

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

Original Application No.: 249 of 2023

And

Original Application No.: 795 of 2023

And

Original Application No.: 77 of 2023

IN THE MATTER OF: -

Original Application No.: 249 of 2023

News item published in Newspaper The Hindu dated 19.03.2023 titled "India's Sinking Island"

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News Item titled "Third of India's coastline vulnerable to erosion - here are the worst hit states" appearing in Indian Express dated 06.12.2023.

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Original Application No.: 77 of 2023

AK SHAJI

v.

UNION OF INDIA and Others.

**COUNTER AFFIDAVIT FILED ON BEHALF OF THE KERALA
COASTAL ZONE MANAGEMENT AUTHORITY (KCZMA)**

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**COUNTER AFFIDAVIT FILED ON BEHALF OF THE KERALA
COASTAL ZONE MANAGEMENT AUTHORITY (KCZMA).**

I, Mr.Suneel Pamidi, Member Secretary, The Kerala Coastal Zone Management Authority (KCZMA), Kerala having office at 4th Floor, KSRTC Bus Terminal, Thampanoor, Thiruvananthapuram-1 solemnly affirm and sincerely state as follows:



Member Secretary

Kerala Coastal Zone Management Authority
Thiruvananthapuram

1. I am filing this counter affidavit on behalf of the KCZMA herein and as such I am well acquainted with the facts and the circumstances of the case from the records available in this office.
2. It is respectfully submitted that The Ministry of Environment, Forest and Climate Change (here in after called as MoEF&CC), Government of India issued Coastal Zone Regulation Zone Notification 2019 vide G.S.R. 37(E) dated 18th 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 work of preparation of CZMP for State of Kerala through ***G.O(Rt)No.80/2019/Env.*** dated ***20.08.2019***.
3. It is respectfully submitted that, the pre-draft CZMP 2019 for State of Kerala prepared by the National Centre for Earth Science Studies was forwarded to the stakeholder departments for furnishing their comments/ observations. The comments received from the stakeholder departments along with the remarks of KCZMA was forwarded to the National Centre for Earth Science Studies (NCESS) for making necessary corrections in the draft CZMP 2019 for State of Kerala. The said corrections were amended by NCESS in the draft CZMP 2019.
4. It is respectfully submitted that; the Hon'ble Chief Minister of Kerala conducted a review meeting to assess the status of preparation of CZMP


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2019 for State of Kerala and directed the Environment Department to constitute an expert committee to examine the Pre-draft CZMP 2019 for State of Kerala prepared by NCESS and submit recommendations of the Committee to the State Government before commencing the public hearing process on draft CZMP 2019 for State of Kerala.

Expert Committee

5. It is respectfully submitted that; the Government constituted an Expert Committee vide ***G.O(Rt)No.44/2021/Envt.*** dated ***01.07.2021*** with the following members;
 - a. Dr. V. Venu IAS, Additional Chief Secretary (Environment),
 - b. Adv. P. B. Sahasranaman and
 - c. Sri. P.Z. Thomas
6. It is respectfully submitted that; the Expert Committee examined the pre-draft CZMP 2019 for State of Kerala and submitted its report to State Government. The recommendations of the Expert Committee were accepted by the Council of Ministers and accordingly issued ***G.O.(Ms)No.2/2022/Envt.*** dated ***24.03.2022***.
7. It is respectfully submitted that; the main recommendations of the Expert Committee are:
 - a. ***Re-categorization of Coastal Grama Panchayats to CRZ II***



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- i) 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.
- ii) The National Coastal Zone Management Authority (NCZMA) in its 45th meeting held on 01/09/2022 recommended that 66 Category-I Coastal Grama Panchayats notified before the issue of CRZ Notification, 2019 be considered "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-I Panchayats met the criteria of built-up area and developmental infrastructure and could be considered for classification as falling under CRZ-II area.
- iii) 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


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atomic minerals. The details of the areas with geo-coordinates have 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.

b. Mangrove buffer

- i) As per the CRZ Notification 2019 mangroves in Government lands which are having a total extent of 1,000 sq.m area is 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 holdings irrespective of its extent. To identify the ownership of mangroves, Kerala Forest Research Institute was entrusted and the mangrove buffer in the draft CZMP 2019 for State of Kerala have been removed accordingly.

c. Demarcation of HTL to be done along the bunds/sluice gates of Kaipad/Pokkali/Aquaculture ponds

- i) 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. The Government of Kerala have requested MoEF&CC to


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consider the recommendations of the Sub-Committee report and requested 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. Subsequently NCESS has been directed to demarcate the High Tide Line (HTL) along the bund/sluice gates along the tidal influenced water bodies as per the *CRZ Amendment S.O.4886(E) dated 26.11.2021*. The HTL was modified based on the existence of bund or sluice gate by NCSCM. *The NCESS has demarcated the HTL based on the modified HTL and many parts of the area from the CZMP have been exempted from the purview of CZMP due to this modification.*

Integrated Fisheries Development Plan

8. It is respectfully submitted that, The Fisheries Department, Government of Kerala has constituted a Technical Committee to prepare the *Integrated Fisheries Development Plan (IFDP)* as part of CRZ Notification, 2019 vide *G.O.(Rt) No. 290/2021/F&P dated 11.06.2021*.
9. It is respectfully submitted that; the Technical Committee submitted the Integrated Fisheries Development Plan to KCZMA and it includes the following information;


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- a) Fishing harbour / fish landing Centre / Auction Hall (Marine)
- b) Fishing harbour / Fish landing Centre / Auction Hall (Inland)
- c) Housing settlement (Marine)
- d) Housing settlement (Inland)
- e) Thozhilidangal (space for fishing operations) Marine
- f) Artificial reef / fish protected area (Marine)
- g) Claim protected area/Fish protected area/Fish sanctuary (CRZ IV)
- h) Peeling shed
- i) Fisheries post - harvest infrastructure • Ice plant
- j) Fishing boat yard
- k) Fishing accessories space
- l) List of aquaculture ponds
- m) List of aquaculture in open waters
- n) List of Hatchery & Seed Farm

10. It is respectfully submitted that, the information provided in the

Integrated Fisheries Development Plan (IFDP) report are incorporated

in the draft CZMP 2019 for State of Kerala.

IIMP preparation

11. It is respectfully submitted that, 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. In State of Kerala, it is


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identified that 176 Nos. of Island are more than 10 hectares. The NCSCM has been requested to prepare IIMP for these islands and the same will be submitted to MoEF&CC for approval.

Low, Medium High eroding stretches

12. It is respectfully submitted that, as per Office Memorandum issued by MoEF&CC, the NCSCM has entrusted to prepare the low, medium & high eroding stretches along the Coastline of Kerala. The same will be super imposed on the draft CZMP 2019 for State of Kerala by NCSCM before submitting it to MoEF&CC for approval of CZMP.

Public Hearing

13. It is respectfully submitted that; public hearing was conducted on draft CZMP 2019 for State of Kerala. Details of public hearing Grievance received on draft CZMP 2019 for State of Kerala are as follows

S. No.	District	Petitions Received
1.	Kasaragod	495
2.	Kannur	938
3.	Kozhikode	245
4.	Malappuram	116
5.	Thrissur	611
6.	Ernakulam	14902
7.	Kottayam	453
8.	Alappuzha	7845
9.	Kollam	5475
10.	Thiruvananthapuram	1557
	Total	32637


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14. It is respectfully submitted that, all the complaints / suggestions received on the draft CZMP 2019 for State of Kerala were scrutinized in detail and the process of incorporating necessary changes considering the reports from the village officers/authorities from the LSG organization are almost complete.
15. It is respectfully submitted that; the Public Hearing compliance report has been prepared for all the coastal districts according to the suggestions from National Centre for Sustainable Coastal Management (NCSCM).
16. It is respectfully submitted that, as per reference **G.O (Rt)No. 18/2023/Envvt. dated 21.03.2023** Government of Kerala granted permission to execute the contract agreement vide reference 1st cited with NCSCM for the preparation of **Shoreline Change Map for the Coast of Kerala** and the contract agreement has been executed with NCSCM.
17. It is respectfully submitted that; steps are being taken on a war-foot basis to notify the draft CZMP 2019 for State of Kerala and all the actions which are part of KCZMA have been completed.
18. It is respectfully submitted that, in the **134th meeting of KCZMA held on 31.01.2024 the final draft CZMP 2019** for State of Kerala was discussed and *decided to forward the same to the Technical Scrutiny Committee* of NCSCM.



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Kerala Coastal Zone Management Authority
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Under the above circumstances, it is humbly prayed that this Hon'ble Tribunal may be pleased to pass such order or orders as this Hon'ble Tribunal may deem fit and proper in circumstances of the case and render justice.

Dated at Chennai on this the 4th day of March, 2024.



RESPONDENT

Member Secretary

Kerala Coastal Zone Management Authority
Thiruvananthapuram

VERIFICATION

I, Suneel Pamidi, working as Member Secretary, The Kerala Coastal Zone Management Authority (KCZMA), Kerala having office at 4th Floor, KSRTC Bus Terminal, Thampanoor, Thiruvananthapuram-1 do hereby verify that the contents of paras 1 to 18 are true to best of my personal knowledge and paras 1 to 18 believed to be true on legal advice and that I have not suppressed any material fact.

Verified at Chennai on this the 4th day of March, 2024.



RESPONDENT

Member Secretary

Kerala Coastal Zone Management Authority
Thiruvananthapuram