

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

AT NEW DELHI.

ORIGINAL APPLICATION NO. 249 OF 2023

**IN THE MATTER OF:**

NEWS ITEM TITLED: "THIRD OF INDIA'S COASTLINE VULNERABLE TO EROSION HERE ARE THE WORST HIT STATES" APPEARING IN INDIAN EXPRESS DTD 06.12.2023

**AFFIDAVIT FILED BY THE CHIEF SECRETARY, KERALA**

ADVOCATE FOR RESPONDENT: NISHE RAJEN SHONKER

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL**  
**PRINCIPAL BENCH, NEW DELHI**

ORIGINAL APPLICATION NO: 249/2023

News Item on India's Sinking Islands appeared in the Hindu dt. 19.03.2023  
with

ORIGINAL APPLICATION NO.795/2023

**News item titled "Third of India's coastline vulnerable to erosion here  
are the worst hit states" Appearing in Indian Express dtd 06.12.2023**

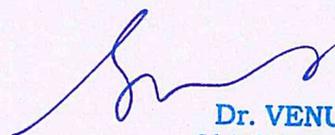
**AFFIDAVIT FILED BY THE CHIEF SECRETARY, KERALA**

I, Dr.Venu.V. IAS, S/o Vasudeva Panicker, aged 59 years residing at 'Sumanusham', TC-5/2653, Palace Road, Kowdiar P.O., Thiruvananthapuram - 695003 do hereby solemnly affirm and state as follows:

1. I am the Chief Secretary to Government, Government of Kerala, Thiruvananthapuram and I am conversant with the facts of the case as disclosed from the relevant records.

2. The Hon'ble Tribunal suo motu registered O.A. No. 249/2023 based on News Item on "India's Sinking Islands" appeared in the Hindu dtd. 19.03.2023 with O.A. No.795/2023 (PZ) based on the news item titled "Third of India's coastline vulnerable to erosion - here are the worst hit States" published in Indian Express on 06.12.2023 had in its Order dated 13.03.2024 directed as follows:-

*"4. In these circumstances, we direct the Chief Secretaries/LGs of Coastal States/Union Territories under consideration to file the affidavit before the Tribunal within six weeks by e-mail at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in) preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF disclosing the outer time limit within which the CZMP-ICRZP as per the 2019 Notification will be finally formulated/revised and submitted to the MoEF&CC, failing which the concerned Chief Secretary will appear*



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*virtually on the next date of hearing and explain the reason for non-submission of such an affidavit.*

5. List on 24.05.2024."

3. The Ministry of Environment, Forest and Climate Change (MoEF&CC), Government of India issued Coastal Regulation Zone Notification vide G.S.R. 37(E) dated 18<sup>th</sup> January 2019. Accordingly the Environment Department, Government of Kerala entrusted National Centre for Earth Science Studies (NCESS), Thiruvananthapuram (an authorized agency of MoEF&CC) with the preparation of CZMP as per G.O(Rt)No.80/2019/Envvt dated 20.08.2019. The pre-draft CZMP 2019 prepared by the NCESS was forwarded to the Stakeholder Departments for furnishing their comments/observations. The comments received from the Stakeholder Departments along with the remarks of Kerala Coastal Zone Management Authority (KCZMA) was forwarded to the NCESS for making necessary corrections in the draft CZMP 2019. The said corrections were done by NCESS in the draft CZMP 2019.

4. Meanwhile the Hon'ble Chief Minister of Kerala conducted a review meeting to assess the status of preparation of CZMP and the Environment Department was directed to constitute an Expert Committee to examine the Pre-draft CZMP 2019 prepared by NCESS and to submit recommendations of the Committee to the State Government before commencing the public hearing process on draft CZMP.

5. Subsequently, Government have constituted an Expert Committee with the following members:

1. Dr. V. Venu IAS, Additional Chief Secretary (Environment)
2. Adv. P. B. Sahasranaman
3. Sri. P.Z. Thomas

6. The Expert Committee examined the pre-draft CZMP 2019 and submitted its report to Government. The recommendations of the Expert Committee was accepted by the Council of Ministers. The main recommendations of the Expert Committee are:



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## Re-categorization of Coastal Grama Panchayats to CRZ II

Government of Kerala had notified 175 Coastal Panchayats as “Urban Areas” as per Section 3(6) (B) of the Kerala Panchayat Building Rules, 2019. In view of the categorization of these 175 developed Coastal Panchayats by Government of Kerala, as “Urban Areas” the KCZMA is required to reclassify these 175 “Urban Areas” as CRZ-II areas. Hence KCZMA requested MoEF&CC for reclassification of these 175 “Urban Areas” into CRZ – II areas.

The National Coastal Zone Management Authority (NCZMA) in its 45<sup>th</sup> meeting held on 01/09/2022 recommended that 66 Category-I Coastal Grama Panchayats notified before the issue of CRZ Notification, 2019 be considered for approval by the Ministry as “other existing legally designated urban areas” as per the CRZ Notification, 2019 i.e. existing as on the date of issue of CRZ, 2019 Notification. It was submitted that such Category-1 Panchayats met the criteria of built up area and developmental infrastructure and could be considered for classification as falling under CRZ-II area.

Out of the 66 Grama Panchayats 6 Grama Panchayats namely, Ambalappuzha North, Ambalappuzha South, Kottukal, Karumkulam, Chirayinkeezhu and Venganoor have presence of some atomic mineral reserve. Hence M/s.Indian Rare Earths Limited was requested to provide the details of the contiguous areas with atomic minerals. The details of the areas with geo-coordinates has been provided and further M/s.IREL was requested to provide the shape file of the coordinates provided. M/s IREL has provided the shape files and the same was sent to NCESS.

### Mangrove buffer

As per the CRZ Notification 2019 mangroves in Government lands which are having a total extent of 1,000 sq.m area are to be categorized as CRZ-I (A). The buffer of 50 meters around mangrove vegetation is applicable only if more than 1,000 sq.m (mangroves) area is within Government owned land. No buffer is required around mangrove vegetation within private owned land

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holdings irrespective of its extent. To identify the ownership of mangroves, Kerala Forest Research Institute was entrusted and based on their report changes were made in the draft CZMP.

**Demarcation of HTL to be done along the bunds/slucice gates of Kaipad/Pokkali/Aquaculture ponds**

A Sub-Committee was constituted on 23.07.2021 to examine the possibility of re-categorization of Pokkali/Kaipad fields in CZMP. The Sub-Committee report was submitted to KCZMA in September 2021. Government of Kerala requested MoEF&CC to consider the recommendations of the Sub-Committee report and to issue an amendment in the CRZ Notification 2019. MoEF&CC, Government of India issued an Amendment S.O.4886(E) dated 26.11.2021 to demarcate High Tide Line (HTL) along bund or a sluice gate constructed prior to 19.02.1991 i.e, the date of first CRZ Notification 1991.

The Fisheries Department, Govt. of Kerala constituted a Technical Committee to prepare the Integrated Fisheries Development Plan (IFDP) as part of CRZ Notification, 2019.

The Technical Committee had submitted the Integrated Fisheries Development Plan (IFDP) including the following information to KCZMA:

- Fishing harbour / fish landing centre / Auction Hall (Marine)
- Fishing harbour / Fish landing centre / Auction Hall (Inland)
- Housing settlement (Marine)
- Housing settlement (Inland)
- Thozhilidangal (space for fishing operations) Marine
- Artificial reef / fish protected area (Marine)
- Clam protected area/Fish protected area/Fish sanctuary (CRZ IV)
- Peeling shed
- Fisheries post – harvest infrastructure
- Ice plant
- Fishing boat yard
- Fishing accessories space
- List of aquaculture ponds

  
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- List of aquaculture in open waters
- List of Hatchery & Seed Farm

The information provided in the Integrated Fisheries Development Plan (IFDP) report were incorporated in the draft CZMP.

### **IIMP preparation**

As per D.O. No.IA3-12/7/2021-IA.III dated 01.04.2022 the MoEF&CC has informed that IIMP shall be prepared for the Islands with area of more than 10 hectares.

The National Centre for Sustainable Coastal Management (NCSCM) has been requested to prepare IIMP for these islands and the same will be submitted to MoEF&CC for approval along with draft CZMP 2019.

### **Low, Medium and High eroding stretches ;**

As per Office Memorandum issued by MoEF&CC, the NCSCM was entrusted to prepare the low, medium & high eroding stretches along the Coastline of Kerala. The same will be super imposed on the draft CZMP by NCSCM before submitting it to MoEF&CC for approval of CZMP.

### **Public Hearing**

#### **DETAILS OF GRIEVANCES RECEIVED IN PUBLIC HEARING ON DRAFT CZMP 2019 OF KERALA**

<b>Sl. No.</b>	<b>DISTRICT</b>	<b>PETITIONS RECEIVED</b>
1	Kasaragod	495
2	Kannur	938
3	Kozhikode	245
4	Malappuram	116
5	Thrissur	611

  
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6	Ernakulam	14902
7	Kottayam	453
8	Alappuzha	7845
9	Kollam	5475
10	Thiruvananthapuram	1557
	<b>Total</b>	<b>32637</b>

7. All the complaints / suggestions received on the draft CZMP were scrutinized in detail and the process of incorporating necessary changes considering the reports from the Village Officers/Authorities from the LSG organization were completed.

8. In the 134<sup>th</sup> meeting of KCZMA held on 31.01.2024, the National Centre for Earth Science Studies (NCESS) presented the final draft of CZMP 2019 for the 10 coastal districts. The Authority examined and verified the reports, maps and tabulated locations requiring changes submitted by the NCESS. After verification and detailed discussion, the Authority has approved the same and decided to recommend and submit it before the Technical Scrutiny Committee of NCSCM. Accordingly, the draft Coastal Zone Management Plan (CZMP) of Kerala with the following documents has been submitted to NCSCM vide letter dated 07.02.2024 for placing it before the Technical Scrutiny Committee for approval.

1. Shape file of CZMP
2. Shape file of coastal land use map
3. Draft CZMP report including public grievances
4. Integrated Fisheries Management Plan
5. Tourism Management Plan
6. Details of bunds/slucice gate for demarcating the HTL/LTL of the coastal districts
7. Minutes of the 134<sup>th</sup> meeting of KCZMA held on 31.01.2024

9. The 17<sup>th</sup> Technical Scrutiny Committee (TSC) meeting was held on 01.03.2024 in NCSCM, Chennai. A detailed presentation was made before

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the Committee and the Committee sought six additional details/clarifications.

10. It is submitted that the Chief Secretary to Government held a meeting with all the Stakeholder Departments/Authorities on 24.04.2024 regarding the preparation of CZMP in the State. In the meeting, Member Secretary, KCZMA informed that out of 6 clarifications/details sought by the Technical Scrutiny Committee of NCSCM, only one ie., the notified port limits in shape file format and certified pdf format alongwith copies of the notifications was left to be submitted. The Chief Secretary directed Chief Executive Officer, Kerala Maritime Board to submit the port limits immediately to KCZMA for forwarding the same to NCESS and NCSCM. Accordingly, Kerala Maritime Board furnished the port limits of 17 ports to the MS, KCZMA. The KCZMA has forwarded the port limits to the Director, NCESS with a copy to NCSCM for modifying the HTL vide letter dated 09.05.2024.

11. Action taken on the issues raised in the Technical Scrutiny Committee (TSC) meeting is given below:

Sl No	Issue raised	Recommendation of the Committee	Action Taken Report
1.	HTL modification based on new bund/slucice gate	KCZMA to provide data on bunds/slucice gates in Shape file format and certified PDF format. NCSCM to verify and modify the HTL as per the amendment dated 26.11.2021.	As per e-mail dated 09.05.2024, the Director, NCSCM has informed that consequent to the meeting with KCZMA held on 06.05.2024 the modification of HTL based on the bund/slucice gate has been completed
2.	Modification required in the	There are many complaints from most of the coastal	In view of the decision in the 17 <sup>th</sup> Technical Scrutiny

  
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	demarcation of mangroves	districts regarding demarcation of mangroves. NCSCM, NCESS, and KCZMA to verify the demarcation of mangroves, to understand the actual status as to whether it is a case of misinterpretation of mangroves or destruction of mangroves or increase in mangroves and submit a report for further action.	Committee held on 01.03.2024 to scrutinize the IIMPs/ICRZ plans (2019) of Andaman Nicobar Islands and CZMP 2019 of Kerala and further to the meeting held on 06.05.2024, NCSCM, NCESS and KCZMA have to verify the demarcation of mangroves, to understand the actual status as to whether it is a case of misinterpretation of mangroves or destruction of mangroves or increase in mangroves and submit a report for further action. NCSCM has suggested field inspection at 14 locations (Kollam -1, Ernakulam-11, Alappuzha-1, Thrissur-1). Hence vide letter dated 09.05.2024, the Director, NCESS has been requested to depute a competent person immediately for field inspection.
3	Recategorization of GPs from CRZ III to CRZ II	A case has been filed in the Hon'ble High Court of Kerala on the subject and case is sub-judice .KCZMA to take necessary action on	Awaiting orders of the Hon'ble Court



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		receipt of orders of the Hon'ble Court.	
4	No tidal effect creeks and such areas to be excluded/exempted from CRZ/CZMP accordingly	HTL in the approved CZMP 2011 will be used	Action to be taken by NCESS
5	Valiaparamba (and other similar coastal areas) to be recategorized as BW/coastal islands.	Cases have been filed in the Hon'ble Bombay High Court and in the Hon'ble NGT (WZ), Pune Bench on the subject and the matter is sub-judice. KCZMA to take necessary action on receipt of the orders of the Hon'ble Court/NGT.	Awaiting orders of the Hon'ble Court
6.	To incorporate notified Port limits	KCZMA to provide data on notified port limits in Shape file format and certified PDF format along with the copies of the notifications. NCESS to verify and incorporate.	As recommended in the 17 <sup>th</sup> meeting of Technical Scrutiny Committee held on 01.03.2024, the data on notified port limits in Shape file format and certified PDF format along with the copies of the notifications of the following port limits has been forwarded to the Director, NCESS with a

  
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			<p>copy to NCSCM for modifying the HTL vide letter No.08/A2/2019/KCZMA dated 09.05.2024.</p> <ol style="list-style-type: none"> <li>1. Kozhikode</li> <li>2. Ponnani</li> <li>3. Thalassery</li> <li>4. Azhikkal</li> <li>5. Azhikkode</li> <li>6. Kannur</li> <li>7. Kayamkulam</li> <li>8. Manjeswaram</li> <li>9. Neeleswaram</li> <li>10. Needakara</li> <li>11. Vadakara</li> <li>12. Valiyathura</li> <li>13. Vizhinjam</li> <li>14. Kasargode</li> <li>15. Kollam</li> <li>16. Alappuzha</li> <li>17. Kochi</li> </ol>
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12. With regard to the Shoreline Management Plan, it is informed that low, medium and high eroding stretches of cost of Kerala have already been incorporated in the draft CZMP.

13. Once the final draft of CZMP 2019 is recommended by the NCSCM this has to be approved by the KCZMA and then by the State Government before submitting the same to the MoEF&CC for the final approval.

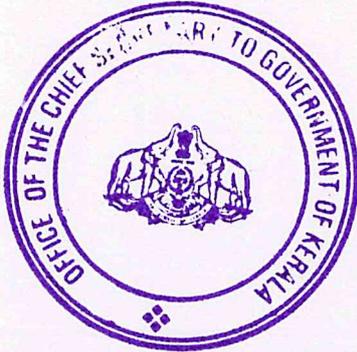
14. It is humbly submitted that the State Government is taking earnest steps to get approved the CZMP 2019 by the MoEF&CC at the earliest.

  
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15. The final draft of the CZMP prepared as per the CRZ Notification 2019 is now expected to be submitted to the Ministry of Environment Forest and Climate Change for approval by the end of **June 2024**.

16. In the above circumstances, it is most humbly prayed that this Hon'ble Tribunal may be pleased to accept this affidavit and pass an appropriate order in the above OA No.249 of 2023 and OA No.795 of 2023 as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case and thus render justice.

Dated this the 18<sup>th</sup> day of May, 2024.

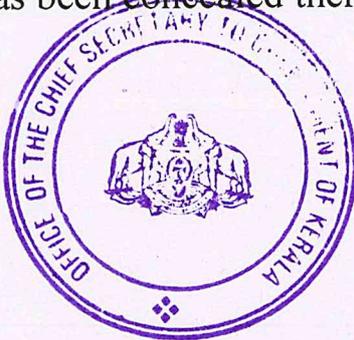


DEPONENT

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### VERIFICATION

Verified at Thiruvananthapuram on this 18<sup>th</sup> day of May 2024, that the contents of the above affidavit are true and correct to the best of my knowledge and are derived from the official records and nothing material has been concealed therefrom.



DEPONENT

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Chief Secretary  
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Solemnly affirmed and signed before me by the deponent whom I know on this the 18<sup>th</sup> day of May 2024 at Government Secretariat, Thiruvananthapuram.

UNNIKUTTAN. S. S.  
PEN 108367  
Under Secretary to Govt.  
Environment Department  
Government Secretariat

