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10 THE HINDU, Thursday, January 24, 2002

## Coastal zone regulations to be amended

By J. Venkatesan

**NEW DELHI, JAN. 23.** The Centre has taken a major policy decision to relax the restrictions in construction activities in the coastal zone areas and has called for suggestions from the public and environmentalists for amending the coastal regulation zone (CRZ) notification.

The Union Ministry of Environment and Forests (UMEF) has issued a draft amendment notification to permit infrastructural facilities and dwelling units for local inhabitants of the coastal zone areas considering the difficulties being faced by them.

The amendment notification has also taken into consideration the deliberations the Ministry had with the Ministries concerned and the State Governments. The UMEF is of the opinion that the CRZ notification requires amendment to permit housing schemes of the urban development authorities which had been

approved prior to February 19, 1991, (when the restrictions were imposed) facilities and activities, including setting up of non-polluting industries in the field of Information Technology and other service industries in the special economic zones and salt harvesting by solar evaporation of sea water in the CRZ notification of 1991. The proposed amendment details the norms for development of construction activities in different categories of CRZ areas. Guidelines for the development of tourist resorts and hotels in the designated areas of CRZ have also been notified.

Objections and suggestions from the public on the draft notification, which is available from the UMEF, CGO complex, Lodhi Road, New Delhi-110003 and which can also be seen on the website: [www.envfor.nic.in](http://www.envfor.nic.in), can be sent in writing for the consideration of the Government within 60 days. Based on the feedback, a final notification would be issued.

OBJECTIONS AND SUGGESTIONS TO PROPOSED CRZ AMENDMENT  
DATED 11<sup>TH</sup> JAN 2002

The proposed amendment referred to will be the 12<sup>th</sup> one that the Notification has seen. While the original Notification is still to be implemented in its true spirit, these amendments have chiselled away at the provisions rendering the spirit behind the Notification lifeless.

We present below facts with respect to different aspects of the proposed amendment.

**1. The Preamble**

**a.** There have been several committees that have been constituted by the Ministry of Environments and Forests (MoEF) as well as the High Courts of the respective states to examine issues related to the CRZ Notification, such as the Prof. N. Balakrishnan Nair Committee, 1996, the Fr. Cecil Saldanha Committee, 1997 and the D.M.Sukhthankar Committee, Centre for Earth Sciences Studies, 2000, the Steering Committee chaired by D.M. Sukhthankar, October 2000. These reports and any others which may have been constituted in relation to CRZ matters, need to be made publicly available, and the same is to be indicated on the MoEF website. These would clarify the basis on which such proposals are being formulated.

**b.** The preamble only states that consultations have taken place with the State Governments. The Terms of Reference of such consultations, the proceedings and deliberations of such consultations and committee reports, if any, should be made public. The MoEF should also make clear, reasons for not consulting any NGOs or citizen's groups before arriving at this proposed draft.

**2. Reduction of distance from HTL for inland tidal bodies**

Point No 1 in the proposed amendment

**a.** An Amendment to the Notification, dated August 1994 proposed that the CRZ along rivers, creeks, backwaters etc could be reduced to a minimum of 50 metres. In its judgement dated 19<sup>th</sup> April 1996, the Hon'ble Supreme Court quashed this provision of the August 1994 amendment for being arbitrary and without basis. After this order, there were 2 Committees (Prof. Balakrishnan Nair Committee and the Fr. Cecil Saldanha Committee) constituted by the MoEF, in 1996 and 1997 respectively, with the common Term

of Reference being this specific matter of CRZ norms for inland tidal bodies.

The MoEF should state whether these proposed amendments emanate from either of the Committee's recommendations.

b. Point 1. II begins with "The distance mentioned in clause (II) above, may be reduced to 50" the words "clause (II)" may be substituted with "**clause (I)**" since Point 1. (i) - the first change in the proposed amendment states that the above paragraph be included in Clause I.

c. A few provisions introduced in this amendment have much similarity with those recommended in the Fr. Saldanha Committee report of 1997. However certain recommendations from the report, which have been used in this amendment, are incompletely recorded in several instances. We suggest that the following recommended changes (Table-1), substitute the said provisions of the amendment.

TABLE - 1

No	Provisions of 11/02/2002 amendment	No	Recommended changes
1.	Clause I (i). the area is not classified as CRZ-I(i);	1.	The area is neither classified as CRZ 1(i) nor does it meet any of the criteria for CRZ 1 (i) areas as laid down in Para 6(1)
2.	Clause I (ii). the availability of ground water is assured by the concerned authority in the State/Union territory and proper facilities for treatment and disposal of waste water and sewage are certified by the concerned local authority	2.	<ul style="list-style-type: none"> <li>• The availability of <b>sweet ground water</b> on a sustainable basis is assured by the concerned authority in the State/Union territory and proper facilities for treatment of waste water and sewage are installed and operational at the site so that the quality of the treated effluent meets the prescribed MINAS or other standards as may be applicable.</li> <li>• Withdrawal of sweet ground</li> </ul>

			water should only be by manual methods to prevent ingress of saline water into the aquifer.
3.	Clause I (iv). at least one of the following conditions is fulfilled :- 1. the area is classified as (CRZ-II);	3.	1. the area should be correctly classified as CRZ II as per the CRZ II criteria specified in the notification and the MoEF's letter dated 27 <sup>th</sup> September 1996
4.	Clause I (iv). at least one of the following conditions is fulfilled :- 2. the density of population, as per the 1991 census, in the Panchayat/Ward area is not less than four hundred persons per square kilometre	4.	2(a) the density of population, as per the 1991 census, in the Panchayat/Ward area is not less than <b>one thousand persons</b> per square kilometre (as stated in the Saldanha Committee report)  2(b). the authorised built up area in the Panchayat / Ward is already one-third or more of the total area of the Village as on 19/2/91
5.	Clause I (iv). at least one of the following conditions is fulfilled :- 4. the coastal land is a barrier island, sand bar or spit sandwiched between the sea or bay and rivers, creeks and backwaters or between rivers, creeks and backwaters provided that the average width of the barrier island, sand bar or spit is less than 1000 metres;	5.	The following words may be added at the end of this condition: "In which case, the areas thus made available is only for <b>traditional</b> fishing and agricultural communities to carry on their <b>traditional activities</b> and not for hotel, industrial or other purposes"
6.	Clause I (iv). at least one of the following conditions is fulfilled	6.	The following words may be added at the end of this condition:

	<p>:- 5. It is an area with an elevation of more than 10 metres from the Mean Sea Level at any point within 100 metres of the inland tidal water body</p>	<p>" in which case, a. the area should not be on a slope which is greater than 20 degrees b. the areas thus made available is only for <b>traditional</b> fishing and <b>traditional</b> agricultural communities to carry on their <b>traditional activities</b> and not for hotel, industrial or other purposes"</p>
7.	<p>Clause -I Note : The term local inhabitant used in this clause and elsewhere in the notification shall be construed as a person or his descendants who have been inhabiting in the area prior to 19<sup>th</sup> February, 1991.</p>	<p>7. <u>Notes:</u> 1. The term local inhabitant should incorporate at the very least, the following conditions: (i) He / she should have been an inhabitant of the particular village/ ward prior to January 19, 1991. (ii) With special reference to villages and rural areas, in addition to the above, the person should belong to the traditional fishing or traditional agricultural community only. (iii) His/ her name should not be on any other voter's list other than that of the concerned coastal area. (iii) His/ her structure should be an authorized structure as on February 19, 1991 as per the Revenue records and the records of the local planning authority.  2. This reduction to 50 metres shall only be for <u>specified stretches</u> [areas that fulfil the criteria laid down in Clause I (i) to (iv)] and not for the entire coastline of</p>

		<p>the country.</p> <p>In other parts of the coast, the distance from HTL, in the case of rivers, creeks and backwaters influenced by tidal action, the distance shall continue to be not less than a minimum of 100 metres from HTL or the width of the creek whichever is less.</p> <p>The maximum distance will remain 500 metres.</p> <p>Along with any reductions, this demarcation and the reasons for the same need to be recorded in all CZMPs. (A specific time limit needs to be allotted for the same.)</p>
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### 3. Prohibited activities

#### a. Point 2. (i) of the proposed amendment

We strongly object to "non-polluting industries in the field of information technology and other service industries" being allowed within the CRZ for the following reasons:

- i. The very purpose of laying down prohibitive norms in the CRZ areas is to safeguard the sensitive coastal ecology, which is also the livelihood base of thousands of traditional coastal communities.
- ii. The coastal spaces are limited. Therefore in order to support a natural increase in the coastal population, scarce land resources should not be redirected for purposes other than for residences and traditional activities of the traditional fishing and agricultural communities. Permitting such activities in the region would unleash large-scale land acquisition, which will severely threaten the livelihoods of coastal people.
- iii. Declaring the coastal region as a Special Economic Zone is contrary to the Spirit of the Notification - which is the special protection of the coastal environment ensured by a system of specific prohibitions and detailed norms for

development. Special Economic Zones seek to do away with all 'restrictions' to uncanalised development and exploitation of coastal resources.

- iv. A large section of the population depends on coastal resources for their livelihoods. The CRZ Notification was introduced with the objective of protecting the traditional coastal fishing and agricultural communities and their surrounding natural resources. The right over coastal resources and coastal spaces is the customary right of the fishing community and poor coastal communities. The Notification does not mention how the setting up of Special Economic Zones in coastal areas will protect or enhance the lives of the coastal communities.
- v. Special Economic Zones are designed to cater to the elite non-fishing, non-farming rich section of society at the cost of jeopardising sensitive coastal ecosystems and livelihood resources of traditional coastal communities. This is against the object of the Notification.
- vi. There is no attempt to even define "non - polluting industry" or "service industry". As far as the existing Notification is concerned, there is ample space to set up non - polluting units in permitted areas of the CRZ - namely in CRZ -II areas. However these will have to follow certain norms as spelt out in the notification. There is no need for the declaration of a SEZ and the consequent removal of all restrictions from it.
- vii. In ecologically sensitive areas no such activity is to be permitted- even so called 'non - polluting industry' such as Information Technology and certainly not 'other service industries'. Such activities would draw heavily on depleting natural resources of the coast such as fresh water, land etc which has an adverse and irreversible negative impact on these areas.
- viii. Although not defined we assume that "service industry" would largely refer to the Hotel industry. The Notification already lays down space for the development of Hotels and resorts in the CRZ areas in Para 6(2). We insist that these norms be followed strictly.
- ix. If any SEZs are declared in protected zones of the coastal areas especially CRZ - I and III, then such a declaration should be repealed.
- x. The objective of laying down environmental clearance procedures must be viewed as completely independent of other commercial and trade related procedures and restrictions and procedures. Safeguards for the environment are non - negotiable.

**We insist that this clause of the proposed amendment be deleted.**

b. Point 2 (ii) of the proposed amendment

i. For clause (ix) we suggest that the EIA studies, Environment Management Plans and Mining Plans should be approved by the Ministry of Environment and Forests

ii. Regarding sand mining in the Union Territory of the Andaman and Nicobar Islands

- Mining Plans and Permits issued till date by the Committee need to be made public.
- Non-degraded areas, selected sites where sand mining has been permitted so far, need to be mapped and recorded in the CZMP.
- Alternate housing material should be promoted for construction in the islands. The deadline of 30<sup>th</sup> September 2002 should be regarded as the absolute last date for permitting mining in this region. After this period absolutely no extension should be allowed.

**4. Regulation of Permissible Activities**

a. Point 2. 1 of the proposed amendment

The suggest that the following words be added to Paragraph 3 sub paragraph 1:

" The assessment shall be completed within a period of ninety days from receipt of the requisite documents, details of the public hearing where applicable as per EIA Notification and data from the project authorities, and decision conveyed within thirty days thereafter.

However the time period, process and documents required for clearance as laid down in other Notifications and Acts shall be followed for projects mandating clearances under them, within the CRZ areas."

b. Point 4. (i) of the proposed amendment

Clause (iv) should be reworded as:

(iv) Housing schemes in CRZ areas, in strict compliance of conditions specified in the Para 6(2) and the conditions of Para / Clause I (i) to (iv)

c. Point 4. (i) of the proposed amendment

Clause (v) should be reworded as:

(v) Mining of rare minerals, with approval of the Ministry of Environment and Forests

d. Point 4. (i) of the proposed amendment

We strongly urge that **clause (vi)** permitting 'specified activities and facilities in SEZs' **be removed.**

**5. Norms for Regulation of Activities.**

a. Point 5 (i) (a) of the proposed amendment

This provision should be deleted from the amendment. Reasons for the same are:

- It may be noted that the notification already permits salt harvesting by solar evaporation of sea water within the NDZ of CRZ -III areas as well as in CRZ - II areas. It is totally unnecessary to declare open CRZ - I areas for the same too.
- The total amount of CRZ -I areas within each state is the very small compared to the other zones. The very purpose of declaring such areas as CRZ -I with a high protective cover, is to ensure that the ecological sensitivity of such areas is preserved. Destruction of these is explicitly prohibited.

b. Point 5(ii) (a) of the proposed amendment

We strongly object to the construction of new roads within the CRZ particularly those roads that are sought to be built through plots that have been illegally reclaimed after February 19, 1991. In most cases such reclamation has in fact been carried out in CRZ I (i) areas and the concerned agencies should be prosecuted for CRZ violations rather than their actions being regularized. Such agencies should be asked to provide alternate housing sites to persons who have paid the full amounts before 19/02/1991.

c. Point 5(ii) (a) of the proposed amendment

In Para 6(2) of the notification, clause (iii) of the CRZ III should be retained in its original form. The proposed proviso maybe deleted.

c. Point 5(iii) (c) (ib)of the proposed amendment

The term 'local inhabitant' should be strictly defined as suggested in Table A (Recommended change No 7). This definition shall apply to all the conditions introduced in this clause as well as throughout the notification.

## Others

1. We do not agree with the rationale for permitting SEZ within CRZ areas, and certainly activities such as hotels, golf courses, and "non-polluting" industries do not have to be located within 200 metres of the HTL. The reasons for the same have been outlined above.
2. The term "local inhabitant" has been so loosely defined to render the term totally meaningless. In Para 6(2) (iii), the substitution of the words "...Construction or reconstruction of dwelling units between 200 (two hundred) and 500 (five hundred) metres of the High Tide Line for the use of local inhabitants shall be permitted.";...may be deleted and **the original wordings be retained**. In no part of the notification should the word 'local inhabitant' be used without spelling out its meaning.
3. We would also suggest that instead of encourage horizontal expansion of existing structures, a vertical expansion may be less harmful to the environment. Thus, a maximum of two levels i.e. ground plus one floor should be allowed subject to a total built up area of 100 square metres. Also, area of basement, mezzanine, loft, car parking, stilt parking, storage areas, etc. should be included within this limit.
4. It maybe also be noted that Notified port limits may be defined as those regions declared as such by notification prior to 1991, and not include those areas included within port limits after 19/02/1991.
  - Port limits can also have designated ecologically sensitive areas such as mangrove areas as well as mud flats. In such regions, the any development should follow the norms prescribed in Para 6(2) of the notification and ecologically sensitive features should not be disturbed.
  - Port projects (both minor and major, green field / expansions / new facilities) of a particular nature and investment (Rs. 50 crores) should be brought under the purview of the EIA Notification.
5. A time limit should be specified for the preparation and submission of approved CZMPs.

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MINISTRY OF ENVIRONMENT & FORESTS

(Department of Environment, Forests and Wildlife)

NOTIFICATION UNDER SECTION 3(1) AND SECTION 3(2)(v) OF THE ENVIRONMENT (PROTECTION) ACT, 1986 AND RULE 5(3)(d) OF THE ENVIRONMENT (PROTECTION) RULES, 1986 DECLARING COASTAL STRETCHES AS COASTAL REGULATION ZONE (CRZ) AND REGULATING ACTIVITIES IN THE CRZ.

New Delhi, the 19<sup>th</sup> February, 1991

(as amended up to 3<sup>rd</sup> October 2001)

S.O.114 (E). - Whereas a Notification under Section 3(1) and Section 3(2)(v) of the Environment (Protection) Act, 1986, inviting objections against the declaration of Coastal Stretches as Coastal Regulation Zone (CRZ) and imposing restrictions on industries, operations and processes in the CRZ was published vide S.O. No.944 (E) dated 15<sup>th</sup> December, 1990.

And whereas all objections received have been duly considered by the Central Government;

Now, therefore, in exercise of the powers conferred by Clause (d) of sub-rule (3) of Rule 5 of the Environment (Protection) Rules, 1986, and all other powers vesting in its behalf, the Central Government hereby declares the coastal stretches of seas, bays, estuaries, creeks, rivers and backwaters which are influenced by tidal action (in the landward side) upto 500 metres from the High Tide Line (HTL) and the land between the Low Tide Line (LTL) and the HTL as Coastal Regulation Zone; and imposes with effect from the date of this Notification, the following restrictions on the setting up and expansion of industries, operations or processes, etc. in the said Coastal Regulation Zone (CRZ).

Clause (i): For the purposes of this notification, the High Tide Line means the line on the land upto which the highest water line reaches during the spring tide. The High Tide Line shall be demarcated uniformly in all parts of the country by the demarcating authority or authorities so authorised by the Central Government, in accordance with the general guidelines issued in this regard.<sup>1,6</sup>

Note: - ~~The distance from the High Tide Line shall<sup>1</sup> apply to both sides<sup>1</sup> in the case of rivers, creeks and back waters and may be modified on a case by case basis for reasons to be recorded while preparing the Coastal Zone Management Plans. However, this distance shall not be less than 50\* (\*This provision has been struck down by the Supreme Court) 100 metres or the width of the creek, river or backwater whichever is less. The distance upto which development along rivers, creeks and backwaters is to be regulated shall be governed by the distance upto which the tidal effect of sea is experienced in rivers, creeks or back waters,~~

~~as the case may be, and should be clearly identified in the Coastal Zone Management Plans.<sup>1</sup>~~

"(ii) The distance from the High Tide Line shall apply to both sides in the case of rivers, creeks and backwaters and may be modified on a case to case basis for reasons to be recorded in writing while preparing the Coastal Zone Management Plans provided that this distance shall not be less than 100 meters or the width of the creek, river or backwaters, whichever is less. The distance up to which development along rivers, creeks and backwaters is to be regulated shall be governed by the distance up to which the tidal effects are experienced which shall be determined based on salinity concentration of 5 parts per thousand (ppt). For the purpose of this notification, the salinity measurements shall be made during the driest period of the year and the distance upto which tidal effects are experienced shall be clearly identified and demarcated accordingly in the Coastal Zone Management Plans."

#### 2. Prohibited Activities:

The following activities are declared as prohibited within the Coastal Regulation Zone, namely:

- (i) Setting up of new industries and expansion of existing industries, except
  - (a)<sup>10</sup> those directly related to water front or directly needing foreshore facilities and (b) Projects of Department of Atomic Energy;<sup>10</sup> and
  - "(c) Non-polluting industries in the field of information technology and other service industries in the Coastal Regulation Zone of Special Economic Zones ( SEZ)"
- (ii) manufacture or handling or storage or disposal of hazardous substances as specified in the Notifications of the Government of India in the Ministry of Environment and Forests No. S.O. 594(E) dated 28<sup>th</sup> July 1989, S.O. 966(E) dated 27<sup>th</sup> November, 1989 and GSR 1037(E) dated 5<sup>th</sup> December, 1989; except transfer of hazardous substances from ships to ports, terminals and refineries and vice versa in the port areas:<sup>3</sup>

Provided that, facilities for receipt and storage of petroleum products and Liquefied Natural Gas as specified in Annexure-III appended to this notification and facilities for regasification of Liquefied Natural Gas, may be permitted within the said Zone in areas not classified as CRZ-I (i), subject to implementation of safety regulations including guidelines issued by the Oil Industry Safety Directorate in the Government of India, Ministry of Petroleum and Natural Gas and guidelines issued by the Ministry of Environment and Forests and subject to such further terms and conditions for implementation of ameliorative and restorative measures in

relation to the environment as may be stipulated by the Government of India in the Ministry of Environment and Forests

- (iii) Setting up and expansion of fish processing units including warehousing (excluding hatchery and natural fish drying in permitted areas);

Provided that existing fish processing units for modernisation purposes may utilise twenty five per cent additional plinth area required for additional equipment and pollution control measures only subject to existing Floor Space index/ Floor Area Ratio norms and subject to the condition that the additional plinth area shall not be towards seaward side of existing unit and also subject to the approval of State Pollution Control Board or Pollution Control Committee.

- (iv) setting up and expansion of units/mechanism for disposal of waste and effluents, except facilities required for discharging treated effluents into the water course with approval under the Water (Prevention and Control of Pollution) Act, 1974; and except for storm water drains;
- (v) discharge of untreated wastes and effluents from industries, cities or towns and other human settlements. Schemes shall be implemented by the concerned authorities for phasing out the existing practices, if any, within a reasonable time period not exceeding three years from the date of this notification;
- (vi) dumping of city or town waste for the purposes of landfilling or otherwise; the existing practice, if any, shall be phased out within a reasonable time not exceeding three years from the date of this Notification;
- (vii) dumping of ash or any wastes from thermal power stations;
- (viii) Land reclamation, bunding or disturbing the natural course of sea water except those required for construction or modernisation or expansion of ports, harbours, jetties, wharves, quays, slipways, bridges and sea-links and for other facilities that are essential for activities permissible under the notification or for control of coastal erosion and maintenance or clearing of water ways, channels and ports or for prevention of sandbars or for tidal regulators, storm water drains or for structures for prevention of salinity ingress and sweet water recharge:

provided that reclamation for commercial purposes such as shopping and housing complexes, hotels and entertainment activities shall not be permissible;

- (ix) Mining of sands, rocks and other substrata materials, except (a) those rare minerals not available outside the CRZ areas and (b) exploration and extraction of Oil and Natural Gas

Provided that in the Union Territory of the Andaman and Nicobar islands, mining of sands may be permitted by the Committee which shall be constituted by the Lieutenant Governor of the Andaman and Nicobar Islands consisting of Chief Secretary; Secretary, Department of Environment; Secretary, Department of Water Resources; and Secretary, Public Works Department. The said Committee may permit mining of sand from non-degraded areas for construction purposes from selected sites, in a regulated manner on a case to case basis, for a period upto the 30<sup>th</sup> day of September, 2002. The quantity of sand mined shall not exceed the essential requirements for completion of construction works including dwelling units, shops in respect of half yearly requirements of 2001-2002 and 2002-2003 annual plans. The permission for mining of sand may be given on the basis of a mining plan from such sites and in such quantity which shall not have adverse impacts on the environment.

- (x) harvesting or drawal of ground water and construction of mechanisms therefor within 200 m of HTL; in the 200m to 500m zone it shall be permitted only when done manually through ordinary wells for drinking, horticulture, agriculture and fisheries;

Provided that drawal of ground water is permitted, where no other source of water is available and when done manually through ordinary wells or hand pumps, for drinking and domestic purposes, in the zone between 50 to 200 m from High Tide Line in case of seas, bays and estuaries and within 200 m or the CRZ, whichever is less, from High Tide Line in case of rivers, creeks and backwaters subject to such restrictions as may be deemed necessary, in areas affected by sea water intrusion, that may be imposed by an authority designated by State Government/Union Territory Administration.

- (xi) construction activities in CRZ -I except as specified in Annexure -I of this notification;

- (xii) any construction activity between the Low Tide Line and High Tide Line except facilities for carrying treated effluents and waste water discharges into the sea, facilities for carrying sea water for cooling purposes, oil, gas and similar pipelines and facilities essential for activities permitted under this Notification; and
- (xiii) dressing or altering of sand dunes, hills, natural features including landscape changes for beautification, recreational and other such purpose, except as permissible under this Notification.

### 3.Regulation of Permissible Activities:

All other activities, except those prohibited in para 2 above, will be regulated as under:

(1) Clearance shall be given for any activity within the Coastal Regulation Zone only if it requires water front and foreshore facilities.

" The assessment shall be completed within a period of ninety days from receipt of the requisite documents and data from the project authorities, and the decision shall be conveyed within thirty days thereafter".

(2) The following activities will require environmental clearance from the Ministry of Environment and Forests, Government of India, namely:

(i) Construction activities related to projects of Department of Atomic Energy or Defence requirements for which foreshore facilities are essential such as. slipways, jetties, wharves, quays; except for classified operational component of defence projects for which a separate procedure shall be followed. (Residential buildings, office buildings, hospital complexes, workshops shall not come within the definition of operational requirements except in very special cases and hence shall not normally be permitted in the CRZ;

(ii) Operational constructions for ports and harbours and light houses and constructions for activities such as jetties, wharves, quays and slipways, pipelines, conveying systems including transmission lines;

(ii) a Exploration and extraction of oil and natural gas and all associated activities and facilities thereto;

(iii) Thermal Power Plants (only foreshore facilities for transport of raw materials facilities for intake of cooling water and outfall for discharge of treated waste water/cooling water); and

" (iii a) Housing schemes in CRZ area as specified in sub-paragraph (2) of paragraph 6;

( iii b) Mining of rare minerals;

( iii c) Specified activities/facilities in SEZ subject to one time approval by the Government of India in the Ministry of Environment and Forests to such activities based on the Master Plan of SEZ, spatial distribution of projects to be located in CRZ and such other information as may be required for the purpose.

(iv) All other activities with investment exceeding rupees five crores except those activities which are to be regulated by the concerned authorities at the State/Union Territory level in accordance with the provisions of paragraph 6, sub-paragraph (2) of Annexure 1 of the notification.

(3) (i) The Coastal States and Union Territory Administrations shall prepare, within a period of one year from the date of this Notification, Coastal Zone Management Plans identifying and classifying the CRZ areas within their respective territories in accordance with the guidelines given in Annexures I and II of the Notification and obtain approval (with or without modifications) of the Central Government in the Ministry of Environment & Forests;

(ii) Within the framework of such approved plans, all development and activities within the CRZ other than those covered in para 2 and para 3(2) above shall be regulated by the State Government, Union Territory Administration or the local authority as the case may be in accordance with the guidelines given in Annexure-I and II of the Notification; and

(iii) In the interim period till the Coastal Zone management Plans mentioned in para 3(3) (i) above are prepared and approved, all developments and activities within the CRZ shall not violate the provisions of this Notification. State Governments and Union Territory Administrations shall ensure adherence to these regulations and violations, if any, shall be

subject to the provisions of the Environment (Protection) Act, 1986.

4. Procedure for monitoring and enforcement:

The Ministry of Environment & Forests and the Government of State or Union Territory and such other authorities at the State or Union Territory levels, as may be designated for this purpose, shall be responsible for monitoring and enforcement of the provisions of this notification within their respective jurisdictions.

ANNEXURE - I

COASTAL AREA CLASSIFICATION AND DEVELOPMENT  
REGULATIONS

Classification of Coastal Regulation Zone:

6(1) For regulating development activities, the coastal stretches within 500 metres of High Tide Line on the landward side are classified into four categories, namely:

Category I (CRZ-I):

- (i) Areas that are ecologically sensitive and important, such as national parks/marine parks, sanctuaries, reserve forests, wildlife habitats, mangroves, corals/coral reefs, areas close to breeding and spawning grounds of fish and other marine life, areas of outstanding natural beauty/historically/heritage areas, areas rich in genetic diversity, areas likely to be inundated due to rise in sea level consequent upon global warming and such other areas as may be declared by the Central Government or the concerned authorities at the State/Union Territory level from time to time.

- (ii) Area between Low Tide Line and the high Tide Line.

Category-II (CRZ-II):

The areas that have already been developed upto or close to the shoreline. For this purpose, "developed area" is referred to as that area within the municipal limits or in other legally designated urban areas which is already substantially built up and which has been provided with drainage and approach roads and other infrastructural facilities, such as water supply and sewerage mains.

Category-III (CRZ-III):

Areas that are relatively undisturbed and those which do not belong to either Category-I or II. These will include coastal zone in the rural areas (developed and undeveloped) and also areas within Municipal limits or in other legally designated urban areas which are not substantially built up.

Category-IV (CRZ-IV):

Coastal stretches in the Andaman & Nicobar, Lakshadweep and small islands, except those designated as CRZ-I, CRZ-II or CRZ-III.

Norms for Regulation of Activities.

6(2) The development or construction activities in different categories of CRZ area shall be regulated by the concerned authorities at the State/Union Territory level, in accordance with the following norms:

CRZ-I

No new construction shall be permitted in CRZ- I except (a) Projects relating to Department of Atomic Energy and (b) Pipelines, conveying systems including transmission lines and (c) facilities that are essential for activities permissible under CRZ-I. Between the LTL and the HTL, activities as specified under paragraph 2 (xii) may be permitted. In addition, between LTL and HTL in areas which are not ecologically sensitive and important, the following may be permitted: (a) Exploration and extraction of Oil and Natural Gas, (b) activities as specified under proviso of sub-paragraph (ii) of paragraph 2, ~~and (e) Construction~~ " (c) construction " of dispensaries, schools, public rain shelters, community toilets, bridges, roads, jetties, water supply, drainage, sewerage which are required for traditional inhabitants of the Sunderbans Bio-sphere reserve area, West Bengal, on a case to case basis, by the West Bengal State Coastal Zone Management Authority " and (d) salt harvesting by solar evaporation of sea water."

CRZ-II

(i) Buildings shall be permitted only on the landward side of the existing road (or roads approved in the Coastal Zone Management Plan of the area) or on the landward side of existing authorised structures. Buildings permitted on the landward side of the existing and proposed roads/existing authorised structures shall be subject to the existing local Town and Country Planning Regulations including the existing norms of Floor Space Index/Floor Area Ratio:

Provided that no permission for construction of buildings shall be given on landward side of any new roads (except roads approved in the Coastal Zone Management Plan) which are constructed on the seaward side of an existing road.

" Provided further that the above restrictions on construction, based on existing roads/authorised structures, roads proposed in the approved Coastal Zone Management Plans, new roads shall not apply to the housing schemes of State Urban Development Authorities implemented in phases for which construction activity was commenced prior to 19<sup>th</sup> February, 1991 in atleast one phase and all relevant approvals from State/Local Authorities were obtained prior to 19<sup>th</sup> February, 1991; in all such cases

specific approval of the Ministry of Environment and Forests would be necessary on a case to case basis."

- (ii) Reconstruction of the authorised buildings to be permitted subject to the existing FSI/FAR norms and without change in the existing use.
- (iii) The design and construction of buildings shall be consistent with the surrounding landscape and local architectural style.

#### CRZ-III

- (i) The area upto 200 metres from the High Tide Line is to be earmarked as 'No Development Zone' "provided that such area does not fall within any notified port limits or any notified Special Economic Zone". No construction shall be permitted within this zone except for repairs of existing authorised structures not exceeding existing FSI, existing plinth area and existing density, and for permissible activities under the notification including facilities essential for such activities. ~~An authority designated by the State Government/Union Territory Administration may permit construction of facilities for water supply, drainage and sewerage for requirements of local inhabitants.~~ However, the following ~~uses~~ uses/activities may be permissible in this zone - agriculture, horticulture, gardens, pastures, parks, play fields, forestry "mining of rare minerals" and salt manufacture from sea water.

- " (ia) Construction of dispensaries, schools, public rain shelters, community toilets, bridges, roads and provision of facilities for water supply, drainage, sewerage which are required for the local inhabitants may be permitted, on a case to case basis, by the Central Government or Coastal Zone Management Authority constituted for the State/Union Territory.

Provided that construction of units or ancillary thereto for domestic sewage treatment and disposal shall be permissible notwithstanding anything contained in sub-paragraph (iv) of paragraph 2 of this notification."

- (ii) Development of vacant plots between 200 and 500 metres of High Tide Line in designated areas of CRZ-III with prior approval of Ministry of Environment and Forests (MEF) permitted for construction of hotels/beach resorts for temporary occupation of tourists/visitors subject to the conditions as stipulated in the guidelines at Annexure-II.
- (iii) Construction/reconstruction of dwelling units between 200 and 500 metres of the High Tide Line permitted so long it is within the ambit of traditional rights and customary uses such as existing fishing villages and gaothans. Building permission for such construction/reconstruction will be subject to the conditions that the total number of dwelling

units shall not be more than twice the number of existing units; total covered area on all floors shall not exceed 33 percent of the plot size; the overall height of construction shall not exceed 9 metres and construction shall not be more than 2 floors ground floor plus one floor. Construction is allowed for permissible activities under the notification including facilities essential for such activities. An authority designated by State Government/Union Territory Administration may permit construction of public rain shelters, community toilets, water supply, drainage, sewerage, roads and bridges. The said authority may also permit construction of schools and dispensaries, for local inhabitants of the area, for those panchayats the major part of which falls within CRZ if no other area is available for construction of such facilities.

(iv) Reconstruction/alterations of an existing authorised building permitted subject to (i) to (iii) above.

"(v) In notified SEZ, construction of non-polluting industries in the field of information technology and other service industries, desalination plants, beach resorts and related recreational facilities essential for promotion of SEZ as approved in its Master Plan by SEZ Authority may be permitted."

#### CRZ-IV

Andaman & Nicobar Islands:

- (i) No new construction of buildings shall be permitted within 200 metres of the HTL;
- (ii) The buildings between 200 and 500 metres from the High Tide Line shall not have more than 2 floors (ground floor and first floor), the total covered area on all floors shall not be more than 50 per cent of the plot size and the total height of construction shall not exceed 9 metres;
- (iii) The design and construction of buildings shall be consistent with the surrounding landscape and local architectural style.
- (iv) (a) Corals from the beaches and coastal waters shall not be used for construction and other purposes.
- (b) sand may be used from the beaches and coastal waters, only for construction purpose upto the 30<sup>th</sup> day of September 2002 and thereafter it shall not be used for construction and other purposes.
- (iv) Dredging and underwater blasting in and around coral formations shall not be permitted; and

- (v) However, in some of the islands, coastal stretches may also be classified into categories CRZ-I or II or III with the prior approval of Ministry of Environment and Forests and in such designated stretches, the appropriate regulations given for respective Categories shall apply.

Lakshadweep and small Islands:

- (i) For permitting construction of buildings, the distance from the High Tide Line shall be decided depending on the size of the islands. This shall be laid down for each island, in consultation with the experts and with approval of the Ministry of Environment & Forests, keeping in view the land use requirements for specific purposes vis-à-vis local conditions including hydrological aspects erosion and ecological sensitivity;
- (ii) The buildings within 500 metres from the HTL shall not have more than 2 floors (ground floor and 1<sup>st</sup> floor), the total covered area on all floors shall not be more than 50 per cent of the plot size and the total height of construction shall not exceed 9 metres;
- (iii) The design and construction of buildings shall be consistent with the surrounding landscape and local architectural style;
- (iv) Corals and sand from the beaches and coastal waters shall not be used for construction and other purposes;
- (v) Dredging and underwater blasting in and around coral formations shall not be permitted; and
- (vi) However, in some of the islands, coastal stretches may also be classified into categories CRZ-I or II or III, with the prior approval of Ministry of Environment & Forests and in such designated stretches, the appropriate regulations given for respective Categories shall apply.

Annexure – II

GUIDELINES FOR DEVELOPMENT OF BEACH RESORTS/HOTELS IN THE DESIGNATED AREAS OF CRZ-III FOR TEMPORARY OCCUPATION OF TOURIST/VISITORS, WITH PRIOR APPROVAL OF THE MINISTRY OF ENVIRONMENT & FORESTS.

7(1) Construction of beach resorts/hotels with prior approval of MEF in the designated areas of CRZ-III for temporary occupation of tourists/visitors shall be subject to the following conditions:

- (i) The project proponents shall not undertake any construction (including temporary constructions and fencing or such other barriers) within 200 metres (in

the landward wide) from the High Tide Line and within the area between the Low Tide and High Tide Line;

- (ia) live fencing and barbed wire fencing with vegetative cover may be allowed around private properties subject to the condition that such fencing shall in no way hamper public access to the beach;
- (ib) no flattening of sand dunes shall be carried out;
- (ic) no permanent structures for sports facilities shall be permitted except construction of goal posts, net posts and lamp posts.
- (id) construction of basements may be allowed subject to the condition that no objection certificate is obtained from the State Ground Water Authority to the effect that such construction will not adversely affect free flow of ground water in that area. The State Ground Water Authority shall take into consideration the guidelines issued by the Central Government before granting such no objection certificate.

**Explanation:**

Though no construction is allowed in the no development zone for the purposes of calculation of FSI, the area of entire plot including 50% of the portion which falls within the no development zone shall be taken into account.

- (ii) The total plot size shall not be less than 0.4 hectares and the total covered area on all floors shall not exceed 33 per cent of the plot size i.e. the FSI shall not exceed 0.33. The open area shall be suitably landscaped with appropriate vegetal cover;
- (iii) The construction shall be consistent with the surrounding landscape and local architectural style;
- (iv) The overall height of construction upto highest ridge of the roof, shall not exceed 9 metres and the construction shall not be more than 2 floors (ground floor plus one upper floor);
- (v) Ground water shall not be tapped within 200m of the HTL; within the 200 metre – 500 metre zone, it can be tapped only with the concurrence of the Central/State Ground Water Board;
- (vi) Extraction of sand, levelling or digging of sandy stretches except for structural foundation of building, swimming pool shall not be permitted within 500 metres of the High Tide Line;

- (vii) The quality of treated effluents, solid wastes, emissions and noise levels, etc. from the project area must conform to the standards laid down by the competent authorities including the Central/State Pollution Control Board and under the Environment (Protection) Act, 1986;
- (viii) Necessary arrangements for the treatment of the effluents and solid wastes must be made. It must be ensured that the untreated effluents and solid wastes are not discharged into the water or on the beach; and no effluent/solid waste shall be discharged on the beach;
- (ix) To allow public access to the beach, at least a gap of 20 metres width shall be provided between any two hotels/beach resorts; and in no case shall gaps be less than 500 metres apart; and
- (x) If the project involves diversion of forest land for non-forest purposes, clearance as required under the Forest (Conservation) Act, 1980 shall be obtained. The requirements of other Central and State laws as applicable to the project shall be met with.
- (xi) Approval of the State/Union Territory Tourism Department shall be obtained.

7(2) In ecologically sensitive areas (such as marine parks, mangroves, coral reefs, breeding and spawning grounds of fish, wildlife habitats and such other areas as may notified by the Central/State Government/Union Territories) construction of beach resorts/hotels shall not be permitted.

#### Annexure - III

[See paragraph 2, sub-paragraph (ii)]

#### List of Petroleum Products Permitted for Storage in Coastal Regulation Zone except CRZ I- (i)

- (i) Crude Oil;
- (ii) Liquefied Petroleum Gas;
- (iii) Motor Spirit;
- (iv) Kerosene;
- (v) Aviation Fuel;
- (vi) High Speed Diesel;
- (vii) Lubricating Oil;
- (viii) Butane;
- (ix) Propane;
- (x) Compressed Natural Gas;
- (xi) Naphtha;
- (xii) Furnace Oil;
- (xiii) Low Sulphur Heavy Stock.

(xiv) Liquefied Natural Gas (LNG)

Environmental clearances accorded by the Ministry of Surface Transport from 9<sup>th</sup> July 1997 till the publication of this notification are valid. All proposals for environment clearance pending with the Ministry of Surface Transport stand transferred to Ministry of Environment and forests from the date of publication of this notification.

The principal notification was published in the Gazette of India vide number S.O. 114(E), dated, the 19<sup>th</sup> February, 1991 (Corrigendum number S.O 190(E) dated 18<sup>th</sup> March 1991) and subsequently amended vide: -

- (i) S.O. 595 (E) dated 18<sup>th</sup> August 1994 (Corrigendum S.O.690 (E) dated 19<sup>th</sup> September 1994.)
- (ii) S.O. 73 (E) dated 31<sup>st</sup> January 1997.
- (iii) S.O. 494 (E) dated 9<sup>th</sup> July 1997. (Corrigendum S.O.735(E) dated 21<sup>st</sup> October 1997.)
- (iv) S.O. 334 (E) dated 20<sup>th</sup> April 1998.
- (v) S.O. 873 (E) dated 30<sup>th</sup> September 1998.
- (vi) S.O. 1122 (E) dated 29<sup>th</sup> December 1998.
- (vii) S.O.998 (E) dated 29<sup>th</sup> September 1999.
- (viii) S.O.730 (E) dated 4<sup>th</sup> August 2000
- (ix) S.O. 900(E) dated 29<sup>th</sup> September 2000
- (x) S.O. 329 (E) dated 12<sup>th</sup> April 2001 (Corrigendum S.O. 776 (E) dated 13<sup>th</sup> August 2001.)
- (xi) S.O. 988 (E) dated 3<sup>rd</sup> October 2001.

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