

**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI
Original Application No.247 of 2020 (SZ)**

IN THE MATTER OF:

Tribunal on its own motion Suo Motu based on the news item in The New Indian Express, Chennai edition Dt.06.11.2020, "Buckingham Canal turns dump, Poses flood threat"

...Applicant(s)

Versus

The Ministry of Environment, Forests and Climate Change,
Rep. by its Secretary,
Indira Paryavaran Bhawan,
Jorbagh Road,
New Delhi and Ors.

...Respondent(s)

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Place: Chennai
Date: 22-2-2021


(Dr.R.Sridhar)
Scientist 'D'

MoEF&CC, Regional Office, Chennai

Report of the Joint Committee in the matter of Tribunal on its own motion suo motu based on the news item in the New Indian Express, Chennai Edition dt.06.11.2020, “Buckingham Canal Turns Dump, Poses Flood Threat” Vs Union of India & Ors in compliance of Hon'ble NGT Order dated 23.11.2020 in OA No. 247 of 2020 (SZ).

1. Background

The Hon'ble NGT, Southern Bench in the matter of OA No. 247 of 2020 (SZ) vide order dated 23-11-2020 has constituted a Joint Committee to inspect the area in question and submit a factual as well as action taken report, if there is any violation found. The directions of NGT are reproduced below:

“The committee is directed to ascertain the genuineness of the allegations made in the newspaper report, the nature of dumping made in disputed canal, whether there is any untreated sewage being discharged into the water body and whether any garbage or other waste is being dumped in that area in violation of the provisions of the Solid Waste Management Rules, 2016 as well as the Coastal Regulation Zone Notification, 2011 & 2019 and ascertain as to whether there is any encroachment into those areas and if so, what are all the steps taken by them to remove the encroachment, whether the State Government or the District Administration has got any scheme to protect this canal and water body and if so, what is the stage of its implementation and if there is any contamination caused to the water or any blockage caused to the flow of water, then what are all the steps to be taken by them to rectify the same and suggest the mode of restoring the flow of the water and make the water in the canal pollution free”.

2. Joint Committee

The MoEF&CC, Regional Office, Chennai, as the nodal agency, requested all concerned authorities for the nomination of the officials for the joint committee and site inspection. As per the nominations received from concerned departments the Joint Committee consists of the following members:

1. Shri A. Ponniah, I.A.S, District Collector, Thiruvallur District, Tamil Nadu

2. Shri A. Muthaiya, Superintending Engineer, Water Resource Department, Palar Basin Circle, Chepauk, Chennai – 05
3. Shri A. Malaichamy, Superintending Engineer, WWT&R, Chennai Metropolitan Water Supply & Sewerage Board (CMWSSB), Chennai
4. Dr. P. Kamaraj, District Environmental Engineer (DEE), Tamil Nadu Pollution Control Board, Gummdipoondi, Tamil Nadu
5. Dr.V.Selvam, Executive Director, MS Swaminathan Research Foundation/Expert Member/Tamil Nadu Coastal Zone Management Authority (TNCZMA), Taramani Institutional Area, Taramani, Chennai
6. Dr. R. Sridhar, Scientist 'D', Regional Office, MoEF&CC, Chennai

3. Inspection by the joint committee

M/s. Chennai Metropolitan Water Supply & Sewerage Board has obtained CRZ clearance in the year 2017 for the work of “Laying of conveying Main along Buckingham Canal and across Ennore Creek for supply of 45 MLD of RO permeate to Industries and Discharge of Rejects of 18.50 MLD into Buckingham Canal in CRZ area at Kodungaiyur, Fort-Tondiarpet, Chennai, Tamil Nadu.

3.1. The following facts provided by the PWD:

The Government of Tamil Nadu accorded permission to CMWSSB for transporting 45 MLD of treated water from Territory Treatment and Reverse Osmosis (TTRO) plant at Kodungaiyur to various Industries located at Manali and its surroundings Vide. GO (Ms) No.16/ Public works (K2) Department dated 14.02.2019.

The work involves laying of 800mm Dia DI (Ductile Iron) mains from Kodungaiyur Plant along the banks of Buckingham canal, crossing the Ennore Creek underground for 850m stretch and ultimately distribute treated water to NCTPS, L&T Shipyard and the surrounding industries at a low cost.

The CMWSSB had started laying 800mm dia DI pipe laying across the Ennore Creek 2metre below its existing Bed Level by using Cutter Suction Dredger for trench Excavation and pumping out the slurry near

the Ennore North Lock of Buckingham Canal in such a manner that the dredged earth will be utilised again for refilling the trench after laying of pipe in Ennore Creek. The PWD had raised objections against this methodology of pumping excavated slurry into the Buckingham canal although it was a temporary procedure and urged to remove the deposited slurry from the Buckingham canal immediately considering the North-East Monsoon to ensure free flow of flood water between Ennore Creek and North Buckingham Canal. This had caused deficiency of tidal exchange. Besides, pumping out slurry into the Buckingham canal would affect the eco-system and consequently cause environmental damage.

To sort out this, a meeting was conducted by the Chief Engineer, WRD, Chennai Region on 03.09.2020 with the CMWSSB officials. During the meeting, the CMWSSB officials had assured to complete the entire work including dredging, pipelaying and refilling the excavated sludge from Buckingham canal into the excavated trench by 30.09.2020 before the onset of monsoon. They further reiterated that there was no alternate method of execution in laying of pipelines as direct pumping of excavated sludge into the Creek could raise objections from fishermen as their livelihood would be affected by obstructions to their boat movements. This fact of pumping out slurry into the Buckingham canal was brought to the notice of District Collector of Thiruvallur during inspection of Ennore Creek on 31.10.2020.

Although it was grossly stopped, CMWSSB started removing the accumulated sludge from the Buckingham Canal which was partly restored. The CMWSSB had also assured during the inspection of the District Collector, Thiruvallur and subsequent Review meeting conducted by the District Collector on 05.11.2020 to completely remove the deposited sludge within two weeks of time. The excavated sludge had spread into Buckingham canal for a length of about 400 metres.

Two mini dredgers were deployed by the CMWSSB in Buckingham canal to excavate the deposited sludge for restoration. This procedure had been continuously monitored by PWD to speed up excavated sludge removal from the Buckingham Canal at the earliest to ensure free flow without any obstructions.

Further, in order to review the status, pursuant to the orders of the National Green Tribunal, the District Collector of Thiruvallur had

convened a meeting with the members of the Joint Committee comprising MoEF, TNPCB, PWD on 12.01.2021 and instructed to inspect the site to assess the ground reality. Photos taken during the site inspection are enclosed in **Annexure-1**.

4. Action taken report:

The site was inspected by the Joint Committee on 12-1-2021 between Ennore Creek upto North Chennai Thermal Power Station (NCTPS). At the time of inspection, it was observed that Tidal exchange was noticed in Buckingham canal during the High Tide event. The High Tide Level in the canal varies between (+)0.60m MSL (Mean Sea Level) to (+)1.20m MSL whereas the Low Tide Level oscillates between (+)0.10m MSL to (+)0.60m MSL as per the Tidal Chart. But there were obstructions in the canal for a stretch of about 400metres during the Low Tide phenomena thereby preventing tidal exchange in the canal. Hence CMWSSB was instructed to further deepen the canal bed to the level of (-)0.60m MSL . By doing so, tidal exchange could be visualised even during the Low Tide event and also free flow of flood will be envisaged.

The CMWSSB has completed the Pipe laying work across Ennore Creek for a stretch of 850m and hence further pumping of excavated sludge in to the Buckingham canal has been fully stopped. The CMWSSB has also ensured this procedure will not be repeated again in the near future .

Accordingly, the CMWSSB engaged heavy machineries for excavating the deposited sludge from the canal bed to the required level insisted by PWD and ultimately achieved it. The procedure has been constantly monitored by PWD and suitable instructions being issued by the PWD authorities whenever required. **The existing bed level of Buckingham canal has gone down to the required level of (-) 0.60m MSL by the deepening procedure. At present, the canal has been restored to its original condition and exchange of tidal prism is being visualised during both cycles of tides everyday.** View of buckingham canal after completion of desilting work is annexed in **Annexure-2**. A map indicating area where sand removed is shown in **Annexure-3**.

5. Tamil Nadu Transmission Corporation Limited (TANTRANSCO)

During the inspection it was found that there is no dredging work carried out by the TANTRANSCO along these creek.

6. Discharge of sewage

In order to ascertain there is any untreated sewage being discharged into the water body and whether any garbage or other waste is being dumped in that area in violation of the provisions of the Solid Waste Management Rules, 2016 as well as the Coastal Regulation Zone Notification, 2011 & 2019, the site from Ennore creek to Kamarajar Port Ltd Main gate was inspected on 08.01.2021 and 12.01.2021 and it was found that there is no discharge of sewage into the Buckingham canal from the industries or Corporation areas. There is no garbage or other waste is being dumped in that area in violation of the provisions of the Solid Waste Management Rules.

7. Revival the Buckingham Canal (As provided by PWD)

The Inland Waterways Authority of India (IWAI), Ministry of Shipping, Government of India, in pursuance to Section 14(2)(g) of Inland Waterways Authority of India Act 1985 and Inland Waterways Authority of India (Classification of Inland waterways in India) Regulations, 2006 notified in Para III-Section 4 of the Gazette dated 20-26 January 2007, the National waterway(NW) namely Kakinada-Puducherry Canal (consisting of Kakinada Canal, Elluru Canal, Commamur Canal, Buckingham Canal and Kaluveli Tank) interlinking Godavari and Krishna Rivers for a stretch of 1095kms is classified as National Waterway-4 (NW-4).

In TamilNadu, Buckingham canal starting from Pulicat Lake to Ennore Creek for a distance of 40kms and from Muttukadu to Marakkanam for a distance of 92kms will be developed as Inland Waterways. The portion between Ennore to Muttukadu for a stretch of 48kms was declared non-navigable by IWAI.

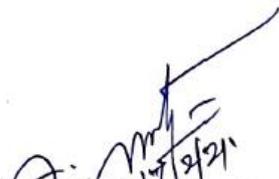
IWAI is developing the navigational channel in the National waterways in a phased manner keeping in view the vessel sizes in

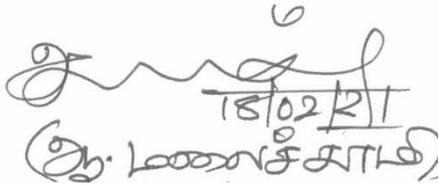
accordance with the classification of NWs. Buckingham canal is classified as Class III (Bottom width of 40metres).

The Detailed Project Report by engaging private consultancy is under preparation by the Government of India to restore the canal for navigation. As far as PWD is concerned, demarcation of Buckingham Canal with the help of Revenue Department to establish the boundaries is on. The Government of Tamil Nadu will take up the work under the financial assistance from the Ministry of Shipping, Government of India which involves movement of cargo and passengers considered to be an economical and popular mode of transport.

By considering the action taken report of the Joint Committee, the Hon'ble Tribunal may pass appropriate Order (s)/Direction (s) as deemed fit.


District Collector
Thiruvallur District


Superintending
Engineer, Water
Resource
Department, Palar
Basin Circle


Superintending
Engineer, WWT&R,
Chennai Metropolitan
Water Supply & Sewerage
Board (CMWSSB)


District
Environmental
Engineer (DEE),
TNPCC,
Gummdipoondi


Scientist 'D'
MoEF&CC, Regional
Office, Chennai

Expert Member/Tamil
Nadu Coastal Zone
Management Authority
(Could not attend the
inspection/ meeting)

**Site inspection by committee members
at Buckingham canal**



Action Taken report- Buckingham canal after completion of desilting work

