CZMPs is so revised or updated, provisions of this notification shall not apply and the CZMP as per provisions of CRZ Notification, 2011 shall continue to be followed for appraisal and CRZ clearance to such projects."*

(vii). Before finalizing the CZMP concerned State / Union Territories / Coastal Zone Management Authorities are required to adopt due procedure in preparation of CZMPs as stipulated in Para 6 (iii) of CRZ Notification, 2019, which includes public consultation. Para 6 (iii) of said notification inter alia states as under:

*(iii). "The coastal States and Union territories shall prepare draft CZMP in 1:25,000 scale map identifying and classifying the CRZ areas within the respective territories in accordance with the guidelines given in Annexure-IV to this notification, which involve public consultation."*

*All developmental activities listed in this notification shall be regulated by the State Government, Union territory administration, the local authority or the concerned Coastal Zone Management Authority within the framework of such approved CZMP, as the case may be, in accordance with provisions of this notification.*

(viii). In accordance with the provisions of the sub-clause (d) clause (iv) of Para 3 of CRZ Notification, 2011, the structures for prevention of salinity ingress or measures to prevent the sand bars, installation of tidal regulators are permissible activity, based on carried out by any agency specified by MoEF&CC and needs to be regulated in accordance with the provisions of Para 4 of CRZ Notification, 2011. Thus the said activity requires prior permission / clearance from the competent authority before the commencement of the activity. Para 4.2 of CRZ Notification, 2011 prescribes the procedure for clearance of permissible activities attracted under this notification.

#### **7. Observation of the Joint Committee on the ToR to the Committee:**

Based on the deliberations held during the meeting of the Joint Committee and site inspection of the area under question, the following observations are made:

#### **Whether there was any violation of any environmental laws?**

- (i) The Project Authority claimed that the alleged construction activities for the Check Dam was commenced, since the Hon'ble Madurai Bench of Madras High Court in the W.P.(MD)No.7069 of 2019 directed to start the check dam work and complete it before the rainy season. But, Hon'ble High Court was neither appraised of the CRZ issues in the said W.P. nor the same was exempted from the CRZ clearance for the said activity.
- (ii) The Joint Committee relied upon the following statutory provisions of the CRZ Notifications:

- (a). Coastal Zone Management Plan (CZMP) framed to the CRZ Notification, 2011 be revised / updated by the Tamilnadu State as per the provisions of the CRZ Notification, 2019. All the project activities attracting the provisions of this notification shall be required to be appraised as per the updated CZMP under this notification and until and unless the CZMPs is so revised or updated, provisions of this notification shall not apply and the CZMP as per provisions of CRZ Notification, 2011 shall continue to be followed for appraisal and CRZ clearance to such projects.
- (b). The activities prohibited and permitted within the CRZ are expressly declared in the Para 3 of CRZ Notification, 2011. As per sub-clause (d) clause (iv) of Para 3 –  
“3. Prohibited activities within CRZ – The following are declared as prohibited activities within the CRZ,-  
.....(iv). Land reclamation, bunding or disturbing the natural course of sea water except those,-  
.....  
(d). measures to prevent sand bars, installation of tidal regulators, laying of storm water drains or for structures for prevention of salinity ingress and fresh water recharge based on carried out by any agency to be specified by MoEF”.
- Thus, setting up of structures for prevention of salinity ingress is permissible activity under CRZ Notification, 2011. However, prior permission under the CRZ Notification, 2011 is required before commencing such a project, even if it is permissible activity.
- (c). Para 4 of CRZ Notification, 2011 prescribes for the regulation of permissible activities in CRZ area except those activities prohibited in para 3 of the Notification. Further, it requires prior permission / clearance from the competent authority before the commencement of the activity.
- (d). Para 4.2 of CRZ Notification, 2011 prescribes the procedure for clearance of permissible activities attracted under this notification.
- (iii) Based on the site visit and approved CZMP available, the Joint Committee confirms that the alleged activity for the construction of Check Dam is in the CRZ area and attracts the provisions of the CRZ Notification. The Coastal Zone Management Plan- Tamilnadu – Map No. TN-11, cross sectional view of Tamiraparani river in the CRZ area and

superimposed view of ongoing Check Dam construction on the CZM Map having demarcation of No Development Zone (NDZ) Low Tide Line (LTL) and High Tide Line (HTL) is shown in the **Annexure-II & III**. Google imagery of the area under dispute before the construction and after the construction of the check dam is shown in the **Annexure – IV**. However, Project authority commenced the alleged project activity without obtaining requisite CRZ clearance from the Competent Authority and is being continued, which tantamount violation of the provisions of the Environment (Protection) Act, 1986 and CRZ Notification, 2011.

**Damage caused to environment including river bed and the environmental compensation:**

- (iv) The details regarding date of commencement of the construction activity for the alleged Check Dam has not been made available. The Civil excavation and construction of Check Dam have been completed for 30m with all components such as body wall, upstream & downstream apron and cement concrete block. The temporary coffer dam for a length of 70 m has been constructed and the water is diverted on the right flank of the river to facilitate day to day construction activities. The left bank abutment and wing wall and return wall completed. The overall physical progress of the construction is about 32%. Heavy machinery has been deployed for excavation and other civil construction work. Excavation of river bed has been carried out. Course of river flow is altered. Thus the damage to the marine environment including river bed has already been occurred due to the process of ongoing construction activity of the check dam in the river. Photographs taken during the site inspection is placed as **Annexure – V to VII**.
- (v) Tamilnadu State Coastal Zone Management Authority vide letter dated 17.8.2020 and 24.8.2020 forwarded the complaints received in the above subject matter, to the Chairman, District Coastal Zone Management Authority, Kanniyakumari District and Convener District Coastal Zone Management Authority (DCZMA), Kanniyakumari District with the request to examine the matter and take appropriate action, if there is violation under CRZ Notification, 2011 and submit the action taken report. Copy of the said communications addressed to the DCZMA is enclosed as **Annexure-VIII**. In compliance with the request of TSCZMA, based on the site inspection District Environmental Engineer, TNPCB & Convener-DCZMA vide letter No. DEE/TNPCB/NGL/COMPL/TECH 06/1513/2020 dated 24.8.2020

confirmed the said ongoing construction activity of Check Dam is within the CRZ area and requested the Executive Engineer, Public Works Department, Govt. of Tamilnadu to carryout such activity only after obtaining CRZ clearance from the TSCZMA. Also requested to furnish the project relevant details and action taken report. Copy of the said communication dated 24.8.2020 of DCZMA is enclosed as **Annexure-IX**. So far the project authority has neither complied with the instructions of the District Coastal Zone Management Authority nor has submitted the action taken report, rather construction activities are being continued without obtaining prior CRZ clearance, which tantamount violation of Environment (Protection) Act, 1986 and also attracts for the provisions of financial penalty.

- (vi) The Hon'ble NGT(SZ) in the Order dated 08.09.2020 in O.A. 172 of 2020 has directed to assess the environmental compensation, if there is any violation. The approved methodology / guidelines issued by the Central Pollution Control Board for determining the Environmental Compensation to be recovered for violation is under Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016. The said guidelines cannot be applied to the present CRZ activity under dispute. Further, the present project activity falls under the category where damages caused to the environment and liability of the responsible party (occupier, operator, transporter, importer, exporter, etc., as the case may be) as well as cost thereof are difficult to assess, since the ongoing activity is within the river.
- (vii) Under such circumstances, the Joint Committee determined the environmental compensation to ensure that levying of financial penalty remain within the brief of Section 15 of the Environment (Protection) Act, 1986, since the CRZ Notifications have been notified under the Environment (Protection) Act, 1986. Further, additional fine up to Rupees five thousand rupees for every day may also be imposed in case of failure continues by the responsible party beyond period by which remedial/corrective measures would have been implemented as suggested by the SPCB/PCC. Non-compliance may attract violation of one or several provisions of the said Rules and thus the total financial penalty amount may be arrived by adding up number of provisions violated.
- (viii) Accordingly, the environmental compensation for the present case is arrived as under:

**Environmental compensation (EC) = (financial penalty remain within the brief of Section 15 of the E(P) Act, 1986 i.e. Rs. 100000/-) + 5000 x No. of days for which violation took place from date of communication of PCB or CZMA.**

**EC = 100000 + 5000 x 140 days (as on 11.01.2021) = Rs. 800000/- (rupees eight lakhs only).**

The Hon'ble Tribunal may consider the above calculation or may arrive Environmental compensation as it deem fit under the circumstances of the case based on the precedents i.e. on the basis of the percentage of the project cost as desired by the Hon'ble Tribunal. If the above suggested method is followed, it may be directed to the State PCB concerned to calculate and ensure the number of days violated for levying environmental compensation.

**The impact on the livelihood of the local fisherman on account of the construction of dam in the river:**

- (ix) Considering the sensitivity of the matter, the Joint Committee members did not directly interact with the local people to ascertain their views on the impact on the livelihood of the local fisherman on account of the construction of dam in the river. However, the collective representation duly signed by the local fishing communities submitted to the Joint Committee with the request to drop the check dam construction to ensure the livelihood security to the fisher communities is placed as **Annexure – I.**

**Restore the damage caused to the environment and responsible authority to carry out for the same:**

- (x) The said project activity has been commenced in the CRZ area without obtained requisite prior CRZ clearance from the Competent Authority. Further, overall physical progress of the construction of about 32% has already been completed, wherein heavy machineries are being deployed for excavation and other civil construction work. Excavation of river bed has been carried out. Course of river flow is altered during the construction. Thus the damage to the marine environment including river bed has already been occurred due to the ongoing construction

activity of the check dam in the river. There is a possible impact on the estuary also due to the construction activity. Due to the construction of the check Dam in the present location, there is a possibility of saline water ingress in the AVM canal. In the present case, damages caused to the environment and liability of the responsible party as well as cost thereof are difficult to assess, since the ongoing activity is within the river and CRZ area. If the work could have been commenced with prior CRZ clearance, the requisite measures would have been stipulated based on the scientific data by the experts. Presently, there is no provision for getting ex-post-facto clearance. So, further course of action may be decided by the Hon'ble Tribunal. In the event of restoring the damage, the responsibility lies on the project authority i.e. Public Works Department, Govt. of Tamilnadu. They should bear the entire cost for the restoration.

By considering all the above facts, Hon'ble Tribunal may pass appropriate Order(s) direction(s) as deemed fit.

Smt. Sharanya Ari, I.A.S,  
Sub-Collector,  
Padmanabhapuram,  
Kanniyakumari District.

Er. N. Gnanasekar,  
Superintending Engineer,  
WRD/PWD, Thamiraparani Basin  
Circle, Tirunelveli.



Shri. D. Eswaran,  
Assistant Conservator of Forests,  
Department of Environment,  
Govt. of Tamilnadu.



Dr. M.T. Karuppiah,  
Scientist- E,  
Ministry of Environment, Forest &  
Climate Change,  
Regional Office, Chennai.

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**Report of the Joint Committee constituted in the O.A. No. 172 of 2020(SZ) in the matter of Association of Deep Sea going Artisanal Fishermen Vs Union of India & Ors. before the Hon'ble National Green Tribunal, (SZ), Chennai.**

It is humbly submitted that draft report prepared in this matter was circulated by the nodal agency (MoEF&CC) to all the members of the Joint Committee with the request to furnish their concurrence / views. Further follow-up was also taken with the members concerned over phone as well as e-mail communication with the request to expedite the matter and submit views / concurrence on or before 14.01.2021 to enable to file the report in time. Copy of the said e-mail communication is placed as **Annexure – X**. Despite the follow-up, nodal agency has not received any concurrence or dissenting report from one of the Joint Committee members, Smt. Sharanya Ari, I.A.S, Sub-Collector, Padmanabhapuram, Kanniyakumari District.

Further, it has been observed from the web portal of the Hon'ble NGT that other member, Er. N. Gnanasekar, Superintending Engineer, WRD/PWD, Thamiraparani Basin Circle, Tirunelveli has filed duly signed report named as Joint Committee report, directly to the Hon'ble NGT on 09.01.2021, without having any consultation with other members and nodal agency. For sake of brevity not reproduced the same along with this report.

Dated 18/01/2021



Dr. M.T. Karuppiah,  
Scientist – E &  
Nodal Officer for the Joint Committee,  
MoEF&CC, Regional Office, Chennai.

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