

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
SOUTHERN ZONE, CHENNAI

Report of the Joint Committee based on the orders of the Hon'ble
National Green Tribunal in O.A No. 203 of 2021 & I.A.No.140 of 2021
dated 15.09.2021

INTRODUCTION:

As per the Order dated 15.09.2021 in OA No. 203 of 2021 & I.A.No.140 of 2021, the Hon'ble NGT (SZ) has constituted a Joint Committee comprising of (1) District Collector, Chennai District (2) a Senior Officer from the Regional Office of MoEF & CC, Chennai (3) a Senior Officer from Tamil Nadu Coastal Zone Management Authority as deputed by its Chairman (4) Superintending Engineer, PWD, Chennai (5) The Commissioner of Police or nominee by him not below the rank of Joint Commissioner to inspect the area in question and to file a factual report as well as action taken report if there is any violation found. Accordingly, the competent authority in the Regional Office of MoEF & CC, Chennai has nominated Dr.C.Kaliyaperumal, Director as the member to the Joint Committee and the Joint Committee comprising of the Superintending Engineer, WRD, Palar Basin Circle, Chennai, the Revenue Divisional Officer, North and the Assistant Director of Geology and Mining representing the District Collector, Chennai and the Joint Commissioner of Police (Eastern Zone), and the undersigned visited the site on 07.10.2021. Subsequently, the Scientist of National Center for Sustainable Coastal Zone Management representing the Director, Coastal Zone Management and the Superintending Engineer, WRD, Palar Basin Circle, Chennai inspected the site on 05.01.2022.

Observations of the committee on the queries raised by the Hon'ble NGT are as follows:

1. *Whether any illegal sea sand mining is being done in the eco-sensitive zone, namely CRZ -1A and 1B in the river mouth of Cooum near the Napier Bridge which ultimately reaches the Bay of Bengal?*

During the site visit, it was noticed that the removal of sand from the accumulated sand bar at the Cooum river mouth was still underway in order to regulate the free passage of tidal water and monsoon floods. As a result, banks do not erode and flood water entering low lying areas is controlled which is a common occurrence during every monsoonal season when the flood flow is backing up due to heavy tidal action.

2. *Whether any heavy vehicles like excavator/ earth removers and other heavy vehicles, like tipper lorries, etc., are being parked in the eco-sensitive zone?*

During the site visit, vehicles such as JCB excavators were noticed at the river mouth to remove the accumulated sand bar in order to regulate tidal flow conditions and minimize flood effect and bank erosion in the estuarine environment.

3. *Whether such vehicles-have been used for such sea mining, even if it is being done by the authorities?*

At the time of site inspection, no sand mining or transportation activities were observed, with the exception of the removal of the accumulated sand bar to facilitate the estuary's tidal flow and to control river flood inundation during the monsoon season.

4. *If such vehicles are found, the concerned authorities are directed to remove the same by seizure or other method known to law and impose appropriate penalty against such persons who are engaged in parking such vehicles which in eco-sensitive areas which is in fact prohibited?*

No vehicles for transportation or parking were noticed on the premises during the site visit. The Joint Committee agreed that line departments, such as the Revenue Department and Police Authorities, should take strict action and impose appropriate penalties on those who park their vehicles in environmentally sensitive areas.

5. *Even if any, permitted activity is being done as part of dredging in that area, whether it is being done after obtaining. necessary permission/clearance and in tune with the guidelines given by the Ministry of Environment, Forest and Climate change (MoEF&CC) under the Enforcement and Monitoring Guidelines for Sand Mining, 2020 as well as the Sustainable Sand Mining Management Guidelines, 2016?*

It was noticed that the accumulated sand bar removal maintenance works are being carried out at the Cooum river mouth by Water Resources Department to regularize the tidal flow conditions without stagnating the water in the estuarine environment.

However, the Committee observed that no clearance for dredging has been taken from the concerned authorities. This maintenance work is a part of the channel clearing maintenance work usually performed throughout the year to facilitate tidal exchange between river and sea.

6. *To ascertain the ecological damage caused to the environment on account of such illegal activity and assess the environmental compensation to be recovered from the persons who are responsible for the same.*

As per Coastal Zone Management Plan (CZMP) maps of Tamil Nadu prepared by the National Centre for Sustainable Coastal Management (NCSCM) under the Ministry of Environment, Forests and Climate Change, the Cooum River mouth and its premises are under CRZ- 1A (ecologically sensitive areas) and 1B (inter-tidal) areas and are ecologically sensitive. Any illegal activity, such as sand mining, construction debris deposition, and plastic waste dumping, causes serious ecological damage to the premises. The Joint Committee has agreed and recommended strict action and imposing a huge penalty on the violators, as well as taking legal action against them. As such, the Committee did not observe any ecological damage in these sensitive areas during the site visit.

7. *To suggest the permanent mechanism by which such illegal activities can be averted or put under surveillance for the purpose of tracing out the persons involving in such illegal activities.*

The Committee recommended that daily monitoring and installation of CCTV cameras be implemented around the Cooum River Mouth, as well as the archiving of recorded data at authorized departments such as the Revenue Department, Police Department, Water Resources Department and Geology & Mining Department.

8. To ascertain regarding the end user of the alleged sea sand that is illegally mined and if so, what are all the purposes for which it is being used and if it is being done illegally what is the nature of action taken against those persons, who are involved illegally in such activities.

During the site visit, it was noticed that, there is no traces of illegal sand mining in the subject area. Meanwhile, the Committee agreed and requested the Police Department, Revenue Department, Water Resources Department and Geology & Mining Department to take action against the persons who are involving in illegal transportation of sand as per prevailing Act and Rules. It is also decided that Superintending Engineer, Water Resources Department, Palar Basin Circle, Chennai should intimate to D-6 Anna Square Police Station time to time about the details of those vehicles which are allowed to enter into the Cooum River mouth through the Anna Square Bus Stand for official purpose.

Accordingly, the Joint Commissioner of Police, East Zone, Greater Chennai Police has sent the following letters to the concerned.

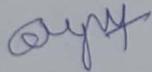
- a) Requested the Superintending Engineer, Water Resources Department, Palar Basin Circle, Chennai by letter dated 13.01.2022 to check the vehicles, entering and exiting from the Mouth of Cooum River, near Napier Bridge to prevent illegal sand quarry and also further requested necessary instruction will be issued to the concerned officers to intimate the D-6, Anna Square Police Station, time to time, those vehicles which are allowed to entered into the Cooum River Mouth through Anna Square Bus Stand.
- b) Further, the Police is already having CCTV cameras at the entrance of the Napier Bridge and however requested the District Collector, Chennai District by letter dated 13.01.2022 to install CCTV Cameras to monitor near the mouth of Cooum River by connecting Kamarajar Salai at Vantage Points. The same may be connected to the Control Room which may be located either at D-6, Anna Square Police Station or PWD Office.

c) Also requested the Assistant Director, Department of Geology and Mining, Industrial Estate, Guindy, by letter dated 13.01.2022 to keep watch on the area continuously to prevent the illegal sand mining and to take stringent action against the culprits involved in it.

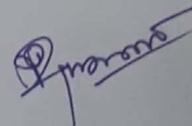
Apart from this, Police men posted round the clock with the strength of 1+1+6 (consisting one local Sub-Inspector of Police, 1 local police and 6 Armed Reserve in three shifts) along with Gypsy Vehicle to monitor round the clock.

9. The committee members are directed to inspect the area at different times during the night on different dates, as a surprise inspection, so as to ascertain the alleged ongoing illegal activities as even according to the allegation illegal mining is being done during the night time, not during the day time.

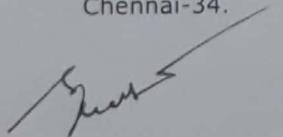
The Committee requested that the Revenue Department and the Police Department inspect the area at various times of day and night on various dates, as well as conduct a surprise inspection of the site. They also suggested the same may be reported for taking further necessary action.



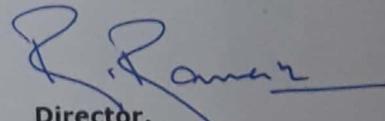
Director,
Integrated Regional Office,
Ministry of Environment, Forest &
Climate Change,
Chennai-34.



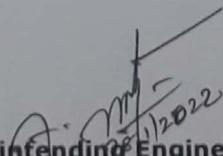
District Collector,
Chennai District,
Chennai-1.



Joint Commissioner of Police,
East Zone, Greater Chennai Police,
Egmore, Chennai-8.



Director,
National Centre for Sustainable Coastal
Management (NCSCM),
Chennai-25.



Superintending Engineer, WRD,
Palar Basin Circle,
Chepauk, Chennai-5.

ANNEXURE

Photographs taken during site visit on 7.10.2021





Photographs taken during site visit on 05.01.2022

Long view of the Cooum River from the Napier Bridge





Removal of accumulated Sand bar at Cooum River mouth using JCB excavator



Stack of sand from the removal of accumulated sand bar in the Cooum River mouth (photo taken from the river bank on the south side)



Construction debris-clearing vehicles engaged by the Greater Chennai Corporation at the nearby site.



JCB excavators and Construction debris clearing vehicles of the Greater Chennai which were seen parked at the neighboring Marina Police station



**SURPRISE INSPECTION CONDUCTED BY THE DISTRICT
COLLECTOR ON 23.12.2021 @ MID NIGHT**



