

**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI
Original Application No.14 of 2017 (SZ)**

Meenava Thanthai K.R.Selvaraj
Kumar

Applicant (S)

WITH

The Chairman,
National Coastal Zone Management
Authority & others

Respondents

For Applicantn (s)
For Respondent (s):

Mr.Mageshwaran
M/s.G.M.Syed Nurullah Sheriff
For R1,R14
M/s. M.Mani Gopi for Rs,R5,R7,& R8
M/s.S.Vasudevan for R10
M/s.S.Raghunathan for R11
M/s.D.S.Ekamabram for R12
Mr.Abdul Saleem
Mr.S.Saravanan for R6

Application No.16 of 2017 (SZ)

Saravanan Dakshinamurthy

Applicant (S)

With

Union of Indian and others

Respondents

For Applicantn (s)
For Respondent (s):

M/s.Yogeswaran
Mr.G.M.Syed Nurullah Sheriff for R1
M/s. M.Mani Gopi for R4
M/s.S.Vasudevan for R6
M/s.S.Raghunathan for R11
M/s.D.S.Ekamabaram for R12
Mr.Abdul Saleem
Mr.S.Saravanan for R6

Application No.38 of 2017 (SZ)

Ashwini Kumar

Applicant (S)

Union of Indian and others

Respondents

For Applicantn (s)
For Respondent (s):

Nil
M/s.Me.saraswathy for R1
M/s. M.Mani Gopi for R3
Mr.Abdul Salrrm
Mr.S.Saravanan for R4
Mr.S.Raghunathan


Additional Director of Fisheries,
Marine
Chennai-600 035


Director of Fisheries
Chennai - 600 035

Application No.40 of 2017 (SZ)

P.Soma Sundaram

Applicant (S)

Union of Indian and others

Respondents

For Applicantn (s)

Nil

For Respondent (s):

M/s.Me.saraswathy for R1

Mr.S.Raghunathan

M/s.D.S.Ekamabram for R4

STATUS REPORT FILED BY THE DEPARTMENT OF FISHERIES

I, Dr.G.S.Sameeran, S/o T.K.Suresh Kumar, being the Director of Fisheries, Integrated Office building, Nandanam, Chennai – 600 035 do hereby solemnly affirm and sincerely state as follows:

- 1) I am well acquainted with the facts and circumstances of the case from the available records. In pursuant to the orders of the Judicial and expert members of the National Green Tribunal, Southern Zone, Chennai dated 08.03.2020 , I am filing this status Report on the remedial measures taken restore the livelihood of fishers as follows:
- 2) It is respectfully submitted that two Merchant ships viz. M.T. BW Maple and M.T. Dawn Kancheepuram accidentally collided off the Kamarajar Port, Ennore, Tamil Nadu on 28.1.2017. Due to this accident, there was an oil spill of bunker oil which spread across the sea and the seashores of Thiruvallur, Chennai and Kancheepuram districts of Tamil Nadu. The Fishermen of these three districts were unable to venture into sea for fishing from 30.01.2017 for more than one month as there was no demand for sea food from the public because of the apprehension that fishes be contaminated with oil due to this oil spill. This had adversely affected the livelihoods of Fishermen of these three districts for a period of more than one month.


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3) It is respectfully submitted that 18 teams have been constituted with 65 Fisheries Department officials in order to assess the exact quantum livelihood loss suffered by various sectors such as Fishing labourer, Fisherwomen in Fisheries allied activities, Allied activity labourer, Fish vendors, owners of Motorized boats, Non- motorized boats and Mechanized boats. Based on the team report, claims were consolidated for each category and a proposal was sent to Government for Rs.203.225 Crore for providing compensation to 1,12,051 affected fishermen. Accordingly the Government of Tamil Nadu preferred a claim for compensation relief assistance of Rs.203.225 Crore.

4) It is respectfully submitted that meanwhile as a measure to provide immediate relief to the affected fishers, the State Government vide Government Order (Ms).No.58, Animal Husbandry and Fisheries (FS3) Department dated 03.03.2017, sanctioned a sum of Rs.15 crore to provide immediate relief at the rate of Rs.5000/- each to the 30,000 affected fishermen families and the same was released by the Insurer of the Shipping company on 08.11.2017.

5) It is respectfully submitted that in pursuance to the application No.14 filed before the Honourable National Green Tribunal to extend time limit for receipt of applications from the affected fishermen who have not filed their claims earlier and to arrive an appropriate quantum of compensation to be recovered from the ship owners, the Honourable National Green Tribunal directed the Department to extend the time limit for receipt of applications up to 10.8.2018.


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6) It is respectfully submitted that based on the directions of the Hon'ble National Green Tribunal, a team with the officials of the Fisheries Department was constituted to receive the applications from the affected fishermen who have not filed their claim earlier. Based on the scrutiny of applications received on the direction of Hon'ble National Green Tribunal, Southern Zone, 2,442 applications were accepted and revised compensation proposal for Rs.240.07 crore to the affected 1,11,448 fishermen of Tiruvallur, Chennai and Kanchipuram coastal districts has been arrived and submitted to the Hon'ble National Green Tribunal, Southern Zone.

Details of Compensation proposal submitted:

Affected Category	Total no of Claims	Amount originally recommended by Government (in Rs/ Unit)	Total amount (Rs in Lakh)
Mechanized Boat Owner	922	70000	645.4
Motorized Boat Owner	6916	40000	2766.4
Non-motorized Boat owner	2467	30000	740.1
Fishing Laborer	40580	15000	6087
Fisherwomen in allied activity	47145	12000	5657.4
Fish Vendors	9090	12000	1090.8
Allied Activity Laborer	1885	12000	226.2
Vendors and allied activity labourer as per NGT order.	2442	12000	293.04
TNFDC	1		40
Total	111448		17546.34
Restoration measures			6429
Contingency			25
Grand Total			24000.34


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7) It is respectfully submitted that, as per the orders of Hon'ble High Court, Madras in W.P. No.2979 of 2018 and W.P. No.2979 of 2018 an amount of Rs.141 Crores (Including Rs.10 Crore for Ecosystem restoration works) received from insurers of shipping companies on 28.03.2018 without prejudice to the original claim preferred. An amount of Rs.15 Crores already have been released by the Insurers of the shipping companies. An irrevocable Bank Guarantee worth for the remaining amount of Rs.84 crore issued by Kotak Mahindra Bank Ltd dated 16.5.2018 was also obtained from the Shipping companies as per the directions of Honorable High Court.

8) It is respectfully submitted that a Relief Recommendation Committee was constituted to calculate the quantum of compensation to be provided to the fishers of all categories within the compensation amount of Rs.141 crore received from the insurer of Shipping Companies without prejudice to the original claim preferred.

9) It is respectfully submitted that the Relief Recommendation Committee analyzed the compensation proposal of the Government of Tamil Nadu forwarded to Shipping companies in detail, and recommended the following compensation package to the affected fishermen considering the release of compensation amount limited to Rs.141 crores by the insurers of Shipping Companies as against the total compensation of Ra. 240 Crores. The Relief Recommendation Committee has recommended compensation to the categories of Owners of Mechanized Fishing Boat, Motorized Fishing Crafts and Non motorized Fishing crafts limited to the maximum of 50% of the assessed value of revenue loss and for the categories Fishing labourer,

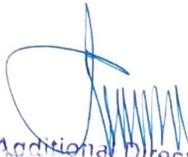

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Fisherwomen in Fisheries allied activities, Allied activity labourer, Fish vendors, limited to the maximum of 80% of the assessed value of livelihood loss as proposed in the original compensation proposal so as to judiciously distribute the compensation of 141 Crore among all categories.

10) It is respectfully submitted that based on the quantum of compensation recommended to each category, the total amount allocated to each category along with nos of claims are given below,

Category	Amount recommended by Committee (In Rs)	Total no of Claims	Total amount (In Rs)
Mechanized Boat Owner	35,000	922	3,22,70,000
Motorized Boat Owner	20,000	6,916	13,83,20,000
Non-Motorized Boat Owner	15,000	2,467	3,70,05,000
Fishing Laborer	12,000	40,580	48,69,60,000
Fisherwomen in allied activity	10,000	47,145	47,14,50,000
Fish Vendors	10,000	9,090	9,09,00,000
Allied Activity Laborer	10,000	1,885	1,88,50,000
Vendors and allied activity labourer included as per NGT order.	10,000	2,442	2,44,20,000
TNFDC Marketing.	20,00,000	1	20,00,000
Total		1,11,448	130,21,75,000
Eco system Restoration measures	10,00,00,000		10,00,00,000
Contingency	12,00,000		12,00,000
Buffer for Grievance Redressal	66,25,000		66,25,000
Grand Total			141,00,00,000


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11) It is respectfully submitted that based on the recommendation of Relief Recommendation Committee, the Assistant Director of Fisheries, Thiruvallur, Chennai and Kancheepuram districts have collected individual beneficiaries information such as Aadhar card, Bank Account details, address proof, etc. and all these data were du-duplicated in order to avoid multiple payments to the beneficiaries . Compensation amount was paid only to the eligible beneficiary after due verification and the compensation amount has been directly transferred to the Bank Account of beneficiary through ECS. The Department has followed the best possible procedure to ensure the transparency in the disbursement of Oil spill compensation to the beneficiaries.

12) It is respectfully submitted that the relief amount was disbursed to the applicants as on 11.05.2020 is detailed below:

Name of the Category	No. of persons received relief amount	Amount released per head	Total Relief amount (in lakhs)
Mechanized Boat Owner	916	35,000-	320.48
Motorised Boat Owner	5,073	20,000-	1,014.48
Non-Motorised Boat Owner	314	15,000-	47.10
Fishing Laborer	43,672	12,000-	5,240.64
Fisherwomen in allied activities	44,760	10,000-	4,476.00
Allied activity Labours	1,720	10,000-	172.00
Fish Vendors	7,331	10,000-	733.10
Allied activity labourer included as per NGT order	57	10,000	4.20
Vendors included as per NGT order	884	10,000	88.40
TNFDC		2,00,000	20.00
Contingencies		12,00,000	12


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Total	104,728		12,128.4
Ecosystem restoration		10,00,00,000	1000.00
Total			13,128.4

13) It is respectfully submitted that out of the total amount of Rs.141 Crore released by the Insurer of the Shipping companies without prejudice to the original claim preferred, an amount of Rs.121.28 Crore has been disbursed to 104,72 beneficiaries and an amount of Rs. 10 Crore has been allocated for fabrication and installation of artificial reefs in 30 locations in the oil spill affected districts viz., Chennai, Thiruvallur and Kancheepuram vide GO. (MS) No: 83, Animal Husbandry dairying and Fisheries, Dated: 08.07.2019. CMFRI has been entrusted with the consultancy services and sites identification has been completed. Fabrication of modules of artificial reefs is in progress.

Solemnly affirmed and signed his name in my presence at Chennai, this the day of May 2020


 Director of Fisheries
 Chennai - 600 035

Before me


 Additional Director of Fisheries,
 Marine
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