

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE

ORIGINAL APPLICATION NO. 10 OF 2023

IN THE MATTER OF:

FEDERATION OF RAINBOW WARRIORS

.... APPLICANTS

VERSUS

UNION OF INDIA & ORS.

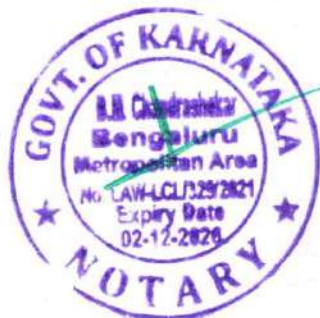
... RESPONDENTS

**PARA-WISE REPLY ON BEHALF OF RESPONDENT NO. 1, UNION OF INDIA,
MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE.**

MOST RESPECTFULLY SHEWETH:

I, Dr. Dola Bhattacharjee D/o Late Shri. Samirendra Nath Bhattacharya aged about 41 years, presently working as Scientist "B" in the Ministry of Environment, Forest & Climate Change, Regional Office, Bengaluru (hereinafter referred to as MoEF&CC) do hereby, in my official capacity, solemnly affirm and state on oath as follows:

1. That I am authorized by the Competent Authority in the Ministry, New Delhi to swear the present affidavit on behalf of the MoEF&CC on the basis of the official records maintained therein.



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2. It is humbly submitted that I have perused and understood the contents of the present petition. At the outset, I deny all averments, submissions, statements, allegations made therein except those specifically admitted herein after.

3. It is humbly submitted that the Respondent Ministry had submitted a detailed counter affidavit in pursuance to the direction of Hon'ble Tribunal. However, as directed by Hon'ble Tribunal vide its order dated 14/02/2024, the Respondent Ministry is submitting para-wise reply to the petition.

4. It is also humbly submitted that the petitioner himself in Para 4 of his petition has admitted that he had raised objections and suggestions to the Draft CRZ Notification, 2018 when it was published for public consultation. Further, the petitioner has not contested about (non) consideration of the suggestions given by him. Now after a lapse of more than 5 years the petitioner is challenging the CRZ Notification 2019. Therefore, on this ground itself, the petition is liable to be dismissed.

5. It is humbly submitted that the Ministry of Environment Forest & Climate Change (MoEF&CC) issued the initial CRZ Notification on 19th February, 1991, under Section 3 of the Environment Protection Act, 1986 read with Rule 5(3)(d) of the Environment (Protection) Rules, 1986, with the prime objective of ensuring livelihood security to fishing and other local communities living in coastal areas, and to conserve/protect coastal stretches while also promoting development of coastal zone based on scientific principles.

This notification was superseded by the CRZ Notification, 2011 issued *vide* S.O. 19(E), dated 06/01/2011. The said notification *inter alia* deals with categorization of CRZ areas, permissible and prohibited activities, regulation of permissible activities in CRZ areas, procedure for clearance,



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preparation of Coastal Zone Management Plans, mapping and areas requiring special consideration etc.

The notification was amended from time to time based on representations received from the coastal State Governments, Union Territory administrations and other stakeholders, and over time, need was felt to undertake a comprehensive revision of the CRZ Notification, 2011. The MoEF&CC accordingly constituted a Committee in June 2014, under the Chairmanship of Dr. Shailesh Nayak (Secretary, Ministry of Earth Sciences) to examine the various issues and concerns of Coastal States/UTs and other stakeholders for recommending appropriate changes in the CRZ Notification, 2011.

Based on wide-ranging consultations with State Governments and other stakeholders, the Shailesh Nayak Committee submitted its recommendations in 2015. The recommendations were further examined in consultation with all Stakeholders including Members of Parliament of Coastal States and Union Territories besides other concerned Ministries of Government of India and a draft notification viz. CRZ Notification, 2018 was issued on 18th April, 2018 inviting comments from public at large.

Based on suggestions and comments received and recognizing the necessity for balancing the imperatives of conservation and protection of the fragile coastal ecosystems and sustainable development and livelihoods for local coastal communities in the present day context, the Union Cabinet approved the new Coastal Regulation Zone Notification on 31/12/2018 and same was finally issued *vide* G.S.R 37(E), dated 18/01/2019.



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This new CRZ Notification, i.e. CRZ, 2019 is expected to go a long way in meeting the aspirations of coastal communities besides ensuring welfare of poor and vulnerable population residing in the coastal areas and in meeting their livelihood needs. Overall, this new CRZ Notification will result in greater economic growth while conserving the coastal eco-systems, thereby creating as well as providing greater livelihood opportunities and better quality of life for the coastal communities.

The new CRZ Notification, 2019 issued vide G.S.R 37(E), dated 18/01/2019, will however become effective only after the Coastal Zone Management Plans (CZMPs) of the respective coastal states are aligned and updated based on the provisions of the new notification. To this effect, the MoEF&CC have issued a '*Guidelines for updation of Coastal Zone Management Plan prepared as per CRZ Notification, 2011 to align it with CRZ Notification, 2019*' to all coastal states for immediate action.

As on date the CZMP 2019 of Odisha, Karnataka, Maharashtra (Two districts i.e., Mumbai and Mumbai Sub-Urban) and ICRZ Plan of Andaman Nicobar Island (Great Nicobar and Little Andaman) have been approved by MoEF&CC. It would be relevant to mention here that in case where CZMP has not been prepared as CRZ Notification 2019, the CZMP as per CRZ Notification 2011 is applicable. As per the CRZ Notification, 2019, "*All coastal States and Union Territory Administrations shall revise or update their respective coastal zone management plan (CZMP) framed under CRZ Notification, 2011 number S.O. 19(E), dated 6th January, 2011, as per provisions of this notification and submit to the Ministry of Environment, Forest and Climate Change for approval at the earliest and all the project activities attracting the provisions of this notification shall be required to be appraised as per the updated CZMP under this notification and until and unless the CZMPs is so revised or updated, provisions of this notification shall not apply*



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and the CZMP as per provisions of CRZ Notification, 2011 shall continue to be followed for appraisal and CRZ clearance to such projects”.

The islands located along the mainland (offshore and inshore within tidally influenced water bodies) are covered under the Coastal Regulation Zone (CRZ) notification, whereas Andaman and Nicobar and Lakshadweep group of islands are covered under the Island Protection Zone (IPZ) Notification, 2011, issued on 6th January 2011 under the Environment (Protection) Act, 1986. Akin to CRZ Notification, the Island Coastal Regulation Zone (ICRZ) Notification, 2019 was also issued in supersession of IPZ Notification, 2011 vide S.O.1242 (E), dated 08/03/2019. This new notification will however become effective only after the ICRZ / IIMPs of the islands are revised and updated as per the provision of the new notification.

6. That in compliance of the last order dated 29/04/2024 of this Hon'ble Tribunal, this answering respondent is submitting para-wise reply to the petition of O.A No. 10 of 2023 in tabular form as follows:

Paragraph no./ Contents as per petition of O.A No. 10/2023	Para wise reply by the answering respondent.
Para 1. The addresses of the Applicants are given above for the service of notices of this application.	Statement of record submitted by the applicant.
Para 2. The address of the Respondents are as given above for service of notices of the application.	Statement of record submitted by the applicant.



[Handwritten Signature]

Dr. Dola Bhattacharjee

Senior Advocate

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Int. No. 10/2023, Dated: 29/04/2024, Bangalore

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<p>Para 3. The Applicants above named begs to present the Memorandum of Application on the grounds set our hereunder.</p>	<p>Statement of record submitted by the applicant.</p>
<p>Para 4. <i>Vide</i> the present Application, the Applicants seek to challenge the impugned Notification dated 18.01-2019 issued by the Ministry of Environment, Forest and Climate Change, the Respondent herein, which introduced the Coastal Regulation Zone (hereinafter referred to as "CRZ") Notification, 2019. The impugned Notification has been issued to supersede the CRZ Notification, 2011, and under the grab of conserving and protecting the coastal environment and marine areas, the impugned Notification has considerably diluted the CRZ Notification, 2011, to facilitate tourism and commercial activities in highly ecologically sensitive CRZ areas, and activities that were previously prohibited under the CRZ Notification, 2011. The impugned notification is therefore contrary to the principle of non-regression, which is a well-settled fiat within environmental jurisprudence across the world.</p>	<p>It is humbly submitted that the Ministry of Environment Forest & Climate Change (MoEF&CC) issued the initial CRZ Notification on 19th February, 1991, under Section 3 of the Environment Protection Act, 1986 read with Rule 5(3)(d) of the Environment (Protection) Rules, 1986, with the prime objective of ensuring livelihood security to fishing and other local communities living in coastal areas, and to conserve/protect coastal stretches while also promoting development of coastal zone based on scientific principles. This notification was superseded by the CRZ Notification, 2011 issued <i>vide</i> S.O. 19(E), dated 06/01/2011. The said notification <i>inter alia</i> deals with categorization of CRZ areas, permissible and prohibited activities, regulation of</p>




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permissible activities in CRZ areas, procedure for clearance, preparation of Coastal Zone Management Plans, mapping and areas requiring special consideration etc.

The notification was amended from time to time based on representations received from the coastal State Governments, Union Territory administrations and other stakeholders, and over time, need was felt to undertake a comprehensive revision of the CRZ Notification, 2011. The MoEF&CC accordingly constituted a Committee in June 2014, under the Chairmanship of Dr. Shailesh Nayak (Secretary, Ministry of Earth Sciences) to examine the various issues and concerns of Coastal States/UTs and other stakeholders for recommending appropriate changes in the CRZ Notification, 2011.



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Based on wide-ranging consultations with State Governments and other stakeholders, the Shailesh Nayak Committee submitted its recommendations in 2015. The recommendations were further examined in consultation with all Stakeholders including Members of Parliament of Coastal States and Union Territories besides other concerned Ministries of Government of India and a draft notification viz. CRZ Notification, 2018 was issued on 18th April, 2018 inviting comments from public at large.

Based on suggestions and comments received and recognizing the necessity for balancing the imperatives of conservation and protection of the fragile coastal ecosystems and sustainable development and livelihoods for local coastal communities in the present day context, the Union Cabinet approved the new Coastal Regulation Zone Notification on



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31/12/2018 and same was finally issued vide G.S.R 37(E), dated 18/01/2019.

This new CRZ Notification, i.e. CRZ, 2019 is expected to go a long way in meeting the aspirations of coastal communities besides ensuring welfare of poor and vulnerable population residing in the coastal areas and in meeting their livelihood needs. Overall, this new CRZ Notification will result in greater economic growth while conserving the coastal eco-systems, thereby creating as well as providing greater livelihood opportunities and better quality of life for the coastal communities.

The new CRZ Notification, 2019 issued vide G.S.R 37(E), dated 18/01/2019, will however become effective only after the Coastal Zone Management Plans (CZMPs) of the respective coastal states are aligned and updated based on the provisions of the new notification. To this effect, the



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MoEF&CC have issued a '*Guidelines for updation of Coastal Zone Management Plan prepared as per CRZ Notification, 2011 to align it with CRZ Notification, 2019*' to all coastal states for immediate action.

The Applicant's contentions are without any basis and are denied

Taken stakeholders comments, Shailesh Naik Committee

In the present case of CRZ Notification, 2019, the CRZ Notification, 2019 contains various stringent provisions for environmental safeguards, in paras (ii), 4. (x), 5.1.1 (i), 5.2(vi), 5.3(iii), 5.3(v), 5.4(xv), 10.2 (ii)(b), etc, which ensures protection of the environment.



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Para 5. At the outset, the Applicants wish to bring Statement of record submitted by the applicant. on record the fact that this Application had originally been filed as Public Interest Litigation Petition 19/2019 before this Hon'ble Bombay High Court as Goa. Vide its order dated 03.01.2023 in the said Public Interest Litigation Petition as well as other connected Petitions, the Hon'ble Bombay High Court was pleased to grant liberty to the Applicants to file the present Application in the National Green Tribunal, as this Hon'ble Tribunal would be the correct forum to hear the matter. In the said order dated 03-01-2023, the Hon'ble High Court was pleased to direct at paragraph 8 that "we also observe that in case the Applicants approach the Hon'ble NGT within 4 weeks from today, the proceedings they institute will be considered, in accordance with law and on their own merits without raising the issue with respect to limitation. The Hon'ble High Court also recorded the statement of the standing counsel for the Central Government that the Central Government would not raise any issue on limitation before the Hon'ble NGT. A copy



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of the order of the Hon'ble Bombay High Court at
Goa in PIL 19/2019 dated 03.01.2023 has been
annexed hereto and marked as Annexure A-1.



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<p>Para 6. The impugned Notification has been issued under Sections 3(1) and 3(2) of the EP Act, 1986. Section 3 of the EP Act, 1986 provided power to the Central Government to take measures to “protect and improve the environment”. However, the impugned Notification contradicts the very objective of Section 3 of the EP Act, 1986 by diluting the CRZ Notification, 2011, instead of further protecting or improving it. The impugned Notification has therefore been issued in violation of the Principle of Non-regression. It is submitted that in the Goa State Action Plan on Climate change for the Period between 2020-2023, has even noted the risks of Climate Change and flood which the State of Goa is likely to face in the immediate future, and has cautioned against permissive development in CRZ Areas. It is further submitted that the Performance Audit Report on Conservation of Coastal Ecosystems, prepared by the Comptroller and Auditor General of India, for the period between 2015-2020, was a scathing review of the manner in which the CRZ Notification</p>	<p>The said Performance Audit Report on Conservation of Coastal Ecosystems, prepared by the Comptroller and Auditor General of India, does not recommend scrapping of CRZ Notification of 2011 or CRZ Notification of 2019, on account of the alleged poor implementation of the CRZ Notification of 2011. Any Notification cannot be faulted for alleged or otherwise poor implementation on the ground. Further, the National Action Plan on Climate Change (NAPCC) was released by the Hon’ble Prime Minister of India on the 30th of June 2008. It outlines a national strategy that aims to enable the country to adapt to climate change and enhance the ecological sustainability of India’s development path. It stresses that maintaining a high growth rate is essential for increasing living standards of the vast</p>
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of 2011 was poorly implemented throughout the majority of people of India and reducing country. Including within the state of Goa. It is their vulnerability to the impacts of climate submitted that even as the tangible consequences of change.

the climate crisis is increasing each day, the Respondents have sought to introduce the impugned CRZ Notification of 2019, which does away with many of the protections of eco-sensitive coastal areas that have been in place for the past several decades.



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<p>Para 7. That further, the impugned Notification is substantially different from the Draft Notification, which was put in public domain for inviting public comments, as mandated under Rule 5 sub-Rule 3 of EP Rules, 1986. By doing so, the Respondent MoEFCC has vitiated the objective of issuing public notice, since the objections were raised to the issues in the Draft CRZ Notification, and not to the additions made in the impugned Notification.</p>	<p>The Applicant has only made a general allegation and has not cited any specific instance.</p>
<p>Para 8. The Applicant No. 1 society is a society registered under the Societies Registration Act, 1860 under Registration No 190/Goa/2014 and is dedicated to the protection of the environment, sustainable economics and local communities of the State of Goa. Applicant No 1 has been carrying out awareness and empowerment programmes in villages regarding environment, law and land use. Applicant No 1 is involved in forest identification, protection of CRZ areas, and stopping of illegal activities, among other environmental issues. Applicant No 1 has filed petitions in Courts and Tribunals regarding illegal tree felling, Regional</p>	<p>Statement of record submitted by the applicant.</p>



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Plan of Goa, TCP amendments, Consents to operate Coal handling and transportation, sand mining, grant of Environmental Clearance to a Greenfield Airport at Mopa and other issues. A copy of the Registration Certificate of the Applicant Society No 1 is annexed herewith as Annexure A-2 (Colly).



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<p>Para 9. The Applicant No. 2 society is dedicated to the protection of the rivers of Goa and the villages situated along the banks of the rivers Applicant No. 2 society was formed by the residents of such villages who were concerned with the environment and the economics that sustain the local communities, who got together in the face of displacement and destruction due to industrial, construction and infrastructure projects proposed for profits of corporations. Applicant No 2 has been carrying out awareness and empowerment programmes in villages regarding issues related to rivers, CRZ and environment. Applicant No 2 has campaigned widely for legislation and implementation for the improvement of riverine environment, including for sustainable CRZ laws.</p>	<p>Statement of record submitted by the applicant.</p>
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Para 10. The Respondent No. 1 is the Ministry of Environment, Forests and Climate Change and is the authority responsible for the protection and preservation of the environment and prevention and abatement of environmental degradation in the country. In the present case, the Respondent is the authority responsible for issuing and notifying the impugned Notification. The Respondent No, 2 is the Goa Coastal Zone Management Authority which is the authority constituted under the CRZ Notification 2011 and is vested with the task of enforcing and implementing the CRZ Notification. The Respondent No. 3 is the Environment Forest and Climate Change Department of the Government of Goa



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<p>Para 11. In June 1972, India participated and ratified the Stockholm Convention where it was decided to take appropriate steps towards protection and improvement of the environment, in furtherance of which the Respondent notified the Environment (Protection) ("EP") Act, 1986 on 23.05.1986. Section 3 of the EP Act, 1986 gives the Central Government power to take measures to "protect and improve the environment". Section 3(2)(v) specifically deals with <i>restriction of areas where industries or operations shall not be carried out or shall be carried out subject to safeguards</i>. Subsequently, vide Notification dated 19.11.1986, the Respondent issued the Environment (Protection) ("EP") Rules, 1986. Rule 5 of the EP rules, 1986 gives the Central Government power to "restrict or prohibit location of industries, processes and operations" in different areas. Clause (a) of sub-rule (3) of Rule 5 of the said Rules states that, "<i>Whenever it appears to the Central Government that it is expedient to impose prohibition or restrictions on the location of an industry or the</i></p>	<p>The Applicant has only quoted the relevant section of the Environment (Protection) ("EP") Act, 1986 and Rule 5 of the Environment (Protection) ("EP") Rules, 1986.</p>
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carrying on of processes and operations in an area,
it may, by notification in the Official Gazette and in
such other manner as the Central Government may
deem necessary from time to time, give notice of its
intension to do so.”



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<p>Para 12. That it is submitted that the impugned Notification, G.S.R. 37(E) dated 18.01.2019, has been issued under sub-section (1) and clause (v) sub-section (2) of Section 3 of the EP Act, 1986. It is further submitted that the impugned Notification has been issued pursuant to publishing a Draft CRZ Notification, 2018, which was published on 18.04.2018 and was kept open for public consultation for a period of sixty days. A copy of the impugned CRZ Notification, 2019 is annexed herewith as Annexure A-3.</p>	<p>No comments as Statement of fact submitted by the applicant.</p>
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<p>PREPARATION OF CRZ NOTIFICATIONS OF 1991, 2011 AND 2019</p> <p>Para 13. The first coastal stretches were recognized as areas that needed statutory protection was in 1991 through the CRZ Notification, 1991. The CRZ Notification, 1991 was notified by the Respondent herein on 19.02.1991. This was done with the objective of (a) recognizing the Coastal Regulation Zones and (b) restricting the setting up and expansion of industries and operations in these areas. Subsequently in 2004, the Respondent set up an Expert Committee to be headed by Prof. M.S. Swaminathan. The mandate of the Committee was to research and review the CRZ Notification, its implementation, its shortcomings, and mitigation mechanisms. The major recommendations of the Committee was that the boundaries should be based on coastal vulnerability instead of zones, the coastal management authority structure should be 3 tiered with the National Institute of Sustainable Coastal Zone Management and instead of coastal regulation zones (CRZ I-IV), there should be coastal</p>	<p>The Applicant's statement "<i>due to severe criticism from the public, the Draft Coastal Management Zone Notification was never notified</i>" is without any basis and is denied.</p>
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management zones (CMZ I-IV). A copy of the Swaminathan Committee Report has been annexed hereto and marked as Annexure A-4. Based on the recommendations of the Committee, on 01.05.2008, the Respondent issued a draft Coastal Management Zone Notification, 2008, which was open for public comments. However, due to severe criticism from the public, the Draft Coastal Management Zone Notification was never notified, and steps were taken towards strengthening the coastal Regulation Zone. Holding meetings with the local and fisherfolk in all the states and union territories, the Respondent issued the draft Island Protection Zone Notification, and Draft CRZ Notification under The EP Act, in 2010 and on 06 01.2011, the Respondent issued CRZ Notification, 2011. A copy of the CRZ Notification, 2011 is annexed herewith as Annexure A-5.



[Signature]
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Para 14. It is further submitted that the Swaminathan Committee Report made various recommendations while assessing the CRZ Notification of 1991 as well as the report of 7 special committees also constituted for the purpose of reviewing; the CRZ regime as it existed at the time. Apart from the Swaminathan Committee's biggest recommendation for the Coastal Management Zones to replace CRZ areas, there were other various recommendations made in the Committee Report with a view to preserve and conserve the marine environment and ecologically sensitive coastal areas. However, the impugned notification blatantly contradicts various aspects of the said Committee report, and appears to have been prepared with a specific and intentional view not to effectuate the safeguards to the marine/coastal environment identified by the Swaminathan Committee. Across the present Application, such contradictions between the Swaminathan Committee report and the provisions of the impugned notification of 2019 have been

Swaminathan Committee Report cited by the Applicant was for review of the CRZ Notification, 1991 and was submitted on 9/02/2005, before promulgation of the CRZ Notification, 2011. The Applicant's statement "*The impugned CRZ Notification of 2019 however appears to have been prepared with a sole view to further commercial gain and economic growth without any regard for the preservation of natural resources of traditional coastal communities and has enabled the Respondent No 1 to introduce various provisions that seek to undo the restrictions to harmful development under the CRZ Notification of 2011, without any explanation or justification for the same*" is based on the Applicant's own assumptions and is denied.



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highlighted. In Particular, the Swaminathan Committee Report recommended that real economic value/costs should be assigned with the help of the Respondent No. 1 to the principle of intergenerational equity such that natural resources would be preserved for further generations and a *“purity economic rationale to pursue many ‘development’ policies or projects must cease to exist.”* Further, the Swaminathan Committee also recommended that the burden of proof should be on the developers (including government agencies) to show that their activities will not cause harm to the coastal environment or the coastal communities. The impugned CRZ Notification of 2019 however appears to have been prepared with a sole view to further commercial gain and economic growth without any regard for the preservation of natural resources of traditional coastal communities and has enabled the Respondent No 1 to introduce various provisions that seek to undo the restrictions to harmful development under the CRZ Notification of



A handwritten signature in blue ink, appearing to read 'Dola Bhattacharjee'.

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2011, without any explanation or justification for
the same.



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Para 15. Pursuant to issuing the CRZ Notification, 2011, the Respondent herein has diluted it multiple times, in violation of the powers granted to it under Section 3 of the EP Act 1986. Between the years 2014-2018, 6 amendments were issued to the CRZ Notification, 2011 to relax the restrictions provided under it. Three out of the six amendments were issued under Rule 5(4) of the EP Rules, without any notice to the public of its intention to do so. The Respondent issued S.O. 4162 (E) on 23.12.2016 under Rule 5(4) of the EP Rules, 1986 whereby restriction on construction within the CRZ-II areas was relaxed and construction of a memorial was permitted. Subsequently, vide Notification S.O. 1002(E) dated 06.03.2018 issued under Rule 5(4) of the EP Rules, 1986, the Respondent increased the validity of CRZ Clearances from 5 years to 7 years. Further, the Respondent also allowed regularization of the activities which had commenced construction without obtaining prior clearance as required under this Notification, thus regularising 'ex-post facto' clearances.

The Central Government is vested with powers to notify need based amendments in respect of CRZ Notification 1991 and CRZ Notification 2011 on the request of coastal States Governments, and to dispense with the requirement of notice in public interest if required.



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<p>Para 16. On 18.04.2018, the Respondent issued the Draft CRZ Notification, inviting public participation, to replace the CRZ. On account of the many new provisions introduced through the draft notification that evidently reduced the protection of CRZ areas in comparison to the 2011 draft, the Draft CRZ Notification was strongly opposed by the public and faced severe criticism. An article titled "CRZ Notification published despite 68% objections from public" published in Hindustan Times on 29.01.2019 shows that of 1,965 responses received by the Respondent to the Draft CRZ Notification. 1,388 were objections and only 470 were in favour. A copy of the Draft CRZ Notification. 2018 dated 18.04.2018 marked and annexed herewith as Annexure A-6. A Copy of the Article titled "CRZ Notification published despite 68% objections from public" dated 29.01.2019 published in Hindustan Times is marked and annexed herewith as Annexure A-7. The Applicants had also submitted their objections to the draft</p>	<p>The objections to the Draft CRZ Notification 2018 dated 18.04.2018 submitted by the Applicants (Annexure A-19 of the Applicant) have also been addressed in these replies to the Applicant's present Application/petition/OA.</p>
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notification, which have been referred to and annexed below in the present Application.

<p>Para 17. That subsequently on 18.01.2019, the Respondent notified the impugned Notification, GSR 37(E), which included all the dilutions that were in the Draft CRZ Notification and furthermore egregiously diluted the CRZ Notification, 2011, with provisions which were not included in the</p>	<p>The contention of the applicant is in continuation of the preceding paragraph no. 16 and has been clarified in detail and the applicant's statement is based on the Applicant's own assumptions and is denied.</p>
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Draft CRZ Notification that was published for public consultations.



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DEFICIENCIES IN THE IMPUGNED
CRZ NOTIFICATION OF 2019:

Para 18. The Applicants submit that issues raised in and are being replied (sub para-wise) as the present Application with regards to the follows :
deficiencies of the CRZ Notification of 2019 are as follows:

- A. Severe dilution of the CRZ Notification, 2011;
- B. The impugned Notification has been issued in violation of the EP Act, 1986, which is the parent act and is, therefore, bad in law;
- C. The impugned Notification vitiates the purpose of the mandate of issuing notice under Rule 5(3)(a) because it is substantially different from the Draft Notification put out for public comments and objections;
- D. The impugned Notification violates the Biological Diversity Act, 2002;
- E. The impugned Notification requires updating the CZMP's thereby, making it a

The issues raised by the applicant already elaborated in succeeding sub-paras A to G and are being replied (sub para-wise) as follows :



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tool to regularise activities that were otherwise illegal under the CRZ Notification, 2011.

- F. The report of Dr. Shailesh Nayak Committee, on the basis of which the impugned Notification has been issued, is highly inadequate and does not discuss the real concerns faced by the coastal communities and coastal ecology;
- G. The impugned Notification violates the principle of Non-Regression;



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<p>A. SEVERE DILUTION OF THE CRZ NOTIFICATION 2011:</p> <p>Para 19. India signed the United Nations Framework Convention on Climate Change (“UNFCC”) on 10.06.1992 and ratified it in 1993. In its submission to the UNFCC titled. "India's Intended Nationally Determined Contribution: Working towards Climate Justice", the Central Government has admitted to being one of the countries most vulnerable to the impact of accelerated sea level rise due to global warming and has stated that the Indian islands are highly susceptible to frequent and intense tropical cyclones, storm surge, tsunami, droughts and volcanoes. In order to effectively tackle the same, India claims to have demarcated the vulnerable coastal areas declaring them as CRZ and imposing restrictions on setting up and expansion of industries, implementing programmes for coastal management through ecological management, protection of critical habitats, mapping of hazard</p>	<p>The Applicant has only made a general statement and has not given any specific objection/ allegation.</p>
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lines for emergency response, protection of mangroves through the 'Mangroves for the Future' initiative, ensuring livelihood security to local communities, conserving and protecting coastal stretches, and promoting development in a sustainable manner by notifying the Island Protection Zone in 2011. A copy of "India's Intended Nationally Determined Contribution: Working towards Climate Justice" submitted the UNFCCC is marked and annexed herewith as Annexure A-8.



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<p>Para 20. However, in complete and utter disregard to the threat the coastal states and its inhabitants will be in with its implementation, the Respondent MoEFCC notified the impugned Notification. It is submitted that although the impugned notification was issued under the garb of conservation and protection of the unique environment of coastal stretches, providing livelihood to the coastal communities and fisher communities, and sustainable development, the impugned Notification has only diluted the provisions to allow industries, tourism and commercial activities within the ecologically and socio-economically sensitive CRZ areas, without looking into the livelihood security of the fisherfolk and local communities and the measures that would be required to protect the coastal ecology. It is submitted that the full extent of alterations in the CRZ Notification of 2011 vide the impugned CRZ Notification of 2019 can best be appreciated if compared in a tabular form. The Applicants have therefore summarised the averments below in a tabular form as well for the</p>	<p>The Applicant's statements are based on the Applicant's own assumptions and are denied.</p>
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sake of comprehensiveness The said table has been annexed hereto as marked as Annexure A-9. The dilutions made by way of the impugned Notification are also explained herein below as follow:



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<p>a. WEAKENS ROLE OF THE HAZARD LINE As per the CRZ Notification, 2011, "CRZ areas" extended from the High Tide Line ("HTL") up to the Hazard Line. However, as per the impugned Notification, the CRZ areas extend from the HTL up to 500 metres on the landward side along the seafront, thereby removing the areas within the Hazard line a tool for demarcating the boundary of a CRZ area. It is submitted that effectively, any protection granted to areas between 500 metres from the HTL to the Hazard Line as originally provided under the CRZ Notification, 2011 has been done away with. It is submitted that the CRZ Notification of 2011 initially mandated using the Hazard Line while setting out the Land Use Plan of CRZ areas, thereby aiming to anticipate and prepare for the dangers of climate change and sea level rise. Land use planning is the process of ordering and regulating the utilization of land that promotes the efficient and ethical use of land; meaning that, it is mandatory that the Hazard Line be used by the authorities while planning how the</p>	<p>The hazard line is a projection of impact of rise in sea level and shoreline changes that may happen over long period of time viz. over 100 years. It indicates the vulnerability over long period of time and the need for better planning and management of coastal areas. The hazard line has not been completely done away with, as claimed by the Applicant. It has been only stated that the hazard line shall not be used for CRZ regulatory purposes, but as a tool for Disaster Management Plan for the coastal environment, including planning of adaptive and mitigation measures. The hazard line has been already mapped and is part of the Coastal Zone Management Plans (CZMPs) of various coastal States/UTs. However CRZ Notifications are applicable only upto 500mts from HTL to landward side.</p>
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land it utilized in the coastal areas. Relying on the hazard line for land use planning considers the possibility of a disaster occurring in the area and determines the activities that would be permissible within those areas and the most efficient way to utilize the area. A Hazard line is defined in Annexure IV of the Impugned notification as follows:

“A ‘Hazard line’ has been demarcated by the Survey of India (SOI) taking into account the extent of the flooding on the land area due to water level fluctuations, sea level rise and shoreline changes (erosion or accretion) occurring over a period of time.”



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<p>b. However, vide an amendment dated 02.07.2018, less than 6 months prior to the publication of the impugned CRZ Notification of 2019, the original provision of the CRZ Notification of 2011 using a Hazard line to demarcate a CRZ area boundary was done away with, and under the amendment, Hazard Lines were to be utilised only for the purpose of planning and preparation for disaster management and not demarcating CRZ areas. It is submitted that the impugned Notification of 2019 has adopted the same provision in relation to Hazard lines as the amendment of 02.07.2018 of the CRZ Notification of 2011. As a result, the environmentally fragile, flood-prone hazardous areas between the High Tide Line and Hazard Line is now open to indiscriminate construction. As per the impugned Notification, the Hazard Lane should only be used as a tool for Disaster Management Planning. Disaster management means a process of planning and implementing measures which are necessary or expedient, primarily, for prevention of danger or threat of any disaster and mitigation or reduction of</p>	<p>In the present Application/ Petition/OA, the Applicant has not challenged the said amendment dated 02.07.2018 to the CRZ Notification of 2011 and there is no prayer pertaining to the amendment dated 02.07.2018.</p> <p>The Hon'ble High Court has observed in the Judgement that the Island is classified as falling in CRZ-I, that virtually no activity can be done and that construction is impermissible.</p> <p>The subject Judgement of the Hon'ble High Court pertains to CRZ-I areas and does not pertain to the Hazard Line.</p>
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risk of any disaster or its severity or consequences, this implies that the Hazard Line will be a tool to form a plan to mitigate the effect in the event of disaster only, and will not have any purpose in the demarcation of CRZ areas. A copy of the amendment to the CRZ Notification of 2011 dated 02.07.2018 has been annexed hereto and marked as Annexure A-10. In removing the protection offered by the Hazard Line, the Government has failed to take into consideration the properties, critical infrastructure and population that stands to be affected by effects of climate change and sea level rise, thus, being perverse to the principle of Sustainable Development. It is submitted that the amendment to the CRZ Notification of 2011 dated 02.07.2018 has essentially been adopted in and carried forward in the provisions of the Impugned Notification, and the Applicants have challenged the relevant provisions of the Impugned notification that pertain to the use of hazard lines, since the CRZ Notification of 2019 is intended to supersede the CRZ Notification of 2011. It is noteworthy that in



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the matter of Ratheesh KR v. State of Kerala 2013 SeeOnLine Ker 14359, the Hon'ble Kerala High Court was pleased to issue orders for the demolitions of hotels and other constructions in islands and areas falling beyond the High Tide Line on the landward side in Kerala. The Hon'ble Kerala High Court further noted, while discussing the blatant violation of the CRZ Notification of 2011,

“The cases which we are disposing of by this Judgement characterise the total indifference and non-application of mind by the authorities and particularly the local bodies. The Notifications issued are intended to protect the coasts, the environment in general and to achieve the sustainable development, particularly of the fisher folk and other local population. The Notifications are meant to be enforced with full vigour. Circulars have been issued to the local bodies. We notice, however, that only lip service is being paid if at all to the terms of the Notifications. By such callous indifference and consequent blatant violation of



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the Notification, a law which is meant to address serious environmental issues which adversely affect the present and further generations, is being completely undermined. If only the local body was vigilant and had conformed to the law, the matters would not have come to the sorry state of affairs the parties find themselves in. We would hope that all the authorities including the Governments, both Central and State, will put their heads together and bring about not only dissemination of clear information regarding the Notification, but also implement its terms in an effective manner.”

The aforesaid judgement of the Hon'ble Kerala High Court was upheld by the Hon'ble Supreme Court of India in the matter of *Kapico Kerala Resort (P) Ltd. v. State of Kerala*, (2020) 3 SCC 18.

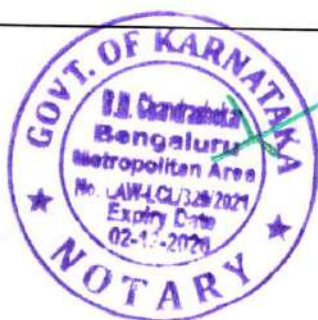


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<p>c. REDUCES CRZ AREA FOR TIDAL INFLUENCED BODIES.</p>	<p>The Applicant's contentions are without any basis. In the present case of CRZ Notification, 2019, the relaxation has been given subject to environmental safeguards mentioned in page 31 of the Notification and reproduced below.</p> <p><i>"(ii).....Provided that the CRZ limit of 50 meters or width of the creek whichever is less, shall be subject to revision and final approval of the respective CZMPs as per this notification, framed with due consultative process, public hearing etc. and environmental safeguards enlisted therein"</i></p> <p>Further, as per page 30, para (i) of CRZ Notification, 2019, <i>"The land area from High Tide Line (hereinafter referred to as the HTL) to 500 meters on the landward side along the sea front"</i>.</p> <p>Thus, CRZ Notification, 2019 also provides for a CRZ buffer of 500 m along the sea front.</p>
<p>The boundary/limit of the protected areas classified as CRZ areas adjacent to tidally influenced water bodies have been reduced to 50m from the 100m that the CRZ Notification, 2011 prescribed. The CRZ Notification 1991 that preceded the CRZ Notification, 2011 mandated a 500m buffer. The reduction of CRZ shall cause severe environmental degradation and impact the stability of the shoreline.</p>	



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<p>d. REDUCES CRZ AREA FOR ISLANDS: CRZ Notification 2011 provides for CRZ up to 500 meters from the HTL for offshore islands on landward side of the sea and up to 50 metres for islands in backwaters of Kerala. However, the impugned Notification reduces the CRZ to 20 m from HTL for islands in coastal backwaters, as well as on landward side of islands along the mainland coast. Opening up these areas for development will have a direct and irreversible impact on the fragile ecology of these regions which are already at threat from rising sea levels. It is submitted that the coast of Goa is also peppered with many such islands, which are mainly utilised by locals for the purpose of fishing and cultivation.</p>	<p>That, the following Amendment to the CRZ Notification 2019, has been notified vide per para (d)(i) of amendment No. S.O. 5495 (E) dated 24/11/2022 (copy enclosed as Annexure R1-1).</p> <p><i>“in sub-paragraph 10.2, for clause (iii), the following clause shall be substituted, namely,</i></p> <p><i>“(iii) Integrated Island Management Plans, as applicable to smaller islands in Lakshadweep and Andaman and Nicobar by notification vide number S.O.1242 (E), dated the 8th March, 2019 (ICRZ Notification, 2019), shall be formulated by respective State Governments or the Union territory Administration for all such islands and submitted to the Central Government and till the Integrated Island Management Plans are framed, provisions of this notification shall not apply and the</i></p>
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Coastal Zone Management Plan as per provisions of Coastal Regulation Zone notification, 2011 number S.O.19(E), dated the 6th January, 2011, shall continue to apply."

Thus, IIMPs are to be prepared for the backwater islands and islands along the mainland coast, as per the provisions contained in the ICRZ Notification, 2019, which is applicable to smaller islands in Lakshadweep and Andaman and Nicobar.

Para (ii) in page 37 of ICRZ Notification, 2019 states as follows:

(ii) The eight bigger oceanic islands in Andaman and Nicobar (ICRZ Islands) shall be grouped as follows:



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Group-I: Islands with geographical areas >1000 sq.km such as South Andaman, Middle Andaman, North Andaman and Great Nicobar.

Group-II: Islands with geographical areas >100 sq.km

Now, paras 6 (i) & (ii) of the ICRZ Notification, 2019 (copy enclosed as Annexure R1-2), states as follows:

(i) All the smaller Islands in Andaman and Nicobar and Lakshadweep, other than those listed under the ICRZ categories, shall also be covered under this Notification.

(ii) "In view of the unique coastal systems and space limitations in these islands, a No Development Zone (NDZ) of 20 meters



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from the HTL on the landward side shall uniformly apply to such islands and activities shall be regulated as under.....”:

Thus, the NDZ/CRZ of 20 m in the IIMPs of backwater islands and islands along the mainland coast, provided for in the CRZ Notification, 2019, is valid.

The Applicant has not challenged the ICRZ Notification, 2019 (Annexure R1-2) and hence cannot challenge provisions under para 10.2 of CRZ Notification, 2019, which flows from the provisions under para 6(iii) of the ICRZ Notification, 2019.

Further, the CRZ/NDZ of 20 m applies to the IIMPs of only smaller (Non-ICRZ Islands), whose individual area is less than 100 sq.km and not to all Islands as claimed by the Applicant.

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The CRZ/NDZ of 20 m for the IIMPs of Lakshadweep Islands has been upheld by the Hon'ble Supreme Court of India in Judgement dated 19/08/2015, in Civil Appeal No. 4625-4626/2012 [UNION TERRITORY OF LAKSHADWEEP & ORS Vs SEASHELLS BEACH RESORT & ORS.]



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e. **CHANGES DEFINITION OF CRZ ZONES-**

i. **CRZ I AREAS-** The impugned Notification brings in changes in the language used to define CRZ zones. Under the CRZ Notification, 2011, CRZ-I area has been identified as the "Ecologically Sensitive Areas" having the geo-morphological features *which play a vital role in maintaining the functions of the coast*. The conservation, protection and management of the same has also been discussed in Annexure-I to the CRZ Notification, 2011. However, as per the impugned Notification, mangroves, beaches, corals, nesting areas and other eco-sensitive areas shall be Ecologically Sensitive Area only if they have been identified by the National Centre for sustainable Coastal Management ("NCSCM") of the Respondent MoEFCC. The rights of local communities will also be considered only if identified by NCSCM. This reduces the scope of actual conservation and protection measures that can be taken under the CRZ Regulation Regime,

Annexure A-11 of the Applicant deals with "Flaws in CZMP 2011 for Goa". This amounts to Challenging CZMP 2011 of Goa and not CRZ Notification, 2019.

The Applicant has not Challenged CZMP 2011 of Goa and there is no prayer pertaining to CZMP 2011 of Goa.

More importantly, the CZMP 2011 of Goa has been prepared and approved as per CRZ Notification, 2011 which the Applicant is advocating and the CZMP of Goa as per CRZ Notification, 2019 (which the Applicant is challenging in the present Application), is still under preparation.

Thus, the Applicant might be getting confused between CRZ Notification, 2011, CRZ Notification, 2019, CZMP 2011 and CZMP 2019.

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since many of these ecologically and socio-economically sensitive areas lay outside the areas hitherto identified by NSCSM. It is submitted that the said fact can be witnessed by a perusal of the CZMP 2011 maps of Goa under the CRZ Notification of 2011 that have recently been finalised and approved in September 2022. The said maps, although prepared under the robust CRZ Notification of 2011, are at 1:25.000 scale, without any cadastral or survey demarcations and without demarcation of many of the essential features. Despite the difficulty in reading these maps, it is evident that portions of ecologically and socio-economically sensitive areas have been omitted, due to the negligence of the NSCSM and the Respondent Authorities involved in the preparation of the maps. It is therefore essential that all the beaches, mangroves, fish breeding areas, corals, nesting areas, mudflats, wetlands, sand dunes, low-lying areas, etc within the CRZ are designated as CRZ-I without any exceptions. The non-inclusion of such ecologically and socio-economically

No Ecologically Sensitive Area (ESA) has been left out in the CRZ Notification, 2019.

In fact, one more category of ESA namely 'Eco-Sensitive Zones' (ESZ) has been added to the list of ESAs/CRZ-IA areas, which was not available in CRZ Notification, 2011, vide MoEF&CC OM No. 12/1/2019-IA-III(E-122245) dated 26/10/2021 (copy enclosed as Annexure R1-3).

Thus, the contentions of the Applicant are without any basis.



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sensitive areas in CZMP 2011 maps prepared for Goa thus far can be seen from a few of the examples listed in the table and demonstrated by images and documents collectively annexed hereto and marked as Annexure A-11.



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<p>ii. CRZ II- The impugned Notification effectively makes all coastal stretches within cities, towns, municipalities and other legally designated urban areas as CRZ II, by removing the clause present in the CRZ 2011 that declares areas with low build up area within municipal limits as CRZ III. Definition of CRZ to has also been expanded to define "Substantially Built up Areas" as areas where the ratio between built up plots to number of plots being more than 50%. This calculation and/or definition does not explain what is meant by the term "Plots" being sold as real estate. With no definition given to the term 'plots' and without an estimate of total number of legal, regularized plots, defining CRZ-II and CRZ-III areas, vis-a-vis built up plot ratio, becomes all the more ambiguous With ever expanding cities and municipal limits, the changes in the CRZ Notification of 2019 is just a way to promote coastal real estate schemes; this has been done without the understanding that any properties that are constructed in these areas will be harmed by natural disasters.</p>	<p>There is no change in the definition of "developed area", between CRZ Notification, 2011 and CRZ Notification, 2019 as can be seen from the table below.</p>		
	<table border="1"> <thead> <tr> <th data-bbox="837 660 1101 884">Definition of CRZ-II in CRZ Notification, 2011</th> <th data-bbox="1101 660 1390 884">Definition of CRZ-II in CRZ Notification, 2019</th> </tr> </thead> </table>	Definition of CRZ-II in CRZ Notification, 2011	Definition of CRZ-II in CRZ Notification, 2019
Definition of CRZ-II in CRZ Notification, 2011	Definition of CRZ-II in CRZ Notification, 2019		
	<table border="1"> <tbody> <tr> <td data-bbox="837 884 1101 1892"> <p>The areas that have been developed upto or close to the shoreline.</p> <p>Explanation: For the purposes of the expression "developed area" is referred to as that area within the existing municipal limits or in other existing legally designated urban areas, which are substantially built-up with a ratio of built-up plots to that of</p> </td> <td data-bbox="1101 884 1390 1892"> <p>CRZ-II shall constitute the developed land areas up to or close to the shoreline, within the existing municipal limits or in other existing legally designated urban areas, which are substantially built-up with a ratio of built-up plots to that of total plots being more</p> </td> </tr> </tbody> </table>	<p>The areas that have been developed upto or close to the shoreline.</p> <p>Explanation: For the purposes of the expression "developed area" is referred to as that area within the existing municipal limits or in other existing legally designated urban areas, which are substantially built-up with a ratio of built-up plots to that of</p>	<p>CRZ-II shall constitute the developed land areas up to or close to the shoreline, within the existing municipal limits or in other existing legally designated urban areas, which are substantially built-up with a ratio of built-up plots to that of total plots being more</p>
<p>The areas that have been developed upto or close to the shoreline.</p> <p>Explanation: For the purposes of the expression "developed area" is referred to as that area within the existing municipal limits or in other existing legally designated urban areas, which are substantially built-up with a ratio of built-up plots to that of</p>	<p>CRZ-II shall constitute the developed land areas up to or close to the shoreline, within the existing municipal limits or in other existing legally designated urban areas, which are substantially built-up with a ratio of built-up plots to that of total plots being more</p>		




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<p>areas which are than 50 per cent and substantially built-up have been provided up and has been with drainage and provided with approach roads and drainage and other infrastructural approach roads and facilities, such as other infrastructural water supply, facilities, such as sewerage mains, etc. water supply and sewerage mains.</p>	
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“Substantially built-up” was not explained in CRZ Notification, 2011, which has been explained in CRZ Notification, 2019 as “*substantially built-up with a ratio of built-up plots to that of total plots being more than 50 per cent*”. There is no need to further defined “plot”.

As compared to CRZ Notification, 2011, CRZ Notification, 2019 goes one step ahead and provides explanation for the term “*Substantially built-up*”.

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In simple English language, "Built-up plots" refers to plots with buildings and "total plots" refers to plots with and without buildings.

Thus, the contentions of the Applicant are without any basis and are frivolous.



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<p>iii. CRZ III- Further, CRZ III areas, which are land areas that are relatively undisturbed (viz, rural areas, etc.) and do not fall under CRZ II shall be further classified into following categories: CRZ-IIIA, and CRZ-IIIB under the impugned Notification based on population density (2161/sq.m). It is submitted that no rational basis has been provided for adopting this criteria of population density as being the quantitative test to distinguish between CRZ IIIA and CRZ IIIB areas. The methodology to be used for deriving coastal population density from overall density as enumerated in the 2011 census has also not been revealed, raising suspicions about the scientific validity of such provisions and the very real risk of mischief by subjective interpretation of such terms.</p>	<p>That, the 2011 Census data contains data on village-wise area and population. Thus, the village-wise population density is calculated using the simple formula: $\text{Population density} = \frac{\text{Population}}{\text{Area}}$ The criterion is 2161 per square kilometre and not 2161/sq.m as claimed by the Applicant in para 20 e. iii of his Application. Thus, the contentions of the Applicant are without any basis.</p>
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<p>iv. No-Development Zones in tidal influenced areas – NDZs in impugned Notification reduces the extent of the No-Development Zone ("NDZ") from 200m to a mere 50 mts for the landward side along tidal influenced water bodies in CRZ-III A areas on the basis of CZMP approval; this also has no logical outline, except to defeat the purpose of the Notification and permit construction in the regions that were hitherto classified as NDZ and displacing local sustainable economies and communities. It is noteworthy that the Hon'ble Supreme Court has, vide judgment in <i>Indian Council For Enviro-Legal Action v. Union of India (1996) 5 SEC 281</i> quashed a notification seeking to dilute the very first CRZ Notification, which was the CRZ Notification of 1991 by reducing the setback lines and the span of the NDZ from 100 metres to 50 metres, because it would give the Central Government too much arbitrary power which could result in serious environmental degradation. The Hon'ble Supreme Court of India held as follows:</p>	<p>The Applicant's contentions are without any basis. In the present case of CRZ Notification, 2019, the relaxation has been given subject to environmental safeguards mentioned in page 31 of the Notification and reproduced below.</p> <p><i>"(ii) Provided that the CRZ limit of 50 meters or width of the creek whichever is less, shall be subject to revision and final approval of the respective CZMPs as per this notification, framed with due consultative process, public hearing etc. and environmental safeguards enlisted therein"</i></p>
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37. In the written submissions filed by the Union of Indian in this Court on 29-9-1995, this amendment has been sought to be justified and explained by it in the following words:

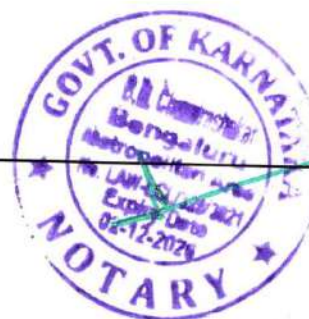
"As regards the developmental activities up to the High Tide Line, the Central Government may for reasons recorded in writing permit construction in any particular case taking into account the geographical features and other relevant aspects.

This is necessary as providing of 200 metres of no-development zone all along was not possible in the coastal line in a uniform way on account of wide variations in geographical features, existing human settlements and developmental activities requiring foreshore facilities etc."

The relaxation with regard to NDZ was sought by the Hotel and Tourism Industry and they desired concession only with regard to 20-30 kms of Coastline. By the amended notification, power had been given to the Central Government to make such relaxation with regard to any part of the 6000kms long coastline of India. The Central


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Government has, thus, retained the absolute power of relaxation of the entire 6000kms long coastline and this, in effect, may lead to the causing of serious ecological damage as the said provision gives unbridled power and does not contain any guidelines as to how or when the power is to be exercised. The said provision is capable of abuse. The Central Government also did not confine the relaxation to the extent as specified by the Vohra Committee. No satisfactory reason has been given by the Union of India as to why it departed from the opinion of the Expert committee and that too in such a manner that the concession which has now been given is far in excess of what was demanded by the Hotel and Tourism Industry.

38. We, accordingly, hold that the newly added proviso in Annexure II in paragraph 7 in subparagraph (1) (Item i) which gives the Central Government arbitrary, uncanalized and unguided power, the exercise of which may result in serious ecological degradation and may make the NDZ



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ineffective is ultra vires and is hereby quashed. No suitable reason has been given which can persuade us to hold that the enactment of such a proviso was necessary, in the larger public interest, and the exercise of power under the said proviso will not result in large-scale ecological degradation and violation of Article 21 of the citizens living in those areas.

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<p>v. CRZ-IV - The impugned Notification has also attempted to include the sea bed area in definition of "CRZ IV" areas. If the sea bed is also opened up for all kinds of activities, development, construction and projects that have been permitted in the CRZ-IV area, then the impact on the ecosystem and the entire marine fauna will be disastrous, as fish-breeding, tidal patterns, water level increases, and the integrity of the entire sea-bed will be compromised.</p>	<p>That, in CRZ Notification, 2019, the sea bed has not been opened up for all kinds of activities, as claimed by the Applicant. The Notification clearly provides list of permissible and regulated as well as prohibited activities in CRZ IV. Further, as per para 4 (x) of the CRZ Notification, 2019, "<i>In order to safeguard the aquatic system and marine life, disposal of plastic into the coastal waters shall be prohibited and adequate measures for management and disposal of plastic materials shall be undertaken in the CRZ</i>".</p> <p>Thus, safeguarding aquatic systems and marine life has been given utmost importance in CRZ Notification, 2019.</p>
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<p>f. PERMITS ACTIVITIES IN CRZ AREAS WHICH ARE PROHIBITED AT PRESENT:</p> <p>The CRZ Notification, 2011 was originally envisaged to protect the coastal ecology and the unique features of the coast, protect coastal livelihoods and to prohibit detrimental activities to the same. However, the impugned Notification brings in a number of changes which dilute or entirely remove the prohibitions /protections under the CRZ 2011, such as:</p> <p>i The CRZ Notification, 2011 prohibits the “Reclamation for commercial activities such as shopping and housing complexes, hotels and entertainment activities”. This provision has been deleted in the impugned Notification, making reclamation of CRZ areas for commercial activities a permissible activity.</p>	<p>That, in CRZ Notification, 2019, reclamation of CRZ areas for commercial activities has not been made a permissible activity. Shopping, housing complexes, hotels and entertainment activities mentioned by the Applicant pertain to CRZ-II and CRZ-III areas, where reclamation is irrelevant.</p> <p>Thus, the contentions of the Applicant are without any basis.</p>
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ii. CRZ Notification, 2011 prohibits the "Dressing or altering sand dunes, hills and other natural features including landscape changes for beautification and recreational purposes". This has been changed in the impugned Notification to only include "Active" Sand dunes. However, no definition has been provided for what are considered "Active" Sand dunes. Further, this change also means that the protection offered to hills and other natural features of the coast have now been removed, giving legality in constructions on these ecologically fragile areas. Considering that the entire stretches of the western coastline are not sandy, but hilly, the removal of protection indicates an intent to open up these areas for real estate and other constructions. Further, even sand dunes cannot be destroyed now by classifying them as not being active. It is noted that the Swaminathan Committee Report recommended that all "natural barriers such as coral reefs, mangroves and sand dunes must be protected at all costs. No activities that affect these natural assets should be permitted."

There is no provision in CRZ Notification 2019 which removes protection of hills and other natural features of the coast and which permits constructions on ecologically fragile areas. Mining of sand, rocks and other sub-strata materials is also prohibited under CRZ Notification, 2019. In CRZ Notification, 2019, all ecologically sensitive areas (ESAs) and the geomorphological features which play a role in maintaining the integrity of the coast, **including all Sand dunes**, have been classified as CRZ-IA areas (No Go areas), where no construction activity is permitted. Further, as per para 7 (i) of CRZ 2019, even permitted activities attracting the provisions of this notification shall be



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required to obtain CRZ clearance prior to their commencement.

Thus, the contentions of the Applicant are without any basis.



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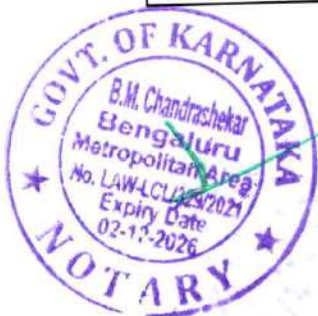


iii. The CRZ Notification, 2011 also laid a mandate on local authorities to prepare a phased out plan for discharge of untreated effluents and disposal of city wastes in CRZ Area. However, until today untreated effluents and disposal of city wastes continue to pollute CRZ Areas. The impugned Notification does away with the responsibility of officers within the Government to prepare this plan and stop such discharges/disposals in a timely manner.

The requirement for the concerned authorities to implement schemes for phasing out existing discharge of this nature, if any, within a time period not exceeding two years from the date of issue of this notification was already included in CRZ Notification, 2011.

To repeat the same clause in CRZ Notification, 2019, would be meaningless since the time-period of two years had already been completed before 2019.

The Applicant's complaint that until today untreated effluents and disposal of city wastes continue to pollute CRZ Areas, pertains to implementation on the ground and monitoring and lack of implementation and monitoring cannot be a fault of CRZ Notification, 2019.



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<p>iv. The CRZ Notification, 2011's provisions regarding "Setting up and expansion of units or mechanisms for disposal of wastes and effluents" has been deleted, making it a permissible activity under the new impugned Notification. The CRZ Notification, 2011 only permitted the discharge of treated effluents, storm water and facilities for discharge of such effluents. It permitted treatment facilities for wastewater arising from facilities within the CRZ only. The impugned Notification does away with this clause, permitting even facilities not within the CRZ areas to have treatment facilities for waste and effluents within the CRZ.</p>	<p>That, as per para 4 (v) of CRZ 2019, Discharge of untreated waste and effluents from industries, cities or towns and other human settlements are prohibited.</p> <p>As per para 5 (ix) of Annexure IV of CRZ 2019, Construction of buildings or other activities shall be permitted under the CZMP provided adequate arrangements are made for proper management and disposal of solid and liquid wastes in accordance with the environmental standards, rules and statutes, and under no circumstances, untreated effluents shall be disposed of in the coastal waters.</p> <p>Similarly, as per para 3(v) of CRZ Notification, 2011, Setting up and expansion of units or mechanism for disposal of wastes and effluents <u>are prohibited except facilities required for,-</u></p>
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- (a) discharging treated effluents into the water course with approval under the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974);
- (b) storm water drains and ancillary structures for pumping;
- (c) treatment of waste and effluents arising from hotels, beach resorts and human settlements located in CRZ areas other than CRZ-I and disposal of treated wastes and effluents;

In other words, CRZ Notification, 2011 permits setting up and expansion of units or mechanism for disposal of wastes and effluents for the above-mentioned categories (a), (b) and (c) of activities.

The Applicant has stated that setting up and expansion of units or mechanism for disposal of wastes and effluents, was



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prohibited in the 2011 Notification, which is without any basis.



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<p>v. Restriction on withdrawal of groundwater within 200-500 m from HTL have also been relaxed in the impugned Notification, making it a permissible activity through manual wells for agriculture, horticulture, fisheries, drinking purposes, etc. However, no definition of any of these words has been given. Further, no restriction on the quantity of groundwater that can be drawn is put in place. Drawl of Groundwater will lead to salinity ingress and destruction of the coastal freshwater aquifers.</p>	<p>That, Para 3 (xi)(b) of CRZ Notification, 2011 also has similar provisions namely: <i>(b) In the area between 200mts-500mts zone the drawl of groundwater shall be permitted only when done manually through ordinary wells for drinking, horticulture, agriculture and fisheries and where no other source of water is available.</i></p> <p>Thus, there is no difference between CRZ Notification, 2011 and CRZ Notification, 2019.</p> <p>The contention of the Applicant is without any basis.</p>
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<p>g.</p> <p>THE IMPUGNED NOTIFICATION GIVES CARTE BLANCHE FOR DESTRUCTION IN THE NAME OF STRATEGY, DEFENCE, SECURITY, PUBLIC UTILITY: The impugned Notification provide a wide scope for permitting projects that fall within the "Defence" "Strategic", and "Public Utilities" categories. However no definition for any of these words have been provided. This ambiguity will allow a range of exceptions and loopholes for projects detrimental to the environment and communities under the guise of "Defence", "strategic", "Security" and "Public Utilities". Even worse. Strategic, Defence-related. Security and Atomic Energy projects base been made permissible within the ecologically and socio-economically sensitive CRZ-I Areas. These exceptions could also be used as a loophole and any project can be termed strategic or of public-utility in order to avail of exemption from the restrictions of the Notification, defeating the spirit and purpose of</p>	<p>Para 5.1.1 (iii) of CRZ Notification, 2019 states as follows:</p> <p><i>Construction of roads and roads on stilts, by way of reclamation in CRZ-I areas, shall be permitted only in exceptional cases for defence, strategic purposes and public utilities, subject to a detailed marine or terrestrial or both environment impact assessment, to be recommended by the Coastal Zone Management Authority and approved by the Ministry of Environment, Forest and Climate Change; and in case construction of such roads passes through mangrove areas or is likely to damage the mangroves, a minimum three times the mangrove area affected or destroyed or cut during the construction process shall be taken up for compensatory plantation of mangroves.</i></p>
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the CRZ notification. It is submitted that similar provisions were also introduced in the CRZ Notification of 2011 vide the above mentioned amendment dated 02.07.2018, which has been annexed as Annexure A-10 and the Applicants have challenged the relevant provisions of the Impugned notification that permit development for "Defence" "Strategic", "Security" and "Public Utilities" purposes, since the CRZ Notification of 2019 is intended to supersede the CRZ Notification of 2011.

It is noteworthy that the Swaminathan Committee report had advised against "defence" projects being blindly permitted in CRZ areas and recommended that any such defence project in CRZ area should also be subject to a *"well-defined process of identifying impacts so that efforts can be made in mitigating them."*

Thus, sufficient safeguards have been provided as stipulated in the Swaminathan Committee report cited by the Applicant, for permitting defence, strategic purposes and public utilities projects.

Even the CRZ Notification, 2011 contains provisions permitting defence etc projects (paras 3(iv)(a), 3(viii), 4(ii)(b) etc).

Thus, these provisions are not new to CRZ Notification, 2019.

Further, as per para 7 (i) of CRZ 2019, even permitted activities attracting the provisions of this notification shall be required to obtain CRZ clearance prior to their commencement.

Thus, the contentions of the Applicant are without any basis.



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h. THE IMPUGNED NOTIFICATION FAVOURS TOURISM OVER SUSTAINABLE LIVELIHOODS:

The impugned Notification plays into the coastal tourism agenda of the State Government by permitting the development of year-round tourism facilities in all coastal States. The intent of the Government to shift coastal areas from being livelihood spaces of the fishers and safety buffers for the inland to being recreational space for those who have high stakes in tourism activities in these areas is evident and ill-advised.

i. With Government of India promoting its "Swadesh Dharshan" scheme through the Ministry of Tourism, it seems to be the real intention behind revamping the CRZ Notification, 2011 from being a plan to protect the coastal areas to a plan allowing all sorts of tourism

The Applicant's statement ".....it seems to be the real intention behind revamping the CRZ Notification, 2011....." is based on the Applicant's own assumptions and is denied.



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<p>iii. CRZ-I areas like mangroves have been opened up for tourism as the impugned Notification permits the setting up for eco-tourism trails like mangrove walks, tree walks etc. within mangroves identified in the CZMP Mangrove areas are considered important bird habitats and flood buffer, allowing tourism and increasing human presence can drastically change the nesting and resting patterns of migratory birds. Mangroves are also important fish breeding areas, increase in built up space, and garbage and footfalls will hamper fish breeding, leading to a decline in overall fish resource.</p>	<p>Para 5.1.1 (i) of CRZ Notification, 2019 states as follows:</p> <p><i>Eco-tourism activities such as mangrove walks, tree huts, nature trails, etc., in identified stretches areas subject to such eco-tourism plan featuring in the approved CZMP as per this notification, framed with due consultative process, public hearing, etc. and further subject to environmental safeguards and precautions related to the Ecologically Sensitive Areas, as enlisted in the CZMP.</i></p> <p>Thus, sufficient safeguards have been provided while permitting Eco-tourism activities.</p>
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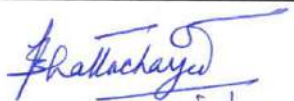
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iii. In CRZ II areas, provisions for developing tourism facilities on – “Vacant” land has been permitted given the guidelines in Annexure III of the impugned Notification. “Vacant” coastal areas are almost always areas being traditionally used by small-scale fishing communities for traditional livelihood uses. Instead of recognizing these uses and securing these areas for the fishing community, the impugned Notification has opened these areas up for development and commercial use.

Para 5 (iii) of Annexure IV of CRZ Notification, 2019 states as follows:

In the CRZ areas, the fishing villages, common properties of the fishermen communities, fishing jetties, ice plants, fish drying platforms or areas infrastructure facilities of fishing and local communities such as dispensaries, roads, schools, and the like, shall be indicated on the cadastral scale maps. States and Union territories shall prepare detailed plans for long term housing needs of coastal fisher communities in view of expansion and other needs, provisions of basic services including sanitation, safety, and disaster preparedness.

Thus, CRZ Notification, 2019 very much recognises and secures fishing villages, and common properties of the fishermen communities.



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Thus, the contentions of the Applicant are without any basis.



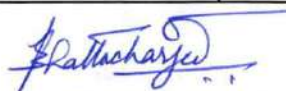
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iv. In CRZ III Areas, the impugned Notification allows for the construction of temporary tourism facilities on the seaward side - i.e. the "No Development Zone" of the CRZ Area - if a state or national highway passes through the area. The spirit of creating NDZs was to preserve the environmental integrity of the coastal areas. Allowing tourism activities, albeit temporary, will increase garbage & sewage in the area. The impugned Notification does not call for any management plan for garbage in these areas. Commercial establishments and tourism facilities change the nature of land use in these areas. Fisher land use and livelihood uses will be destroyed by these provisions.

That, a notification has been issued by the Central Government vide notification No. S.O.2502(E) dated 12/07/2019 (copy enclosed as Annexure R1-4), permitting the following activities in the Coastal Regulation Zone (CRZ) areas, to achieve the internationally recognised highest standard for the purpose of beach management, planning and execution of projects for infrastructure development, cleanliness, safety and security services, for beaches identified for Blue Flag Certification in different States and Union territories, subject to maintaining a minimum distance of 10 meters from HTL viz:.

- (a) Container based toilet blocks, change rooms, shower panels;
- (b) Mini grey water treatment plant enclosed in temporary structures;
- (c) Mini solid waste recycling plant enclosed in temporary structures;


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- (d) Off grid solar PV panels;
- (e) Purified drinking water kiosk;
- (f) Beach access pathway to bathing zone made of interlinking paver blocks;
- (g) LED landscape lighting with poles duly grouted;
- (h) Portable bamboo made seating benches and sit-out umbrellas;
- (i) Outdoor children play equipment;
- (j) Container based CCTV control room and First aid station;
- (k) Watch towers; and
- (l) Beach Information hoarding boards and beach layout map hoarding boards.

Thus, permitting temporary tourism facilities on the seaward side of such roads is in line with the above-mentioned notification No. S.O.2502(E) dated 12/07/2019 (Annexure R1-4), which is not under challenge in this petition.



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Para 2 (xii) & 2 (xiii) of Annexure III of CRZ Notification, 2019 state as follows:

(xii) the quality of treated effluents, solid wastes, emissions and noise levels and the like, from the project area must conform to the standards laid down by the competent authorities including the Central or State Pollution Control Board and under the Environment (Protection) Act, 1986 (29 of 1986);

(xiii) necessary arrangements for the treatment of the effluents and solid wastes must be made and it must be ensured that the untreated effluents and solid wastes are not discharged into the water or on the beach; and no effluent or solid waste shall be discharged on the beach;

Thus, the Applicant's statement that allowing tourism activities, albeit temporary, will increase garbage & sewage in the area is without any basis.


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Para 5 (iii) of Annexure IV of CRZ Notification, 2019 states as follows:

In the CRZ areas, the fishing villages, common properties of the fishermen communities, fishing jetties, ice plants, fish drying platforms or areas infrastructure facilities of fishing and local communities such as dispensaries, roads, schools, and the like, shall be indicated on the cadastral scale maps. States and Union territories shall prepare detailed plans for long term housing needs of coastal fisher communities in view of expansion and other needs, provisions of basic services including sanitation, safety, and disaster preparedness.

Thus, CRZ Notification, 2019 very much protects Fisher land use and livelihood uses.



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<p>v. The guidelines in Annexure III do not lay out any consultative process with fishing communities before allowing any tourism facilities. In urban areas, where the fishers are already reeling under the pressures of a seaward moving city and a landward moving sea, the pressures that arise from tourism will cause them to lose all their livelihood.</p>	<p>That, para 5.1.1 (i) of CRZ Notification, 2019 states as follows:</p> <p><i>Eco-tourism activities such as mangrove walks, tree huts, nature trails, etc., in identified stretches areas subject to such eco-tourism plan featuring in the approved CZMP as per this notification, framed with due consultative process, public hearing, etc. and further subject to environmental safeguards and precautions related to the Ecologically Sensitive Areas, as enlisted in the CZMP.</i></p> <p>Thus, such activities are part of the approved CZMP, which have already gone through public hearings and elaborate consultative processes.</p> <p>Similarly, Temporary tourism facilities in the beaches and resorts or hotels and associated tourism facilities on the landward side of NH/SH roads in the NDZ</p>
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etc, are all part of the approved CZMP, which have already gone through public hearings and elaborate consultative processes.

In CRZ-II areas, constructions are permitted only on the landward side of the existing road, or on the landward side of existing authorised fixed structures.

Thus, the Applicant's concern of seaward moving cities is unfounded.



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THE IMPUGNED NOTIFICATION FAVOURS INDUSTRIAL ACTIVITIES AT THE COST OF COASTAL ECOLOGY AND BIODIVERSITY. The impugned Notification relaxes a number of restrictions on the setting up of coastal industries such as Thermal Power Plants, Desalination Plants, Waste Treatment Plants, Non-Conventional Energy Generation etc. that were rightly regulated by the CRZ Notification 2011.

Some examples are:

i The impugned Notification opens up for construction and non-traditional activities the ecologically sensitive "Intertidal Areas" i.e the area between the low tide line and high tide line in the case of the sea/ocean and the area, that tidal influenced water bodies expand and contract according to the season. The CRZ Notification, 2011 gave the highest level of protection to intertidal areas like Salt Pans, Mudflats, etc.

That, the construction activities with FSI limitations are meant for the existing fish processing units who may utilise 25% additional plinth area for modernisation purposes (only for additional equipment and pollution control measures). This is not a non-traditional activity.

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<p>ii. Pipelines, conveyance facilities and transmissions lines to and from these industries are permitted through CRZ I-A Areas (like mangroves, salt marshes, sand dunes, mudflats, coral reefs etc.) in the impugned Notification.</p>	<p>As per para 8. I. (i)(b) of CRZ Notification, 2011, construction of pipelines, conveying systems including transmission lines are also permitted activities in CRZ-IA. Thus, construction of pipelines, conveying systems including transmission lines in CRZ-I A are also permitted activities as per CRZ Notification, 2011 and these are not new to CRZ Notification, 2019, as claimed by the Applicant.</p>
<p>iii Ancillary facilities for industries like storage terminals for oil and other substances, power generation through non-conventional sources, manual mining of atomic minerals etc. have been permitted in Intertidal areas.</p>	<p>As per para 7 (i) of CRZ Notification, 2019, even permitted activities attracting the provisions of the notification shall be required to obtain CRZ clearance prior to their commencement.</p>

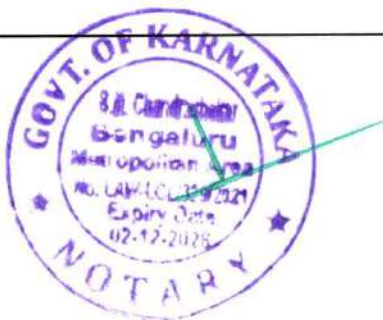
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<p>iv. Port projects, especially those falling within the “strategic” definition are being set up through the impugned Notification. Pipelines, conveyors systems like belt pipelines, roads, breakwaters, storage terminals, and facilities for thermal power plants have all been marked as permissible activities. As CRZ I-B includes Salt Plans the Notification effectively permits the conversion of intertidal saltpans into real estate for industries.</p>	<p>As per para 5.1.2 (xiv) of CRZ Notification, 2019, only outfall for discharge of treated wastewater or cooling water from thermal power plants is permitted, in conformity with the environmental standards notified by Ministry of Environment, Forest and Climate Change and relevant directions of Central Pollution Control Board (CPCB) or State Pollution Control Board (SPCB) or Pollution Control Committee (PCC), as the case may be.</p> <p>Intake and Outfall lines cannot avoid CRZ-IB/CRZ-IV areas.</p> <p>Facilities for thermal power plants have not been marked as permissible activities, as alleged by the Applicant.</p> <p>The allegation of the Applicant that intertidal saltpans will be converted into real estate for industries, is without any basis. Para 5.1.2 (xvii) of CRZ</p>
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Notification, 2019, contains a provision permitting Salt harvesting and associated facilities. There is no provision which permits conversion of intertidal salt pans into real estate for industries.

The CRZ Notification, 2019 contains various stringent provisions for environmental safeguards, in paras (ii), 4.(x), 5.1.1 (i), 5.2(vi), 5.3(iii), 5.3(v), 5.4(xv), 10.2 (ii)(b), etc, which ensures protection of the environment.

Further, as per para 7 (i) of CRZ Notification, 2019, even permitted activities attracting the provisions of the notification shall be required to obtain CRZ clearance prior to their commencement.



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<p>v. Construction of roads and roads on stilts have been permitted by way of reclamation of CRZ II areas (like mangroves, sand dunes, turtle nesting site, salt marshes, coral reefs etc). Such activities will severely affect endemic flora and fauna of such ecologically and socio-economically sensitive areas going against the spirit of the CRZ Notification, 2011. Increasing built up spaces so close to the sea will also greatly harm the nesting patterns of sea turtles that are dependent on isolated beach stretches for laying eggs.</p>	<p>As per para 5.1.2 (xiv) of CRZ Notification, 2019, <i>Construction of roads and roads on stilts, by way of reclamation in CRZ-I areas, shall be permitted only in exceptional cases for defence, strategic purposes and public utilities, subject to a detailed marine or terrestrial or both environment impact assessment, to be recommended by the Coastal Zone Management Authority and approved by the Ministry of Environment, Forest and Climate Change; and in case construction of such roads passes through mangrove areas or is likely to damage the mangroves, a minimum three times the mangrove area affected or destroyed or cut during the construction process shall be taken up for compensatory plantation of mangroves.</i></p> <p>Para 1.5 of Annexure-I of CRZ Notification, 2019 states as follows:</p>
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Turtle nesting grounds shall be protected and conserved as follows:

(i) Turtle nesting grounds identified by the concerned State Governments or Union territory administrations shall be protected as per Wildlife (Protection) Act of 1972.

(ii) No activities shall be permitted in and around the turtle nesting ground including those causing light and sound pollution except for those required for conservation and protection of these sites.

(iii) Strict management plans for protecting the turtle nesting grounds.

Thus, the concerns of the Applicant are unfounded.

The CRZ Notification, 2019 contains various stringent provisions for environmental safeguards, in paras (ii), 4.(x), 5.1.1 (i), 5.2(vi), 5.3(iii), 5.3(v), 5.4(xv), 10.2 (ii)(b), etc, which ensures protection of the environment.



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<p>vi Land reclamation and bunding for the construction for Defence, Strategic and Security project facilities in intertidal areas i.e.- the area between the low tide line and high tide line in the case of the sea/ocean and the areas that tidal influenced water bodies expand and contract according to the season.</p>	<p>The above statement/para by the Applicant is incomplete. The Applicant has not given any complaint/allegation/grievance.</p>
<p>vii. Mega flagship projects like "Sagarmala" and "Smart Cities" have been touted to be multi-million dollar strategic projects of the Government of India. Allowing factories of such projects to come up unregulated in CRZ areas is hazardous and is bound to degrade the marine ecology, coastal environment and the aesthetic uses of the sea coast.</p>	<p>The Applicant has made only a general sweeping statement and has not given any specific complaint/allegation/grievance.</p> <p>The CRZ Notification, 2019 contains various stringent provisions for environmental safeguards, in paras (ii), 4. (x), 5.1.1 (i), 5.2(vi), 5.3(iii), 5.3(v), 5.4(xv), 10.2 (ii)(b), etc, which ensures protection of the environment.</p> <p>Further, as per para 7 (i) of CRZ Notification, 2019, even permitted activities attracting the provisions of the notification shall be required to obtain CRZ clearance prior to their commencement.</p>



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<p>j. THE IMPUGNED NOTIFICATION PROMOTES UNSUSTAINABLE CONSTRUCTIONS & LAND USE CHANGES BY DESTROYING SUSTAINABLE FISHERIES: The Water and sea bed area and tidal influenced water bodies and coastal commons serve as the primary livelihood and food security for over 14 million people in India, as enumerated by the National Livestock Census, 2003. The impugned Notification is an attempt to promote coastal industries, coastal tourism and coastal real estate and turns a blind eye to the fate of millions of fisher workers dependent on the sea and the coast for their life and livelihoods. The impugned Notification proposes to allow unsustainable building constructions and land use changes which will destroy the fisheries as follows.</p>	<p>The Applicant has made only a general sweeping statement and has not given any specific complaint/allegation/grievance.</p> <p>The CRZ Notification, 2019 contains various stringent provisions for environmental safeguards, in paras (ii), 4.(x), 5.1.1 (i), 5.2(vi), 5.3(iii), 5.3(v), 5.4(xv), 10.2 (ii)(b), etc, which ensures protection of the environment.</p> <p>Further, as per para 7 (i) of CRZ Notification, 2019, even permitted activities attracting the provisions of the notification shall be required to obtain CRZ clearance prior to their commencement.</p>
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<p>i. The impugned Notification allows for reclamation of water and bed areas in CRZ IV for construction of industries, ports, memorials, monuments etc. The protection measures that were mandated by the CRZ Notification, 2011 including restrictions on constructions and non-traditional activities, and mapping of livelihood spaces, fishing grounds, land use and community infrastructure etc. have been done away with.</p>	<p>The CRZ Notification, 2019 contains various stringent provisions for environmental safeguards, in paras (ii), 4.(x), 5.1.1 (i), 5.2(vi), 5.3(iii), 5.3(v), 5.4(xv), 10.2 (ii)(b), etc, which ensures protection of the environment.</p> <p>Further, as per para 7 (i) of CRZ Notification, 2019, even permitted activities attracting the provisions of the notification shall be required to obtain CRZ clearance prior to their commencement.</p>
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<p>ii. The environmental impact of the impugned Notification will be significantly negative, especially since the draft permits encroachment of water areas and intertidal areas along the sea and in estuaries and creek without any understanding of its overall impact on coastal surface water or groundwater hydrologies, biodiversity, fishery habitats and resources or the fisheries economy. Reclamation of coastal wetlands for "strategic" projects will catalyse the collapse of the small scale fisheries economy, leading to widespread social disharmony.</p>	<p>In the CRZ Notification, 2019, detailed marine or terrestrial or both Environment Impact Assessments are part of the procedure for clearance of permitted activities (para 5.1.2 (xiv) etc).</p> <p>Thus, the Applicants concerns are unfounded.</p> <p>Further, the CRZ Notification, 2019 contains various stringent provisions for environmental safeguards, in paras (ii), 4.(x), 5.1.1 (i), 5.2(vi), 5.3(iii), 5.3(v), 5.4(xv), 10.2 (ii)(b), etc, which ensures protection of the environment and as per para 7 (i) of CRZ Notification, 2019, even permitted activities attracting the provisions of the notification shall be required to obtain CRZ clearance prior to their commencement.</p>
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<p>k. NOT NCSCM, BUT UNBIASED, SCIENTIFIC INSTITUTES SHOULD DEMARCAT TIDE LINES IN CONSULTATION WITH LOCAL COMMUNITIES: The CRZ Notification 2011 authorises seven agencies to carry out tidal demarcation that is used as a reference line to demarcate the area under the jurisdiction of CRZ. However, the impugned Notification authorises only the National Centre for Sustainable Coastal Management (NCSCM) to carry out tidal demarcation for the Indian coastline. Firstly, this implies that only NCSCM and no other agency can carry out tidal demarcation that is used as a reference line to demarcate the area under the jurisdiction of CRZ. The dilution from a healthy choice of seven agencies, the process is now made a monopoly, making the entire process vulnerable to bias and corruption. Further, the local communities must be consulted and involved in this important process to ensure transparency and justice.</p>	<p>At the time of promulgation of the CRZ Notification 2011, the National Centre for Sustainable Coastal Management (NCSCM) did not even exist. Hence, the CRZ Notification 2011 did not contain any mention of NCSCM.</p> <p>As per the SOP for CRZ mapping (copy enclosed as Annexure R1-5), all the seven authorised agencies are permitted to demarcate the tidal lines (HTL/LTL) for preparation of project level CRZ maps, as given below.</p> <p>Para 3.3. Field investigation</p> <ul style="list-style-type: none"> • Collection of coordinates of HTL, ESAs, land use/geomorphological features, in case there are changes in the ground with respect to the approved CZMP. • Supporting photographs from CRZ point of view relevant to the field
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site and also to show changes in HTL/ ESA/LTL etc.

However, as far as preparation of the CZMP of a State/UT is concerned, only the National Centre for Sustainable Coastal Management (NCSCM) has been authorised to demarcate the tidal lines (HTL/LTL).

Preparation of CZMP is a one-time activity and has to be approved by the NCZMA/ Government of India.

However, preparation of project level CRZ maps is a continuing activity in which all the seven authorised agencies are permitted to demarcate the tidal lines (HTL/LTL) for preparation of project level CRZ maps, as stated above.

Further, the Applicant has not given any evidence in support of his allegation that



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NCSCM is not an unbiased, Scientific Institution.

NCSCM is an ISO compliant institution ((i) ISO 9001 and (ii) ISO 45001) in addition to accreditation from (iii) National Accreditation Board for Education and Training (NABET), (iv) National Accreditation Board for Testing and Calibration Laboratories (NABL: ISO/IEC 17025), (v) Central Pollution Control Board (CPCB) and the (vi) Atomic Energy Regulatory Board (AERB).

NCSCM has demarcated the Critically Vulnerable Coastal Areas (CVCA) and prepared the project level CRZ maps/reports, Coastal Zone Management Plans (CZMPs) of various coastal States/UTs and Island Coastal Regulation Zone Plans/Integrated Island Management Plans (IIMPs) for the Andaman & Nicobar and Lakshadweep Islands.

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Further, the concerns of the Applicant that the local communities must be consulted and involved in this important process to ensure transparency and justice, are unfounded.

Rigorous Public hearings are part of the process of preparation of Coastal Zone Management Plans (CZMP), which includes demarcation of HTL, LTL, ESAs and CRZ. Suggestions and objections received from the public are scrutinised and considered while finalising the CZMP. Similarly, public hearings are also conducted before commencing projects.

Thus, the statements of the Applicant are without any basis.



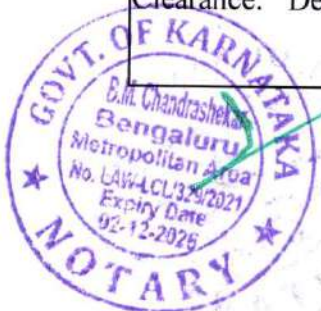
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<p>1. DECENTRALIZATION OF CLEARANCE PROCEDURES: The impugned Notification has overturned the entire clearance procedure by granting powers to the state CZMAs and other local authorities, which were till now only a clearing appraising authority at the district and state levels to grant CRZ Clearances. As per the CRZ Notification, 2011, the authorities responsible for granting CRZ Clearance was the Respondent herein, in case of Category A projects and projects not listed in the Environment Impact Assessment Notification, 2006. and the SEIAA, for Category B projects.</p> <p>The impugned Notification further states that only activities that attract clearance under CRZ I or CRZ IV (with or without CRZ II and III in the project) will attract clearance from the Respondent herein. All other projects falling squarely within CRZ III or II can be accorded clearance by the CZMAs, which were only recommending bodies under the CRZ Notification, 2011.</p>	<p>As per para 7 (iv) of CRZ Notification, 2019, <i>Projects or activities which attract the provisions of this notification as also the provisions of EIA notification, 2006 number S.O. 1533(E), dated the 14th September, 2006, shall be dealt with for a composite Environmental and CRZ clearance under EIA Notification, 2006 by the concerned approving Authority, based on recommendations of the concerned Coastal Zone Management Authority, as per delegations i.e., State Environmental Impact Assessment Authority (hereinafter referred to as the SEIAA) or the Ministry of Environment, Forest and Climate Change for category 'B' and category 'A' projects respectively.</i></p> <p>Thus, SEIAA and MoEF&CC are still involved in the clearances for category 'B' and category 'A' projects respectively.</p>
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<p>The impugned Notification also grants local authorities like Tahsilars, Municipalities and local Corporation to accord clearance for CRZ projects without the appraisal of even the state CZMA if the total project site is less than 300 sq. Mts. Revenue Authorities are not equipped to perform the function of environmental protection.</p>	<p>As per para 7 (vi) of CRZ Notification, 2019, only for self-dwelling units (of traditional coastal communities) up to a total built up area of 300 square meters, approval shall be accorded by the concerned local Authority, without the requirement of recommendations of concerned Coastal Zone Management</p>
<p>This responsibility of being a clearance granting Authority is given to local bodies/agencies who have not, till date taken any steps in the implementation of the CRZ Notification, 2011. It is</p>	<p>Authority and such authorities shall, however, examine the proposal from the perspective of the Coastal Regulation Zone notification before according approval.</p>
<p>submitted that in Goa, a vast majority of projects requiring CRZ Clearance have started operation after obtaining a No-objection Certificate from the Goa SCZMA, without obtaining a CRZ Clearance</p>	<p>The Applicant's complaints regarding blatant violation of the CRZ Notification, 2011 in the State of Goa, do not pertain to CRZ Notification, 2019.</p>
<p>from either the Respondent herein or the SEIAA, which is a blatant violation of the CRZ Notification, 2011. It is submitted that the impugned Notification</p>	<p>CRZ Notification, 2019 cannot be faulted for violations of the CRZ Notification, 2011 on the ground.</p>
<p>is also a means to regularize these activities that have proceeded without a valid prior CRZ Clearance. Decentralizing the entire clearance</p>	



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procedures will only lead to a complete collapse in the administration and implementation of the CRZ Notification.



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<p>m. THE IMPUGNED NOTIFICATION REMOVES SPECIAL CONSIDERATIONS: The CRZ Notification, 2011 provided special considerations to the CRZ Areas like Goa and Kerala, including provisions that restricted setting up structures on the beach, the coastal areas of Kerala and Goa have been opened up for construction and non-traditional activities. The khazan lands of Goa were also protected by CRZ Notification 2011, a much needed provision for the survival of Goa's coastal ecology and environment. These considerations were put in place keeping in mind the unique coastal ecosystems specific to such areas. By removing these special considerations, the responsibility of the Government to prepare special protection plans has been lifted. The special considerations given to khazan lands of Goa need to be strengthened by any new law/Notification in view of the severe pressures and accelerated destruction of these ecologically and socio-economically sensitive areas. It is submitted that the removal of special protections under the CRZ</p>	<p>That, the temporary seasonal structures on the beaches in Goa (e.g. Shacks) were permitted even in CRZ Notification, 2011. Further, the following Amendment to the CRZ Notification 2019, has been notified vide per para (d)(i) of amendment No. S.O. 4886(E) dated 26/11/2021 (copy enclosed as Annexure R1-6). <i>(b) in case there exists a bund or a sluice gate constructed prior to the date of notification issued vide S.O. 114(E) dated 19th February, 1991, the HTL shall be restricted up to the line long along the bund or the sluice gate, however, in such a case, area under mangroves arising due to saline water ingress beyond the bund or sluice gate shall be classified as CRZ-IA irrespective of the extent of the area beyond the bund or sluice gate and such areas under mangroves shall be protected and shall not be diverted for any developmental activities."</i></p>
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Notification of Goa is an egregious instance of dilution of environmental protection, perversity and malafides on the part of the Respondent No I, as special protections for eco-sensitive low-lying khazan lands, which prevent and control flooding will be done away with, after being introduced in the 2011 Notification.

Thus, all areas under mangroves arising due to saline water ingress beyond the bund or sluice gate shall be classified as CRZ-IA irrespective of the extent of the area beyond the bund or sluice gate and such areas under mangroves shall be protected and shall not be diverted for any developmental activities. This includes Khazan lands also where mangroves are present due to the tidal action.

Thus, the concerns of the Applicant are unfounded.



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<p>n. THE IMPUGNED NOTIFICATION FAILS TO CONSIDER DEMANDS TO DEMARCATATE LIVELIHOOD SPACES: Public hearings announced by the Government or the CZMP under CRZ Notification, 2011 was opposed vehemently on the basis of non-demarcation of livelihood spaces. In Goa, there has been years of agitation against poorly prepared draft CZMP maps, which resulted in local villagers personally inspecting their lands, using technical assistance from the students and faculties of Goan Universities and preparing maps to show the various mistakes, purposeful exclusions and inaccuracies in Draft CZMP maps prepared by the Respondent GCZMA. It is submitted that much of the work undertaken by local Goans to demonstrate the woefully incomplete and inaccurate draft CZMP maps of the Respondent GCZMA was undertaken in the throes of the Covid-19 Pandemic. The submissions of the people to the Respondents persuaded Respondent No I to amend CRZ Notification 2011 on 01.05.2020 to recognize the ancient river bunds and sluice gates of the</p>	<p>The CRZ Notification of 2011 also does not mention about livelihood spaces. The Applicant has also not defined what is a livelihood space.</p> <p>The remaining complaints of the Applicant in the above para pertain to preparation of the CZMP of Goa as per the CRZ Notification of 2011, which has nothing to do with the impugned CRZ Notification of 2019.</p>
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khazans for demarcation of HTL. The elaborate, painstaking efforts of the citizens of Goa also resulted in the Respondent GCZMA having to prepare it draft CZMP maps under the CRZ Notification of 2011 once again. However, neither were the people or Panchayats consulted, nor were the elaborate plans prepared by the people referred, resulting in persistence of most of the gross errors and deficiencies. The second draft of CZMP maps prepared by the Respondent GCZMA under the 2011 Notification was finalized by the Respondent MoEFCC in September 2023.



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<p>o. THE IMPUGNED NOTIFICATION FAILS TO RESPOND TO ENVIRONMENTAL CRISIS: It is submitted that the Respondents are deliberately attempting to relax the CRZ Notification, 2011 to benefit builders and industrialists, despite the fact that the environmental crisis facing our planet and our country is increasing. With climate change and sea level rise, it is evident that the problems facing the eco-sensitive and fragile coastal areas will increase even further. It is therefore in the National interest that the CRZ regime be strengthened further rather than it be diluted to benefit private interests at public cost.</p> <p>Considering the fact that all scientific data available seems to indicate that the rate of increase in sea levels has been underestimated, and it is evident that both the frequency and intensity of extreme climatic events has been increasing, there is a need to ensure that our coastal areas are given increased protection rather than further diluting the protection that existed as on 19th February 1991.</p>	<p>The Applicant has made only a general sweeping statement and has not given any specific complaint/allegation/grievance, relating to CRZ Notification of 2019.</p>
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It is submitted that in the Goa State Action Plan on Climate Change for the period between 2020-2030, commissioned by the Goa State Biodiversity Board and prepared through NABARD Consultancy Services, the flood vulnerability analysis from the state reveals that 14.73% of the land in Goa is under 15 meter elevation, much of it in the coastal zones, and are severely vulnerable to flooding both from extreme rainfall events and sea-level rise. The said Action Plan further states that Though Goa is situated in high precipitation zones, it has one of the lowest per capita freshwater availability and therefore recommends that natural water resources be maintained to avoid flooding and to keep related infrastructure functional during peak events and disasters. The Action Plan further recommends that Environmental Clearance for large tourism projects/hotels in Goa could include climate mitigation and adaptation plan and climate disaster preparedness plan and further recommends that projects reflected in the coastal development plan or zone for new construction based on the



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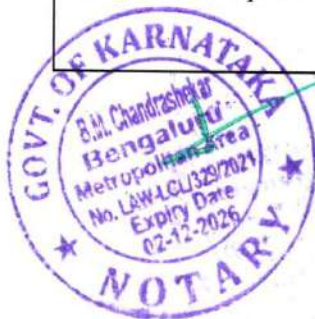
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climate predictions on sea-level rise, flooding, and erosion be *reconsidered*. A copy of the Goa State Action Plan on Climate Change for the Period between 2020-2030, commissioned by the Goa State Biodiversity Board prepared through NABARD Consultancy Services has been annexed hereto and marked as Annexure A-12. The Applicants therefore state that it seems that the Respondent GCZMA is at cross purposes with the position of other agencies of the Goa Government, including the Goa State Biodiversity Board, which recommends that new projects proposed in the coastal development plan or zone must be reconsidered entirely, as the environmental consequences of such constructions in flood prone and coastal areas are too severe and must be avoided.


It is further submitted that the Performance Audit Report on Conversation of Coastal Ecosystems, prepared by the Comptroller and Auditor General of India, for the period between 2015-2020, was a

The said Performance Audit Report on Conservation of Coastal Ecosystems, prepared by the Comptroller and Auditor General of India, does not recommend scrapping of CRZ Notification of 2011 or CRZ Notification of 2019, on account of the alleged poor implementation of the CRZ Notification of 2011. CRZ Notification or for that matter any notification cannot be faulted for alleged or otherwise poor implementation on the ground.



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scathing review of the manner in which the CRZ Notification of 2011 was implemented through out the country. In relation to Goa, it was observed that the State of Goa has still not demarcated khazan lands nor has it prepared management plans for the same as required under the CRZ Notification, 2011. The said Performance Audit Report further reveals that this non-demarcation of khazan lands, which are identified as ecologically-sensitive areas has led to the State of Goa granting permissions for prohibited activities such as land filling and construction on khazan lands. It is further stated in the said Report that State Coastal Zone Management authorities did not take proactive action against CRZ violations as required under the CRZ Notification, 2011 and even in instances where action was taken against CRZ violations, the follow up action was ineffective. The Comptroller and Auditor General further recorded that despite the existence of CRZ notifications, coastal areas continue to be impacted and degraded by


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anthropological activity. A copy of the said Report is annexed hereto and marked as Annexure A – 13.



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<p>p. THE IMPUGNED NOTIFICATION PERMITS EXPANSION OF FISH PROCESSING UNITS IN CRZ I: while CRZ Notification, 2011 prohibits expansion of fish processing units in the CRZ I areas, the draft Notification proposes to allow 25% expansion of plinth area for existing fish processing units in CRZ IB. Expansion of fish processing units will mean less open inter-tidal spaces and therefore less protection against natural hazards. It is also to be noted that fish processing units are not those that are used by small-scale fisher folk, and this amendment facilities construction of industrial units in ecologically sensitive CRZ IB areas.</p>	<p>Fish processing prevents wastage and prolongs the shelf-life of highly perishable fish. Fish processing is undertaken even by fishermen.</p> <p>Fish processing provides valuable livelihood opportunities to the fishermen community. Thus, expansion of fish processing units has been permitted with a view to support the fishermen community.</p>
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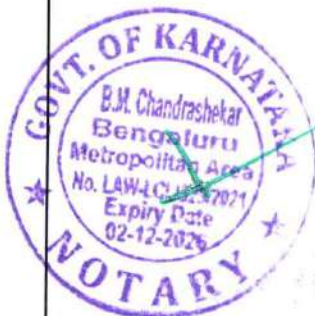


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<p>q. WASTE TREATMENT PLANTS: CRZ Notification, 2011 prohibits waste and effluent treatment plants in CRZ I, but the impugned Notification proposes to allow treatment of waste and effluents and transportation of the treated effluents in CRZ I-B. These dilutions are completely against the need of the hour, and it is necessary that the new law prohibits all waste treatment plants in the entire CRZ which may be located inland, far away from the water bodies and the sea.</p>	<p>As per para 4 (v) of CRZ 2019, Discharge of untreated waste and effluents from industries, cities or towns and other human settlements are prohibited.</p> <p>As per para 5 (ix) of Annexure IV of CRZ 2019, Construction of buildings or other activities shall be permitted under the CZMP provided adequate arrangements are made for proper management and disposal of solid and liquid wastes in accordance with the environmental standards, rules and statutes, and under no circumstances, untreated effluents shall be disposed off in the coastal waters.</p> <p>The above are valid provisions.</p> <p>Similarly, as per para 3(v) of CRZ Notification, 2011, Setting up and expansion of units or mechanism for</p>
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disposal of wastes and effluents are prohibited except facilities required for,-

(a) discharging treated effluents into the water course with approval under the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974);

(b) storm water drains and ancillary structures for pumping;

(c) treatment of waste and effluents arising from hotels, beach resorts and human settlements located in CRZ areas other than CRZ-I and disposal of treated wastes and effluents;

It is submitted that hotels, beach resorts and human settlements are located only in CRZ-II and CRZ-III areas and not in CRZ-I areas. Thus, the phrase "other than CRZ-I" mentioned in the provision at (c) above is only for giving emphasis. In other words, CRZ Notification, 2011 also permits setting up and expansion of units or

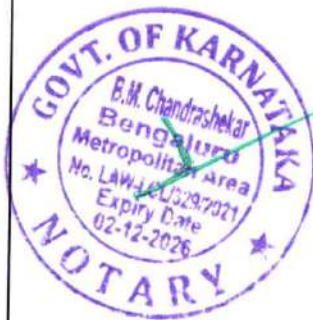
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mechanism for disposal of wastes and effluents for the above-mentioned categories (a), (b) and (c) of activities



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<p>r. THE IMPUGNED NOTIFICATION ALLOWS COMMERCIAL SALT PRODUCTION IN LIEU OF TRADITIONAL SALT PRODUCTION: CRZ Notification, 2011 allowed salt production in CRZ I only by solar evaporation, while the impugned Notification deletes the restriction, thus opening up the salt pans to commercial giants for private profit and displacing the local traditional salt farmers.</p>	<p>CRZ Notification, 2019 permits only Salt harvesting and associated facilities in CRZ-IB. There is no explicit provision which allows opening up the salt pans to commercial giants for private profit and displacing the local traditional salt farmers.</p>
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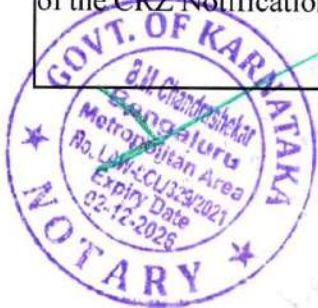
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<p>s. THE IMPUGNED NOTIFICATION LIBERALISES CONSTRUCTION NORMS FOR CRZ II-</p> <p>CRZ Notification 2011, restricted the Town & Country Planning norms for CRZ II and the floor Space Index and Floor Area Ratio to be frozen as per 1991 norms. However, the impugned Notification allows Floor Space Index and Floor Area Ratio according to the Town and Country Planning norms as changed from time to time as on the date of the notification of the new law. This will allow more built up areas and more constructions in the CRZ, thus devastating the coastline further. It is noteworthy that the limit placed on FSI being frozen at levels applicable in 1991 was challenged in two occasions before the Hon'ble Bombay High Court. In the matter of Overseas Chinese Cuisine (India) Pvt Ltd. V. Municipal Corporation of Greater Bombay, 1999 SCC OnLine Bom 473, the Hon'ble Bombay High Court, while discussing the provision of the CRZ Notification of 1991 mat limited the FSI</p>	<p>This issue has been addressed at length in para 2.4.12 (Disparity in DCR in CRZ and Non-CRZ areas) and para 2.4.13 (CRZ II and III related issues pertaining to Town and Country Planning norms) of the Shailesh Nayak Committee report (Annexure A-18 of the Applicant). The report mentions that there were several disparities in the DCR between CRZ and Non-CRZ areas. For example, the DCR within the CRZ area is applicable as on 1967 whereas in the Non-CRZ areas, the DCR applicability would be as per the present regulations. It was brought out that the applicability of DP&CR of 1967 is retrograde and against the principle of Planning. It was indicated to the Committee that the DCR regulations of 1967 inhibits development in the city and it would be unrealistic and anachronistic keeping in view the growing population.</p>
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<p>for development in Coastal Areas to remain as per 1991 norms indefinitely, the Hon'ble Bombay High Court held as follows,</p> <p>74. <i>There appears to be great merit in the contentions of the respondent, based on the CRZ Notifications. We too are inclined to think that the purpose of imposing severe restrictions as done in the CRZ Notification would be rendered nugatory if these restrictions are capable of being abrogated or watered down by subsequent amendments made by the local authorities or local town planning laws. We cannot lose sight of the fact that 'this is a salutary piece of central legislation intended for the benefit of the entire country. That it might cause hardship in someone in some corner of the country, can hardly be a ground for tilting against it. True, that by the time the Central Government sat up and took notice and Parliament enacted this piece of legislation, considerable amount of development activity had already taken place all along the coastal areas, which are now technically defined as</i></p>	<p>The Government of Maharashtra indicated that this disparity among various norms has led to confusion and has restricted development. The Government of Maharashtra also requested to provide uniform FSI/FAR for the city of Mumbai as per the prevailing Town & Country Planning regulations for undertaking development of Slum Redevelopment schemes, development of dilapidated buildings and cessed and unsafe buildings. The report mentions that the BMC had already requested the Secretary, Environment and Principal Secretary Urban Development, Govt. of Maharashtra on 9th March 2012 that there is a need to adopt a uniform DCR for the entire Mumbai city and the same was conveyed to the MoEF&CC, New Delhi.</p> <p>As per para 3.1.1 of the report, the Committee examined the issue with regard</p>
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the Coastal Regulation Zones It would have been to the applicability of Development Plan eminently unjust to undo all that had already been (DP) and Development Control Rules done. Parliament, therefore, adapted what we may (DCR) of various years as presented by call as the "Doctrine of Toleration" that Maharashtra. The DCR of 1967 which was development activity already carried out and inapplicable under the CRZ Notification, existence in accordance with laws and norms then 1991 inhibits certain developments in the existed, had to be tolerated. Simultaneously, the CRZ areas of the city. With the growing legislative policy is also reflected in what we may population and to address the housing style as the "doctrine of containment", which means issues of Mumbai and other coastal cities that even though what existed on the date of the in the country it is important that the local Notification is to be tolerated, it should not be Town and Country Planning Regulations permitted to grow beyond the dimensions upto are made applicable uniformly in the which it was tolerated. When looked at from this coastal areas. The disparity in the point of view, particularly keeping in mind the regulations, governing constructions in the responsibilities of the country towards the world CRZ area is hindering development and community as a whole and to its future generations, causing hardship to the local communities. it appears to us that the construction sought to be In fact, it is found that the restrictions put on the CRZ. Notification by the respondents is imposed have actually led to land perfectly justified and would have to be upheld encroachment and development of illegal irrespective of the clarification given by the letter slums particularly along the beaches of dated 8th September 1998 by the Ministry of Mumbai. Environment and Forests.



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77. The petitioners rejoin that if we adopt such a rigid construction of the Notification it may lead to absurdity. If the local Town and country Planning Regulation bring about reduction in the F.S.I. norms in future, a plot of land falling within the CRZ-II area may become entitled to F.S.I. higher than the ones in existence than on the date the application for development permission is made. In our view, this is not such an alarming or astounding situation at to found an argument of *Reductio ad Absurdum*. The situation contemplated is perfectly feasible and compatible with the legislative intent as we see it. After all, what the Notification intends is that the F.S.I. norms be pegged at the level at which they existed in February 1991. This was the extent to which the coastal area had already been built upon. If, therefore, even in future, notwithstanding reduction of the F.S.I. norms elsewhere, the CRZ-II zone is given this benefit, we see nothing wrong or objectionable therein, nor any reason against such construction being adopted. At the highest, this may

As per para 3.1.2 of the report, the Committee examined the issues of Slums in Mumbai in great detail. It was brought to the notice that these slums exist in extremely unhygienic conditions with no proper basic infrastructure. The slums are thickly populated and the population is prone to risks of flooding, cyclone, and so on. There are no proper roads or passage to evacuate the people during calamities. Since the slums are proliferating in unhygienic and inhuman conditions, it is the responsibility of the State Government to provide basic descent housing facility to the people. This is one of the fundamental requirements of the people. In view of the urgency and in the public interest, the Committee is of the opinion that the CRZ Notification, since its implementation from 1991, has not addressed the issues appropriately. The Committee also examined the Office Oder of September,

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be a factor to be reckoned with in the future legislation. We decline to consider the construction of the CRZ Notification done by the petitioners as arbitrary, absurd or irrational.

It is submitted that this order of the Hon'ble High Court was upheld again by a coordinate bench of the Hon'ble Bombay High Court in Writ Petition No 1019 of 1999 dated 8.12.1999, and accordingly, the restrictions on FSI in CRZ areas placed by the 1991 CRZ Notification had remained unchanged till the impugned notification.

1998 issued by MoEF&CC which freezes the FSI as on 19.2.1991 including the Orders of Hon'ble High Court of Bombay which has upheld the above Orders of MoEF&CC. The Orders of Hon'ble High Court of Bombay in freezing the FSI as on 1991 have also been examined. The Orders of the Hon'ble High Court in this matter does not prevent the Government to amend the law. Hence, the Committee is of the opinion that in view of the serious environmental and social issues arising due to proliferation of slums the matter should be left to the State Governments to implement the slum rehabilitation schemes as per the concerned State Government norms issued from time to time. The Committee is of the opinion that rehabilitation of the slum areas is an urgent matter to be addressed in most of the cities of the country particularly in the coastal areas as they are vulnerable to hazard from



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the sea. However, the Committee recommends that while undertaking such housing for slum rehabilitation in the CRZ-II areas, the following shall be strictly adhered to:

- a. All construction activities shall be undertaken in these coastal municipalities on the landward side of the road included in the approved developmental plan or authorized structure(s).
- b. All developmental activities shall be undertaken (in these municipal areas) as per the prevailing local Town and Country Planning Regulations subject to certain environmental safeguards mentioned in the report.

Thus, it is submitted that regulations 5.2 (iii) and (iv) of CRZ 2019, fixing FSI (floor space index)/ FAR (floor area ratio) as per

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relevant town and country planning norms as on the date of CRZ 2019 i.e. 18th January 2019, have been incorporated in the CRZ Notification, 2019 to avoid disparity in DCR in CRZ and Non-CRZ areas and bring uniformity and to facilitate providing basic descent housing facility to the people, which is one of the fundamental requirements of the people and in public interest.



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<p>t. THE IMPUGNED NOTIFICATION DRASTICALLY INCREASES THE VALIDITY OF CRZ CLEARANCES:</p> <p>The CRZ Notification 2011 allowed only 5 years validity for CRZ Clearances, while the impugned Notification increases it to 7 years. This dilution is also without any reasoning or logic, since the coastal, environmental is fast deteriorating today and the destruction could be so rapid that the project permitted earlier may not be feasible after 5 years. It is submitted that the extension of the validity of a CRZ clearance was increased from 5 years to 7 years vide an amendment to the CRZ Notification of 2011 dated 06.03.2018. Therefore it is evident that the amendment introduced in the 2011 Notification has been carried forward in the impugned Notification with a view to continue the malafide and perverse enhancement of the duration of CRZ clearance.</p>	<p>In order to harmonise the Coastal Regulation Zone (CRZ) clearance with Environmental clearance, the validity of CRZ clearance has been increased.</p>
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B. THE IMPUGNED NOTIFICATION HAS BEEN ISSUED IN VIOLATION OF THE EP ACT, 1986, WHICH IS THE PARENT ACT AND IS, HEREFOR, BAD IN LAW:

The extracts of the relevant paras of the preambles of CRZ Notification, 2011 and CRZ Notification, 2019 are tabulated below:

<p>1. The impugned Notification has been issued under sub section (i) and subsection (ii) (v) Section 3 of the EP Act, 1986. It is submitted that the power granted under section 3(1) and 3(2) (v) of the Environment (Protection) Act, 1986 is for protection and improvement of the quality of the environment. The said provision is as follows:</p>	<p>CRZ Notification, 2011</p>	<p>CRZ Notification, 2019</p>
<p>“3. Power of Central Government to take measures to protect and improve environment.</p> <p>(1) Subject to the provisions of this Act, the Central Government shall have the power to take all such measures, as it deems necessary or expedient for the purpose of protecting and improving the quality of the environment and preventing, controlling and abating environmental pollution.</p>	<p>Now, therefore, in exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986), the Central Government, with a view to ensure livelihood security to the fisher communities and</p>	<p>Now, therefore in exercise of the powers conferred by sub-section (1) and clause (v) of subsection (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986) the Central Government, with a view to ensure Central Government, with a view to conserve and protect the unique</p>



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<p>(2) In particular, and without prejudice to the generality of the provisions of sub-section (1) such measures may include measures with respect to all or any of the following matters, namely:-</p> <p>“Restriction of areas in which any industries, operations or processes or class of industries, operations or processes shall not be carried out or shall be carried out subject to certain safeguards”.</p>	<p>other local environment of communities, living coastal stretches and in the coastal areas, marine areas, to conserve and protect coastal stretches, its unique environment and its marine area</p>
<p>A plain reading of Section 3 of the EP Act, 1986 makes it clear that anything issued under this Section must satisfy the requirement of protecting and improving the quality of the environment and anything issued under Section 3(2) (v) must satisfy the further requirement of restriction of areas where activities can or cannot be carried out.</p>	<p>There is no difference between the relevant paras of the preambles of CRZ Notification, 2011 and CRZ Notification, 2019.</p> <p>The Applicant has not challenged CRZ Notification, 2011 in this regard.</p> <p>The Applicant’s contentions are without any basis.</p>

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<p>2. Further, the preamble of the impugned Notification states that it has been issued under Section 3(1) and Section 3(2) (v) of the EP Act, 1986. It is submitted that the EP Act must be read along with the EP Rules, 1986, Rule 5 of the EP Rules Provides the Procedure in accordance with which the Central Government may prohibit or restrict the location of industries and carrying on of processes and operations in different areas, i.e. the procedure to be followed while exercising its power under Section 3(2) (v) of the EP Act, 1986. Therefore, any Notification issued under Section 3(2) (v) of the Ep Act, 1986 must also be notified under Rule 5 of the EP Rules, 1986. Since the impugned Notification has been issued under Section 3(2)(v) of the EP Act, and not under Rule 5 of the Ep Rules, the impugned Notification is not bad in law.</p>	<p>The extracts of the relevant paras of the preambles of CRZ Notification, 2011 and CRZ Notification, 2019 are tabulated below.</p>		
	<table border="1"> <tr> <td data-bbox="855 627 1125 772">CRZ Notification, 2011</td> <td data-bbox="1125 627 1406 772">CRZ Notification, 2019</td> </tr> </table>	CRZ Notification, 2011	CRZ Notification, 2019
CRZ Notification, 2011	CRZ Notification, 2019		
	<table border="1"> <tr> <td data-bbox="855 772 1125 1877"> <p><i>Now, therefore, in exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986), the Central Government, with a view to ensure livelihood security to the fisher communities and</i></p> </td> <td data-bbox="1125 772 1406 1877"> <p><i>Now, therefore in exercise of the powers conferred by sub-section (1) and clause (v) of subsection (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986) the Central Government, with a view to conserve and protect the</i></p> </td> </tr> </table>	<p><i>Now, therefore, in exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986), the Central Government, with a view to ensure livelihood security to the fisher communities and</i></p>	<p><i>Now, therefore in exercise of the powers conferred by sub-section (1) and clause (v) of subsection (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986) the Central Government, with a view to conserve and protect the</i></p>
<p><i>Now, therefore, in exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986), the Central Government, with a view to ensure livelihood security to the fisher communities and</i></p>	<p><i>Now, therefore in exercise of the powers conferred by sub-section (1) and clause (v) of subsection (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986) the Central Government, with a view to conserve and protect the</i></p>		

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<i>other local</i>	<i>unique environment</i>
<i>communities, living</i>	<i>of coastal stretches</i>
<i>in the coastal areas,</i>	<i>and marine areas,</i>
<i>to conserve and</i>
<i>protect coastal</i>	
<i>stretches, its unique</i>	
<i>environment and its</i>	
<i>marine area</i>	
.....	

There is no difference between the relevant paras of the preambles of CRZ Notification, 2011 and CRZ Notification, 2019.

The Applicant has not challenged CRZ Notification, 2011 in this regard.

The Applicant's contentions are without any basis.



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<p>3. The Ld. National Green Tribunal in <i>Society for Protection of Environment & Biodiversity v. Union of India</i> (O.A NO. 677 of 2016) and <i>pushp jain v. Union of India</i> (OA 01/2017) and <i>Ajay kumar Singh V. MoEF & CC & Ors.</i> (OA 7/2017) and <i>Mahindra pandey v. Union of India</i> (OA 67/2017) while explaining the legislative intent in Section 3 of EP Act and Rule 5 of the EP Rules held:</p> <p>“25. Besides noticing the above mentioned deficiencies in and dilutions of the existing laws by the impugned Notification, we must also notice a very strong legal infirmity in it. Admittedly, the notification has been issued by the MoEF&CC in exercise of its powers under sub-section (1) read with clause (V) of subsection (2) of section (3) of the Act of 1986 and clause (d) of sub-rule (3) of Rule (5) of the Environment (Protection) Rules, 1986. By the impugned Notification, paragraph 14 is sought to be inserted after paragraph 13 of the existing Notification Regulations of 2006. The powers under these provisions can be exercised under Section 3(2) (5) of the Act of 1986 which empowers the</p>	<p>The extracts of the relevant paras of the preambles of CRZ Notification, 2011 and CRZ Notification, 2019 are tabulated below.</p>		
	<table border="1"> <tr> <td data-bbox="863 555 1134 705">CRZ Notification, 2011</td> <td data-bbox="1134 555 1415 705">CRZ Notification, 2019</td> </tr> </table>	CRZ Notification, 2011	CRZ Notification, 2019
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	<table border="1"> <tr> <td data-bbox="863 705 1134 1877"> <p>Now, therefore, in exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986), the Central Government, with a view to ensure livelihood security to the fisher communities and other local</p> </td> <td data-bbox="1134 705 1415 1877"> <p>Now, therefore in exercise of the powers conferred by sub-section (1) and clause (v) of subsection (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986) the Central Government, with a view to conserve and protect the unique environment</p> </td> </tr> </table>	<p>Now, therefore, in exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986), the Central Government, with a view to ensure livelihood security to the fisher communities and other local</p>	<p>Now, therefore in exercise of the powers conferred by sub-section (1) and clause (v) of subsection (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986) the Central Government, with a view to conserve and protect the unique environment</p>
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<p>Central Government to take measures to protect and improvement of the quality of environment in regard to restrictions of areas in which any industry operations or process or class of industries operations or processes shall not be carried out shall be carried out subject to certain safeguards. In terms of section 3 (1) of the Act, this power of taking measures is to be exercised by the Central Government when it deems necessary and expedient for the purpose of protecting and improving the quality of environment and preventing, controlling and abating environmental pollution (emphasis supplied). Rule 5 deals with the prohibition and restriction on the locations of industries and the carrying on process and operations in different areas. It gives power to the Central Government to take into consideration the factors while prohibiting or restricting the locations of industries and Carrying on process operations in different areas. Sub-rule 3 of this Rule contemplates the procedure to be followed by the Central Government while issuing the notification for impossible prohibition</p>	<p>communities, living in the coastal areas, to conserve and protect coastal stretches, its unique environment and its marine area</p>	<p>of coastal stretches and marine areas,</p>
<p>There is no difference between the relevant paras of the preambles of CRZ Notification, 2011 and CRZ Notification, 2019. The Applicant has not challenged CRZ Notification, 2011 in this regard. The Applicant's contention that the impugned notification has been issued in violation of the EP Act, 1986, which is the</p>	<p>There is no difference between the relevant paras of the preambles of CRZ Notification, 2011 and CRZ Notification, 2019.</p>	<p>The Applicant has not challenged CRZ Notification, 2011 in this regard. The Applicant's contention that the impugned notification has been issued in violation of the EP Act, 1986, which is the</p>



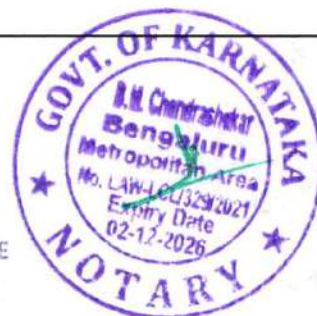
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or restriction as stated in sub-rule (1) of Rule 5. parent act and is, therefore, bad in law, is
 Thus both the section and the rule gives power for without any basis.
 issuing of any notification and placing prohibition /
 restriction in the terms, subject to the conditions,
 i.e., while issuing notification the procedure under
 Rule 5(3) should be followed and more importantly
 it should be exercised only for the purpose of
 protecting and improving the quality of the
 environment and preventing pollution. Once any of
 these essential statutory features are missing, the
 notification issued would be liable to be interfered
 with. The major part of the notification does not
 satisfy these ingredients.”

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<p>4. It is submitted that the impugned Notification does not satisfy this requirement under Section 3 of the EP Act, 1986; in fact, by relaxing the standards that existed under the CRZ Notification, 2011 and</p>	<p>The extracts of the relevant paras of the preambles of CRZ Notification, 2011 and CRZ Notification, 2019 are tabulated below.</p>	
<p>allowing industries to come up in areas where they were restricted under the CRZ Notification, 2011,</p>	<p>CRZ Notification, 2011</p>	<p>CRZ Notification, 2019</p>
<p>The impugned Notification violates the very objectives of Section 3, which is strengthening environmental protections. It is further submitted that the EP Act, has no provision that allows weakening or dilution of the existing environmental norms. The impugned Notification therefore, has been issued in violation of the parent act, the EP Act, 1986.</p>	<p><i>Now, therefore, in exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986), the Central Government, with a view to ensure livelihood security to the fisher communities and other local</i></p>	<p><i>Now, therefore in exercise of the powers conferred by sub-section (1) and clause (v) of subsection (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986) the Central Government, with a view to conserve and protect the unique environment</i></p>



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<p><i>communities, living in the coastal areas, to conserve and protect coastal stretches, its unique environment and its marine area</i></p> <p>.....</p>	<p><i>of coastal stretches and marine areas,</i></p> <p>.....</p>
<p>There is no difference between the relevant paras of the preambles of CRZ Notification, 2011 and CRZ Notification, 2019.</p> <p>The Applicant has not challenged CRZ Notification, 2011 in this regard.</p> <p>The Applicant's contention that the impugned notification has been issued in violation of the EP Act, 1986, which is the parent act and is, therefore, bad in law, is without any basis.</p>	



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<p>5. It is a well-settled position that delegated legislation must be exercised within the four corners of the delegation. The Hon'ble Supreme Court discussed the vires of delegated legislation in <i>Cellular Operators Assn. of India v. TRAI</i>, ((2016) 7 SCC 703: 2016 SCC OnLine SC 486):</p> <p><i>Parameters of judicial review of subordinate legislation:</i></p> <p>34. In <i>State of T.N. V. P. Krishnamurthy</i> [State of T.N.V.P. Krishnamurthy, (2006) 4 SCC 517], this Court after adverting to the relevant case law on the subject, laid down the parameters of judicial review of subordinate legislation generally thus; (SCC pp. 528-29, paras 15-16)</p> <p>"15. There is a presumption in favour of constitutionality or validity of a subordinate legislation and the burden is upon him who attacks it to show that it is invalid. It is also well recognized that a subordinate legislation can be challenged under any of the following grounds:</p>	<p>The extracts of the relevant paras of the preambles of CRZ Notification, 2011 and CRZ Notification, 2019 are tabulated below.</p>		
	<table border="1"> <tr> <td data-bbox="854 649 1113 795">CRZ Notification, 2011</td> <td data-bbox="1113 649 1392 795">CRZ Notification, 2019</td> </tr> </table>	CRZ Notification, 2011	CRZ Notification, 2019
CRZ Notification, 2011	CRZ Notification, 2019		
	<table border="1"> <tr> <td data-bbox="854 795 1113 1892"> <p><i>Now, therefore, in exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986), the Central Government, with a view to ensure livelihood security to the fisher communities and</i></p> </td> <td data-bbox="1113 795 1392 1892"> <p><i>Now, therefore in exercise of the powers conferred by sub-section (1) and clause (v) of subsection (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986) the Central Government, with a view to conserve and protect the</i></p> </td> </tr> </table>	<p><i>Now, therefore, in exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986), the Central Government, with a view to ensure livelihood security to the fisher communities and</i></p>	<p><i>Now, therefore in exercise of the powers conferred by sub-section (1) and clause (v) of subsection (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986) the Central Government, with a view to conserve and protect the</i></p>
<p><i>Now, therefore, in exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986), the Central Government, with a view to ensure livelihood security to the fisher communities and</i></p>	<p><i>Now, therefore in exercise of the powers conferred by sub-section (1) and clause (v) of subsection (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986) the Central Government, with a view to conserve and protect the</i></p>		



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<p>(a) Lack of legislative competence to make the subordinate legislation.</p>	<p>other local communities, living</p>	<p><u>unique environment of coastal stretches</u></p>
<p>(b) Violation of fundamental rights guaranteed under the Constitution of India.</p>	<p>in the coastal areas, to conserve and</p>	<p><u>and marine areas,</u></p>
<p>(c) Violation of any provision of the Constitution of India.</p>	<p>protect coastal stretches, its unique environment and its</p>	<p>.....</p>
<p>(d) Failure to conform to the statute under which it is made or exceeding the limits of authority conferred by the enabling Act.</p>	<p>marine area</p>	<p>.....</p>
<p>(e) Repugnancy to the laws of the land, that is, any enactment.</p>	<p>There is no difference between the relevant</p>	
<p>(f) Manifest arbitrariness/unreasonableness (to an extent where the court might well say that the legislature never intended to give authority to make such rules).</p>	<p>paras of the preambles of CRZ Notification, 2011 and CRZ Notification, 2019. The Applicant has not challenged CRZ Notification, 2011 in this regard. Further,</p>	
<p>16. The court considering the validity of a subordinate legislation, will have to consider the nature, object and scheme of the enabling Act, and also the area over which power has been delegated under the Act and then decide whether the subordinate legislation conforms to the parent</p>	<p>CRZ Notification 2019 has been issued completely under the relevant provisions of EPA 1986 and the Applicant's contention that the impugned notification has been issued in violation of the EP Act, 1986,</p>	


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statute. Where a rule is directly inconsistent with a which is the parent act and is without any mandatory provision of the statute, then, of course, basis. the task of the court is simple and easy. But where the contention is that the inconsistency or Non-conformity of the rule is not with reference to any specific provision of the enabling Act, but with the object and scheme of the parent Act, the court should proceed with caution before declaring invalidity." (Emphasis Supplied)

The Respondent has clearly acted in utter violation of the parent Act under which this power has been delegated to it, and for the same reason, is subject to judicial review.



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<p>6. It is submitted that the Respondent herein has overreached the powers granted to it under the EP Act, 1986. The Hon'ble Supreme Court in <i>Smt. Shalini Soni etc. v. Union of India and Ors</i> [1981 AIR 431] held that administrative decision making is subjective to statutory functionary, and there is an implicit obligation to apply ones mind in the pertinent matters: in <i>State of U.P. and Ors vs. Renuagar Power Co. And Others</i> [1988 AIR 1737], the Hon'ble Supreme Court has adjudicated on the issue of administrative power being used arbitrarily, or has being exercised without application of mind, and held that such decisions are patently erroneous and such exercise of power will be set aside.</p>	<p>The extracts of the relevant paras of the preambles of CRZ Notification, 2011 and CRZ Notification, 2019 are tabulated below.</p>		
	<table border="1"> <tr> <td data-bbox="839 555 1114 703">CRZ Notification, 2011</td> <td data-bbox="1114 555 1399 703">CRZ Notification, 2019</td> </tr> </table>	CRZ Notification, 2011	CRZ Notification, 2019
CRZ Notification, 2011	CRZ Notification, 2019		
	<table border="1"> <tr> <td data-bbox="839 703 1114 1877"> <p>Now, therefore, in exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986), the Central Government, with a view to ensure livelihood security to the fisher communities and other local</p> </td> <td data-bbox="1114 703 1399 1877"> <p>Now, therefore in exercise of the powers conferred by sub-section (1) and clause (v) of subsection (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986) the Central Government, with a view to conserve and protect the unique environment</p> </td> </tr> </table>	<p>Now, therefore, in exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986), the Central Government, with a view to ensure livelihood security to the fisher communities and other local</p>	<p>Now, therefore in exercise of the powers conferred by sub-section (1) and clause (v) of subsection (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986) the Central Government, with a view to conserve and protect the unique environment</p>
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<i>communities, living</i>	<i>of coastal stretches</i>
<i>in the coastal areas,</i>	<i>and marine areas,</i>
<i>to conserve and</i>
<i>protect coastal</i>	
<i>stretches, its unique</i>	
<i>environment and its</i>	
<i>marine area</i>	
.....	

There is no difference between the relevant paras of the preambles of CRZ Notification, 2011 and CRZ Notification, 2019.

The Applicant has not challenged CRZ Notification, 2011 in this regard. Further, CRZ Notification 2019 has been issued completely under the relevant provisions of EPA 1986 and the Applicant's contention that the impugned notification has been issued in violation of the EP Act, 1986,



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which is the parent act and is without any basis.



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<p>7. That the impugned Notification should be set aside on account of being ultra vires the provisions of the parent Act, i.e. Environment (Protection) Act, 1986. It is submitted that the power provided by the 1986 Act as well as the Rules made thereunder is to enact stringent measures for the purpose of protection and improvement of the environment. Nowhere do they grant the power of diluting or relaxing existing restrictions and prohibitions which were put in place in order to improve the environment. The impugned Notification intends to dilute or relax the Environmental norms compared to the current environmental approval regime and the monitoring & compliance of the Environmental conditions by an incompetent local body amounting to further relaxation or dilution. Thus, the Respondent herein had no substantive power under the Environment (Protection) Act, 1986 to issue the impugned notification under the provisions of the Environment (Protection) Act, 1986. It was held in the case of <i>Assam Company v. State of Assam and Ors.</i> [(2001) 4 SCC 202] as follows:</p>	<p>The extracts of the relevant paras of the preambles of CRZ Notification, 2011 and CRZ Notification, 2019 are tabulated below.</p>		
	<table border="1"> <tr> <td data-bbox="847 645 1118 792">CRZ Notification, 2011</td> <td data-bbox="1118 645 1378 792">CRZ Notification, 2019</td> </tr> </table>	CRZ Notification, 2011	CRZ Notification, 2019
CRZ Notification, 2011	CRZ Notification, 2019		
	<table border="1"> <tr> <td data-bbox="847 792 1118 1895"> <p><i>Now, therefore, in exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986), the Central Government, with a view to ensure livelihood security to the fisher communities and</i></p> </td> <td data-bbox="1118 792 1378 1895"> <p><i>Now, therefore in exercise of the powers conferred by sub-section (1) and clause (v) of subsection (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986) the Central Government, with a view to conserve and protect the</i></p> </td> </tr> </table>	<p><i>Now, therefore, in exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986), the Central Government, with a view to ensure livelihood security to the fisher communities and</i></p>	<p><i>Now, therefore in exercise of the powers conferred by sub-section (1) and clause (v) of subsection (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986) the Central Government, with a view to conserve and protect the</i></p>
<p><i>Now, therefore, in exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986), the Central Government, with a view to ensure livelihood security to the fisher communities and</i></p>	<p><i>Now, therefore in exercise of the powers conferred by sub-section (1) and clause (v) of subsection (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986) the Central Government, with a view to conserve and protect the</i></p>		



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<p>“A delegate cannot override the Act either by exceeding the authority or by making provision which is inconsistent with the Act. Any Rule made in exercise of such delegated power has to be in consonance with the provisions of the Act, and if the Rule goes beyond what the Act contemplates, the Rule becomes in excess of the power delegated under the Act, and if it does any of the above, the Rule becomes ultra vires of the Act.”</p>	<p>other local communities, living in the coastal areas, to conserve and protect coastal stretches, its unique environment and its marine area</p>	<p><u>unique environment</u> <u>of coastal stretches</u> <u>and marine areas,</u></p>
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There is no difference between the relevant paras of the preambles of CRZ Notification, 2011 and CRZ Notification, 2019.

The Applicant has not challenged CRZ Notification, 2011 in this regard.

The Applicant’s complaints that the impugned Notification intends to dilute or relax the Environmental norms compared



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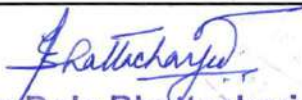
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to the current environmental approval regime, have been replied to separately in this reply affidavit.

The Applicant's contention that the impugned notification has been issued in violation of the EP Act, 1986, which is the parent act and is, therefore, bad in law, is without any basis.




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<p>C. THE IMPUGNED NOTIFICATION VITIATES THE PURPOSE OF THE MANDATE OF ISSING NOTICE UNDER RULE 5(3) (A) BECAUSE IT IS SUBSTANTIALLY DIFFERENT FROM THE DRAFT NOTIFICATION PUT OUT FOR</p>	<p>Addition of the words 'except for the activities permissible under this Notification and executed with prior permission from the competent authority', is valid for the reason that permissible activities cannot be prohibited.</p>
<p>PUBLIC COMMENTS AND OBJECTIONS:</p>	
<p>1. That the Draft CRZ Notification was issued under sub-section (1) and Clause (v) of sub-section (2) of Section 3 of the Environment (Protection) Act, 1986. It is submitted that on a para-wise comparison of the Draft CRZ Notification as well as the impugned Notification, it is clear that the two Notifications are completely different in its import and effect.</p>	
<p>2. That the main additions which were not part of the Draft CRZ Notification but have found place in the impugned Notification and thereby have substantially altered the whole purpose of the Draft CRZ Notification are as follows:-</p>	



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a. That in addition to 'Land reclamation, bunding or distributing the natural course of seawater' the final notification under paragraph 4: "Prohibited activities within CRZ", Point No (iv) has added the words 'except for the activities permissible under this Notification and executed with prior permission from the competent authority'. These words were not a part of the draft CRZ Notification issued earlier.





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<p>b. That the impugned Notification has added 'hover ports for coast guard' in addition to the list of facilities like ports, harbours, jetties, wharves, quays, slipway, bridges and sea link etc. permitted for land reclamation, bunding, etc. mentioned in the Draft CRZ Notification.</p>	<p>A hoverport is a terminal for hovercraft, having passenger facilities where needed and infrastructure to allow the hovercraft to come on land. Thus, it is similar to a port. The addition of 'hover ports for coast guard' is valid.</p>
<p>c. That the impugned Notification has added 'hover ports for coast guard' to maintenance and clearing activities permitted for land reclamation, bunding, etc. in CRZ-IB as well as in CRZ-IV areas that were not present in the Draft CRZ Notification.</p>	<p>A hoverport is a terminal for hovercraft, having passenger facilities where needed and infrastructure to allow the hovercraft to come on land. Thus, it is similar to a port. The addition of 'hover ports for coast guard' is valid.</p>
<p>d. That the activities related to 'Indian coast guard stations' have been added to regulated or permissible activities CRZ-IB Inter tidal areas. This activity was not mentioned in the Draft CRZ Notification.</p>	<p>Para 5.1.2 (i) (b) of the Draft CRZ Notification, 2018 (page No. 289 of the present OA) also permits projects for defence, strategic and security purposes. Thus, addition of activities related to 'Indian coast guard stations' is valid.</p>



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<p>e. That the Draft CRZ Notification permitted construction of various buildings only on landward side of the existing road subject to local town and country planning regulations for Floor Space Index (FSI) or Floor Area Ratio (FAR) and ensuring dial Solid Wastes are handled as per rules. The impugned Notification has an added provision that in the event that there is a need for amendment of the FSI, the Local Body/State Government/Union territory shall approach MoEFCC through the concerned SCZMA or Union territory CZMA, and the concerned SCZMA or Union Territory CZMA shall forward the proposal to the National CZMA with its views on the matter, thereby diluting the norms for construction of buildings.</p>	<p>Local town and country planning regulations relating to Floor Space Index (FSI) or Floor Area Ratio (FAR) are dynamic and ever changing. These apply to Non-CRZ areas also, as brought out in para 2.4.12 (Disparity in DCR in CRZ and Non-CRZ areas) and para 2.4.13 (CRZ II and III related issues pertaining to Town and Country Planning norms) of the Shailesh Nayak Committee report (Annexure A-18 of the Applicant). Thus, addition is valid.</p>
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<p>f. In the procedure for CRZ Clearance of permissible and regulated activities, the Draft CRZ Notification required submission of <i>inter alia</i> Comprehensive EIA with cumulative studies for projects, (ii) Risk Assessment Report and Disaster Management Plan. The impugned Notification of 18.01.2019 dilutes it by creating an exemption for building construction projects or housing schemes with built-up area less than the threshold limit stipulated in the EIA Notification, 2006 dated 14.09.2006;</p>	<p>As per the "LIST OF PROJECTS OR ACTIVITIES REQUIRING PRIOR ENVIRONMENTAL CLEARANCE", given in the EIA Notification, 2006, the threshold limit given for Building and Construction projects at Sl. No. 8(a) is "$\geq 20,000$ sq. mtrs". Thus, the said addition is in line with the EIA Notification, 2006</p>
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g. The Draft CRZ Notification mandated submission of 'Consent to Establish' or a No-Objection Certificate (NOC) from concerned SPCB or Union Territory Pollution Control Committee (UTPCC) for projects involving discharge of industrial effluents. The impugned Notification provides an alternative to project proponents to obtain such consent from respective SPCB or UTPCC following the CRZ Clearance under this Notification but before the start of any Construction activity, thereby diluting the clearance procedure;

Under the parent Water (Prevention and Control of Pollution) Act, 1974 as amended and Air (Prevention and Control of Pollution) Act, 1981, as amended the industries have to obtain the consent of the PCB for the establishment and operation of the industry. As per section 25 of the Water (P&CP) Act, 1974 as amended, no person shall without the previous consent of the PCB, establish or take any steps to establish any industrial plant or process or any treatment and disposal system or any extension or addition thereto which is likely to discharge sewage or trade effluent into any stream or well or sewer or on land. Further as per para 8 (i) (h) of CRZ Notification, 2019, "Consent to establish" or No Objection Certificate from the concerned State Pollution Control Board or Union territory Pollution Control Committee for the projects involving treated discharge of industrial effluents and



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sewage, and in case prior consent of Pollution Control Board or Pollution Control Committee is not obtained, the same shall be ensured by the proponent before the start of the construction activity of the project, following the clearance under this notification.

Thus, the said addition is in line with the Water (Prevention and Control of Pollution) Act, 1974 as amended and Air (Prevention and Control of Pollution) Act, 1981.



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<p>h. As per the Draft CRZ Notification, projects/activities not covered in the EIA Notification, 2006 but attracting CRZ Notification and located in CRZ-I or CRZ-IV areas, the concerned CZMA was to examine the documents and make recommendations to SEIAA. This set of projects/activities are to now be considered by the concerned SCZMA only for clearance as per the impugned Notification.</p>	<p>As per para 7 (ii) of the CRZ Notification, 2019, All development activities or projects in CRZ-I and CRZ-IV areas, which are regulated or permissible as per this notification, shall be dealt with by Ministry of Environment, Forest and Climate Change for CRZ clearance, based on the recommendation of the concerned Coastal Zone Management Authority.</p> <p>Thus, the statement of the Applicant is false.</p>
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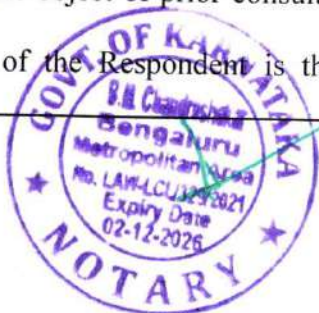
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i. As per Annexure-II of the Draft CRZ Notification, Rules 5 and 5(3) of the Environment (Protection) Rules, 1986 ("EPR") deals with imposing prohibition or restrictions on the locations of an industry or the carrying on of processes and operations in an area.

there were seventeen (17) petroleum and chemical products permitted for storage in CRZ (except CRZ-1A). By the impugned Notification, this list has been extended to include a total of 23 (Twenty-Three) products now, with inclusion of products like Paraxylene, Ethane, Butadine, Methanol, Caustic and Bitumen;

3. That it is pertinent to note that as per Rule 5 (3) of the Environment (Protection) Rules, 1986, (under which the impugned Notification has been issued) the Central Government must give 60 days' time to the any person for filing any objection to any Notification which has been issued under the provision. Even though, the Draft CRZ Notification was issued in April 2018 for public scrutiny, it submitted that if the final Notification has been substantially altered from what was put in public domain for comments and objections, then the whole object of prior consultation is vitiated. This act of the Respondent is therefore, in complete



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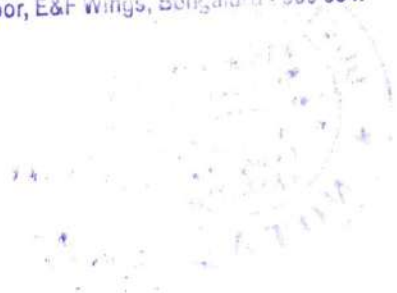
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violation of the provisions of the Environment
(Protection) Rules, 1986 as well as the principles of
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<p>4. The requirement of public participation in Administrative Law has been discussed in Great detail and the Hon'ble Supreme Court has highlighted the importance of public participation to maintain transparency in the functioning of the public authorities. The Hon'ble Supreme Court has time and again stressed and underscored the importance of public consultation in the field of Administrative Law, so that it is inclusive and fair, and concluded after taking into consideration all stakeholders. That in <i>Cellular Operators Association of India v. Telecom Regulatory Authority of India (2016) 7sc 7033</i>, the Hon'ble Supreme Court relied on Section 13 of the Airports Economics Regulatory Authority of India Act, 2008 as a good working test of transparency, by;</p> <p>a. Holding due consultation with all stakeholders</p> <p>b. Allowing all stakeholders to make their submissions</p> <p>c. making all decisions of the authority fully documented and explained.</p>	<p>That, as per CRZ Notification, 2019, Annexure IV titled "Guidelines for preparation of Coastal Zone Management Plan", para 6 deals with Public consultations on CZMP:</p> <p>i. The draft CZMP prepared shall be given wide publicity and suggestions and objections received in accordance with the Environment (Protection) Act, 1986. Public hearing on the draft CZMP shall be held at district level by the concerned CZMA.</p> <p>ii. Based on the suggestions and objections received the CZMPs shall be revised and approval of Ministry of Environment, Forest and Climate Change shall be obtained.</p> <p>iii. The approved CZMP shall be put up on website of Ministry of</p>
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The Hon'ble Court further held that where a statute provides Natural Justice to be followed, it must be followed. Relying on *Chief Information Commissioner v. State of Manipur [(2011) 15 SCC 1]*, The bench observed that openness in governance is a legislatively well-established fact, and went on to hold that for a healthy functioning of democracy, all subordinate legislation needs to be transparent, after due consideration of stakeholders submissions, together with an explanatory memorandum which broadly takes into account what they have said and reasons for agreeing and disagreeing with them.

The Ld. National Green Tribunal in judgment dated 08.12.2017 in *Society for protection of Environment & Biodiversity v. Union of India (O.A NO.677 of 2016)*, *pushp Jain v. Union of India & Anr. (O.A. 1 of 2017)* and *Ajay Kumar Singh v. MoEF&CC&Ors (OA 7/2017)* has places reliance on the holding of the High Court of Bombay in the case of *Dr.*

Environemnt, Forest and Climate Change, concerned website of the State or Union Territory Coastal Zone Managment Authority and hard copy made available in the Panchayat Office and District Collector Office.

Thus, the requirement of Public hearings and public consultations are incorporated in various provisions of the CRZ Notification, 2019.



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*AvinashRamkrishnaKashiwar vs. the State of
Maharastra(2015)5 L.J*

'17. "It could thus be seen that it appears to be settled position of law that the requirement of previous publication inviting objections and suggestions is not an empty formality. It is with an intention to enable persons likely to be affected, to be informed, so that they may take steps a may be open to them and the objections/suggestions made would be required to be taken into consideration by the authorities before issuing a final notification".

26. "In the result, we hold that the impugned notification dated 26.07.2013 is not suatainable in law and, Therefore, Quashed and set aside, Rule is therefore, made absolute in the aforesaid terms with no orders as to costs. " "

Further, the High Court of Delhi in *Shiva Alloys (Pvt.) Lts. And Anr. V. union of India & Ors.* (Citation) Observed that the notice issued for public



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comments as per the procedure prescribed under the Act did not include the ban/prohibition which was included in the final Notification and held that part which was not included to be illegal:

"4. ... *The Applications have been Prejudiced thereby. In respect of these furnaces, no notice was issued as per the procedure under section 10 of the Act and thus, insofar as inclusion of the Applicants in the ban/prohibition is concerned, there is a clear violation of mandatory procedure, which is to be followed in terms of Section 10 of the Act.*

5. *It is trite law when the mandatory procedure is not followed, the actions of the authorities is null and void. Those who build the procedural sword normally get perished by the same. That is what happened in the instant case. The clause in the Master Plan which bans the induction furnaces of the capacity of less than 3 tons is therefore, illegal and has to be struck down. We order accordingly."*



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<p>D. The IMPUGNED NOTIFICATION VIOLATES THE BIOLOGICAL DIVERSITY ACT, 2002:</p>	<p>Section 36 (4) of the Biological Diversity Act, 2002 quoted by the Applicant deals with “assessment of environmental impact of the project”.</p>
<p>1. Section 36 of the Biological Diversity Act, 2002 places certain duties and responsibilities on the Central and State Government for conservation, promotion and sustainable use of natural resources. Section 36(4) states that the Central Government shall undertake measures:-</p>	<p>Swaminathan Committee Report quoted by the Applicant also deals with the burden of proving minimal or no environmental impact of any project to be undertaken in a CRZ area.</p>
<p>(i) <i>Wherever necessary, for assessment of environmental impact of the project which is likely to have adverse effect on biological activity, with a view to avoid or minimize such effects and where appropriate provide for public participation in such assessment:...</i></p>	<p>The Applicant’s statement “given the nature of the legislation and the impact on biological diversity, it was required by the Central Government to have undertaken an environmental impact assessment to assess the effects that the impugned Notification</p>
<p>It is submitted that given the nature of the legislation and the impact on biological diversity, it was required by the Central Government to have undertaken an environmental impact assessment to assess the effects that the impugned Notification</p>	<p>would have on the coastal areas. In failing to do so, it is submitted that the Central Government has acted in violation of the “Biological Diversity Act 2010” reveals lack of proper understanding of Section 36</p>



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would have on the coastal areas. In failing to do so, it is submitted that the Central Government has acted in violation of the Biological Diversity Act, 2002.

It is noteworthy that the Swaminathan Committee Report also recommended that the burden of proving minimal or no environmental impact of any project to be undertaken in a CRZ area be placed on the development agency/government body.

(4) of the Biological Diversity Act, 2002 and the said Swaminathan Committee Report, both quoted by the Applicant.

Section 36 (4) of the Biological Diversity Act, 2002 and the Swaminathan Committee Report, quoted by the Applicant deal with environmental impact assessment (EIA) of projects and not EIA of CRZ Notification, 2019.

The CRZ Notification, 2019 contains numerous provisions for conducting EIA for projects in the coastal areas. Thus, the CRZ Notification, 2019 fully satisfies the requirements of the Biological Diversity Act, 2002 and the said Swaminathan Committee Report, both quoted by the Applicant.

The Applicant's statements are without any basis.



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E. THE IMPUGNED NOTIFICATION REQUIRES UPDATING THE CZMPS THEREBY, MAKING IT A TOOL TO REGULARISE ACTIVITIES THAT WERE OTHERWISE ILLEGAL UNDER THE CRZ NOTIFICATION, 2011"

The Applicant's statement pertains to delay in preparation of the CZMP of Goa as per CRZ Notification, 2011. This has nothing to do with CRZ Notification, 2019. CRZ Notification, 2019 cannot be faulted for delay in preparation of the CZMP of Goa as per CRZ Notification, 2011.

1. The CRZ Notification, 2011 mandated the SCZMAs to formulate the Coastal Zone Management Plans on the basis of which the SCZMA's would make recommendations to the MoEF&CC and SEIAA's for projects that required CRZ Clearance. It is submitted that 11 years after the CRZ Notification, 2011 has been notified, CZMP maps were finalized for the State of Goa in September 2022.



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2. It is submitted that revising the CZMPs on the basis of the impugned Notification is just another way to regularize the structures and activities that existed illegally in CRZ areas under the CRZ Notification, 2011. It is noteworthy that as per Clause 5 of the CRZ Notification of 2011, the CZMPs should have been prepared within two years of the CRZ Notification of 2011 coming into effect. However, the CZMPs under the 2011 notification were finalized for the State of Goa only in September 2022, 11 years after the 2011 CRZ notification came into effect. It is submitted that the said 2011 CZMP maps are also incomplete and inconsistent with various provisions of the 2011 CRZ Notification, which has reaffirmed the view of the Applicants that the CZMP maps under the 2019 Notification will continue to prepare under the impugned notification. The examples annexed as Annexure A-11 also indicate the manner in which
- The Applicant's statements pertain to the preparation of the CZMP of Goa as per CRZ Notification, 2011. This has nothing to do with CRZ Notification, 2019. CRZ Notification, 2019 cannot be faulted for delay in preparation of the CZMP of Goa as per CRZ Notification, 2011 or for other alleged shortcomings in the CZMP.
- As far as revision of the CZMP is concerned, CRZ Notification, 2011 also contains a provision (para V of Annexure-I) for revision of the CZMPs and the same is reproduced below.
- V. Revision of Coastal Zone Management Plans
1. Whenever there is a doubt the concerned State or Union territory Coastal Zone Management Authority shall refer the matter to the National Centre for Sustainable Coastal Management who



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destruction of CRZ areas and violation of shall verify the CZMP based on latest the CRZ Notification of 2011 will take place satellite imagery and ground truthing. if the impugned Notification is allowed to 2. The rectified map would be submitted to come into force. MoEF for its record.

The Applicant has not challenged CRZ Notification, 2011 due to this provision.

Without challenging CRZ Notification, 2011, the Applicant cannot challenge a provision in CRZ Notification, 2019, when the same provision is present in CRZ Notification, 2011 also.

Thus, the averments of the Applicant are without any basis and are frivolous.



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3. Clause 6.1 of the impugned notification now requires the CZMP maps for coastal areas across the country to be revised as per the provisions of the 2019 Notification. It is humbly submitted that since the CZMPs under the 2011 Notification form the foundation of future CZMP maps under the impugned notification, and will also regulate the extend of development projects/construction permissible in CRZ area, any attempt to make a new law without preparing accurate CZMPs under Notification, 2011 only indicates the intention to prevent the beneficial provisions of CRZ Notification, 2011 from being implemented.

The Applicant's statements pertain to the preparation of the CZMP of Goa as per CRZ Notification, 2011. This has nothing to do with CRZ Notification, 2019. CRZ Notification, 2019 cannot be faulted for delay in preparation of the CZMP of Goa as per CRZ Notification, 2011 or for other alleged shortcomings in the CZMP.

As far as revision of the CZMP is concerned, CRZ Notification, 2011 also contains a provision (para V of Annexure-I) for revision of the CZMPs and the same is reproduced below.

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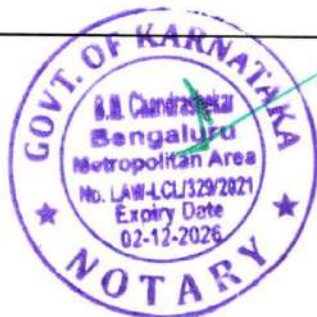
shall verify the CZMP based on latest satellite imagery and ground truthing.


2. The rectified map would be submitted to MoEF for its record.

The Applicant has not challenged CRZ Notification, 2011 due to this provision.

Without challenging CRZ Notification, 2011, the Applicant cannot challenge a provision in CRZ Notification, 2019, when the same provision is present in CRZ Notification, 2011 also.

Thus, the averments of the Applicant are without any basis and are frivolous.




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4. It is noteworthy that this Hon'ble Tribunal has recognized the importance of properly prepared CZMP maps, and has time and again directed the SCZMAs to prepare the CZMPs under the 2011 Notification, failing which the Ld. National Green Tribunal, vide Order dates 22.11.2017 in M/s. Mehdad V. MoEF&CC&Ors. (Original Application 424 of 2016). Directed the MoEF & CC not to grant any Environmental clearance for developmental activity falling within the regulating area, as it would defeat the entire purpose of preparing the CZMP. It is submitted that a similar direction to Maharashtra CZMA was previously issued by this Hon'ble Tribunal, Western Zone Bench. In Vanashakti v. Union of India & Ors. (Original Application 117/2014(WZ)) vide order dated 10.02.2016. A copy of the Order of the Ld. National Green Tribunal, Principal Bench dated 22.11.2017 in M/s. Mehdad v. MoEF&CC&Ors. (OA

The Applicant's statement pertains to the importance of properly prepared CZMP maps as per CRZ Notification, 2011. This has nothing to do with CRZ Notification, 2019. CRZ Notification, 2019 cannot be faulted for the alleged lacuna in preparation of the CZMP as per CRZ Notification, 2011.



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424/2016) is marked and annexed herewith as Annexure A-14.

A copy of the Order of the Ld. National Green Tribunal, Western Zone Bench dated 10.02.2016 in Vanashakti v. Union of India&Ors. (OA117/2014) is marked and annexed herewith as Annexure A-15.




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<p>F. THE REPORT OF DR. SHALESH NAYAK COMMITTEE, ON THE BASIS OF WHICH THE IMPUGNED NOTIFICATION HAS BEEN ISSUED, IS HIGHLY INADEQUATE AND DOES NOT DISCUSS THE REAL CONCERNS FACED BY THE COASTAL COMMUNITIES AND COASTAL ECOLOGY:</p> <p>1. That on 17.06.2014, the Respondent constituted a six-member Committee under the chairmanship of Dr. Shailesh Nayak to “examine the issues of coastal States and Union Territories with respect to the CRZ Notification, 2011 and to examine the errors or inconsistencies and procedural simplification in the said Notification”. The Committee submitted its report in January 2015, after holding discussions and meeting with the Governments of coastal States and Union Territory. It is submitted, however, That the report of the Committee was highly</p>	<p>Section 1.2 of the Shailesh Nayak Committee report outlines the procedure adopted by the Committee. The report states that the Committee had a meeting with all coastal States/UTs on 27/10/2014. Copies of the presentations made and representations received were also enclosed as Volumes II & III of the report.</p> <p>The following six basic principles were considered and adopted by the Shailesh Nayak Committee in formulation of the report.</p> <ol style="list-style-type: none"> i. Protection and conservation of Ecologically Sensitive Areas, the geomorphological features, Architectural & Heritage sites, keeping in view their importance and the incomparable values. ii. Integration of development /economic and growing needs of
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inadequate and unequipped to handle the rise in coastal degradation, for reasons substantiated below;

- a. Inadequacy of Terms of Reference: The Terms of Reference (hereinafter referred to as "TOR") on the basis of which the Committee formed its report was highly inadequate to deal with the issues of the coastal areas. The TOR, which forms the scope of the report, is limited to examining the issues raised by the State Governments of Maharashtra, Kerala and Karnataka, to examine the errors and inconsistencies in the CRZ Notification, 2011; the TOR is completely silent on the other coastal States and Union Territories. Further, the TOR has no mention of the Committee being set up to look into the implementation of the CRZ Notification, 2011 or to carry out a study for a law to replace the CRZ Notification, 2011. With the limited scope of the TOR

the Society with coastline preservation, keeping in view the sensitivity of the coast and ensuring no or minimum impact to the coastal environment.

- iii. Vulnerability of the coastal environment to natural and manmade hazards to be addressed comprehensively taking into account the fragile nature of the coastal ecosystem and the communities who depend on the coastal resources.
- iv. Ensuring that there is no conflict of CRZ regulations with the existing norms issued by the States/UTs as well as by the Central Government from time to time.
- v. Application of space technology for management of coastal and marine environment.



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and with a report only to simplify the procedures of the CRZ Notification, 2011.

The impugned Notification was implemented Further, Since the Committee Report formed the basis of the impugned Notification, the TOR given ought to have considered the performance and implementation of the CRZ Notification, 2011. An actual study into the issues faced by the local community and fisherfolk who are most affected by changes in the coastal areas, a study into the illegal constructions existing in CRZ areas and the loss of livelihood of the local communities owing to the same, a study into the sea level rise, salt water ingress, Frequency and intensity of natural hazards due to climate change. The TOR however, only limits the scope of the study to discussions with State and Union Territory Government and to study the errors in the CRZ Notification, 2011 and to simplify the procedures under the

vi. Issues related to capacity Building in Coastal Zone Management.

Thus, the Applicants' statement that the report of the Committee was highly inadequate and unequipped to handle the rise in coastal degradation is without any basis.

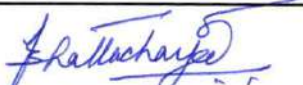


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CRZ Notification, 2011. It is most strange that the report does not have a single annexures or reference which records the contents of documents relied upon by the Committee.




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<p>b. No consultation with the people who would be most affected by the new law: It is submitted that the Committee report was prepared solely on the basis of the presentation of and discussions with the State Government, who have an interest in making CRZ areas a commercial and tourist facility. As stated earlier 68% of the public comments received for the Draft CRZ Notification, 2018 when it was in public domain were objections. The State being a custodian of all the natural resources ought to have considered the fact that they would be acting against the needs of the public by issuing the impugned Notification. In contrast, the Swaminathan Committee Report strongly recommended the involvement of local coastal communities in the process of identifying ecologically sensitive areas and the implementation of the CRZ protections.</p>	<p>The Applicant has stated that the Swaminathan Committee Report strongly recommended the involvement of local coastal communities in the process of identifying ecologically sensitive areas and the implementation of the CRZ protections.</p> <p>In fact, rigorous Public hearings are part of the process of preparation of Coastal Zone Management Plans (CZMP), which includes demarcation of HTL, LTL, Ecologically Sensitive Areas (ESAs) and CRZ. Suggestions and objections received from the public are scrutinised and considered while finalising the CZMP. Similarly, public hearings are also conducted before commencing projects.</p> <p>The Applicant's statement does not indicate that the Swaminathan Committee Report strongly recommended the involvement of local coastal communities</p>
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in promulgation of the CRZ Notification, 2019.

Thus, the statements of the Applicant are without any basis.



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<p>c. Objective of the report is a complete contradiction from the recommendations: while the report quotes the objectives of the Notification to conserve the coastal ecosystems and communities, its recommendations are for the dilution of the existing provisions, in direct contradictions to the objectives of the notification, using the guise of responding to the requests of the States, which are mainly for enabling constructions in the CRZ. Due to the failure to refer to any factual data, reliance has been placed only on superficial surmises and conjectures and the scope being limited to the wish list of the states for increasing human activities in the CRZ, the report ends up recommending the dilution of the provisions protecting the CRZ rather than increasing the protection. Which is essential in view of the facts regarding increasing degradation in the past and future threats due to sea level rise,</p>	<p>The Applicant's statements are based on the Applicant's own assumptions and are denied.</p> <p>Para 4(vii) of CRZ Notification, 2019 prohibits Port and harbour projects in high eroding stretches of the coast.</p> <p>As per para 8(i) (c) of CRZ Notification, 2019 "Comprehensive EIA with cumulative studies for projects, (except for building construction projects or housing schemes with built-up area less than the threshold limit stipulated for attracting the provisions of the EIA Notification, 2006 number S.O 1533(E), dated 14th September, 2006) if located in low and medium eroding stretches, as per the CZMP to this notification".</p> <p>As per MoEF&CC OM dated 11/10/2022 (copy enclosed as Annexure R1-7), the approved CZMP shall contain the parameters contained in the CRZ 2019</p>
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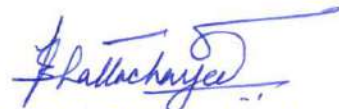
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increased frequency and strength of storms and cyclones, ecological collapse and displacement of local communities. The Report states that 40% coast is eroding as compared to 22% in 2004 and 30% in 2010, yet the report attempts to increasing human activities in this fragile region.

Notification, including High, Medium and Low Eroding stretches for such erosion prone areas.

Accordingly, the Shoreline change (Erosion/Accretion) maps showing the High, Medium and Low Eroding stretches, accreting areas and other coastal features are now part of the CZMP. Shoreline Management Plans are also being prepared for highly eroding coastal areas.

Thus, the CRZ Notification, 2019 and MoEF&CC OM dated 11/10/2022 (Annexure R1-7) recognise the threat posed by erosion in the coastal areas and suitable provisions to mitigate the same have been incorporated



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- d. The recommendation of the Committee seem to do away with all the restrictions of the CRZ Notification, 2011 and to replace it with provisions under the Town and County Planning Regulations: The section in the report regarding the terms of Reference 1(d) – “to examine errors/inconsistencies in CRZ Notification 2011 and procedural simplification” starts by stating, “*The Committee has examined the various issues raised by the coastal State Government and UTs vis-a vis CRZ Notification, 2011. The Committee has also examined some of the relevant Court Orders in the matter. After taking into account the hardship faced by the people in the coastal areas especially due to the restrictions imposed on housing, road development and tourism development, the committee is of the opinion that the present CRZ Notification, 2011 should be recast and a fresh notification shall be considered*”
- Local town and country planning regulations relating to Floor Space Index (FSI) or Floor Area Ratio (FAR) are dynamic and ever changing. These apply to Non-CRZ areas also, as brought out in para 2.4.12 (Disparity in DCR in CRZ and Non-CRZ areas) and para 2.4.13 (CRZ II and III related issues pertaining to Town and Country Planning norms) of the Shailesh Nayak Committee report (Annexure A-18 of the Applicant).
- Thus, the Committee’s observations are valid.

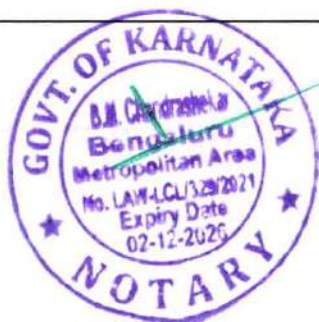


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by the Government, which will supersede the CRZ Notification, 2011. This decision of the Committee is mainly founded on the premises that each of the coastal State/UT has well laid Town and Country Planning Regulations including other developmental regulations, which address most of the issues in the CRZ Notification, 2011. The imposition of the Notification by the Central Government on the State and UT Governments has restricted the housing development of the coastal committees. Although there is a need to protect coastal environment, the housing need of the communities is equally important."

Paragraph 2.5.17 on the page 63 states,"...The provisions in CRZ Notification are often overriding the Town and Country Planning Regulation of the State/UT Governments and could be considered as not appropriate from the legal point of view," Next



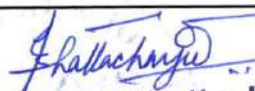
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para 2.5.18 States, "Hence, it was felt that the provisions of Town and Country Planning Regulations should be adhered to the coastal areas, subject to..."

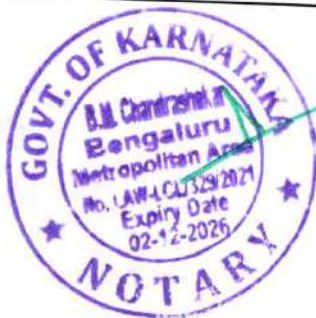
Para 3.3 on page 72 States, "Since the setting up of fish-processing units fall under the purview of the State/UT Governments, issues relating to modernization may also be dealt by the respective coastal State/UT Governments. " The report states on page 73. Tourism projects in the CRZ-II areas may be taken up as per the local Town and Country Planning Regulations.




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The report sets on page 78 regarding mangroves. The Committee has observed that the

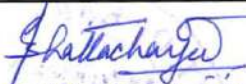
“3.11.1 The Committee after examination of the buffer zone of 50 m has led to provisions of the CRZ notification, 2011 it is encroachment, illegal dumping, observed that there is no adequate provision for construction activity and slum management of ESAs which are categorized as redevelopment Hence, to prevent such CRZ-I including the geomorphological and unauthorized and illegal activities which archaeological features. It was brought to the are harmful to mangroves, a walkway on notice of the Committee than the mangroves are stilts along the boundary may be permitted. present in the Government as well as in the private Here, the reference to the boundary is to be Government land by the concerned State taken as the boundary of the buffer, to Government agencies, the owners of private land, prevent encroachments. who have planted the mangroves and face difficulties as the mangrove land is declared as ‘no development area. This provision of imposing no development on a private mangrove land is a disincentive to such land owners. While the committee appreciates the efforts and initiatives taken by the private owners in developing mangroves, it is found that there are no incentives to such initiatives. Furthest, the committee feels that the private land owner should also be enables to



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undertake development as per the local Town and Country planning Regulations. 3.11.2 It was mentioned that the mangroves in case of more than 1000 m² are required to provide 50 m buffer. However, unfortunately, the buffer zone of 50 m has led to encroachment, illegal dumping, construction activity and slum redevelopment Hence, to prevent such unauthorized and illegal activities which are harmful to mangroves, a walkway on stilts along the boundary may be permitted," Instead of incentivizing the protection of mangroves on private lands, the Committee finds it proper to allow of them.




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<p>It is submitted that the CRZ regulation have been imposed, separately from the Town and County Planning Regulations, because of the ecological and socio-economic sensitivity of CRZ areas. The Committee has also recognized the ecological and socio-economic sensitivity CRZ areas. However, by doing away with the protections granted under the CRZ Notification-2011 and replacing it with the Town and Country Planning Regulations, it is effectively nullifying the ecological and socio-economic sensitivity and considering it similar to the non-CRZ areas. The Report of the Western Ghats Ecology Expert Panel also notes that the Town and County Planning administration does not have implications in terms of environmental regulation.</p> <p>It is submitted that the Town & Country Department of the State of Goa has prepared and notified regional plan 2021 that shows large plots which lie in No Development Zones and other CRZ areas as settlement zones in blatant disregard to the ecology,</p>	<p>Local town and country planning regulations relating to Floor Space Index (FSI) or Floor Area Ratio (FAR) are dynamic and ever changing. These apply to Non-CRZ areas also, as brought out in para 2.4.12 (Disparity in DCR in CRZ and Non-CRZ areas) and para 2.4.13 (CRZ II and III related issues pertaining to Town and Country Planning norms) of the Shailesh Nayak Committee report (Annexure A-18 of the Applicant).</p> <p>Thus, the Committee's observations are valid.</p>
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environment and local communities, only to satisfy the requests of real estate companies, mass tourism and private interests. It is therefore necessary that the CRZ laws must be relied upon and remain in force, irrespective of the Town & Country Planning regulations, which are ineffective and inadequate. In fact the admitted position of the Government of Goa that is has erroneously and wrongfully demarcated land as "settlement zone" or "developable land" in the Regional Plan made under the Town and Country Planning Act.1964 which are "low-lying paddy field, water body, khazan land, flood prone area, land having slopes more than 25%, forest land including private forest land, land falling under the buffer zone of Wild Life Sanctuaries (without the prior permission of Forest Department) and no Development Zone as per CRZ Notification. This is evident from the order dated 28.03.2018 wherein the Town and Country Planning Development of the Government of Goa brought into effect the Regional Plan of 2021. A copy of the order dated 28.03.2018 has been



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annexed hereto and marked as Annexure A-16. Vide an order dated 26.02.2019 in PIL WP No.45/2018, the Hon'ble High Court of Goa recorded the commitment of the Town and Country Planning Department to ensure the provisions of the order dated 28.03.2018 and such erroneously demarcated eco-sensitive lands would not be developed upon without the prior approval to the GCZMA be complied with. A copy of the order dated 26.02.2019 of the Hon'ble High Court has been annexed hereto and marked as Annexure A-17.




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<p>e. The problems recognized by the Committee report will only increase, if recommendations of the Committee are to be followed: The report recognizes that some of the key issues faces along the coast include destruction of coast for economic use, vulnerability to natural disasters, and pollution by industries and threatened food security. It is beyond any understanding that after recognizing these are the issues, the report has then gone ahead to make recommendations that will only amplify all of the above issues.</p>	<p>The Applicant's statements are based on the Applicant's own assumptions and are denied.</p>
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f. Non-application of mind by the Committee: The Committee states on page 64, " *The present regulations of NDZ of 200 m have been highly restrictive in the densely populated parts of the country, which has hindered the housing development of the local communities. The Committee is of the opinion that the housing issues of local communities must be addressed immediately.*"

Further the report states under para 3.2.3. " *The Committee after detailed discussion on the issue is of the opinion that the dwelling units of the coastal communities in CRZ-III areas which have been constructed in violation if the CRZ Notification shall be regularized by the concerned States/UTs Government following the local town and country construction norms. If any of these violations are pending before the Court, the State Government may take up the matter, and with the approval of the Court such violations could be regularized.*"

The Applicant's statements are based on the Applicant's own assumptions and are denied.

The Applicant has not given any specific complaint/ allegation regarding CRZ Notification, 2019, which the Applicant is contesting.



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<p>Further the report to SICOM being created to implement World Bank sponsored Island Coastal Zone Management in the country with objectives such as, “(e) To explore various possibilities of exchange programme in terms of visits, information exchange etc., with other countries especially in South East Asia, where similar environmental and demographic pressures exist” and “(h) to prepare a comprehensive capacity development plan for all the stakeholders like Ministry of Shipping, Tourism, Petroleum, Agriculture, Fisheries Etc., and execute them”, It is necessary that SICOM and NCSCM, who are appointed for shipping, tourism and petroleum interests are excluded from the preparation and implementation of the CRZ laws, Because the coast is at the biggest threat from these very interests. Instead, the Government scientific institutes which are independent of the economic interests, such as NIO, must be given the tasks in consultation with the local communities.</p>	<p>The Applicant’s sweeping statements are based on the Applicant’s own assumptions and are denied.</p> <p>The Applicant has not given any specific complaint/ allegation regarding CRZ Notification, 2019, which the Applicant is contesting.</p>
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<p>g. The attitude of the Committee vis-a-vis the impact of its recommendation has been very casual: The Committee met only on six occasions as stated on page 12 of the report, out of which on day each were for examining issues related to the three States that had made the initial representations, one to meet all the other coastal States/UTs and two to prepare the report. It is clear that only casual talks were held and that the detailed and rigorous scientific analysis necessary for this complex subject having huge socio-economic impact could not have been made in such introductory meetings.</p>	<p>The Applicant's sweeping statements are based on the Applicant's own assumptions and are denied. The Applicant has not given any specific complaint/ allegation regarding CRZ Notification, 2019, which the Applicant is contesting.</p>
<p>2. It is submitted that the Committee Report is just a means to promote tourism and development of hotels in CRZ areas. The Committee report opens up CRZ-I and CRZ-III areas to eco-tourism facilities and homestays, under the façade of providing alternative livelihood to the local communities, which shows the malafide intent of the respondent herein. A copy of the Dr. Shailesh Nayak Committee report is marked and annexed herewith as Annexure A-18.</p>	<p>The Applicant's sweeping statements are based on the Applicant's own assumptions and are denied. The Applicant has not given any specific complaint/ allegation regarding CRZ Notification, 2019, which the Applicant is contesting.</p>



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<p>G. THE IMPUGNED NOTIFICATION VIOLATES THE PRINCIPLE OF NON-REGRESSION:</p> <p>1. The doctrine of Non-Regression is a well-established norm in International law, traditionally in the area of human rights: it is founded on the principle that law should not be modified to the detriment of recognized human rights. This principle is increasingly being interpreted and applied in international environmental law. <i>India has ratified the Stockholm Convention (on human environment), 1972 with the objective of preserving and enhancing the human environment. The Hon'ble Supreme Court, recognizing the depletion of marine resources, emphasized the need and the legal obligation to maintain our international commitments in order to protect the coastal environment in its</i></p>	<p>The Applicant has made certain general statements, without giving any specific complaint/allegation regarding CRZ Notification, 2019, which the Applicant is contesting.</p> <p>In the present case of CRZ Notification, 2011, the CRZ Notification, 2019 contains various stringent provisions for environmental safeguards, in paras (ii), 4.(x), 5.1.1 (i), 5.2(vi), 5.3(iii), 5.3(v), 5.4(xv), 10.2 (ii)(b), etc, which ensures protection of the environment.</p>
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judgement in S. Jagannath v. Union of India (1997) 2 SCC 87:

“With Noticeable increase in marine pollution and the consequential decline in marine resources, serious concern was expressed in the United Nations’ Conference on Human Environments in Stockholm (1972) attracting global attention towards the urgent need of identifying the critically polluted areas of the marine environments, especially in coastal waters, for urgent remedial actions. The conference unanimously resolved that the littoral State should take early action at their National level for assessment and control of marine pollutions from all sources and carry out systematic monitoring to ascertain the efficacy of the Stockholm Conference and in view of 1982 Convention on the “Law of the Sea” defining jurisdiction of territorial waters, a model comprehensive Action Plan has been evolved under the United Nations’ Environment Programme



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(UNEP). Keeping with the international commitments and in greater National interest, the Government of India and the Governments of the coastal States are under a legal obligation to control marine pollution and protect the coastal-environments."



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2.The Principle of Non-Regression was reiterated by this Hon'ble Tribunal in its judgement dated 08.12.2017 in Society for Protection of Environment & Biodiversity v. Union of India (O.A NO.677 of 2016). Pushp Jain v. Union of India (OA 01/2017), Ajay Kumar Singh v. MoEF&CC&Ors. (OA 7/2017), Mahendra Pandey v. Union of India & Ors. (OA 55/2017) and R. Sreedhar v. Union of India (OA 67/2017), where the Hon'ble Tribunal quashed a Notification issued in 2016 which sought to dilute the environmental legislation and held:

Under the international law, the doctrine of Non-regression is an accepted norm. It is founded on the idea that environmental law should not be modified to the detriment of environmental protection. This principle needs to be brought into play because today environmental law is facing a number of threats such as deregulation, a movement to simplify and at the same time diminish, environmental legislation perceived as too complex

The Applicant's sweeping statements are based on the Applicant's own assumptions and are denied.

The Applicant has not given any specific complaint /allegation regarding CRZ Notification, 2019, which the Applicant is contesting.



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and an economic climate which favours development at the expense of protection of environment. The draft amendment of the existing environmental laws should be done with least impact on environment protection that was available under the existing law or regime. The present amendment in the Notification particularly few clauses that we will refer hereinafter can lead to severs environmental impacts.....

32... Thus, some other provisions of the same Notification ex-facie suffer from legal infirmities and are incapable of being implemented in accordance with the scheme of federal structure under the Constitution of India. Out of them, some provisions are directly opposed to the Principle of Non-regression as they considerably dilute the existing environmental laws and standards to the prejudice of the environment..."

The Draft CRZ Notification 2018 is full of deregulations and diminutions of environmental legislation, without any regard to the Principle of




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Non-Regression. In view of the total failure to adhere to this basic Principle, the Draft CRZ Notification, 2018 has been prepared with changes that are exactly opposite to what is necessary, which is to increase and improve the environmental protection.




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<p>3. The impugned Notification also seeks to dilute an existing environment legislation, violation the doctrine of non-regression. Further Section 3 of the EP Act, 1986 limits the power given to the Central Government only to strengthen environmental norms and limit the areas accessible to industries. Yet, it is a general tendency of the Respondent to issue notifications diluting the existing environmental norms. With the increase in development in the coastal areas, the marine resources are under tremendous pressure and Goa has already seen a considerable drop in the fish catch over the past few years, due to which the fisherfolk are losing their means of livelihood. The Respondent being the apex Ministry in enforcement of environmental laws in the country is required to be more mindful about the environment while issuing notifications; however, it seems to be acting in the exact opposite manner.</p>	<p>The Applicant's sweeping statements are based on the Applicant's own assumptions and are denied.</p> <p>The Applicant has not given any specific complaint/allegation regarding CRZ Notification, 2019, which the Applicant is contesting.</p>
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<p>4. It is noteworthy that the Swaminathan Committee noted, in relation to the amendments made to reduce the efficacy of the CRZ Notification of 1991 that, "The several amendments brought into the original notification have to some extent distracted from the original objectives and the spirit of the Coastal Regulation Zone Notification, 1991."</p> <p>"The range of amendments presents a trend that has allowed commercial and industrial expansion in coastal areas. Many of these activities have proved to be extremely harmful to the ecological and livelihood security of the coastal areas.</p> <p>The Committee is of the view that CRZ notification needs to be strengthened and made more scientific in its overall approach, keeping in mind both the needs of the coastal communities (including fishing, Agricultural) and the conservation of the coast."</p> <p>That in spite of the warning against the reduction of protections under the CRZ regime and even judgments of the Hon'ble Supreme Court of India</p>	<p>The Applicant's sweeping statements are based on the Applicant's own assumptions and are denied.</p> <p>In the present case of CRZ Notification, 2019, the relaxation has been given subject to environmental safeguards mentioned in page 31 of the Notification and reproduced below.</p> <p><i>"(ii) Provided that the CRZ limit of 50 meters or width of the creek whichever is less, shall be subject to revision and final approval of the respective CZMPs as per this notification, framed with due consultative process, public hearing etc. and environmental safeguards enlisted therein"</i></p>
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disallowing the rolling back of protections under the CRZ Notification, 1991, the Impugned notification glaringly reduces the impact of the provisions of the CRZ Notification of 2011.



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<p>5. The Applicants submit that the impugned Notification dated 18.01.2019 will have a catastrophic effect on the coastal States in the country and will destroy the livelihood of millions who are supported by the coastal ecology. It will make the coastal states more vulnerable to natural hazards and disasters, which will lead to widespread inundation, loss of ecosystems, coastal habitats, infrastructure. Property and life. The impugned Notification would also amount to a violation of the right to life, livelihood and clean environment under Article 21.</p>	<p>The Applicant's sweeping statements are based on the Applicant's own assumptions and are denied.</p> <p>The Applicant has not given any specific complaint/ allegation regarding CRZ Notification, 2019, which the Applicant is contesting.</p>
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<p>6. The Applicants herein have made representation to the Respondent Authority when the Draft CRZ Notification, 2018 was published in public domain, which is annexed hereto and marked as Annexure A-19.</p>	<p>The Applicant's sweeping statements are based on the Applicant's own assumptions and are denied.</p> <p>In the present case of CRZ Notification, 2019, the relaxation has been given subject to environmental safeguards mentioned in page 31 of the Notification and reproduced below.</p> <p><i>"(ii)Provided that the CRZ limit of 50 meters or width of the creek whichever is less, shall be subject to revision and final approval of the respective CZMPs as per this notification, framed with due consultative process, public hearing etc. and environmental safeguards enlisted therein"</i></p>
<p>7. Being aggrieved by the acts of omissions and commissions on the part of the Respondents, the Applicant's wish to approach this is Hon'ble Tribunal on the following amongst other grounds which are without prejudice to one another.</p>	<p>No comments as statement of fact submitted by the applicant.</p>




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<p>H. Grounds</p> <p>A. That the coastal zone being A transition between marine and territorial areas, including the shore, wetland., mangrove mudflat., sea grass, salt marsh and seaweed ecosystem it provides livelihood to numerous people living. Along the coast line of the country and needs to be protected.</p>	<p>In CRZ Notification, 2019, all ecologically sensitive areas (ESAs) and the geomorphological features which play a role in maintaining the integrity of the coast, including mangrove mudflat., sea grass, salt marsh, Sand dunes etc, have been classified as CRZ-IA areas (No Go areas), where no construction activity is permitted.</p> <p>CRZ Notification, 2019 contains various stringent provisions for environmental safeguards, in paras (ii), 4. (x), 5.1.1 (i), 5.2(vi), 5.3(iii), 5.3(v), 5.4(xv), 10.2 (ii)(b), etc, which ensures protection of the environment.</p> <p>Further, as per para 7 (i) of CRZ 2019, even permitted activities attracting the provisions of this notification shall be required to obtain CRZ clearance prior to their commencement</p>
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<p>B. Because in India's Intended Nationally Determined Contribution: Working towards Climate Change to United Nations Framework. Convention on Climate Change _ India has recognized the vulnerability of coasts to cyclones, Tsunamis droughts storm surge and volcanic eruptions and has adopted strategies including ecological management, conservatism and protection of critical habitats, ensuring livelihood security to local Communities, conserving and protecting the coastal stretches, imposing restriction on setting up and expansion of industries in CRZ. areas,</p>	<p>In CRZ Notification, 2019, all ecologically sensitive areas (ESAs) and the geomorphological features which play a role in maintaining the integrity of the coast, including mangrove mudflat., sea grass, salt marsh, Sand dunes etc, have been classified as CRZ-IA areas (No Go areas), where no construction activity is permitted.</p> <p>CRZ Notification, 2019 contains various stringent provisions for environmental safeguards, in paras (ii), 4. (x), 5.1.1 (i), 5.2(vi), 5.3(iii), 5.3(v), 5.4(xv), 10.2 (ii)(b), etc, which ensures protection of the environment.</p> <p>Further, as per para 7 (i) of CRZ 2019, even permitted activities attracting the provisions of this notification shall be required to obtain CRZ clearance prior to their commencement.</p>
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<p>C. That the impugned Notification, with a view to "conserve and protect the unique environment of coastal stretches and marine areas has significantly diluted the CRZ Notification, 2011, leaving the ecologically coastal areas bereft of most of the protections granted to it under Notification, 2011.</p>	<p>The Applicant's sweeping statements are based on the Applicant's own assumptions and are denied.</p>
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<p>D. That the impugned Notification diluting the CRZ Notification, 2011 has been issued in ultra vires the EP Act, 1986 and EP Rules, 1986 because it was issued under Section 3(2.)4.v) of the EP Act, 1986: the legislative intent expressed through Section 3 of the LP Act, 1986 grants power to the Central Government only for strengthening the Environmental laws by restricting the areas where industries or operations shall not be carried out (Section 31:2)(v));</p>	<p>The extracts of the relevant paras of the preambles of CRZ Notification, 2011 and CRZ Notification, 2019 are tabulated below.</p>	
	<p>CRZ Notification, 2011</p>	<p>CRZ Notification, 2019</p>
	<p><i>Now, therefore, in exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986), the Central Government, with a view to ensure livelihood security to the fisher communities and</i></p>	<p><i>Now, therefore in exercise of the powers conferred by sub-section (1) and clause (v) of subsection (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986) the Central Government, with a view to conserve and protect the</i></p>



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	<p><i>other local communities, living in the coastal areas, to conserve and protect coastal stretches, its unique environment and its marine area</i></p> <p>.....</p>	<p><i>unique environment of coastal stretches and marine areas,</i></p> <p>.....</p>
<p>There is no difference between the relevant paras of the preambles of CRZ Notification, 2011 and CRZ Notification, 2019.</p> <p>The Applicant has not challenged CRZ Notification, 2011 in this regard.</p>		



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E. That the impugned Notification has been issued only under Section 3(2)(v) of the EP Act, 1986 and not under Rule 5 of the EP Rules, 1986, which lays down the procedure to be followed by the Central Government while exercising its power under Section 3(2)(y);

The extracts of the relevant paras of the preambles of CRZ Notification, 2011 and CRZ Notification, 2019 are tabulated below.

CRZ Notification, 2011	CRZ Notification, 2019
<p><i>Now, therefore, in exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986), the Central Government, with a view to ensure livelihood security to the fisher communities and</i></p>	<p><i>Now, therefore in exercise of the powers conferred by sub-section (1) and clause (v) of subsection (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986) the Central Government, with a view to conserve and protect the</i></p>



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<p><i>other local communities, living in the coastal areas, to conserve and protect coastal stretches, its unique environment and its marine area</i></p> <p>.....</p>	<p><i>unique environment of coastal stretches and marine areas,</i></p> <p>.....</p>
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There is no difference between the relevant paras of the preambles of CRZ Notification, 2011 and CRZ Notification, 2019.

The Applicant has not challenged CRZ Notification, 2011 in this regard.



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<p>F. That the provisions of the impugned Notification do not seek to Protect or improve the environment and have only been issued to dilute the CRZ Notification. 2011.</p>	<p>The Applicant's sweeping statements are based on the Applicant's own assumptions and are denied.</p>
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<p>G. That the Ld. National Green Tribunal, in its judgment dated 18.12.2017 in society for protection of Environment & biodiversity v. Union of India (OA .No 667 of 2016) and pushp jain v</p>	<p>The extracts of the relevant paras of the preambles of CRZ Notification, 2011 and CRZ Notification, 2019 are tabulated below.</p>	
<p>Union of India (OA 01/2017) and Ajay Kumar singh v. MoEF & CC &Ors. (OA 7/2017) and</p>	<p>CRZ Notification, 2011</p>	<p>CRZ Notification, 2019</p>
<p>Mahendra Pandey V union of India & ors. (OA 55/2017) and R. Sreedhar v Union of India explained the legislative intent in Section 3 of EP Act: “25. Besides noticing the above mentioned deficiencies in and dilutions of the existing laws by the impugned Notification. we must also notice a very strong legal infirmity in it. Admittedly, the notification has been issued by MOEF &CC in exercise of its powers under sub-section (1) read with clause (V) of Sub section (2) of Section (3) of the Act of 1986 and clause (d) of sub- rule(3) of Rule (5) of the Environment (Protection) Rules, 1986. By the impugned notification, paragraph 14 is sought to be inserted after paragraph 13 of the existing Notification/ Regulation of 2006. The</p>	<p><i>Now, therefore, in exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986), the Central Government, with a view to ensure livelihood security to the fisher communities and other local</i></p>	<p><i>Now, therefore in exercise of the powers conferred by sub-section (1) and clause (v) of subsection (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986) the Central Government, with a view to conserve and protect the unique environment</i></p>



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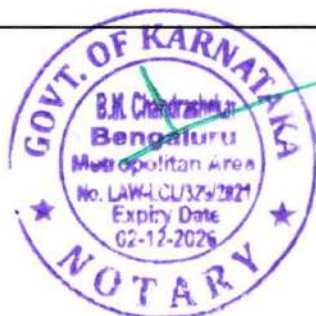
<p>powers under these provisions can be exercised under Section 3(2)(5) of the Act of 1986 which empowers the Central Government to take measure to protect and improvement of the quality of environment in regard to restrictions of areas in which any industries/ Operations or Process or class of industries operations or processes shall not be carried out subject to certain safeguards, In terms of section 3 (I)of the Act, this power of taking measures is to be exercised by the Central</p>	<p><i>communities, living in the coastal areas, to conserve and protect coastal stretches, its unique environment and its marine area</i></p>	<p><i>of coastal stretches and marine areas,</i></p>
<p>Government when it deems necessary and expedient for the purpose of Protection And improving the quality of environment and preventing , controlling and abating environmental pollution (emphasis supplied), Rule 5 deals with the prohibition and restriction on the locations of industries and the carrying on process and operations in different area. It gives power to the Central Government to take into consideration the factors while prohibiting or restricting the locations of industries and carrying on of process / operations in different</p>	<p>There is no difference between the relevant paras of the preambles of CRZ Notification, 2011 and CRZ Notification, 2019. The Applicant has not challenged CRZ Notification, 2011 in this regard.</p>	



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areas, Sub-rule 3 of this Rule contemplates the procedure to be followed by the Central Government while issuing the notification for imposing prohibition or restriction as stated in Sub-rule (1) of rule 5. Thus both the sections and the rule gives power, for issuing of any notification and placing prohibition/ restriction in their terms subject to the conditions i.e while issuing notification the procedure under Rule .5 (3) should be followed and more importantly it should be exercised only for the purpose of protecting and improving the quality of the environment and preventing pollution. Once any of these essential statutory features are missing the notification issued would be liable to be interfered with. The major part of the Notification does not satisfy these ingredient".



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<p>H. That the Hon'ble Supreme Court has, vide judgment in India council for Enviro – Legal Action v. Union of India, (1996) 5 SCC 281 quashed an earlier notification seeking to dilute the CRZ notification 1991 because it gave the Central Government too much arbitrary power which could result in, serious. environmental degradation:</p> <p>37. In the writing submissions filed by the Union of India in this Court on 29-9-1995, this amendment has been sought to be justified and explained by it in the following words.</p> <p>“As regards the developmental activities up to the High tide Line. the central Government may for reasons recorded in writing permit construction in any particular case taking into account the geographical features and other relevant aspects. This is necessary as providing of 200 metres of no-development zone all along was not possible in the coastal line in a uniform way on account of wide variation in geographical features, existing human</p>	<p>In the present case of CRZ Notification, 2019, the relaxation has been given subject to environmental safeguards mentioned in page 31 of the Notification and reproduced below.</p> <p>“(ii)<i>Provided that the CRZ limit of 50 meters or width of the creek whichever is less, shall be subject to revision and final approval of the respective CZMPs as per this notification, framed with due consultative process, public hearing etc. and environmental safeguards enlisted therein</i>”</p>
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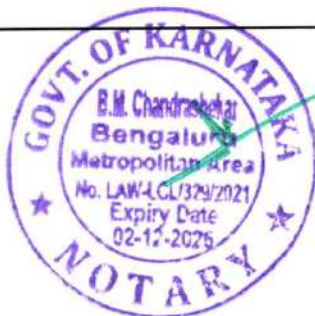


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settlements and developmental activities required foreshore facilities etc "

The relaxation with regards to NDZ was sought by the hotel and tourism industry and they desired concession only with regards to 20-30 kms of coastal line. By the amended notification, power has been given to the central Government to make such relaxation with regards to any part of the 6000 km s long coastline of India . The central Government has, thus, retained the absolute power of relaxation of the entire 6000 kms long coastline and this, in effect , may lead to the causing of serious ecological damage as the said provision gives unbridled power and does not contain any guidelines as to how or when the power is to be exercised . The said provision is capable of abuse . The Central Government also did not confine the relaxation to the extent as specified by the Vohra committee. No satisfactory reasons has been given by the Union of India as to why it departed from the opinion of the Expert committee and that too in such manner that the concession which has now



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been given is far in excess of what was demanded by the Hotel and Tourism industry.

38. *we, accordingly hold that the newly added proviso in Annexure II in paragraph 7 in subparagraph (I) (Item i) which gives the Central Government arbitrary, uncanalized and unguided power, the exercise of which may result in serious ecological degradation and may make the NDZ ineffective is ultra vires and is hereby quashed. No suitable reason has been given which can persuade us to hold that the enactment of such a proviso was necessary in the larger public interest, and the exercise of power under the said proviso will not result in large-scale ecological degradation and violation of article 21 of the citizens living in those areas.*



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<p>I That with regard to the overriding powers of the Environment (protection) Act, 1986 and the EIA Notification, 2006, the Ld. National Green Tribunal, in S P Muthuraman v Union of India [O.A. No 37 of 2015 (Principal Bench) held as follows:</p>	<p>The extracts of the relevant paras of the preambles of CRZ Notification, 2011 and CRZ Notification, 2019 are tabulated below.</p>	
<p>“ The provisions pf the Act of 1986 , Rules of 1986 and the notification of 2006 are statutory documents having the force of law. Providing a mechanism in exercise of administrative or executive power in complete deviation or disregard to the law in force, would be contrary to the basic rule of law. Beside it being in derogation to the environment jurisprudence, it would also have adverse impacts upon environment and jurisprudence, it would also have adverse impacts upon environment and ecology of the area. There is greater need for compliance to the statutory provisions . Such compliance would be essential in the interest of the environment.....”</p>	<p>CRZ Notification, 2011</p> <p><i>Now, therefore, in exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986), the Central Government, with a view to ensure livelihood security to the fisher communities and other local</i></p>	<p>CRZ Notification, 2019</p> <p><i>Now, therefore in exercise of the powers conferred by sub-section (1) and clause (v) of subsection (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986) the Central Government, with a view to conserve and protect the unique environment</i></p>



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<i>communities, living</i>	<i>of coastal stretches</i>
<i>in the coastal areas,</i>	<i>and marine areas,</i>
<i>to conserve and</i>
<i>protect coastal</i>	
<i>stretches, its unique</i>	
<i>environment and its</i>	
<i>marine area</i>	
.....	

There is no difference between the relevant paras of the preambles of CRZ Notification, 2011 and CRZ Notification, 2019.

The Applicant has not challenged CRZ Notification, 2011 in this regard.

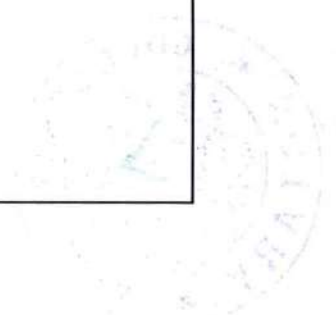


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J. That while adjudicating whether the freeze on FSI norms as per 1991 in CRZ areas was reasonable and justified, the Hon'able Bombay High Court held, in the matter of Overseas Chinese cuisine (India) Pvt. Ltd. V. Municipal Corporation of Greater Bombay, 1999 SCC Online Bom 473," It serves an important purpose, namely, to highlight that irrespective of what Local Town and Country Planning regulations may provide for in future in any nook on corner of the country, and irrespective of how the norms of Floor space Index /Floor Space Ratio might be revised at some future point of time, the building activity permitted under the Notification in CRZ-II shall be frozen to the laws and norms existing on the date of the Notification. This interpretation , in our view, in perfectly is consonance with the legislative intention behind the Environment (Protection) Act, 1986.

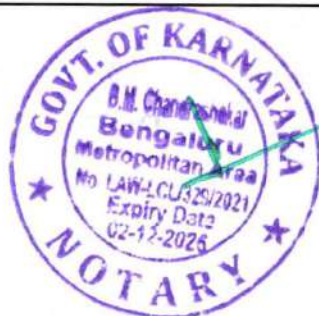
It is submitted that regulations 5.2 (iii) and (iv) of CRZ 2019, fixing FSI (floor space index)/ FAR (floor area ratio) as per relevant town and country planning norms as on the date of CRZ 2019 i.e. 18th January 2019, have been incorporated in the CRZ Notification, 2019 to avoid disparity in DCR in CRZ and Non-CRZ areas and bring uniformity and to facilitate providing basic descent housing facility to the people, which is one of the fundamental requirements of the people and in public interest.



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<p>K. That the delegated legislation has been issued in contravention to the parent Act and in this regard. The Hon'able Supreme court in cellular Operators Assn. of India v. TRAI((2016) 7 SCC703 : 2016 SCC Online SC 486) held;</p> <p>Parameters of judicial review of subordinate legislation;</p> <p>34. <i>In state of T.N v P. Krinshnamurthy [sate of T.N v. P. Krishnamurthy, (2006) 4 SCC 517]. This court after adverting to the relevant case law on the subject, laid down the parameters of judicial review of subordinate legislation generally thus: (SCC pp. 528 -29, Paras15-16)</i></p> <p>“ 15. <i>There is a Presumption in favour of Constitutionality or validity of a subordinate legislation and the burden is upon him who attacks it to show that it is invalid. It is also well recognized that a subordinate legislation can be challenged under any of the following grounds:</i></p> <p>a. <i>Lack of legislative competence to make the subordinate legislation</i></p>	<p>There is no difference between the relevant paras of the preambles of CRZ Notification, 2011 and CRZ Notification, 2019, regarding the parent Act.</p> <p>The Applicant has not challenged CRZ Notification, 2011 in this regard.</p>
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- b. *Violation of fundamental rights guaranteed under the Constitution of India.*
- c. *Violation of any provision of the constitution of India*
- d. *Failure to conform to the statute under which it is made or exceeding the limits of authority conferred by the enabling Act.*
- e. *Repugnancy to the laws of the land, that is any enactment.*
- f. *Manifest arbitrariness / unreasonableness (to an extent where the court might well say that the legislature never intend to give authority to make such rules).*

16. *The court considering the validity of a subordinate legislation, will have to consider the nature, object and scheme of the enabling Act and then decide whether the subordinate legislation conforms to the parent statute. Where a rule is directly inconsistent with a mandatory provision of the statute, then of course, the task of the court is simple and easy. But where the contention is that the*



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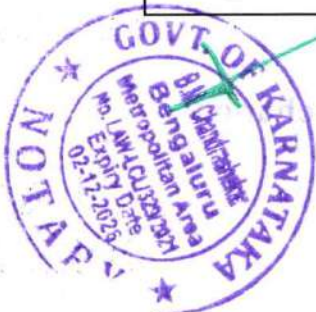
inconsistency or non- conformity of the rule is not with reference to any specific provision of the enabling Act, but with the Object and scheme of the parent Act, the court should proceed with caution before declaring invalidity “ (Emphasis Supplied).



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<p>L. In the matter of Secretary, Ministry of Chemicals & Fertilisers v eipla ltd (2003)7 SCC I, the Hon'able Supreme court has held as follows:-</p> <p><i>".... Broadly, the Subordinate law making authority is guided by the policy and objective of the primary legislation disclosed by the preamble and other provisions.....</i></p> <p><i>Through exactitude and meticulous conformance is not what is required, it is not open to the government to go hay-wire and flout or debilitate the set norms either by giving distorted meaning to them or by disregarding the very facts and factors which it professed to take into account in the interest of transparency and objectivity."</i></p> <p>Further, in the matter of J.K Industries Ltd v. Union of India [(2007) 13 SCC673] it was held as follows:</p> <p><i>" 68. It is well settled that, what is permitted by the concept of delegation is delegation of ancillary or subordinate legislative functions or what is fictionally called as power to fill up the details. The Judgments of this court have laid down that the legislature may, after laying down the legislative</i></p>	<p>There is no difference between the relevant paras of the preambles of CRZ Notification, 2011 and CRZ Notification, 2019, regarding the parent Act.</p> <p>The Applicant has not challenged CRZ Notification, 2011 in this regard.</p>
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policy, confer discretion on administrative or executive agency like Central Government to work out details within the frame work of the legislative policy laid down in the plenary enactment. Therefore, power to supplement the existing law is not abdication of essential legislative function. Therefore, power to make subordinate legislation is derived from the enabling Act and it is fundamental principle of law which is self-evident that the delegate on whom such power is conferred has to act within the limitations of the authority conferred by Act. It is equally well settled that, Rules made on matters permitted by the Act in order to supplement the Act and not to supplant the Act, cannot be held to be in violation of the Act. A delegate cannot override the Act either by exceeding the authority or by making provisions inconsistent with the ACT."



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<p>M. Because since the CRZ Notification, 1991 first came into force, the Respondent herein has been modified and diluted 34 times and reiterated Twice already, being the most amended law in the country; all these dilutions have been carried out under section 3 of the EP Act, 1986, even though the EP Act does not permit dilution of environmental norms;</p>	<p>There is no difference between the relevant paras of the preambles of CRZ Notification, 2011 and CRZ Notification, 2019, regarding the parent Act. The Applicant has not challenged CRZ Notification, 2011 in this regard.</p>
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<p>N. That the Central Government did not carry out an Environmental Impact Assessment to Understand the effect of the impugned Notification, as required by them under section 36(4)(i) of the Biological Diversity Act 2002;</p>	<p>As stated by the Applicant elsewhere in the present Petition/OA, Section 36 (4) of the Biological Diversity Act, 2002 deals with "assessment of environmental impact of the project".</p> <p>Swaminathan Committee Report quoted by the Applicant also deals with the burden of proving minimal or no environmental impact of any project to be undertaken in a CRZ area.</p> <p>Section 36 (4) of the Biological Diversity Act, 2002 and the Swaminathan Committee Report, quoted by the Applicant deal with environmental impact assessment (EIA) of projects and not EIA of CRZ Notification, 2019.</p> <p>The CRZ Notification, 2019 contains numerous provisions for conducting EIA for projects in the coastal areas. Thus, the</p>
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CRZ Notification, 2019 fully satisfies the requirements of the Biological Diversity Act, 2002 and the said Swaminathan Committee Report, both quoted by the Applicant.

The Applicant's statements are without any basis.



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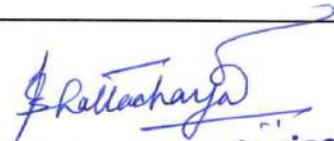
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<p>O. Because by issuing the impugned Notification which was significantly and materially different from the Draft CRZ Notification that was in public domain for comments from the public, the Respondent herein has rendered the entire process of publication for public participation a mere formality;</p>	<p>The objections to the Draft CRZ Notification submitted by the Applicant have been addressed and replied to separately in the respective paras of the Applicant's present Application/ petition/OA.</p>
<p>P. That the Division Bench of the Hon'able High Court of Rajasthan, in Maula Bux and Orsv. The Appellate Tribunal of State Transport Authority, Jaipur and Ors, AIR 1962 Raj 19, held;</p> <p><i>“ It is incumbent on the rule making authority to publish a draft of the rule making authority to publish a draft of the rule under Section 23 of the General Clauses Act and to invite objections from all concerned. The authority has further to consider the objections if any, and to make a rule in exercise of its rule making power. The powers of rulemaking under sec. 68 of the motor Vehicles Act are subject to the condition of previous publication only and after a draft of the amendment of rules is published</i></p>	<p>That the additions to the draft are not absolutely foreign and are valid, has been explained by this Respondent separately in the respective paras of the Applicant's present Application/petition/OA.</p>



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as required by sections 23, it is open to the authority to make rules With or without changes in the Previously published draft, subject however to the condition that the rule so made is not absolutely foreign to the draft."



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Q. That the Hon'able High Court of Bombay has reiterated the need for public participation and set aside a Notification that was issued without notice and had held that the process inviting suggestions and objections cannot be an empty formality in Dr. Avinash Ramkrishna Kashiwar vs. the State of Maharashtra (2015)5 Mh.L.J;

Notice of 60 days was given and comments/suggestions were also invited on the draft CRZ Notification, 2018, by this Respondent, vide MoEF&CC public notice dated 18/04/2018 (page 288 of OA, Annexure A-6 of the Applicant).

Thus, the Applicant's is allegations to the contrary are false.

“ 17. “ It could thus be seen that it appears to be settled position of law that the requirement of previous publication inviting objections and suggestions is not an empty formality. It is with an intention to enable persons likely to be affected, to be informed, so that they may take steps as may be open to them and he objections / suggestions made would be required to be taken into consideration by the authorities before issuing a final notification.

26. “ In the result, we hold that the impugned notification dated 26.07.2013 is not sustainable in law and therefore ,quashed and set aside . Rule is therefore, made absolute in the aforesaid terms with no orders as to costs.”



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<p>R. That the High court of Delhi in Shiva Alloys (Pvt.) Ltd and Anr.v. union of India & Ors. (citation) observed that the notice issued for public comments as per procedure prescribed in the Act did not include the ban/prohibition which was included in the final notification, and held that part which was not included to be illegal.</p> <p><i>"4. The Applicants have been prejudiced thereby. In respect of these furnaces no notice was issued as per the procedure under section 10 of the Act and thus in so far as inclusion of the Applicants in the ban/prohibition is concerned there is a clear violation of mandatory procedure which is to be followed in terms of section 10 of the Act.</i></p> <p><i>5. It is trite law when the mandatory procedure is not followed, the action of the authorities is null and void. Those who build the procedural sword, normally get perished by the same. That is what happened in the instant case.</i></p> <p><i>The clause in the Mater Plan which bans the induction furnaces of the capacity of less than 3 tons</i></p>	<p>In the present case of CRZ Notification, 2019, there is no ban or prejudice on anyone due to the alleged non-inclusion of any ban/prohibition clause. No one has been prejudiced.</p> <p>The Applicant himself has stated in his para-P above that the Division Bench of the Hon'ble High Court of Rajasthan, in Maula Bux and Orsv. the Appellate Tribunal of State Transport Authority, Jaipur and Ors, AIR 1962 Raj 19, held;</p> <p><i>" It is incumbent on the rule making authority to publish a draft of the rule making authority to publish a draft of the rule under Section 23 of the General Clauses Act and to invite objections from all concerned. The authority has further to consider the objections if any, and to make a rule in exercise of its rule making power.</i></p> <p><i>The powers of rulemaking under sec. 68 of the Motor Vehicles Act are subject to the</i></p>
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is therefore, illegal and has to be struck down. We order accordingly.”

condition of previous publication only and after a draft of the amendment of rules is published as required by sections 23, it is open to the authority to make rules With or without changes in the Previously published draft, subject however to the condition that the rule so made is not absolutely foreign to the draft.”

That the additions to the draft are not absolutely foreign and are valid, has been explained by this Respondent separately in the respective paras of the Applicant's present Application/petition/OA.



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<p>S. That the Hon'ble Supreme Court of India held at Para 9 of its Judgment in the matter of state of Punjab v. Tehal Singh, (2002)2 SCC 7 that where the legislature has provided for giving an opportunity of hearing before effectuating a sustainable change in subordinate legislation, an opportunity of hearing is sine qua non and failure to give such an opportunity of hearing to the residents would render the declaration or change invalid;</p>	<p>That the additions to the draft are not absolutely foreign and are valid, has been explained by this Respondent separately in the respective paras of the Applicant's present Application/petition/OA.</p>
<p>T. That the coastal State Governments, including the Government of Goa have taken an inordinate number of years to complete the preparation of the CZMPs under the 2011 Notification, despite being directed time and again by this Hon'able Tribunal to do so, and the CZMPS prepared for the State Goa Under the 2011 CRZ Notification are flawed, inadequate and incomplete, and have omitted the demarcation of various ecologically and socio-economically sensitive areas.</p>	<p>The Applicant's statement pertains to delay in preparation of the CZMP of Goa as per CRZ Notification, 2011. This has nothing to do with CRZ Notification, 2019, which has been challenged by the Applicant. CRZ Notification, 2019 cannot be faulted for delay in preparation of the CZMP of Goa as per CRZ Notification, 2011.</p>



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<p>U. That the Shailesh Nayak Committee report, on the basis of whose recommendation the impugned Notification has been issued, had the limited scope of addressing the grievance with respect to the CRZ Notification, 2011 raised by Maharashtra, Karnataka and Kerela and simplifying procedures;</p>	<p>Section 1.2 of the Shailesh Nayak Committee report outlines the procedure adopted by the Committee. The report states that the Committee had a meeting with all coastal States/UTs on 27/10/2014, not just Maharashtra, Karnataka and Kerela. Copies of the presentations made and representations received were also enclosed as Volumes II & III of the report.</p>
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<p>V. That the Shailesh Nayak Committee report could not have encompassed the need for a new law or the issues faced for implementation of the CRZ Notification, 2011 because the TORs, granted to it, on the basis of which the committee carried out its study, was only to correct any irregularities in the CRZ Notification, 2011 and Simplifying the procedures under the CRZ Notification 2011 : the scope of the study did not include the needs of the costal areas, the implementation of the CRZ Notification, 2011 or the risk of natural disasters faced by the coasts, without understanding of which, any new law will be disastrous to the local communities, and to any activity carried out in these areas.</p>	<p>The following six basic principles were considered and adopted by the Shailesh Nayak Committee in formulation of the report.</p> <ol style="list-style-type: none"> i. Protection and conservation of Ecologically Sensitive Areas, the geomorphological features, Architectural & Heritage sites, keeping in view their importance and the incomparable values. ii. Integration of development /economic and growing needs of the Society with coastline preservation, keeping in view the sensitivity of the coast and ensuring no or minimum impact to the coastal environment. iii. Vulnerability of the coastal environment to natural and manmade hazards to be addressed comprehensively taking into
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account the fragile nature of the coastal ecosystem and the communities who depend on the coastal resources.

- iv. Ensuring that there is no conflict of CRZ regulations with the existing norms issued by the States/UTs as well as by the Central Government from time to time.
- v. Application of space technology for management of coastal and marine environment.
- vi. Issues related to capacity Building in Coastal Zone Management.

This addresses the concerns of the Applicant.



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W. That the Shailesh Nayak committee report is based solely on meetings with the state Governments and has failed to consider the needs of the fisherfolk and local communities, who will be most affected by the impugned Notification entirely.

Rigorous Public hearings are part of the process of preparation of Coastal Zone Management Plans (CZMP), which includes demarcation of HTL, LTL, ESAs and CRZ. Suggestions and objections received from the public are scrutinised and considered while finalising the CZMP. Similarly, public hearings are also conducted before commencing projects.

As stated by the Applicant elsewhere in the present Petition/OA, Section 36 (4) of the Biological Diversity Act, 2002 deals with "*assessment of environmental impact of the project*".

Swaminathan Committee Report quoted by the Applicant also deals with the burden of proving minimal or no environmental impact of any project to be undertaken in a CRZ area.




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Section 36 (4) of the Biological Diversity Act, 2002 and the Swaminathan Committee Report, quoted by the Applicant deal with environmental impact assessment (EIA) of projects and not EIA of CRZ Notification, 2019.

The CRZ Notification, 2019 contains numerous provisions for conducting EIA and public consultations for projects in the coastal areas. Thus, the CRZ Notification, 2019 fully satisfies the requirements of the Biological Diversity Act, 2002 and the said Swaminathan Committee Report, both quoted by the Applicant.



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<p>X. That the Shailesh Nayak Committee recommends application of Town and country Planning regulations to be applicable to CRZ areas, instead of specific CRZ Regulations, Showing its complete failure to Understand the needs of the coastal areas and the sensitive ecology supported by it;</p>	<p>It is submitted that regulations of CRZ Notification, 2019, fixing FSI (floor space index)/ FAR (floor area ratio) as per relevant town and country planning norms as on the date of CRZ 2019 i.e. 18th January 2019, have been incorporated in the CRZ Notification, 2019 to avoid disparity in DCR in CRZ and Non-CRZ areas and bring uniformity and to facilitate providing basic descent housing facility to the people, which is one of the fundamental requirements of the people and in public interest.</p>
<p>Y. That the Shailesh Nayak Committee report has given all its recommendations without the final CZMPs, without any scientific studies and without understanding the needs of the coastal communities;</p>	<p>The Applicant has not given any specific complaint/ allegation regarding CRZ Notification, 2019, which the Applicant is contesting.</p>



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Z. That the impugned notification violates the CRZ Notification, 2019 contains various doctrine of non –regression, a well- recognized stringent provisions for environmental principle in international human rights law, being safeguards, in paras (ii), 4. (x), 5.1.1 (i), adopted in environmental law, which was also 5.2(vi), 5.3(iii), 5.3(v), 5.4(xv), 10.2 (ii)(b), adopted by the hon’able National Green Tribunal in etc, which ensures protection of the its Judgment date 08.12.2017 in society for environment. protection of environment & Biodiversity v. Union of India (Oa 01/ 2017) and Ajay Kumar Singh v MoEF &CC & Ors (OA 7/2017), Where the Hon’able National Green Tribunal Quashed a Notification issued in 2016 which sought to dilute the environment legislation and held:

“ Under the International law , the doctrine of Non-regression is an accepted norm. it is found on the idea that environmental law should not be modified to the detriment of environmental protection. This principle needs to be brought into play because today environmental law is facing a number of threats such as deregulation, a movement to simplify and at the same time diminish, environmental legislation perceived as too complex



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and an economic climate which favours development at the expense of protection of environment. The draft amendment of the existing law or regime. The Present amendment in the Notification particularly few clauses that we will refer hereinafter can lead to severe environmental impacts....

32.... Thus. Some other provisions of the same notification ex-facie suffer from legal infirmities and are incapable of being implemented in accordance with the scheme of federal structure under constitution of India .Out of them, some provision are directly opposed to the Principle of Non-

Regression as they considerably dilute the existing environmental laws and standards to the prejudice of the environment. Thus , in the facts and circumstance of the present case, the Tribunal can safely take recourse to the doctrine of severability to declare some of the provisions of the Notification as ultra –vires or ineffective while holding the other



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part of the notification as legally sound and sustainable.”



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AA. That the respondent has not applied its mind while exercising the powers granted to it and the Hon'ble supreme court held that in such cases , the judiciary can exercise its power of judicial review; The Applicant has not given any specific complaint/ allegation regarding CRZ Notification, 2019, which the Applicant is contesting.

“ by now the parameters of the court's power of judicial review of administrative or executive action or decision and the grounds on which the court can interfere with the same are well settled and it would be redundant to recapitulate the whole catena of decisions of this court commencing from barium chemical Ltd v. company Law board case on the point. Indisputably, it is a settled position that if the action or decision is perverse or is such that no reasonable body of persons , properly informed, could come to or has been arrived at by the authority misdirecting itself by adopting a wrong approach or has been influenced by irrelevant or extraneous matters the court would be justified in interfering with the same.”



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<p>BB. Because in the matter of M.C Metha vs. Union of India (write petition 4677 of 1985), the Hon'able Supreme Court held that when faced with a situation where if any activity is allowed to go ahead, there may be irreparable damage to economic interest . The precautionary principle requires anticipatory action to be taken to prevent harm. The harm can be prevented even on a reasonable suspicion. It is not always necessary that there should be direct evidence of harm to the environment.</p>	<p>CRZ Notification, 2019 contains various stringent provisions for environmental safeguards, in paras (ii), 4. (x), 5.1.1 (i), 5.2(vi), 5.3(iii), 5.3(v), 5.4(xv), 10.2 (ii)(b), etc, which ensures protection of the environment.</p>
<p>CC. That the Respondent followed bad practice in policy making by failing to consult the Ministry of Law and Justice before finalizing the impugned Notification.</p>	<p>The Applicant has not produced any evidence to show that the Ministry of Law and Justice was not consulted before finalizing the impugned Notification.</p>
<p>DD. That the Respondent has issued the impugned Notification, despite the fact that 68% of the comments received by the Draft CRZ Notification were objections. This is gross violation of the public trust doctrine;</p>	<p>Objections are also part of the comments/suggestions invited on the draft CRZ Notification, 2018. Such objections have also been scrutinized and considered before finalizing the notification.</p>



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EE. Because India has Witnessed 8 violent cyclones Since 2000, including Tauktae Amphaan, Asani Yaas, Fani, Sitarang, Nisaraga, Jawad, Ochki and Phailin and any new law that comes in place to supersede the CRZ Notification 2011 ought to consider the growing number of natural disasters, the impact of global warming and rise in sea level, in order to assess the protections needed for the coasts and the activities which can permissible within CRZ areas.

Para 10.1 (i) of CRZ Notification, 2019 states as follows.
For all the CVCAs mentioned in sub-paragraph 3.1, Integrated Management Plans (IMPs) shall be prepared, which shall, inter alia, keep in view the conservation and management of mangroves, needs of local communities, such as dispensaries, schools, public rain shelter, community toilets, bridges, roads, jetties, water supply, drainage, sewerage and the impact of sea level rise and other natural disasters and the IMPs will be prepared in line with the guidelines for preparation of Coastal Zone Management Plan.

Para 2 of Annexure-IV of CRZ Notification, 2019 states as follows.

"A 'Hazard line' has been demarcated by the Survey of India (SOI) taking into



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account the extent of the flooding on the land area due to water level fluctuations, sea level rise and shoreline changes(erosion or accretion) occurring over a period of time. The hazard line mapped by SOI has been shared with the coastal States or Union territories through NCSCM. The hazard line shall be used as a tool for disaster management plan for the coastal environment, including planning of adaptive and mitigation measures. With a view to reduce the vulnerability of the coastal communities and ensuring sustainable livelihood, while drawing the CZMP, the land use planning for the area between the Hazard line and HTL shall take into account such impacts of climate change and shoreline changes”.

Thus, CRZ Notification 2019 considers the growing number of natural disasters and



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the impacts of global warming and rise in sea level.



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I. Limitation

The Applicants submit that there has been no delay in filing this application, as the Applicants herein had initially challenged the CRZ Notification of 2019 vide a public interest Litigation Petition No 19/2019 . vide its order dated 03.01.2023 is the said public Interest Litigation Petition as well as Other connected petitions, the Hon'ble Bombay High Court was pleased to grant liberty to the Applicants to file the present application in the National Green Tribunal, as this Hon'ble Tribunal would be the correct forum to hear the matter. In the said order dated 03.01.2023, the Hon'ble High court was pleased to direct at paragraph 8 that " we also observe that in case the applicants approach the Hon'able NGT within 4 weeks from today, the proceedings they institute will be considered, in accordance with law and on their merits without raising the issues with respect to limitation " . The Hon'able High court also recorded the statement of the standing counsel for the central government that



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the central government would not raise any issue on limitation before the Hon'able NGT.

J. Reliefs Prayed for: -

The applicant therefore humbly pray that this Hon'able Tribunal be pleased to :-

- a. Quash and set aside the impugned CRZ notification, 2019 dated 18.01.2019

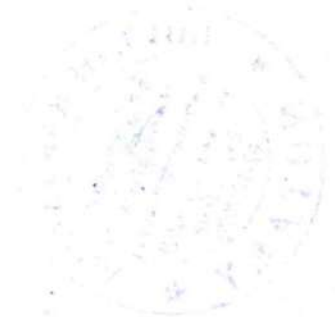
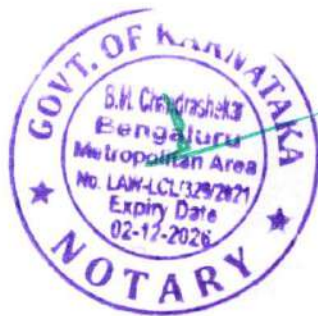
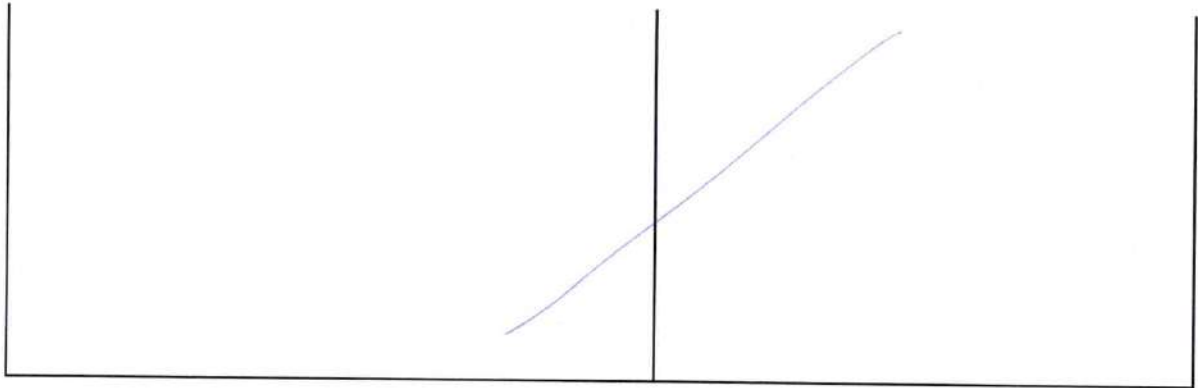
In view of the above submissions, it is prayed that the Petition/OA of the Applicant may kindly be dismissed.



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b. Direct the Respondent authorities herein to revoke all development permissions granted as per the impugned notification dated 18.01.2019.

The CZMPs of Odisha, Karnataka, Mumbai city & Mumbai suburban districts of Maharashtra and the remaining 5 coastal districts of Maharashtra namely, Palghar, Thane, Raigad, Ratnagiri and Sindhudurg districts have already been approved by the Government of India on 1/06/2021, 2/09/2022, 29/09/2021 and 25/08/2023, respectively.

CRZ clearances of various projects, including projects of national importance have been granted in the past three years based on CRZ maps prepared as per the approved CZMP of the above-mentioned coastal States and many such projects have already commenced operations. Thus, the clearances/permissions given are all fait-accompli now and cannot be revoked. The project activities on the ground also cannot be reversed.



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In view of the above submissions, it is prayed that the Petition/OA of the Applicant may kindly be dismissed.



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c. Restrain the Respondent Authorities from issuing any further development permissions as per the impugned notification dated 18.01.2019.

The CZMPs of Odisha, Karnataka, Mumbai city & Mumbai suburban districts of Maharashtra and the remaining 5 coastal districts of Maharashtra namely, Palghar, Thane, Raigad, Ratnagiri and Sindhudurg districts have already been approved by the Government of India on 1/06/2021, 2/09/2022, 29/09/2021 and 25/08/2023, respectively.

CRZ clearances of various projects, including projects of national importance have been granted in the past three years based on CRZ maps prepared as per the approved CZMP of the above-mentioned coastal States and many such projects have already commenced operations. Thus, the clearances/permissions given are all fait-accompli now and cannot be revoked. The project activities on the ground also cannot be reversed.



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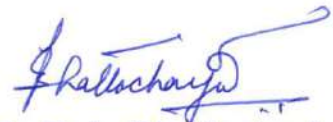
Different yardsticks cannot be applied to different projects.

In view of the above submissions, it is prayed that the Petition/OA of the Applicant may kindly be dismissed.



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<p>d. Direct the respondents to continue implementing the CRZ notification of 2011 till the finalisation of a fresh CRZ notification with in the state of Goa.</p>	<p>The CZMP of Goa has been approved as per the CRZ Notification, 2011 and the CZMP of Goa under the CRZ Notification, 2019 is still under preparation.</p> <p>Thus, only CRZ Notification, 2011 and the corresponding CZMP (2011) of Goa are being implemented now.</p> <p>Fresh CRZ notification cannot be notified for the State of Goa alone, as prayed by the Applicant.</p>
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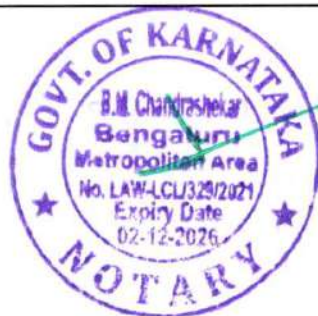
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e. That pending hearing and final disposal of this Application this Hon'able Tribunal be pleased to stay the operation of the impugned CRZ Notification, 2019 dated 18.01.2019.

The CZMPs of Odisha, Karnataka, Mumbai city & Mumbai suburban districts of Maharashtra and the remaining 5 coastal districts of Maharashtra namely, Palghar, Thane, Raigad, Ratnagiri and Sindhudurg districts have already been approved by the Government of India on 1/06/2021, 2/09/2022, 29/09/2021 and 25/08/2023, respectively.

CRZ clearances of various projects, including projects of national importance have been granted in the past three years based on CRZ maps prepared as per the approved CZMP of the above-mentioned coastal States and many such projects have already commenced operations. Thus, the clearances/permissions given are all fait-accompli now and cannot be revoked. The project activities on the ground also cannot be reversed.



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Different yardsticks cannot be applied to different projects.

In view of the above submissions, it is prayed that the Petition/OA of the Applicant may kindly be dismissed.



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<p>f. The pending hearing and final disposal of this petition, this Hon'ble Tribunal be pleased to direct the Respondent authorities to revoke all development permissions granted as per the impugned Notification dated 18.01.2019;</p>	<p>This is the same prayer given at Sl. No. b. above.</p> <p>The CZMPs of Odisha, Karnataka, Mumbai city & Mumbai suburban districts of Maharashtra and the remaining 5 coastal districts of Maharashtra namely, Palghar, Thane, Raigad, Ratnagiri and Sindhudurg districts have already been approved by the Government of India on 1/06/2021, 2/09/2022, 29/09/2021 and 25/08/2023, respectively.</p> <p>CRZ clearances of various projects, including projects of national importance have been granted in the past three years based on CRZ maps prepared as per the approved CZMP of the above-mentioned coastal States and many such projects have already commenced operations. Thus, the clearances/permissions given cannot be sought to be revoked at this stage. The</p>
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project activities on the ground also cannot be reversed.

Different yardsticks cannot be applied to different projects.

In view of the above submissions, it is prayed that the Petition/OA of the Applicant may kindly be dismissed.



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<p>g. That pending hearing and final disposal of this petition, this hon'able Tribunal be pleased to direct the respondent herein not to issue any further development permissions as per the impugned Notification dated 18.01.2019.</p>	<p>This is the same prayer given at Sl. No. c. above.</p> <p>The CZMPs of Odisha, Karnataka, Mumbai city & Mumbai suburban districts of Maharashtra and the remaining 5 coastal districts of Maharashtra namely, Palghar, Thane, Raigad, Ratnagiri and Sindhudurg districts have already been approved by the Government of India on 1/06/2021, 2/09/2022, 29/09/2021 and 25/08/2023, respectively.</p> <p>CRZ clearances of various projects, including projects of national importance have been granted in the past three years based on CRZ maps prepared as per the approved CZMP of the above-mentioned coastal States and many such projects have already commenced operations. Thus, the clearances/permissions given cannot be sought to be revoked at this stage. The</p>
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project activities on the ground also cannot be reversed.

Different yardsticks cannot be applied to different projects.



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<p>h. The pending hearing and final disposal of this petition, this Hon'ble Tribunal be pleased to direct the Respondents to continue implementing the CRZ Notification of 2011 till finalization of the fresh CRZ Notification within the state of GOA.</p>	<p>This is the same prayer given at Sl. No. d. above.</p> <p>The CZMP of Goa has been approved as per the CRZ Notification, 2011 and the CZMP of Goa under the CRZ Notification, 2019 is still under preparation.</p> <p>Thus, only CRZ Notification, 2011 and the corresponding CZMP (2011) of Goa are being implemented now.</p> <p>Fresh CRZ notification cannot be notified for the State of Goa alone, as prayed by the Applicant.</p> <p>In view of the above submissions, it is prayed that the Petition/OA of the Applicant may kindly be dismissed.</p>
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7. In addition to the Para-wise reply above, the Respondent Ministry begs to submit the details of two important matters which are pending before Hon'ble NGT **wherein direction has been passed to expedite the updation of the CZMP as per CRZ Notification, 2019.** The details are as under:



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Secretary

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- **O.A. No. 04 of 2013 with Appeal No. 18 of 2017 (NGT, SZ) titled C.H. Balamohan vs. Union of India & Ors**

The Hon'ble, NGT (SZ) *vide* order dated 11/04/2022 in O.A. No. 04 of 2013 with Appeal No. 18 of 2017 titled C.H. Balamohan vs. Union of India & Ors., had directed as follows:

"83. Accordingly, we direct Chief Secretaries of the Costal State/UT to finalise the CZMP and get them approved by MoEF within 2 months. The approved CZMP shall contain the parameters as listed in the CRZ 2019 Notification including high, medium and low erosion stretches for such erosion prone areas..."

A true copy of the order dated 11/04/2022 is annexed herewith and marked as **Annexure-R1-8**

- **O.A. No. 249 of 2023 in re: News item published in Newspaper The Hindu dated 19.03.2023 titled "India's Sinking Island with O.A. No. 795 of 2023 titled 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**

It is humbly submitted that in O.A. No. 249 of 2023- In re: News item published in Newspaper The Hindu dated 19.03.2023 titled "India's Sinking Island" wherein the Hon'ble National Green Tribunal, Principal Bench has taken suo moto cognizance. Moreover, the Hon'ble NGT, PB in **O.A. No. 795 of 2023** vide order dated 16/01/2024 has taken suo moto cognizance of newspaper report published in Indian Express dated 06.12.2023 with the title "Third of India's coastline vulnerable to erosion - here are the worst hit states". Report says that various beaches in Coastal areas/States like Maharashtra, Tamil Nadu, Kerala, Karnataka etc. are vulnerable to erosion and are getting damaged on account of lack of proper management due to non-finalization of Coastal



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Regulatory provisions i.e. Coastal Zone Management Plan. Vide order dated 16/01/2024, **O.A. No 795 of 2023 has been tagged along with O.A. No. 249 of 2023.**

The Hon'ble Tribunal in the aforesaid matters *vide* order dated 08/01/2024 has directed that, “*...Since, in spite of the direction of NCZMA, the CZMP/ICRZP have not formulated the plan. Hence respondent no. 14 is required to ensure that the plan is prepared by each Coastal Management Authority and Union Territory Coastal Management Authority expeditiously within a time bound period...*” Moreover, as per the last order dated 13/03/2024, the Hon'ble Tribunal has directed the Chief Secretaries/ LGs of Coastal States/Union Territories under consideration to file the affidavit before the Tribunal within six weeks disclosing the outer limit within which the CZMP/ICRZP as per CRZ Notification, 2019 will be finally be formulated/revised and submitted to the MoEF&CC, failing which the Concerned Chief Secretary will appear virtually on the next date of hearing and explain the reason for non- submission of such an affidavit.

A true copy of the order dated 08/01/2024 is annexed herewith and marked as **Annexure-R1-9**

8. It is humbly submitted that strict directions have been passed by the Hon'ble Tribunals to expedite the updation of the CZMP as per CRZ Notification, 2019. It is humbly submitted that as on date, CZMP as per CRZ Notification, 2019 have been approved for the State of **Odisha, Karnataka and Maharashtra.** The ICRZP as per ICRZ Notification, 2019 has been approved for **Great Nicobar Island and Little Andaman Island.** That, for the rest of the Coastal States, CZMP/ICRZP as per CRZ Notification, 2011 and IPZ Notification, 2011 are presently applicable.



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9. It is humbly submitted that in compliance of the above, this Ministry has been taking all necessary measures to expedite the CZMP updation as per CRZ Notification, 2019. Further, it may also be noted that status of preparation of CZMPs as per CRZ Notification, 2019 for rest of the coastal states has progressed significantly in almost all coastal states / UTs and the same is being actively monitored by this Ministry. As per the information available with this Ministry, status of the CZMP/ICRZP/IIMP in the country is being submitted herein for kind information of this Hon'ble Tribunal:

S. N.	Coastal State's / UT's	Agency preparing CZMP/ICRZP-2019	Expected date of completion as communicated by SCZMA as per affidavit
1.	Andhra Pradesh	NCSCM	October, 2024
2.	Andaman & Nicobar (UT)	NCSCM	Before the outer time limit of 36 months No concrete timeline provided.
3.	Daman & Diu	NCSCM	October, 2024
4.	Goa	NCESS	January, 2025
5.	Gujarat	NCSCM	A period of about 04 months i.e. end of September, 2024 is likely to be consumed for holding and completing the consultation process and sending



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			comments, suggestions and objections to the NCSCM, Chennai.
6.	Kerala	NCESS	June, 2024
7.	Lakshadweep (UT)	NCSCM	December, 2024
8.	Puducherry (UT)	NCSCM	July, 2024
9.	Tamil Nadu	NCSCM	October, 2024
10.	West Bengal	IESWM	October, 2024

10. In view of the above, it is respectfully submitted that the respondent Ministry has issued CRZ Notification, 2019 following all due procedure as laid down in law and with the objective of meeting the aspirations of coastal communities besides ensuring welfare of poor and vulnerable populations that would result in greater economic growth while conserving the coastal ecosystems, thereby creating greater livelihood opportunities and better quality of life of coastal communities.

11. That, based on representations received from the various coastal state Governments, Union Territory administrations and other stakeholders in the need to undertake a comprehensive revision of the earlier notification of 2011, Shailesh Nayak Committee had examined the various issues and concerns of Coastal States/UTs and other stakeholders before recommending appropriate changes in the CRZ Notification, 2011. The recommendations were further examined in consultation with Members of Parliament of Coastal States and Union Territories besides other concerned Ministries of Government of India and a draft notification viz. CRZ Notification, 2018 in supersession of



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CRZ Notification, 2011 was issued in April, 2018 for inviting comments from public at large. A number of suggestions and comments (appx. 3830) were received by the Central Government. The comments/ suggestions, have been examined and considered. Furthermore, Inter-Ministerial consultations were also held and inputs from all such consultations have been taken into account while framing the final Notification. Thus, based on overall imperative of sustainable development of coastal areas and need for conserving the coastal environment and upon vetting by the Ministry of Law and Justice, the Union Cabinet has approved the new Coastal Regulation Zone Notification on 31/12/2018 and finally issued *vide* G.S.R 37(E), dated 18/01/2019.

12. That, as enumerated above, CRZ/ ICRZ Notification 2019 is already applicable in three major coastal states namely Maharashtra, Odisha and Karnataka and in two islands namely Great Nicobar Island and Little Andaman Island. Further, remaining coastal states/ UTs have also made significant progress towards finalisation of CZMP as per CRZ/ICRZ Notification 2019 as may be seen in the table at para 9.

13. In view of above submissions, this answering respondent, therefore humbly prays that the instant Original Application may kindly be dismissed and the Hon'ble Court may pass such order as may deem fit in the interest of justice for filing such unnecessary, malafide and frivolous applications and wasting the precious time of this Hon'ble Tribunal.

14. It is respectfully also submitted that the answering respondent without prejudice reserves his right to file an additional affidavit at a later stage, if so necessary.



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DEPONENT

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VERIFICATION

I, the above named Deponent, do hereby verify that the contents of the above affidavit are true and correct to my knowledge as per the records of the answering respondents. No 1 part of it is false and nothing material has been concealed there from.


DEPONENT

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SWORN TO BEFORE ME




B.M. CHANDRASHEKAR
Advocate & Notary Public
B.D.A. Complex, Koramangala
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भारत का राजपत्र

The Gazette of India

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असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 5266]

नई दिल्ली, बृहस्पतिवार, नवम्बर 24, 2022/अग्रहायण 3, 1944

No. 5266]

NEW DELHI, THURSDAY, NOVEMBER 24, 2022/AGRAHAYANA 3, 1944

पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय

अधिसूचना

नई दिल्ली, 24 नवम्बर, 2022

का.आ. 5495(अ).—केन्द्रीय सरकार, भारत के राजपत्र, असाधारण, भाग 2, खंड-3, उपखंड (ii) में संख्या सा.का.नि. 37(अ), तारीख 18 जनवरी, 2019 द्वारा प्रकाशित अधिसूचना (इसमें इसके पश्चात् तटीय विनियमन जोन अधिसूचना, 2019 कहा गया है) द्वारा कतिपय तटीय क्षेत्रों को तटीय विनियमन जोन के रूप में घोषित किया था और उक्त क्षेत्र में उद्योगों को स्थापित करने और विस्तार करने, प्रचालन और प्रसंस्करण पर प्रतिबंध अधिरोपित किए गए थे;

और, केन्द्रीय सरकार को विभिन्न हितधारकों अर्थात् राज्य सरकारों और हाइड्रोकार्बन महानिदेशालय के माध्यम से पेट्रोलियम और प्राकृतिक गैस मंत्रालय से तटीय विनियमन जोन अधिसूचना, 2019 में कतिपय संशोधनों को करने के लिए अभ्यावेदन प्राप्त हुए हैं जिनमें अन्य बातों के साथ-साथ, सीआरजेड-I और आईसीआरजेड-IV क्षेत्रों में अवस्थित छोटी अवसंरचना परियोजनाओं के लिए राज्य तटीय जोन प्रबंधन प्राधिकरण या राज्य सरकारों को तटीय विनियमन जोन मंजूरी प्रदान करने के लिए शक्तियों को प्रत्यायोजित करने, सीआरजेड-Iए क्षेत्रों को छोड़कर उसमें अन्वेषणात्मक ड्रिलिंग और संबद्ध सुविधाओं की छूट देने, यथा संशोधित तटीय विनियमन जोन अधिसूचना, 2011 में पहले से उपलब्ध अस्थायी बीच (समुद्र तट) झोपड़ियों के उपबंध को शामिल करने और उक्त उपबंध को सभी तटीय राज्यों में विस्तारित करने, तारीख 9 जून, 2011 और 8 नवंबर, 2011 के कार्यालय ज्ञापन के माध्यम से पहले से उपलब्ध तटीय विनियमन जोन अधिसूचना, 2019 के उपबंधों के अधीन पारम्परिक समुदायों द्वारा रेत रोधनों के हटाने को अनुमत करना और खंड 10.2 (iii) में तथ्यात्मक संशोधन करना शामिल है;

और, राष्ट्रीय तटीय जोन प्रबंधन प्राधिकरण ने 23 मार्च, 2021 को अपनी 42वीं बैठक में तटीय विनियमन जोन अधिसूचना, 2019 में संशोधन करने की सिफारिश की है;

और, पर्यावरण (संरक्षण) अधिनियम, 1986 (1986 का 29) की धारा 3 की उप-धारा (2) के खंड (v) और खंड (xiv) तथा उप-धारा (3) के साथ पठित उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करके और पर्यावरण (संरक्षण) नियम, 1986 के नियम 5 के उप-नियम (3) की अपेक्षानुसार एक प्रारूप अधिसूचना संख्या का.आ. 4547(अ), तारीख 1 नवंबर, 2021 द्वारा भारत के राजपत्र, असाधारण, भाग 2, खंड 3, उपखंड (ii) में प्रकाशित की गई थी, जिसमें उक्त अधिसूचना अन्तर्विष्ट राजपत्र की प्रतियां जनता को उपलब्ध कराए जाने की तारीख से 60 दिनों की अवधि के भीतर, उससे प्रभावित होने वाले सभी व्यक्तियों से आपत्तियां और सुझाव आमंत्रित किए गए थे;

और, उक्त अधिसूचना की प्रतियां 1 नवंबर, 2021 को जनता के लिए उपलब्ध कराई गई थी;

और, केंद्रीय सरकार द्वारा ऊपर उल्लिखित प्रारूप अधिसूचना के प्रत्युत्तर में प्राप्त आपत्तियों और सुझावों की परीक्षा करने के लिए एक विशेषज्ञ समिति का गठन किया गया है;

और, उक्त विशेषज्ञ समिति की सिफारिशों और ऊपर उल्लिखित प्रारूप अधिसूचना के प्रत्युत्तर में प्राप्त सभी आपत्तियों और सुझावों पर केंद्रीय सरकार द्वारा सम्यक रूप से विचार कर लिया गया है;

अतः अब केंद्रीय सरकार पर्यावरण (संरक्षण) अधिनियम, 1986 (1986 का 29) की धारा 3 की उप-धारा (1) और उप-धारा (2) के खंड (v) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, सा.का.नि. 37(अ), तारीख 18 जनवरी, 2019 द्वारा प्रकाशित उक्त तटीय विनियमन जोन अधिसूचना, 2019 में निम्नलिखित संशोधन करती है, अर्थात्:-

उक्त अधिसूचना में,-

(क) पैरा 5 में, उप-पैरा 5.1.2 में, खंड (xix) के पश्चात् निम्नलिखित खंड अंतःस्थापित किया जाएगा, अर्थात्:-

“(xx) गैर-मानसून महीनों के दौरान पूर्णतः अस्थाई और मौसमी संरचनाओं (अर्थात् झोपड़ियों) को साधारणतया स्थापित किया जाएगा:

परंतु, इन संरचनाओं में उपलब्ध सुविधाएं, मानसून के महीनों के दौरान प्रचालन में नहीं रहेंगी।”;

(ख) पैरा 7 में, उप-पैरा (ii) के स्थान पर निम्नलिखित उप-पैरा रखा जाएगा, अर्थात् :-

“(ii) सीआरजेड-I और सीआरजेड-IV क्षेत्रों में निम्नलिखित अपवादों को छोड़कर, संचालित सभी विकासात्मक कार्यकलापों या परियोजनाओं, जो इस अधिसूचना के अनुसार विनियमित या अनुज्ञेय हैं, के संबंध में संबंधित तटीय जोन प्रबंधन प्राधिकरण की अनुशंसा के आधार पर केंद्रीय सरकार द्वारा तटीय विनियमन जोन मंजूरी के लिए कार्रवाई की जाएगी, अर्थात् :-

स्टैंड-एलोन जेट्टी, सॉल्ट वर्क्स, स्लिपवेज़, अस्थाई संरचनाएं और अपरदन नियंत्रण उपाय (जैसे मेट्टे, सी-वॉल, ग्राइन्स, ब्रेकवाटर्स, जलमग्न चट्टानें, सैंड नरिशमैंट आदि)

जिन पर संबंधित तटीय जोन प्रबंधन प्राधिकरण द्वारा कार्रवाई की जाएगी।”

(ग) पैरा 8 में –

i. उप-पैरा (i) में, खंड (ड.) के स्थान पर निम्नलिखित खंड रखा जाएगा, अर्थात्:-

“(ड.) केंद्रीय सरकार द्वारा अभिज्ञात एजेंसियों द्वारा संबंधित तटीय क्षेत्र के लिए राष्ट्रीय संधारणीय तटीय प्रबंधन केंद्र द्वारा यथा-विनिर्दिष्ट, एचटीएल, एलटीएल और पारिस्थितिकीय रूप से संवेदनशील क्षेत्रों के सीमांकन का प्रयोग करते हुए 1:4000 स्केल में तटीय विनियमन जोन मानचित्र तैयार किया गया है।”;

ii. उप-पैरा (ii) में, खंड (क), (ख) और (ग) के लिए निम्नलिखित खंड रखे जाएंगे, अर्थात्:-

‘(क) पर्यावरण समाघात निर्धारण अधिनियम अधिसूचना, 2006 संख्या का. आ. 1533 (अ), तारीख 14 सितम्बर, 2006 के अधीन आने वाली परियोजनाओं और कार्यकलापों के लिए तटीय जोन प्रबंधन प्राधिकरण अपनी सिफारिशों को क्रमशः श्रेणी “क” और श्रेणी “ख” की परियोजनाओं हेतु केंद्रीय सरकार या राज्य पर्यावरण समाघात निर्धारण प्राधिकरण को अग्रेषित करेगा ताकि पर्यावरण समाघात निर्धारण अधिसूचना, 2006 के अधीन एक संयुक्त मंजूरी प्रदान की जा सके।

- (ख) तटीय जोन प्रबंधन प्राधिकरण, इस अधिसूचना के पैरा 7 के उप-पैरा (ii) में सूचीबद्ध परियोजनाओं या कार्यकलापों को छोड़कर, उन परियोजनाओं या कार्यकलापों के लिए केंद्रीय सरकार को अपनी सिफारिशों अग्रेषित करेगा जो पर्यावरण समाघात निर्धारण अधिसूचना, 2006 में शामिल नहीं हैं, किंतु यह अधिसूचना उन पर लागू होती है और वे सीआरजेड-I या सीआरजेड-IV क्षेत्रों में स्थित हैं।
- (ग) उन परियोजनाओं या कार्यकलापों जो पर्यावरण समाघात निर्धारण अधिसूचना, 2006 में शामिल नहीं हैं, किंतु जिन पर यह अधिसूचना लागू होती है तथा वे सीआरजेड-II या सीआरजेड-III क्षेत्रों में स्थित हैं या उन परियोजनाओं या कार्यकलापों, जो इस अधिसूचना के पैरा 7 के उप-पैरा (ii) में सूचीबद्ध हैं, के संबंध में संबंधित तटीय जोन प्रबंधन प्राधिकरण द्वारा परियोजना प्रस्तावक से पूर्ण प्रस्ताव प्राप्त होने से साठ दिनों के भीतर मंजूरी के लिए विचार किया जाएगा।

टिप्पण : परमाणु ऊर्जा विभाग या राष्ट्रीय रक्षा अथवा रणनीतिक अथवा सुरक्षा महत्ता से संबंधी परियोजनाओं से संबंधित सभी निर्माण कार्यकलापों के संबंध में केन्द्रीय सरकार द्वारा संबंधित तटीय जोन प्रबंधन प्राधिकरण की सिफारिश के आधार पर तटीय विनियमन जोन अनापत्ति अथवा सम्मिश्र मंजूरी प्रदान करने के लिए कार्रवाई की जाएगी और इसमें वे परियोजनाएं शामिल नहीं होंगी जो सीआरजेड-II अथवा सीआरजेड-III में स्थित हैं अथवा पैरा 7 के उप पैरा (ii) में सूचीबद्ध हैं और जिन्हें केवल तटीय विनियमन जोन मंजूरी की आवश्यकता है।

(घ) पैरा 10 में, -

(i) उप पैरा 10.2 में, खंड (iii) के स्थान पर निम्नलिखित खंड को रखा जाएगा अर्थात् :-

“(iii) का.आ. 1242(अ) तारीख 8 मार्च, 2019 द्वारा अधिसूचित एकीकृत द्वीप प्रबंधन योजनाएं, लक्षद्वीप और अंडमान और निकोबार में छोटे द्वीपसमूहों पर यथा अनुप्रयोज्य ऐसे सभी द्वीपों के लिए संबंधित राज्यों या संघ राज्य क्षेत्रों द्वारा तैयार की जाएगी और केन्द्रीय सरकार को प्रस्तुत की जाएगी और एकीकृत द्वीप प्रबंधन योजनाओं के तैयार होने तक इस अधिसूचना के उपबंध लागू नहीं होंगे और तटीय विनियमन जोन अधिसूचना, 2011 संख्या का. आ. 19 (अ), तारीख 6 जनवरी, 2011 के उपबंधों के अनुसार, तटीय जोन प्रबंधन योजना लागू होती रहेगी।”;

(ii) उप पैरा 10.3 के पश्चात निम्नलिखित उप पैरा को अंतःस्थापित किया जाएगा, अर्थात् :-

“10.4 तटीय विनियमन जोन क्षेत्रों में रेत रोधनों को हटाया जाना – पारंपरिक तटीय क्षेत्र के समुदायों द्वारा अंतरज्वारीय क्षेत्र के भीतर केवल गैर मशीनीकृत हस्त चालित प्रणाली से रेत रोधनों को हटाया जाएगा। राज्य सरकार और संघ राज्य प्रशासन हस्त चालित ढंग से रेत को हटाने के लिए अनुमत किए गए स्थानीय समुदायों के व्यक्तियों का रजिस्ट्रीकरण किए जाने की शर्तों के अध्याधीन विशिष्ट मात्रा सहित किसी विशेष क्षेत्र में विनिर्दिष्ट समयावधि में रेत को इस तरह से हटाने के लिए अनुमति प्रदान कर सकती है और उसे वार्षिक आधार पर नवीकृत करेगी।”

[फा.सं. 19-112/2013-आईए-III (पार्ट)]

डॉ. सुजीत कुमार बाजपेयी, संयुक्त सचिव

टिप्पण: मूल अधिसूचना भारत के राजपत्र, असाधारण, भाग 2, खंड 3, उप खंड (ii) में का.आ. 37(अ) तारीख 18 जनवरी, 2019 द्वारा प्रकाशित की गई थी और अंतिम बार का.आ. 4886(अ) तारीख 26 नवंबर, 2021 द्वारा संशोधित किया गया था।

MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

NOTIFICATION

New Delhi, the 24th November, 2022

S.O. 5495(E).—Whereas the Central Government by the notification published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii), number G.S.R. 37(E), dated the 18th January 2019 (hereinafter referred to as the Coastal Regulation Zone notification, 2019), declared certain coastal stretches as Coastal Regulation Zone and restrictions were imposed on the setting up and expansion of industries, operations and processes in the said zone;

And whereas, the Central Government have received representations from different stakeholders *viz.* the State Governments and Ministry of Petroleum and Natural Gas through Director General of Hydrocarbon for making certain amendments in Coastal Regulation Zone notification, 2019, *inter-alia*, for delegating the powers of giving Coastal Regulation Zone clearance to the State Coastal Zone Management Authorities or State Governments for small infrastructure projects located in CRZ-I and CRZ-IV areas, exempting exploratory drilling and associated facilities thereto except CRZ-IA areas, including the provision of temporary beach shacks as already available in Coastal Regulation Zone notification, 2011 as amended and expanding the said provision to all coastal states, allowing removal of sand bars by traditional communities under the provisions of the Coastal Regulation Zone notification, 2019 as already available through Office Memorandum dated the 9th June, 2011 and the 8th November, 2011 and making factual correction in clause 10.2 (iii);

And whereas, the National Coastal Zone Management Authority in its 42nd meeting held on the 23rd March, 2021 has recommended making amendments to the Coastal Regulation Zone notification, 2019;

And, whereas, a draft notification, required under sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986 and in exercise of the powers conferred by sub-section (1), read with clause (v) and clause (xiv) of sub-section (2) and sub-section (3) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986) was published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii) *vide* number S.O.4547(E), dated the 1st November, 2021 inviting objections and suggestions from all persons likely to be affected thereby within a period of sixty days from the date on which copies of the Gazette containing the said notification were made available to the public;

And whereas, copies of the said notification were made available to the public on the 1st November, 2021;

And whereas, the Central Government has constituted an Expert Committee to examine the objections and suggestions received in response to the above-mentioned draft notification;

And whereas, the recommendations of the said Expert Committee and all objections and suggestions received in response to the above-mentioned draft notification have been duly considered by the Central Government;

Now, therefore, in exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986), the Central Government hereby makes the following amendment in the said Coastal Regulation Zone notification, 2019, published *vide* G.S.R. 37(E), dated the 18th January 2019, namely: -

In the said notification, —

- (a) in paragraph 5, in sub-paragraph 5.1.2, after clause (xix), the following clause shall be inserted namely:-

“(xx) Purely temporary and seasonal structures (e.g. shacks) customarily put up during non-monsoon months:

Provided that the facilities available in these structures shall remain non-operational during monsoon months.”;

- (b) in paragraph 7, for sub-paragraph (ii) the following sub-paragraph shall be substituted, namely: —

“(ii) All development activities or projects in CRZ-I and CRZ-IV areas, which are regulated or permissible as per this notification, shall be dealt with by the Central Government for Coastal Regulation Zone clearance, based on the recommendation of the concerned Coastal Zone Management Authority with the following exceptions, namely: —

Stand-alone jetties, Salt works, Slipways, Temporary structures and Erosion Control Measures (like Bunds, Seawall, Groynes, Breakwaters, Submerged reef, Sand nourishment, etc.)

which shall be dealt by concerned Coastal Zone Management Authority.”;

(c) in paragraph 8, —

(i) in sub-paragraph (i), for clause (e), the following clause shall be substituted, namely: —

“(e) Coastal Regulation Zone map in 1:4000 scale, drawn up by the agencies identified by the Central Government using the demarcation of the HTL, LTL and ecologically sensitive areas as specified by National Centre for Sustainable Coastal Management for the concerned coastal area.”;

(ii) in sub-paragraph (ii), for clauses (a), (b) and (c), the following clauses shall be substituted, namely: —

‘(a) For the projects or activities also attracting the Environment Impact Assessment Notification, 2006 number S.O. 1533(E), dated 14th September, 2006, the Coastal Zone Management Authority shall forward its recommendations to the Central Government or State Environment Impact Assessment Authority for Category “A” and Category “B” projects respectively, to enable a composite clearance under the Environment Impact Assessment Notification, 2006.

(b) Coastal Zone Management Authority shall forward its recommendations to the Central Government for the projects or activities not covered in the Environment Impact Assessment Notification, 2006, but attracting this Notification and located in CRZ-I or CRZ-IV areas, except in respect of those projects or activities listed in sub-paragraph (ii) of paragraph 7 of this notification.

(c) Projects or activities not covered in the Environment Impact Assessment Notification, 2006, but attracting this Notification and located in CRZ-II or CRZ-III areas or those projects or activities listed in sub-paragraph (ii) of paragraph 7 of this notification, shall be considered for clearance by the concerned Coastal Zone Management Authority within sixty days of the receipt of the complete proposal from the proponent.

Note: All construction activities related to projects of the Department of Atomic Energy or related to National Defence or Strategic or Security importance shall be dealt with by the Central Government for Coastal Regulation Zone clearance or composite clearance, as the case may be, based on the recommendation of the concerned Coastal Zone Management Authority, except those located in CRZ-II or CRZ-III or listed in sub-paragraph (ii) of paragraph 7 and requiring only Coastal Regulation Zone clearance.’;

(d) in paragraph 10, —

(i) in sub-paragraph 10.2, for clause (iii), the following clause shall be substituted, namely:-

“(iii) Integrated Island Management Plans, as applicable to smaller islands in Lakshadweep and Andaman and Nicobar by notification *vide* number S.O.1242 (E), dated the 8th March, 2019, shall be formulated by respective State Governments or the Union territory Administration for all such islands and submitted to the Central Government and till the Integrated Island Management Plans are framed, provisions of this notification shall not apply and the Coastal Zone Management Plan as per provisions of Coastal Regulation Zone notification, 2011 number S.O.19(E), dated the 6th January, 2011, shall continue to apply.” ;

- (ii) after sub-paragraph 10.3, the following sub-paragraph shall be inserted, namely:—

“10.4. Removal of sand bars in Coastal Regulation Zone.- The sand bars in the intertidal areas shall be removed by traditional coastal communities only through a non-mechanised manual method. The State Governments and Union territory Administration may permit such removal of sand in the specified time period in a particular area along with a specific quantity subject to conditions such as registration of local community persons permitted to remove the sand manually and shall be renewed on yearly basis.”

[F.No. 19-112/2013-IA III(pt)]

Dr. SUJIT KUMAR BAJPAYEE, Jt. Secy.

Note: The principal notification was published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii), *vide* number G.S.R. 37(E), dated the 18th January, 2019 and last amended, *vide* S.O. 4886(E), dated the 26th November, 2021.



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अधिसूचना

नई दिल्ली, 8 मार्च, 2019

का.आ. 1242(अ).— तत्कालीन पर्यावरण और वन मंत्रालय में भारत सरकार की अधिसूचना संख्या का.आ. 20 (अ) तारीख 6 जनवरी, 2011 (जिसे इसमें इसके पश्चात द्वीप संरक्षण क्षेत्र अधिसूचना, 2011 कहा गया है) द्वारा केंद्रीय सरकार ने पर्यावरण (संरक्षण) अधिनियम, 1986 की धारा 3 के अधीन अंडमान एवं निकोबार और लक्षद्वीप के कुछ तटीय क्षेत्रों को द्वीप संरक्षण क्षेत्र (इसमें इसके पश्चात आइपीजेड कहा गया है) घोषित किया था;

और पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय को समुद्री तथा तटीय पारिस्थितिकीय तंत्रों के प्रबंधन एवं संरक्षण, तटीय क्षेत्रों में विकास, पारिस्थितिकीय-पर्यटन, तटीय क्षेत्रों में रहने वाले समुदायों की जीविका के विकल्पों तथा वहनीय विकास इत्यादि के संबंध में आइपीजेड अधिसूचना, 2011 में कुछ उपबंधों के बारे में अन्य पणधारियों के अतिरिक्त, लक्षद्वीप और अंडमान एवं निकोबार संघ राज्य क्षेत्रों से अभ्यावेदन प्राप्त हुए हैं;

और विभिन्न पणधारियों ने पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय से आइपीजेड अधिसूचना, 2011 के संदर्भ में तटीय पर्यावरण और वहनीय विकास से संबंधित चिंताओं का निराकरण करने का आग्रह किया है;

पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय ने आइपीजेड अधिसूचना, 2011 के संबंध में विभिन्न मुद्दों तथा तटीय राज्यों/संघ राज्य क्षेत्रों और विभिन्न पणधारियों की चिंताओं की जांच पड़ताल करने और उक्त अधिसूचना में समुचित परिवर्तन किए जाने की सिफारिश करने के लिए डॉ. शैलेश नायक की अध्यक्षता में एक समिति का गठन किया था;

डॉ. शैलेश नायक द्वारा प्रस्तुत की गई रिपोर्ट की मंत्रालय में जांच की गई है और इस संबंध में विभिन्न पणधारियों के साथ परामर्श किए गए हैं;

अतः अब पर्यावरण (संरक्षण) अधिनियम, 1986 की धारा 3 की उपधारा (2) की उपधारा (1) और खंड (v) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और द्वीप संरक्षण क्षेत्र अधिसूचना 2011, संख्या का.आ. 20 (अ), तारीख 6 जनवरी, 2011 का अधिक्रमण करते हुए, ऐसे अधिक्रमण से पूर्व किए गए या करने से रह गए कार्य के सिवाए, केन्द्रीय सरकार तटीय क्षेत्रों में मछुआरा समुदायों और अन्य स्थानीय समुदायों की आजीविका की सुरक्षा और प्राकृतिक जोखिमों, ग्लोबल वार्मिंग के कारण समुद्र स्तर में वृद्धि के खतरों को ध्यान में रखते हुए वैज्ञानिक सिद्धांतों पर आधारित सतत विकास को बढ़ावा देने के अतिरिक्त, तटीय क्षेत्रों और समुद्री क्षेत्रों के अद्वितीय पर्यावरण के संरक्षण और सुरक्षा के उद्देश्य से एतद्वारा अंडमान एवं निकोबार में आठ बड़े महासागरीय द्वीपों अर्थात् मध्य अंडमान, उत्तरी अंडमान, दक्षिणी अंडमान, ग्रेट निकोबार, बारातांग, हेवलाक, लिटिल अंडमान, कार निकोबार, नील और लॉग द्वीप देश के तटीय क्षेत्रों और देश की क्षेत्रीय जल सीमा तक के जल क्षेत्र को द्वीप तटीय विनियमन क्षेत्र (यहां इसके बाद आइसीआरजेड के रूप में निर्दिष्ट) के रूप में निम्नवत घोषित करती है:

- (i) समूह-I द्वीप समूहों के लिए उच्च ज्वार रेखा (जिसे इसमें इसके पश्चात् एचटीएल के रूप में निर्दिष्ट) से लेकर समुद्र तट के समानांतर भूमि की ओर अभिमुख 200 मीटर का भू-क्षेत्र और समूह-II द्वीप समूहों के लिए समुद्र तट के समानांतर भूमि की ओर अभिमुख 100 मीटर का भू-क्षेत्र।
- (ii) अंडमान और निकोबार (आइसीआरजेड द्वीप समूहों) में आठ बड़े महासागरीय द्वीपों को निम्नलिखित समूहों में रखा जाएगा;

समूह-I: 1000 वर्ग कि.मी. से अधिक भौगोलिक क्षेत्रफल वाले द्वीप जैसे दक्षिणी अंडमान, मध्य अंडमान, उत्तरी अंडमान और ग्रेट निकोबार।

समूह-II: 100 वर्ग कि.मी. से अधिक किंतु 1000 वर्ग कि.मी. से कम भौगोलिक क्षेत्रफल वाले द्वीप जैसे बाराटांग, लिटिल अंडमान, हेवलाक और कार-निकोबार।

स्पष्टीकरण -इस अधिसूचना के उद्देश्य हेतु, एचटीएल से भूमि पर वह रेखा अभिप्रेत है जहां तक उत्पन्न होने वाले ज्वार के दौरान उच्चतम जल रेखा पहुंचती है, जैसाकि निर्धारित प्रक्रियाओं के अनुसार राष्ट्रीय सतत तटीय प्रबंधन केन्द्र (एनसीएससीएम) या पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय द्वारा अधिकृत किसी अभिकरण द्वारा सीमांकित किया गया है।

- (iii) (क) आइसीआरजेड समुद्र से जुड़े उन भू-क्षेत्रों पर लागू होगा जो ज्वारीय प्रभाव वाले जल निकायों के किनारे भूमि की ओर अभिमुख भाग पर एचटीएल से 20 मीटर या संकरी खाड़ी (क्रीक) की चौड़ाई, जो भी कम हो, के बीच स्थित भू-क्षेत्र हैं तथा जिस दूरी तक ऐसे प्रभाव वाले जल निकायों के किनारे विकासात्मक कार्यकलापों को विनियमित किया जाना है, उसका आकलन उस दूरी, जहां तक ज्वार के प्रभाव, जिसका निर्धारण वर्ष की शुष्कतम अवधि के दौरान मापी गई पांच प्रति हजार (पीपीटी) भागों की लवणीय सांद्रता के आधार पर किया जाएगा, महसूस किए जाते हैं, के अनुसार किया जाएगा और जिस दूरी तक ज्वारीय प्रभाव महसूस किए जाते हैं उसे तदनुसार द्वीप तटीय क्षेत्रीय जोन योजनाओं (इसमें इसके पश्चात् आइसीआरजेड योजनाओं के रूप में उल्लिखित) में स्पष्ट रूप से अभिज्ञात तथा सीमांकित किया जाएगा।

- (ख) ज्वार प्रभावित जल निकायों से सटे आइसीआरजेड की इस प्रकार निर्धारित दूरी को तदनुसार द्वीप तटीय जोन प्रबंधन योजनाओं (जिसे इसमें इसके बाद आइसीआरजेडपी के रूप में निर्दिष्ट) में सीमांकित किया जाएगा।
- (ग) तथापि, यथोक्त क्रीक इत्यादि से लगी आइसीआरजेड सीमा, इस अधिसूचना, जिसे उचित परामर्शी प्रक्रिया/जनसुनवाई इत्यादि के साथ तैयार किया गया है, के अनुसार संबंधित आइसीआरजेड योजनाओं के संशोधन तथा अन्तिम अनुमोदन और इसमें सूचीबद्ध पर्यावरणीय सुरक्षोपायों के अध्यधीन होगी। इस अधिसूचना की आइसीआरजेड योजनाओं का अनुमोदन होने तक, 100 मीटर या क्रीक की चौड़ाई की सीमा, जो भी कम हो, लागू होगी।

स्पष्टीकरण :- (क) इस उप पैरा के प्रयोजनार्थ ज्वार प्रभावित जल निकायों का अर्थ है खाड़ी, नदी मुहाना, नदी, क्रीक, बैकवाटर, लैगून और तालाब इत्यादि में समुद्र के ज्वारीय प्रभावों से प्रभावित जल निकाय।

- (iv) अंतर-ज्वारीय क्षेत्र अर्थात् एचटीएल तथा निम्न ज्वारीय रेखा (जिसे इसमें इसके बाद एलटीएल कहा गया है) के मध्य स्थित भूमि क्षेत्र।
- (v) ज्वार से प्रभावित जल निकायों के लिए, समुद्र और जल के मामले में एलटीएल से क्षेत्रीय जल सीमा (12 समुद्री मील) के मध्य जल एवं तल क्षेत्र और भू-क्षेत्र के किनारे पर एलटीएल के बीच के क्षेत्र किनारे की विपरीत दिशा में एलटीएल तक का तल क्षेत्र।

2. आइसीआरजेड का वर्गीकरण – तटीय क्षेत्रों और समुद्री जल के संरक्षण और सुरक्षा के प्रयोजनार्थ आइसीआरजेड क्षेत्र को निम्नवत् वर्गीकृत किया जाएगा, अर्थात् :-

(i) **आइसीआरजेड -I** क्षेत्र पर्यावरण की दृष्टि से सर्वाधिक संवेदनशील हैं और इन्हें आगे निम्नवत् वर्गीकृत किया जाएगा:

(ii) - आइसीआरजेड-I क:

(क) आई-सीआरजेड-I क में पारिस्थितिकी की दृष्टि से संवेदनशील (ईएसए) और भू-आकृति की विशेषताओं वाले निम्नलिखित क्षेत्र शामिल होंगे, जो तट की अखंडता को बरकरार रखने में भूमिका निभाते हैं अर्थात् :

- (i) कच्छ वनस्पति । यदि कच्छ वनस्पति क्षेत्र 1000 वर्ग मीटर से अधिक है तो कच्छ वनस्पति के किनारे 20 मीटर के क्षेत्र को बफर क्षेत्र के रूप में उपलब्ध कराया जाएगा और ऐसे क्षेत्र में सीआरजेड-I क भी शामिल होगा।
- (ii) प्रवाल और प्रवाल भित्ति;
- (iii) बालू के टीले;
- (iv) जैविक रूप से सक्रिय नमभूमि (मडफ्लैट);
- (v) जैवमंडल रिजर्वों सहित वन्यजीव (संरक्षण) अधिनियम, वन (संरक्षण) अधिनियम या पर्यावरण (संरक्षण) अधिनियम के उपबंधों के अन्तर्गत राष्ट्रीय उद्यान, समुद्री पार्क, अभयारण्य, रिजर्व वन, वन्यजीव पर्यावास और अन्य संरक्षित क्षेत्र;
- (vi) लवणीय दलदल;
- (vii) कछुआ प्रजनन स्थल;
- (viii) हॉर्स-शू केकड़े का पर्यावास;

- (ix) समुद्री घास का मैदान;
- (x) समुद्री शैवाल;
- (xi) पक्षियों के प्रजनन का स्थान;
- (xii) पुरातात्विक महत्व के क्षेत्र या संरचनाएं और धरोहर स्थल ।
- (ख) **अनुबंध-1** में यथानिहित और आइसीआरजेड में एकीकृत दिशानिर्देशों के आधार पर राष्ट्रीय सतत तटीय प्रबंधन केन्द्र (एनसीएससीएम) द्वारा यथा मानचित्रित संबंधित क्षेत्रों में ऐसे पारिस्थितिकी की दृष्टि से संवेदनशील क्षेत्रों के लिए संघ राज्य क्षेत्रों द्वारा एक विस्तृत पर्यावरण प्रबंधन योजना बनाई जाएगी।
- (iii) **सीआरजेड-1 ख:** अंतर-ज्वारीय क्षेत्र अर्थात् निम्न ज्वार रेखा और उच्च ज्वार रेखा के बीच का क्षेत्र आइसीआरजेड-1ख में शामिल होगा ।
- (iv) **आइसीआरजेड-1।**
- (क) आइसीआरजेड-1। में विद्यमान नगरीय सीमाओं या अन्य विद्यमान कानूनी रूप से अधिकृत शहरी क्षेत्रों जो बिल्टअप प्लॉटों से 50 प्रतिशत से अधिक होते हुए कुल प्लॉटों के अनुपात के साथ पर्याप्त बिल्टअप हों और जहां ड्रेनेज तथा सम्पर्क सड़कों और अन्य अवसंरचनात्मक सुविधाएं जैसे जलापूर्ति और मल-व्ययन आदि की व्यवस्था की गई हो, के अन्दर तटरेखा तक या इसके समीप विकसित भूमि क्षेत्र शामिल होंगे।
- (ख) आइसीआरजेड 1। में स्थित संकरी खाड़ियों (क्रीकों) या ज्वार के प्रभाव वाले जल-निकायों के किनारे स्थित भू-क्षेत्रों को भी आइसीआरजेड 1। के रूप में चिन्हित किया जाएगा और जिस दूरी तक ज्वारीय प्रभाव वाले जल निकायों, जो समुद्र से जुड़े हैं, के किनारे भूमि की ओर अभिमुख भाग पर एचटीएल से 20 मीटर या संकरी खाड़ी (क्रीक) की चौड़ाई, जो भी कम हो, के बीच स्थित भू-क्षेत्र के रूप में आइसीआरजेड का आकलन किया जाना है और जिस दूरी तक ऐसे ज्वारीय प्रभाव वाले जल निकायों के किनारे विकासात्मक कार्यकलापों को विनियमित किया जाना है, उसका आकलन उस दूरी, जहां तक ज्वार के प्रभाव, जिसका निर्धारण वर्ष की शुष्कतम अवधि के दौरान मापी गई पांच प्रति हजार (पीपीटी) भागों की लवणीय सांद्रता के आधार पर किया जाएगा, महसूस किया जाते हैं, के अनुसार किया जाएगा और जिस दूरी तक ज्वारीय प्रभाव महसूस किए जाते हैं उसे तदनुसार द्वीप तटीय क्षेत्रीय जोन योजनाओं (इसमें इसके पश्चात् आइसीआरजेड योजनाओं के रूप में उल्लिखित) में स्पष्ट रूप से अभिज्ञात तथा सीमांकित किया जाएगा।
- (v) **आइसीआरजेड-1।।** ऐसे भूमि क्षेत्र जो अपेक्षाकृत अहस्तक्षेपित (अर्थात् ग्रामीण क्षेत्र इत्यादि) हैं और जो आइसीआरजेड-1। के अन्तर्गत नहीं आते हैं, आइसीआरजेड-1।। में शामिल होंगे।

समूह 1। द्वीप समूहों के लिए:

स्पष्टीकरण - भूमि की ओर वाले भाग पर एचटीएल से 100 मीटर तक के क्षेत्र को 'नो डेवलपमेंट जोन (एनडीजेड)' के रूप में निर्धारित किया जाएगा।

परंतु यह कि पारिस्थितिकीय-पर्यटन कार्यकलाप के विकास के लिए एनडीजेड 50 मीटर होगा और अंडमान एवं निकोबार प्रशासन यह सुनिश्चित करे कि मछुआरा समुदाय के हितों की पूर्णतः रक्षा हो।

समूह 1।। द्वीप समूहों के लिए: भूमि की ओर वाले भाग पर एचटीएल से 50 मीटर तक के क्षेत्र को 'नो डेवलपमेंट जोन (एनडीजेड)' के रूप में निर्धारित किया जाएगा।

परंतु यह कि पारि-पर्यटन कार्यकलाप के विकास के लिए एनडीजेड 20 मीटर होगा और अंडमान एवं निकोबार प्रशासन यह सुनिश्चित करे कि मछुआरा समुदाय के हितों की पूर्णतः रक्षा हो।

(vi) आईसीआरजेड III में स्थित एचटीएल से 20 मीटर तक या क्रीक की चौड़ाई जो भी कम हो, के भू-क्षेत्र को भी एनडीजेड के रूप में चिन्हित किया जाएगा और जिस दूरी तक ज्वारीय प्रभाव वाले जल निकायों, जो समुद्र से जुड़े हैं, के किनारे भूमि की ओर अभिमुख भाग पर एचटीएल से 20 मीटर या संकरी खाड़ी (क्रीक) की चौड़ाई, जो भी कम हो, के बीच स्थित भू-क्षेत्र के रूप में एनडीजेड का आकलन किया जाना है और जिस दूरी तक ऐसे ज्वारीय प्रभाव वाले जल निकायों के किनारे विकासात्मक कार्यकलापों को विनियमित किया जाना है, उसका आकलन उस दूरी, जहां तक ज्वार के प्रभाव, जिसका निर्धारण वर्ष की शुष्कतम अवधि के दौरान मापी गई पांच प्रति हजार (पीपीटी) भागों की लवणीय सांद्रता के आधार पर किया जाएगा, अनुभव किये जाते हैं, के अनुसार किया जाएगा और जिस दूरी तक ज्वारीय प्रभाव अनुभव किए जाते हैं उसे तदनुसार द्वीप तटीय क्षेत्रीय जोन योजनाओं (जिसे इसमें इसके पश्चात् आईसीआरजेड योजनाओं कहा गया है) में स्पष्ट रूप से अभिज्ञात तथा सीमांकित किया जाएगा।

टिप्पण : एनडीजेड अधिसूचित बंदरगाह की सीमाओं के अंदर आने वाले क्षेत्रों पर लागू नहीं होगा।

(vii) **आईसीआरजेड-IV:** आईसीआरजेड-IV में जल क्षेत्र शामिल होंगे और इन्हें आगे निम्नवत वर्गीकृत किया जाएगा:

(viii) **आईसीआरजेड-IV क -** समुद्र की ओर वाले भाग पर बारह (12) समुद्री मील तक निम्न ज्वार रेखा के बीच जल क्षेत्र और समुद्र तल क्षेत्र आईसीआरजेड-IV क में शामिल होंगे।

(ix) **आईसीआरजेड-IV ख -** सीआरजेड-IV ख क्षेत्रों में ज्वार से प्रभावित जल निकायों के किनारे पर एलटीएल और ज्वार के प्रभाव अर्थात् वर्ष के शुष्कतम मौसम के दौरान पांच भाग प्रति हजार (पीपीटी) की लवण्यता तक समुद्र में जल निकाय के मुहाने से विस्तृत होकर किनारे की विपरीत दिशा में एलटीएल के बीच जल क्षेत्र और तल क्षेत्र शामिल होंगे।

3. आईसीआरजेड के भीतर प्रतिषिद्ध क्रियाकलाप - सामान्यतः निम्नलिखित क्रियाकलाप को पूरे आसीआरजेड में प्रतिषिद्ध किया जाएगा। तथापि, इनके अपवाद तथा विनिर्दिष्ट सीआरजेड श्रेणियों, जैसे आईसीआरजेड-I, II, III और IV में अनुमत्य/ विनियमित अन्य क्रियाकलाप को इस अधिसूचना के पैरा 5 के अधीन उपबंधों के द्वारा शासित किया जाएगा।

- (i) प्रवालों का नष्ट किया जाना।
- (ii) प्रवाल क्षेत्रों, स्थानीय तथा संकटापन्न प्रजातियों के आवास तथा प्रजनन स्थलों में और इनके आस-पास रेत का खनन।
- (iii) प्रवालों के समुद्र की ओर वाले भाग पर तट संरक्षण कार्य (पक्का निर्माण)।
- (iv) नये उद्योगों की स्थापना और विद्यमान उद्योगों, प्रचालनों या प्रक्रियाओं का विस्तार।
- (v) पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय की अधिसूचना में यथा विनिर्दिष्ट, तेल का विनिर्माण या हथालन, खतरनाक पदार्थों का भंडारण या निपटान।
- (vi) नई मत्स्य प्रसंस्करण इकाइयों को स्थापित किया जाना।
- (vii) भूमि सुधार, समुद्री जल के स्वभाविक प्रवाह पर बंध लगाया जाना या उसमें बाधा डालना।
- (viii) उद्योगों, शहरों या नगरों तथा अन्य मानवीय बस्तियों से अशोधित अपशिष्ट और बहिःस्त्रावों का छोड़ा जाना।

- (ix) भूमि-भराव के प्रयोजन से सन्निर्माण का मलबा, औद्योगिक ठोस अपशिष्ट, फ्लाईएश सहित शहर या नगर के अपशिष्ट का डलाव।
- (x) तट के अधिक कटाव वाले क्षेत्रों में बंदरगाह और पोताश्रय।
- (xi) रेत, चट्टानों तथा निचली सतहों में अन्य सामग्रियों का खनन।
- (xii) सक्रिय रेत टीलों की छंटाई या उनमें बदलाव।
- (xiii) जल प्रणाली और समुद्री जीव जीवन की सुरक्षा के लिए तटीय जल क्षेत्रों में प्लास्टिक का निपटान प्रतिषिद्ध किया जाएगा। आइसीआरजेड में प्लास्टिक सामग्री के प्रबंधन और निपटान के लिए पर्याप्त उपाय किये जाएंगे।
- (xiv) भू-जल का निष्कासन।

4. आइसीआरजेड में अनुज्ञेय क्रियाकलाप का विनियमन

(I) आइसीआरजेड-

- (ii) आइसीआरजेड—। क - यह क्षेत्र पारिस्थितिक रूप से अत्यधिक संवेदनशील हैं और सामान्य रूप से आइसीआरजेड-। क क्षेत्रों में निम्नलिखित अपवादों सहित, कोई क्रियाकलाप नहीं किया जाएगा:

- (क) इस अधिसूचना के अनुसार, अनुमोदित आइसीआरजेड में निर्दिष्ट, ऐसी पारि-पर्यटन योजना के अध्यक्षीन, अभिज्ञात क्षेत्रों में कच्छ भूमि भ्रमण, वृक्ष कुटीर, प्राकृतिक मार्ग इत्यादि जैसे पारि- पर्यटन क्रियाकलाप, जिन्हें उचित परामर्शी प्रक्रिया/ जन सुनवाई के पश्चात तैयार किया गया हो और आइसीआरजेड योजना में यथा सूचीबद्ध, पारिस्थितिक रूप से संवेदनशील क्षेत्रों से संबंधित पर्यावरणीय सुरक्षोपायों और सावधानियों के अध्यक्षीन।
- (ख) कच्छ भूमि बफर क्षेत्र में केवल ऐसे क्रियाकलाप जैसे पाइप लाइनों, पारेषण लाइनों का बिछाया जाना, वाहन प्रणालियों/ तंत्रों तथा खंभों इत्यादि पर सड़क का सन्निर्माण, जिनकी जन उपयोगिताओं में आवश्यकता पड़ती है, की अनुमति दी जाएगी।
- (ग) आइसीआरजेड-। क क्षेत्रों में सुधार के द्वारा सड़कों और खंभों पर बनायी जाने वाली सड़कों की अनुमति केवल आपवादिक मामलों में रक्षा, रणनीतिक प्रयोजनों और जन उपयोगिताओं के लिए, एक ब्यारे-वार समुद्री या पृथ्वी पर्यावरण प्रभाव आकलन या दोनों के अध्यक्षीन दी जाएगी जिसकी सिफारिश तटीय क्षेत्र प्रबंधन प्राधिकरण (सीजेडएम्ए) द्वारा की गई हो और जिसकी पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय द्वारा स्वीकृति दी गयी हो और यदि ऐसी सड़कों का निर्माण कच्छ भूमि क्षेत्रों से होकर गुजरता है या उससे कच्छ भूमियों को, सन्निर्माण प्रक्रिया के दौरान, कम से कम तीन बार क्षति पहुंचने की संभावना हो, तो प्रभावित या क्षतिग्रस्त या कटाईग्रस्त कच्छ भूमि क्षेत्र पर प्रतिपूरक वृक्षारोपण प्रारंभ किया जाएगा।

(iii) आइसीआरजेड-। ख -

आइसीआरजेड-।ख क्षेत्रों में क्रियाकलापों को निम्न प्रकार से विनियमित/या अनुज्ञात किया जाएगा:

- (i) भूमि सुधार और बंध निर्माण इत्यादि की अनुमति केवल ऐसे क्रियाकलाप के लिए दी जाएगी जैसे:

- (क) तटाग्र सुविधाएं, जैसे बंदरगाह, जैट्टी, घाट, जहाज घाट, प्लेटफार्म, जलावतरण मंच, पुल, तटरक्षा के लिए होवर पोर्ट और समुद्री बंध इत्यादि।
- (ख) रक्षा, रणनीतिक और सुरक्षा प्रयोजनों के लिए परियोजनाएं;
- (ग) विद्यमान उच्च ज्वार रेखा तक, खंभों पर सड़क बशर्ते ऐसी सड़कों को, भूमि की तरफ वाले क्षेत्र के विकास की अनुमति के लिए प्राधिकृत नहीं किया जाएगा।
- परंतु यह और कि सुधार की गयी भूमि के उपयोग की अनुमति केवल जन उपयोगिताओं, जैसे सामूहिक, त्वरित या बहुविध परिवहन प्रणाली, सभी आवश्यक सहबद्ध जन उपयोगिताओं के निर्माण और स्थापना तथा ऐसी परिवहन प्रणाली के प्रचालन के लिए आधारभूत संरचना जिसमें विद्युत या इलेक्ट्रॉनिक सिग्नल प्रणाली, अनुज्ञाप्राप्त डिजाइनों के परिवहन विश्राम स्थल; किसी औद्योगिक प्रचालन, मरम्मत तथा अनुरक्षण को छोड़कर, के लिए दी जाएगी।
- (घ) कटाव के नियंत्रण के लिए उपाय।
- (ङ) जलमार्गों, चैनलों और बंदरगाहों और तटरक्षा के लिए होवर पोर्टों का अनुरक्षण और सफाई
- (च) रेत बाधाओं को रोकने, ज्वारीय विनियामकों की स्थापना, वर्षाजल नालों का बनाया जाना या लवणता के प्रवेश के निवारण हेतु संरचना और ताजा जल का पुनः भराव के लिए उपाय।
- (ii) जलाग्र से संबंधित क्रियाकलाप या बंदरगाहों तथा पोताश्रय, घाटों, प्लेटफार्मों, जहाज घाटों, कटाव नियंत्रण उपायों, ब्रेकवाटर्स, पाइप लाइनों, लाइट हाउसों, नौचालन सुरक्षा सुविधाएं, तटीय पुलिस स्टेशनों, भारतीय तट रक्षा स्टेशनों और इसी प्रकार के अन्य क्रियाकलाप जैसी प्रत्यक्ष रूप से आवश्यक समुद्र तटाग्र सुविधाएं।
- (iii) गैर परम्परागत ऊर्जा स्रोतों द्वारा विद्युत तथा सहबद्ध सुविधाएं।
- (iv) खतरनाक पदार्थों को, पोतों से बंदरगाहों, टर्मिनलों और परिष्करणियों को स्थानान्तरित किया जाना और विपर्ययेन व्यवस्था।
- (v) पेट्रोलियम और प्राकृतिक गैस मंत्रालय में, तेल उद्योग सुरक्षा निदेशालय द्वारा जारी दिशानिदेशों और एमओईएफएण्डसीसी द्वारा जारी दिशानिदेशों सहित सुरक्षा विनियमों के कार्यान्वयन के अध्यक्षीन, अनुबंध-॥ में विनिर्दिष्ट अनुसार पेट्रोलियम उत्पादों और तरलीकृत प्राकृतिक गैस की प्राप्ति और भंडारण के लिए सुविधाएं, परंतु यह कि ऐसी सुविधाएं उर्वरकों जैसे अमोनिया, फास्फोरिक एसिड, गंधक का तेजाब, शोरे का तेजाब इत्यादि जैसी उर्वरकों के लिए आवश्यक कच्ची सामग्रियों की प्राप्ति और भंडारण के लिए हो।
- (vi) अधिसूचित बंदरगाहों में गैर खतरनाक कार्गो अर्थात् खाद्य तेल उर्वरकों और खाद्यान्नों का भंडारण।
- (vii) हैचरी और मछलियों को प्राकृतिक रूप से सुखाया जाना।
- (viii) विद्यमान मत्स्य प्रसंस्करण इकाइयां निम्नलिखित शर्तों के अध्यक्षीन आधुनिकीकरण प्रयोजनों के लिए, 25 प्रतिशत अतिरिक्त पिलिथ क्षेत्र (केवल अतिरिक्त उपस्करों और प्रदूषण उपायों के लिए) का उपयोग कर सकती हैं:
- (क) ऐसे पुनर्निर्माण का एफएसआई, जो नगर और ग्राम्य आयोजन के परिव्यापी विनियमों के अनुसार अनुमत्य एफएसआई से अधिक न हो।

- (ख) अतिरिक्त पिलिंथ क्षेत्र का सन्निर्माण केवल भूमि क्षेत्र की तरफ ही हो।
- (ग) संबद्ध एसपीसीबी/ पीसीसी का अनुमोदन।
- (ix) अपशिष्ट और बहिःस्त्रावों के लिए शोधन सुविधाएं और शोधित बहिःस्त्रावों का संवहन।
- (x) वर्षा जल के लिए निकास।
- (xi) परियोजनाएं, जिन्हें सामरिक, रक्षा से संबंधित परियोजनाओं और परमाणु ऊर्जा विभाग की परियोजनाओं के रूप में वर्गीकृत या अभिज्ञात किया गया है।
- (xii) अन्तर्ज्वारीय क्षेत्र में, खनन और खनिज (विकास) अधिनियम, 1957 की प्रथम अनुसूची के भाग ख के अधीन अधिसूचित परमाणु खनिजों का, उसी रूप में या एक या अन्य खनिजों के साथ, परमाणु ऊर्जा विभाग द्वारा अनुमोदित खनन योजना के अनुसार परमाणु ऊर्जा विभाग द्वारा प्राधिकृत अभिकरणों द्वारा हस्तचालित खनन।
परन्तु यह कि अंतर्ज्वारीय क्षेत्र के भीतर हस्त चालित खनन कार्य ऐसे व्यक्तियों को नियोजित करके किया गया हो जो अंतर्ज्वारीय अयस्क या खनिज के संग्रहण के लिए टोकरियों और हाथफावड़ों का प्रयोग करते हों और जो अनुमोदित खनन योजना के अनुसार अंतर्ज्वारीय क्षेत्र में भेदन और विस्फोट या हैवी अर्थ मूविंग मशीनरी का प्रयोग किये बिना कराया गया हो।
- (xiii) तेल और प्राकृतिक गैस की खोज और निष्कर्षण तथा उससे संबंधित सभी क्रियाकलाप और सुविधाएं।
- (xiv) पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय द्वारा अधिसूचित पर्यावरणीय मानकों और केंद्रीय प्रदूषण नियंत्रण बोर्ड (सीपीसीबी) या राज्य प्रदूषण नियंत्रण बोर्ड (एसपीसीबी) या प्रदूषण नियंत्रण समिति (पीसीसी), जो भी स्थिति हो, के संबद्ध दिशा-निदेशों के अनुरूप, कच्चे माल के परिवहन के लिए तटग्र अपेक्षित सुविधाएं, ठंडा करने वाले जल की प्राप्ति हेतु सुविधाएं, निर्लवणीकरण संयंत्रों इत्यादि के लिए जल की प्राप्ति और शोधित अपशिष्ट जल को बाहर निकालने या तापीय विद्युत संयंत्रों से ठंडा करने वाले जल को बाहर निकालने के लिए मुहाने जैसी सुविधाएं होनी चाहिए।
- (xv) पारेषण लाइनों सहित पाइप लाइन और संवहन प्रणालियां।
- (xvi) चक्रवातों की पूर्व सूचना की निगरानी के लिए मौसम रडार महासागर प्रेक्षण मंच, संचलन और सहबद्ध सुविधाएं।
- (xvii) नमक एकत्रण और सहबद्ध सुविधाएं।
- (xviii) निर्लवणीकरण संयंत्र और सहबद्ध सुविधाएं।
- (xix) सन्निर्माण प्रयोजनों के लिए रेत का खनन:

परन्तु यह कि रेत के खनन की अनुमति महासागर प्रबंधन संस्थान (आइओएम), चेन्नई द्वारा यथा चिन्हित गैर-पारिसंवेदी और अनुमोदित स्थलों में, अण्डमान और निकोबार सीजेडएमए द्वारा दी जाएगी, जो निम्नलिखित के अधधीन होगी:

- (क) खनन योजनाओं में, प्रवाल भित्तियों, कछुओं, मगरमच्छों, पक्षियों द्वारा घोंसला बनाने के स्थलों तथा अन्य संरक्षित क्षेत्रों सहित संवेदनशील तटीय पारि-प्रणाली की क्षति को रोकने के लिए पर्याप्त सुरक्षोपाय की शर्तें रखी जाएंगी।
- (ख) खनन किये जाने वाले रेत की कुल मात्रा रिट याचिका (सिविल सं. 1995 की 2002) में माननीय उच्चतम न्यायालय के तारीख 7 मई, 2002 के आदेश को ध्यान में रखते हुए नियत की जाएगी।

- (ग) रेत के खनन की निगरानी अंडमान और निकोबार द्वीप समूह के उपराज्यपाल द्वारा गठित समिति द्वारा की जाएगी, जिसमें (1) मुख्य सचिव, अंडमान और निकोबार, (2) सचिव, पर्यावरण विभाग (3) सचिव, जल संसाधन विभाग (4) सचिव, अंडमान और निकोबार लोक निर्माण विभाग (5) पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय के क्षेत्रीय कार्यालय, भुवनेश्वर का प्रतिनिधि और (6) अंडमान और निकोबार में स्थित किसी एनजीओ का एक प्रतिनिधि शामिल होंगे।

(iv) आईसीआरजेड-II

- (i) आइसीआरजेड-I ख में अनुज्ञात क्रियाकलाप, यथा प्रयोज्य आइसीआरजेड-II में भी अनुज्ञात होंगे।
- (ii) आवासीय प्रयोजनों, विद्यालयों, अस्पतालों, संस्थाओं, कार्यालयों, सार्वजनिक स्थलों इत्यादि के लिए भवनों के सन्निर्माण की अनुमति, विद्यमान सड़क के भूमि की तरफ वाले क्षेत्र पर या विद्यमान प्राधिकृत निधारित संरचनाओं के भूमि की तरफ वाले क्षेत्र पर दी जाएगी; परन्तु यह कि ऐसी किसी नई सड़क, जो किसी विद्यमान सड़क के समुद्र की ओर वाले क्षेत्र पर बनाई गई हो, के भूमि की तरफ वाले क्षेत्र पर भवनों के सन्निर्माण की अनुमति नहीं दी जाएगी।
- (iii) ऊपर (ii) में यथा अनुज्ञाप्राप्त भवन, समय-समय पर लागू होने वाले स्थानीय नगर और ग्राम्य आयोजन विनियमों और इस अधिसूचना के राजपत्र में प्रकाशित होने की तारीख को लागू फर्श स्थान सूचकांक या फर्श क्षेत्र अनुपात के लिए लागू मापदंडों के अध्यधीन होंगे और इस अधिसूचना के राजपत्र में प्रकाशन की तिथि के पश्चात् एफएसआई के संशोधन की आवश्यकता होने के मामले में, शहरी स्थानीय निकाय अथवा संघ राज्य क्षेत्र प्रशासन संघ राज्य क्षेत्र के तटीय क्षेत्र प्रबंधन प्राधिकरण (सीजेडएमए) के माध्यम से पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय से संपर्क करेगा और संबंधित सीजेडएमए इस मामले अपनी राय देते हुए उस प्रस्ताव को राष्ट्रीय तटीय क्षेत्र प्रबंधन प्राधिकरण (एनसीजेडएमए) के पास अग्रेषित करेगा तथा तदुपरांत, एनसीजेडएमए जन-सुविधाओं, पर्यावरण सुरक्षोपायों आदि की उपलब्धता जैसे विभिन्न पहलुओं की जांच करेगा और यह सुनिश्चित करना संबंधित शहर आयोजना प्राधिकरण का उत्तरदायित्व होगा कि ठोस अपशिष्टों का हथालन संबंधित ठोस अपशिष्ट नियमों के अनुसार किया जाता है और किसी प्रकार के अशोधित मल-जल को तट पर या तटीय जल में नहीं बहाया जाता है।
- (iv) प्राधिकृत भवनों का पुनर्निर्माण, वर्तमान भूमि उपयोग में परिवर्तन किए बिना समय-समय पर लागू स्थानीय नगर और ग्राम्य आयोजना संबंधित विनियमों और इस अधिसूचना की तिथि को मौजूदा फ्लोर स्पेस इंडेक्स अथवा फर्श क्षेत्र अनुपात के अध्यधीन अनुमत किया जाएगा और इस अधिसूचना के राजपत्र में प्रकाशन की तिथि के पश्चात् एफएसआई के संशोधन की आवश्यकता होने के मामले में, शहरी स्थानीय निकाय अथवा संघ राज्य क्षेत्र प्रशासन संघ राज्य क्षेत्र के तटीय क्षेत्र प्रबंधन प्राधिकरण (सीजेडएमए) के माध्यम से पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय से संपर्क करेगा और संबंधित सीजेडएमए इस मामले अपनी राय देते हुए उस प्रस्ताव को राष्ट्रीय तटीय क्षेत्र प्रबंधन प्राधिकरण (एनसीजेडएमए) के पास अग्रेषित करेगा तथा तदुपरांत, एनसीजेडएमए जन-सुविधाओं, पर्यावरण सुरक्षोपायों आदि की उपलब्धता जैसे विभिन्न पहलुओं की जांच करेगा और यह सुनिश्चित करना संबंधित शहर आयोजना प्राधिकरण का उत्तरदायित्व होगा कि ठोस अपशिष्टों का हथालन संबंधित ठोस अपशिष्ट नियमों के अनुसार किया जाता है और किसी प्रकार के अशोधित मल-जल को तट पर या तटीय जल में नहीं बहाया जाता है।

- (v) अनुबंध-III में दी गई शर्तों/दिशानिर्देशों के अध्यक्षीन समुद्र तट पर रिजोर्ट्स/होटलों पर्यटन विकास परियोजनाओं के निर्माण के लिए नामाभिहित क्षेत्रों में खाली पड़े हुए भू-खंडों का विकास।
- (vi) समुद्र तटों पर अस्थायी पर्यटन सुविधाएं अनुमत की जाएंगी जिनमें केवल कुटीर, शौचालय या स्नानगृह, कपड़े बदलने के लिए कक्ष, शॉवर पैनल्स, इंटरलौकिंग पेवर ब्लॉक जैसी सामग्री का उपयोग करते हुए निर्मित किए गए आवागमन मार्ग, पेयजल सुविधाएं, बैठने की व्यवस्थाएं, जल-क्रीड़ा कार्य-कलापों से संबद्ध सुविधाएं आदि ही शामिल होंगे और ऐसी सुविधाएं इस अधिसूचना के अनुसार केवल उचित परामर्शी प्रक्रिया और जन-सुनवाई आदि द्वारा तैयार की गई अनुमोदित आइसीआरजेड में दर्शाई जा रही पर्यटन योजना के अध्यक्षीन और आगे ऐसी सुविधाओं के सृजन हेतु एचटीएल से 10 मीटर की न्यूनतम दूरी रखते हुए आइसीआरजेड योजनाओं में सूचीबद्ध पर्यावरणीय सुरक्षोपायों के अध्यक्षीन अनुमत की जाएंगी।
- (vii) सीजेडएमए द्वारा समुद्र तटीय पुलिस स्टेशनों के लिए आधारभूत सुविधाओं के निर्माण या मरम्मत की अनुमति मामले-दर-मामले के आधार पर दी जा सकती है।
- (viii) खान और खनिज (विकास एवं विनियमन) अधिनियम, 1957 (1957 का 67) की पहली अनुसूची के भाग-ख के अधीन अधिसूचित परमाणु खनिजों के उसी रूप में खनन या परमाणु ऊर्जा विभाग, भारत सरकार द्वारा प्राधिकृत ऐसी एजेंसियों द्वारा एक या एक से अधिक खनिजों के साथ परमाणु खनिज अन्वेषण और अनुसंधान निदेशालय द्वारा तैयार की गई खनन योजना के अनुसार खनन।

(v) आइसीआरजेड-III

(क) आइसीआरजेड-I ख में अनुज्ञेय किए गए कार्यकलापों को यथाप्रयोज्य सीआरजेड-III में भी अनुज्ञात किया जायेगा।

(ख) **एनडीजेड** में कार्यकलापों का विनियमन: एनडीजेड में निम्नलिखित को अनुज्ञात/विनियमित किया जायेगा:

- (i) आइसीआरजेड-III में एनडीजेड के भीतर, इस अधिसूचना के तहत अनुमेय कार्यकलापों के लिए, आवश्यक आपदा प्रबंधन प्रावधानों और उचित स्वच्छता की व्यवस्थाओं को शामिल करते हुए, मछुवारा समुदाय और परम्परागत तटीय, समुदायों की आवासीय इकाइयों के निर्माण/पुनर्निर्माण और कार्यकलापों के लिए अनिवार्य सुविधाओं सहित, पूर्व में मौजूद प्राधिकृत संरचनाओं, जिनमें फ्लोर स्पेस इण्डेक्स, मौजूदा प्लिंथ एरिया एवं मौजूदा घनत्व पहले से अधिक न हों, की मरम्मत या पुर्ननिर्माण को छोड़कर, किसी भी निर्माण कार्य को अनुमत नहीं किया जाएगा।
- (ii) कृषि, उद्यानकृषि-, उद्यानों, चरागाह, पार्क, खेलने के लिए मैदान और वानिकी।
- (iii) सीजेडएमए द्वारा मामला-दर-मामला आधार पर स्थानीय निवासियों के लिए आवश्यक औषधालयों, विद्यालयों, वर्षा जल से बचाव हेतु सार्वजनिक आश्रय स्थल, सामुदायिक शौचालय, पुल, सड़क, जलापूर्ति व्यवस्था, जलनिकास प्रणाली, वाहित मल के निकास, शवदाहगृह, कब्रगाह और विद्युत सब-स्टेशनों का निर्माण।
- (iv) संबंधित प्रदूषण नियंत्रण बोर्ड अथवा समिति के पूर्व अनुमोदन से घरेलू वाहित मल, उपचार और निस्तारण के लिए बनाई जाने वाली इकाइयों या संबंधित निकायों का निर्माण।

- (v) स्थानीय मछुआरा समुदायों के लिए अपेक्षित सुविधाएं जैसे मछली सुखाने के प्रांगण, नीलामी के लिए हॉल, जाल की मरम्मत के लिए प्रांगण, परम्परागत नौका निर्माण प्रांगण, बर्फ संयंत्र, बर्फ तोड़ने वाली इकाइयां, मछलियों के संसाधन की सुविधाएं इत्यादि।
- (vi) जहां भी आइसीआरजेड-III क्षेत्रों के एनडीजेड से राष्ट्रीय अथवा राज्य राजमार्ग गुजर रहे हैं, वहां सड़क के समुद्र की ओर वाली दिशा में अस्थायी पर्यटन सुविधाएं जैसे शौचालय, चेन्ज रूम, पेयजल सुविधा और अस्थायी कुटीर निर्मित की जा सकती हैं।
- (vii) एनडीजेड में ऐसी सड़कों की भूमि की ओर वाली दिशा में रिसोर्ट/होटल और सहबद्ध सुविधाओं की अनुमति दी जाएगी। तथापि, ऐसी सुविधाओं की अनुमति केवल इस अधिसूचना के अनुरूप अनुमोदित आइसीआरजेड योजनाओं में पर्यटन योजना के समावेश तथा **अनुबंध-III** में दी गई शर्तों और दिशानिर्देशों के अध्यधीन दी जाएगी।
- (viii) आइसीआरजेड-III में एनडीजेड तथा समुद्र तटों पर अस्थायी पर्यटन सुविधाएं अनुमत की जाएंगी और ऐसी अस्थायी सुविधाओं में केवल कुटीर, शौचालय या स्नानगृह, कपड़े बदलने के लिए कक्ष, शावर पैन्ल्स, इंटरलौकिंग पेवर ब्लॉक जैसी सामग्री का उपयोग करते हुए निर्मित किए गए आवागमन मार्ग, पेयजल सुविधाएं, बैठने की व्यवस्थाएं, जल-क्रीड़ा कार्य-कलापों से संबद्ध सुविधाएं आदि ही शामिल होंगे और ऐसी सुविधाएं इस अधिसूचना के अनुसार केवल उचित परामर्शी प्रक्रिया और जन-सुनवाई आदि द्वारा तैयार की गई अनुमोदित आइसीआरजेड में दर्शाई जा रही पर्यटन योजना के अध्यधीन और आगे ऐसी सुविधाओं के सृजन हेतु एचटीएल से 10 मीटर की न्यूनतम दूरी रखते हुए आइसीआरजेड योजनाओं में सूचीबद्ध पर्यावरणीय सुरक्षोपायों के अध्यधीन अनुमत की जाएंगी।
- (ix) खान और खनिज (विकास एवं विनियमन) अधिनियम, 1957 (1957 का 67) की पहली अनुसूची के भाग-ख के अधीन अधिसूचित परमाणु खनिजों के उसी रूप में खनन या परमाणु ऊर्जा विभाग, भारत सरकार द्वारा प्राधिकृत ऐसी एजेंसियों द्वारा एक या एक से अधिक खनिजों के साथ परमाणु खनिज अन्वेषण और अनुसंधान निदेशालय द्वारा तैयार की गई खनन योजना के अनुसार खनन।
- (ग) एनडीजेड से बाहर आइसीआरजेड-III क्षेत्रों के लिए कार्यकलापों को अनुज्ञप्त और विनियमित विनियमन निम्न प्रकार से किया जाएगा:**
- (i) अनुबंध-III में दी गई शर्तों/दिशा-निर्देशों के अध्यधीन समुद्र तट पर रिसोर्ट/होटलों/ पर्यटन विकास परियोजनाओं के निर्माण के लिए निर्दिष्ट क्षेत्रों में खाली पड़े हुए प्लोटों का विकास,
- (ii) आवासीय इकाइयों का निर्माण अथवा पुनर्निर्माण जब तक कि वह पारंपरिक अधिकारों और रूढिगत उपयोग जैसे कि मौजूदा मछुआरा समुदाय के गांवों आदि की परिधि के अंदर है। ऐसे निर्माण अथवा पुनर्निर्माण हेतु निर्माण अनुमति केवल दो तलो (भूतल+एक तल) सहित अधिकतम 9 मीटर तक की समग्र ऊँचाई सहित स्थानीय नगर और शहर आयोजना नियमों की शर्त के अध्यधीन होगा।
- (iii) मछुआरों सहित स्थानीय समुदायों को मौजूदा मकानों के प्लिंथ क्षेत्र/डिजाइन अथवा अग्रभाग में परिवर्तन किए बिना 'होम स्टे' के माध्यम से पर्यटन को सुकर बनाने के लिए अनुमत किया जा सकता है।

- (iv) वर्षा जल से बचने के लिए सार्वजनिक वर्षा आश्रय स्थलों, सामुदायिक शौचालयों, जल आपूर्ति व्यवस्था, वाहितमल निस्तारण, सड़कों और पुलों का निर्माण।
- (v) सीजेडएमए द्वारा अलग-अलग मामलों के आधार पर समुद्र तटीय पुलिस स्टेशनों के लिए अवसरंचनात्मक सुविधाओं के निर्माण अथवा मरम्मत करने हेतु अनुमेय किया जा सकता है।
- (घ) भू-गर्भीय जल का निष्कर्षण और उससे संबंधित निर्माण को उन क्षेत्रों में जहां, स्थानीय समुदाय निवास करते हैं और जो केवल उनके उपयोग के लिए हैं, को छोड़कर एचटीएल से 200 मीटर तक के क्षेत्र में प्रतिषेधित किया जाएगा। एचटीएल के 200-500 मीटर तक के उन क्षेत्रों में, भू-गर्भीय जल का निष्कर्षण को पेयजल, बागवानी, कृषि और मत्स्यन आदि के लिए साधारण कुँओं के माध्यम से शारीरिक श्रम द्वारा अनुमत किया जा सकता है, जहां जल का कोई अन्य स्रोत उपलब्ध न हो। समुद्र जल के प्रवेश द्वारा प्रभावित क्षेत्रों में संघ शासित प्रदेश प्रशासन द्वारा नामोद्दिष्ट प्राधिकरण द्वारा ऐसे निष्कर्षण पर प्रतिबंध लगाया जा सकता है।
- (ङ) परमाणु खनिज अन्वेषण और अनुसंधान निदेशालय द्वारा खनन योजना के अनुसार, परमाणु ऊर्जा विभाग, भारत सरकार द्वारा यथा प्राधिकृत ऐसे अभिकरणों द्वारा खान और खनिज (विकास और विनियमन) अधिनियम, 1957 (1957 का 67) की पहली अनुसूची के भाग-ख के अंतर्गत अधिसूचित इस प्रकार अथवा एक अथवा अन्य खनिजों के रूप में पाए जाने वाले परमाणु खनिजों का अन्वेषण और खनन।

VI. आईसीआरजेड-IV

सीआरजेड IV क्षेत्रों में निम्नलिखित कार्यकलापों को अनुज्ञात और विनियमित किया जाएगा:

- (i) स्थानीय समुदायों द्वारा पारम्परिक रूप से किए जाने वाले मत्स्य पालन और संबद्ध कार्यकलाप।
- (ii) केवल निम्नलिखित कार्यकलापों के लिए भू-उद्धार और पुश्ता निर्माण आदि को अनुज्ञात किया जाए, जैसे;
- (क) अग्रतट सुविधाओं जैसे पत्तन, बंदरगाह, जेट्टी, घाट, तटबंध, स्लिपवे, पुल, समुद्र लिंक और तट रक्षक के लिए होवर पत्तन आदि।
- (ख) तट रक्षक सहित रक्षा, रणनीतिक और सुरक्षा प्रयोजन के लिए परियोजनाएं।
- (ग) क्षरण के नियंत्रण के लिए उपाय।
- (घ) जलमार्गों, चैनलों और बंदरगाहों का रखरखाव और उनका निर्मलन।
- (ङ) बालूभित्तियों को बनने से रोकने, ज्वार विनियामकों का संस्थापन, वर्षा जल प्रवाह नालियों को बिछाने या लवणीयता अन्तर्गमन के और स्वच्छ जल के रिचार्ज के निवारण हेतु संरचना के लिए उपाय।
- (iii) पत्तनों और बंदरगाहों, जेट्टी, घाटों, तटबंधों, क्षरण नियंत्रण उपायों, तंरगरोधों (ब्रेकवाटर्स), पाइपलाइनों, नौवहन सुरक्षा सुविधाओं जैसे तटीय नगर भाग अथवा प्रत्यक्ष रूप से आवश्यक अग्रतट सुविधाओं से संबंधित कार्यकलाप।
- (iv) गैर-परम्परागत ऊर्जा स्रोतों और सहबद्ध सुविधाओं आदि द्वारा विद्युत।
- (v) पोतों से पत्तनों तक खतरनाक पदार्थों का अंतरण।
- (vi) अधिसूचित पत्तनों में खाद्य तेल, उर्वरकों और खाद्यान्न जैसे गैर-परिसंकटमय स्थोरा का भंडारण।

- (vii) जलमार्गों में उपचारित बहिस्त्रावों के निस्सरण के लिए सुविधाएं।
- (viii) तटरक्षक तटीय सुरक्षा नेटवर्क सहित रणनीतिक और रक्षा संबंधी परियोजनाओं के रूप में वर्गीकृत परियोजनाएं।
- (ix) परमाणु ऊर्जा विभाग की परियोजनाएं।
- (x) तेल और प्राकृतिक गैस की खोज और निष्कर्षण तथा इससे सहयुक्त सभी क्रियाकलाप और सुविधाएं।
- (xi) खान और खनिज (विकास और विनियमन), अधिनियम, 1957 (1957 का 67) की पहली अनुसूची के भाग-ख के अधीन अधिसूचित इस प्रकार अथवा अन्य खनिज (खनिजों) के सहयोग से और ऐसे सहयुक्त खनिज (खनिजों) के रूप में पाए जाने वाले परमाणु खनिजों की खोज और खनन।
- (xii) ऐसा अग्रतट जिसमें कच्चे माल के परिवहन की सुविधाएं, शीतलन जल के अन्तर्ग्रहण तथा ताप विद्युत संयंत्रों से उपचारित अपशिष्ट जल अथवा शीतलन जल के निस्सारण हेतु मुहाने की सुविधाएं अपेक्षित होती हैं। पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय द्वारा अधिसूचित पर्यावरणीय मानकों और केंद्रीय प्रदूषण नियंत्रण बोर्ड (सीपीसीबी) अथवा राज्य प्रदूषण नियंत्रण बोर्ड (एसपीसीबी) अथवा प्रदूषण नियंत्रण समिति (पीसीसी) के संगत निर्देशों के अनुरूप, कच्चे माल के परिवहन हेतु सुविधाओं की अपेक्षा शीतलन जल का उपयोग करने के लिए सुविधाएं तथा ताप विद्युत संयंत्र से उपचारित अपशिष्ट जल अथवा शीतलन जल के निस्सरण हेतु मुहाने की सुविधाएं अपेक्षित होती हैं।
- (xiii) पाइपलाइन, पारेषण लाइनों सहित संचार प्रणालियां।
- (xiv) चक्रवात के पूर्वानुमान, महासागर संप्रेक्षण प्लेटफार्म, संचलन और सहयुक्त सुविधाओं की निगरानी हेतु मौसम रडार।

5. द्वीप तटीय विनियमन क्षेत्र योजना (आईसीआरज़ेडपी)

- (i) इस अधिसूचना के उपबंधों के अनुसार, अंडमान और निकोबार प्रशासन आईपीज़ेड अधिसूचना, 2011 के अधीन बनाई गई अपनी संबंधित द्वीप तटीय विनियमन क्षेत्र योजना (आईसीआरज़ेडपी) को संशोधित अथवा अद्यतन करेगा और इसे शीघ्रतम अनुमोदनार्थ पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय को प्रस्तुत करेगा। उन सभी परियोजना कार्यकलापों, जिनको इस अधिसूचना के उपबंध लागू होते हैं, का मूल्यांकन इस अधिसूचना की अद्यतन आईसीआरज़ेड योजनाओं के अनुसार किया जाना अपेक्षित होगा। जब तक इन योजनाओं को इस प्रकार संशोधित/अद्यतन नहीं किया जाता है, तब तक इस अधिसूचना के उपबंध प्रभावी नहीं होंगे और ऐसी परियोजनाओं के मूल्यांकन और सीआरज़ेड स्वीकृति के लिए आईपीज़ेड अधिसूचना, 2011 के उपबंधों के अनुसार तैयार की गई योजना का अनुसरण किया जाता रहेगा;
- (ii) प्रतिष्ठित तथा अनुभवी वैज्ञानिक संस्था (संस्थाओं) या पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय के राष्ट्रीय सतत तटीय प्रबंधन केन्द्र (जिसे इसमें इसके पश्चात् एनसीएससीएम कहा गया है) सहित अन्य अभिकरणों को अभिनियोजित करके तथा संबंधित पणधारियों के साथ परामर्श करके आईसीआरज़ेड योजनाओं को तैयार/अद्यतन किया जा सकेगा;
- (iii) (क) प्रारूप योजनाओं को अधिसूचना के **उपाबंध-IV** में दिए गए दिशा-निर्देशों, जिनमें आम जनता से परामर्श करना भी शामिल है, के अनुसार संबंधित राज्य क्षेत्रों के अंदर आईसीआरज़ेड क्षेत्रों को अभिजात और वर्गीकृत करते हुए 1:25,000 माप के मानचित्र में तैयार किया जाएगा;

- (ख) इस अधिसूचना में सूचीबद्ध समस्त विकासात्मक कार्यकलापों को जैसा भी मामला हो, संघ राज्य क्षेत्र प्रशासन, स्थानीय प्राधिकरण या संबंधित सीज़ेडएमए द्वारा इस अधिसूचना के उपबंधों के अनुसार ऐसी अनुमोदित आईसीआरज़ेड योजनाओं, के कार्यवाही के अंदर विनियमित किया जाएगा;
- (iv) प्रारूप योजनाओं को पर्यावरण (संरक्षण) अधिनियम, 1986 में अधिकथित प्रक्रिया(ओं) के अनुसार, उपयुक्त परामर्शों तथा सिफारिशों के साथ मूल्यांकन के लिए अंडमान और निकोबार सीज़ेडएमए के समक्ष प्रस्तुत किया जाएगा;
- (v) तदुपरांत पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय योजनाओं पर विचार करेगा और उनका अनुमोदन करेगा।
- (vi) आईसीआरज़ेड योजनाओं को सामान्यतया पांच वर्ष की अवधि से पहले संशोधित नहीं किया जाएगा, जिसके बाद संबंधित संघ राज्य क्षेत्र प्रशासन पुनरीक्षण करने पर विचार कर सकेगा।

6. विशेष रूप से विचार किए जाने के लिए अपेक्षित क्षेत्र : अंडमान और निकोबार के छोटे द्वीप समूह तथा लक्षद्वीप:

- (i) आईसीआरज़ेड प्रवर्गों के अधीन सूचीबद्ध आईसीआरज़ेड प्रवर्गों को छोड़कर अंडमान और निकोबार के सभी छोटे-छोटे द्वीपों तथा लक्षद्वीप को भी इस अधिसूचना के अंतर्गत शामिल किया जाएगा।
- (ii) इन छोटे-छोटे द्वीपों का प्रबंधन संबंधित एकीकृत द्वीप प्रबंधन योजनाओं (जिन्हें इसमें इसके पश्चात् आईआईएमपी योजनाएं कहा गया है) के माध्यम से किया जाएगा। एकीकृत द्वीप प्रबंधन योजनाएं (आईआईएमपी), **अनुबंध-IV** में अंतर्विष्ट दिशा-निर्देशों के अनुसार ऐसे सभी द्वीपों के लिए संबंधित संघ राज्य क्षेत्रों द्वारा तैयार की जाएंगी और अनुमोदन के लिए पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय को शीघ्रातिशीघ्र प्रस्तुत की जाएंगी। आईआईएमपी तैयार होने तक इस अधिसूचना के उपबंध लागू नहीं होंगे और आईपीज़ेड अधिसूचना, 2011 के उपबंधों के अनुसार, आईआईएमपी का अनुपालन जारी रहेगा।
- (iii) इन द्वीप-समूहों की अद्वितीय तटीय प्रणालियों तथा स्थान सीमाओं के दृष्टिगत, भूमि की ओर एचटीएल से 20 मीटर का गैर विकास क्षेत्र (एनडीज़ेड) ऐसे द्वीप-समूहों के लिए समान रूप से लागू होगा और उसके कार्यकलाप निम्नानुसार विनियमित किए जाएंगे :-
- (क) इन द्वीपों के स्थानीय समुदायों के विद्यमान आवासीय एककों की मरम्मत या इनका पुनर्निर्माण एचटीएल से 20 मीटर के अंदर किया जाएगा और तथापि, इस क्षेत्र में किसी नए निर्माण की अनुमति नहीं होगी।
- (ख) अग्रतट सुविधाएं जैसे मछली पकड़ने के लिए जेट्टी, मछली सुखाने के लिए स्थान, जाल की मरम्मत के लिए यार्ड, पारंपरिक ढंगों से किया जाने वाला मत्स्य प्रसंस्करण, नौका निर्माण का यार्ड, बर्फ संयंत्र, नौका की मरम्मत और इसी प्रकार के अन्य कार्य, उचित पर्यावरणीय सुरक्षोपायों के अध्याधीन एनडीज़ेड सीमाओं में किये जाएंगे।
- (ग) तटीय जल क्षेत्रों, अंतर-ज्वारीय क्षेत्र और पारिस्थितिकीय दृष्टि से संवेदनशील क्षेत्रों में किए जाने वाले कार्य, इस अधिसूचना के पैरा 4 के अंतर्गत आईसीआरज़ेड-1 और आईसीआरज़ेड-IV क्षेत्रों के अनुसार ही अनुज्ञात या विनियमित किए जाएंगे।
- (घ) इन द्वीप समूहों में एचटीएल के 20 मीटर से परे विकास संबंधित आईआईएमपी और यथा लागू स्थानीय विनियमों द्वारा शासित होगा।

7.0 अनुज्ञेय/विनियमित कार्यकलापों के लिए आईसीआरजेड अनापत्ति-प्रत्यायोजन

- (i) इस अधिसूचना के उपबंधों को लागू होने वाली सभी अनुज्ञात/विनियमित परियोजना क्रियाकलापों को उनके प्रारंभ करने से पूर्व आईसीआरजेड अनापत्ति प्राप्त करनी अपेक्षित होगी।
- (ii) आईसीआरजेड-I और आईसीआरजेड-IV क्षेत्रों में सभी विकासात्मक क्रियाकलापों अथवा परियोजनाओं, जो इस अधिसूचना के अनुसार विनियमित/अनुज्ञेय हैं, के संबंध में पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय द्वारा संबंधित सीजेडएमए की सिफारिश के आधार पर कार्रवाई की जाएगी।
- (iii) इस अधिसूचना के अनुसार अन्य सभी अनुज्ञेय और विनियमित क्रियाकलापों, जो विशुद्ध रूप से आईसीआरजेड-II और आईसीआरजेड-III क्षेत्रों में आते हैं, के लिए संबंधित सीजेडएमए द्वारा आईसीआरजेड अनापत्ति प्रदान करने के संबंध में विचार किया जाएगा। आईसीआरजेड-II और III में संचालित ऐसी परियोजनाओं, जो आईसीआरजेड-I और/या आईसीआरजेड IV क्षेत्रों में भी आती हैं, को आईसीआरजेड अनापत्ति देने के संबंध में सीजेडएमए की सिफारिशों के आधार पर केवल पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय द्वारा विचार किया जाएगा।
- (iv) ऐसी परियोजनाओं अथवा क्रियाकलापों जिनको इस अधिसूचना के उपबंध और साथ-साथ ईआईए अधिसूचना, 2006 के उपबंध भी लागू होते हैं, उनके संबंध में संबंधित अनुमोदनकारी प्राधिकरण द्वारा संबंधित सीजेडएमए की संस्तुतियों के आधार पर, प्रत्यायोजनों, अर्थात् प्रवर्ग 'ख' और प्रवर्ग 'क' के लिए क्रमशः राज्य पर्यावरणीय प्रभाव आकलन प्राधिकरण (जिसे इसमें इसके पश्चात् एसईआईए कहा गया है) और पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय, के अनुसार ईआईए अधिसूचना, 2006 के तहत समेकित पर्यावरणीय और आईसीआरजेड अनापत्ति के लिए कार्रवाई की जाएगी।
- (v) भवन और निर्माण परियोजनाओं, जिनमें ईआईए अधिसूचना के उपबंधों को लागू करने के लिए निर्धारित अधिकतम सीमा से कम निर्मित क्षेत्रफल हो, के मामले में, इन परियोजनाओं को संबंधित स्थानीय संघ राज्य क्षेत्र आयोजना प्राधिकरणों द्वारा इस अधिसूचना के अनुसार सीजेडएमए की संस्तुतियां प्राप्त करने के उपरांत अनुमोदित किया जाएगा।
- (vi) केवल कुल 300 वर्ग मी. के निर्मित क्षेत्र तक की स्व-आवासीय इकाइयों के लिए, सीजेडएमए की संस्तुतियों की अपेक्षा के बिना संबंधित स्थानीय प्राधिकरण द्वारा अनुमोदन प्रदान किया जाएगा। तथापि, ऐसे प्राधिकरण अनुमोदन प्रदान करने से पूर्व इस अधिसूचना के परिप्रेक्ष्य में प्रस्ताव की जांच करेंगे।

8.0 अनुज्ञेय और विनियमित कार्यकलापों के लिए आईसीआरजेड स्वीकृति प्राप्त करने की प्रक्रिया

- (i) परियोजना प्रस्तावक, आईसीआरजेड अधिसूचना के तहत पूर्व अनापत्ति प्राप्त करने हेतु निम्नलिखित दस्तावेजों के साथ संबंधित संघ राज्य क्षेत्र के तटीय क्षेत्र प्रबंधन प्राधिकरण को आवेदन प्रस्तुत करेंगे:
 - (क) अधिसूचना के **उपाबंध-V** के अनुसार परियोजना सारांश का ब्यौरा।
 - (ख) भवन निर्माण परियोजनाओं या आवासीय स्कीमों को छोड़कर सामुद्रिक और प्रादेशिक घटक, जैसा लागू हो, सहित त्वरित ईआईए रिपोर्ट।
 - (ग) इस अधिसूचना के तहत तैयार की गई आईसीआरजेडपी के अनुसार, यदि परियोजनाएं कम और मध्यम कटाव वाले भू-भागों में अब स्थित हों (ईआईए अधिसूचना के उपबंधों को लागू करने हेतु निर्धारित

अवसीमा से कम निर्मित क्षेत्र वाली भवन निर्माण परियोजनाओं/आवासीय योजनाओं को छोड़कर), तो परियोजनाओं के लिए संचयी अध्ययनों के साथ विस्तृत ईआईए।

- (घ) जोखिम मूल्यांकन रिपोर्ट और आपदा प्रबंधन योजना, ईआईए अधिसूचना के उपबंधों को लागू करने हेतु निर्धारित अवसीमा से कम निर्मित क्षेत्र वाली भवन निर्माण परियोजनाओं/आवासीय योजनाओं को छोड़कर।
- (ङ.) पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय के तारीख 14 मार्च, 2014 के कार्यालय आदेश संख्या जे-17011/8/92-आईए-III के तहत अभिज्ञात अभिकरणों में से किसी अभिकरण द्वारा 1:4000 माप में तैयार किया गया आईसीआरजेड मानचित्र, जिसमें एनसीएससीएम द्वारा किए गए सीमांकन के अनुसार एचटीएल या एलटीएल का उपयोग किया गया हो।
- (च) इस अधिसूचना के अधीन अनुमोदित आईसीजेडएमपी के अनुसार, परियोजना सीमाओं और परियोजना के अवस्थान की आईसीआरजेड प्रवर्ग को सभ्यकतः से दर्शाते हुए उपर्युक्त मानचित्र पर अध्यारोपित परियोजना की रूपरेखा।
- (छ) आईसीआरजेड मानचित्र, जिसमें सामान्यतः परियोजना के आस-पास के 7 किलोमीटर व्यासार्ध को शामिल किया गया हो और अन्य अधिसूचित पारिस्थितिकीय दृष्टि से संवेदनशील क्षेत्रों सहित आईसीआरजेड-I, II, III और IV क्षेत्रों को भी दर्शाया गया हो।
- (ज) औद्योगिक बहिस्त्राव और मल-जल के उपचारित निस्सरण वाली परियोजनाओं के लिए संबंधित राज्य प्रदूषण नियंत्रण बोर्डों अथवा संघ राज्य क्षेत्र की प्रदूषण नियंत्रण समितियों से “स्थापित करने की सहमति” या अनापत्ति प्रमाणपत्र। यदि, प्रदूषण नियंत्रण बोर्ड अथवा प्रदूषण नियंत्रण समिति की पूर्व सहमति प्राप्त नहीं की गई है तो परियोजना का निर्माण क्रियाकलाप शुरू होने से पहले प्रस्तावक द्वारा इस अधिसूचना के अधीन स्वीकृति प्राप्त करना सुनिश्चित किया जाएगा।
- (ii) अंडमान और निकोबार सीजेडएमए, यथा स्थिति, अनुमोदित आईसीआरजेड योजना या आईआईएमपी के अनुसार तथा आईसीआरजेड अधिसूचना के अनुपालन में उपर्युक्त (i) में दस्तावेजों की जांच करेगा और पूर्ण आवेदन की प्राप्ति की तारीख से साठ दिनों की अवधि के अंदर निम्नलिखित की सिफारिशें करेगा :-
- (क) उन परियोजनाओं या कार्यकलापों के लिए भी, जिनको ईआईए अधिसूचना, 2006 लागू होती है, ईआईए अधिसूचना के अधीन समग्र अनापत्ति प्राप्त करने के लिए प्रवर्ग ‘क’ और प्रवर्ग ‘ख’ परियोजनाओं हेतु सीजेडएमए अपनी सिफारिशें पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय या एसईआईए को अग्रेषित करेगा।
- परंतु, आईसीआरजेड-I या आईसीआरजेड-IV क्षेत्रों में अवस्थित ऐसी प्रवर्ग ‘ख’ परियोजनाओं के लिए भी आईसीआरजेड अनापत्ति हेतु अंतिम सिफारिश केवल पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय द्वारा संबंधित एसईआईए को की जाएगी ताकि वह उस प्रस्ताव के संबंध में समग्र पर्यावरणीय अनापत्ति और आईसीआरजेड अनापत्ति प्रदान कर सके।
- (ख) आईसीजेडएमए अपनी सिफारिशें पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय को उन परियोजनाओं/कार्यकलापों के लिए अग्रेषित करेगा, जिन्हें ईआईए अधिसूचना, 2006 में शामिल नहीं किया

गया है किंतु उन को आईसीआरजेड अधिसूचना लागू होती है और जो सीआरजेड-I या सीआरजेड-IV क्षेत्रों में अवस्थित हैं।

- (ग) उन परियोजनाओं/कार्यकलापों, जिन्हें ईआईए अधिसूचना, 2006 में शामिल नहीं किया गया है किंतु उन को आईसीआरजेड अधिसूचना लागू होती है और जो आईसीआरजेड-II या आईसीआरजेड-III क्षेत्रों में स्थित हैं, पर संबंधित आईसीजेडएमए द्वारा प्रस्तावक से पूर्ण प्रस्ताव प्राप्त होने के साठ दिनों के भीतर विचार किया जाएगा।
- (घ) उन निर्माण परियोजनाओं, जिन को सीआरजेड अधिसूचना लागू होती है परंतु ईआईए अधिसूचना, 2006 के उपबंधों को लागू करने हेतु निर्धारित अवसीमा से कम निर्मित क्षेत्र होता है, के मामले में ऐसे प्राधिकरणों द्वारा अनुमोदन प्रदान करने को सुविधाजनक बनाने के लिए सीजेडएमए अपनी सिफारिशों को संघ राज्य क्षेत्र के आयोजना प्राधिकरणों को अग्रेषित करेगा।
- (iii) पर्यावरण वन और जलवायु परिवर्तन मंत्रालय आईसीजेडएमए की सिफारिशों के आधार पर साठ दिनों की अवधि के अंदर पूर्ण परियोजना प्रस्तावों को आईसीआरजेड अधिसूचना के तहत अनापत्ति प्रदान करने पर विचार करेगा।
- (iv) यदि आईसीजेडएमए उनके पुनर्गठन अथवा किन्हीं अन्य कारणों से क्रियाशील न हों, तो यह संघ राज्य क्षेत्र प्रशासन के पर्यावरण विभाग, जो आईसीआरजेड योजनाओं या आईआईएमपी के अभिरक्षक हैं, का दायित्व होगा कि वह उक्त अधिसूचना के उपबंधों को ध्यान में रखते हुए प्रस्तावों पर टिप्पणी दे और उन पर सिफारिशें करे।
- (v) (क) इस अधिसूचना के अधीन परियोजनाओं को दी गई अनापत्ति सात वर्षों की अवधि के लिए विधिमान्य होगी, बशर्ते कि निर्माण संबंधी क्रियाकलाप ऐसी अनापत्ति जारी करने की तारीख से सात वर्षों के अंदर पूरे हो जाएं और प्रचालन आरंभ हो जाएं।
- (ख) वैधता को अधिकतम तीन वर्षों की अवधि के लिए और विस्तारित किया जा सकता है, बशर्ते कि आवेदक द्वारा वैधता की अवधि के अंदर संबंधित संघ राज्य क्षेत्र तटीय क्षेत्र प्रबंधन प्राधिकरण द्वारा अनापत्ति की वैधता के विस्तार हेतु की गई सिफारिश के साथ-साथ संबंधित प्राधिकरण को आवेदन प्रस्तुत किया जाए।
- (vi) पश्च अनापत्ति निगरानी :-
- (क) परियोजना प्रस्तावक के लिए यह अनिवार्य होगा कि वह प्रत्येक कलेंडर वर्ष की 1 जून और 31 दिसम्बर की तारीख को संबंधित विनियामक प्राधिकरणों को हार्ड और सॉफ्ट प्रतियों में पर्यावरणीय अनापत्ति की निर्धारित निबंधनों तथा शर्तों के संबंध में अर्धवार्षिक अनुपालन रिपोर्ट प्रस्तुत करे और परियोजना प्रस्तावक द्वारा प्रस्तुत की गई ऐसी सभी अनुपालन रिपोर्टों को पब्लिक डोमेन में प्रकाशित किया जाएगा तथा संबंधित सीजेडएमए को आवेदन करने पर उसकी प्रतियां किसी भी व्यक्ति को उपलब्ध कराई जाएंगी।
- (ख) अनुपालन रिपोर्ट को संबंधित विनियामक प्राधिकरण की वेबसाइट पर भी प्रदर्शित किया जाएगा।
- (vii) सीजेडएमए की कार्यप्रणाली में पारदर्शिता बनाए रखने हेतु, सीजेडएमए का यह दायित्व होगा कि वह एक समर्पित वेबसाइट का सृजित करे और उस पर कार्यसूची, कार्यवृत्त, किए गए विनिश्चयों, अनापत्ति पत्रों, उल्लंघनों, उल्लंघनों पर की गई कार्रवाई तथा माननीय न्यायालय के आदेशों सहित न्यायालय मामलों और संबंधित संघ राज्य क्षेत्र के द्वीप समूह की अनुमोदित आईसीआरजेड योजनाओं अथवा आईआईएमपी को अपलोड करे।

9. आईसीआरजेड अधिसूचना का प्रवर्तन :

- (i) पर्यावरण (संरक्षण) अधिनियम, 1986 के अधीन इस अधिसूचना के उपबंधों के कार्यान्वयन और प्रवर्तन तथा उसके अंतर्गत नियत शर्तों के अनुपालन के प्रयोजन के लिए, शक्तियां या तो मूल रूप से अथवा प्रत्यायोजित रूप में पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय, संघ राज्य क्षेत्र प्रशासन, एनसीजेडएमए और एससीजेडएमए के पास उपलब्ध हैं;
- (ii) एनसीजेडएमए और राज्य सरकार या संघ राज्य क्षेत्र के सीजेडएमए की संरचना, कार्यकाल और अधिदेश को पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय द्वारा माननीय उच्चतम न्यायालय द्वारा 1993 की रिट याचिका 664 में दिए गए आदेशों के अनुसार पहले ही अधिसूचित किया जा चुका है।
- (iii) संघ राज्य क्षेत्र की सीजेडएमए, इस अधिसूचना के प्रवर्तन और निगरानी हेतु तथा इस कार्य में सहायता करने हेतु मुख्य रूप से उत्तरदायी होगी तथा संघ राज्य क्षेत्र संबंधित जिला मजिस्ट्रेट की अध्यक्षता में जिला स्तरीय समितियों का गठन करेंगी जिसमें मछुआरों सहित स्थानीय परंपरागत तटीय समुदायों के कम से कम तीन प्रतिनिधि शामिल होंगे। संघ राज्य क्षेत्र प्रशासन संबंधित जिला मजिस्ट्रेट के स्तर पर इस अधिसूचना के प्रवर्तन के लिए अतिरिक्त प्रत्यायोजन पर विचार कर सकती है।
- (iv) मछुआरों सहित परंपरागत तटीय समुदायों की आवास इकाइयों, जिनको आईपीजेड अधिसूचना 2011 के उपबंधों के अंतर्गत अनुमति प्राप्त थी, लेकिन उनके संबंध में उपर्युक्त अधिसूचना के अंतर्गत संबंधित प्राधिकरणों से औपचारिक अनुमोदन प्राप्त नहीं किया गया है, उन पर संबंधित संघ राज्य क्षेत्र के सीजेडएमए द्वारा विचार किया जाएगा और आवास इकाइयों को निम्नलिखित शर्तों के अध्याधीन विनियमित किया जाएगा, अर्थात् :
- (क) इनका उपयोग किसी वाणिज्यिक क्रियाकलाप के लिए नहीं किया जाएगा।
- (ख) इन्हें किसी गैर-परंपरागत तटीय समुदाय को विक्रीत अथवा अंतरित नहीं किया जाएगा।

[फा.सं. 12-14/2018-आईए-III]

रितेश कुमार सिंह, संयुक्त सचिव

अनुबंध-**पारिस्थितिकीय संवेदी क्षेत्रों (ईएसए) के लिए संरक्षण, सुरक्षा और प्रबंधन ढांचा**

तटीय और समुद्री पारिस्थितिकीय संवेदी क्षेत्र (ईएसए) और भू-रूपात्मक विशेषताएं, तट के कार्यों को बनाए रखने में महत्वपूर्ण भूमिका निभाती हैं। कच्छ वनस्पति, समुद्र तट, प्रवाल भित्ति इत्यादि, तटीय कटाव, तटरेखा परिवर्तन, खारे पानी के प्रवेश को, नियंत्रित करने में सहयोग देते हैं और तटीय खतरों जैसे तूफानी लहरों, चक्रवातों और सुनामियों के विरुद्ध प्राकृतिक रक्षक के रूप में कार्य करते हैं। ईएसए, तटीय आजीविका के लिए प्रत्यक्ष और अप्रत्यक्ष पारि-प्रणाली सेवाएं प्रदान करके तट की जैविक अखण्डता को बनाए रखता है। इसके अतिरिक्त, अनेक बहुमूल्य पुरातात्विक और विरासत स्थल भी तट के पास स्थित होते हैं। अतः, उपरोक्त क्षेत्रों/विशेषताओं/स्थलों का संरक्षण और सुरक्षा करना आवश्यक हो जाता है।

1. सामान्य उपाय

- (i) उपग्रह आंकड़ों का प्रयोग करके एनसीएससीएम द्वारा सभी ईएसए की पहचान की जाएगी और सीमा-रेखा निर्धारित की जाएगी।

(ii) ईएसए के संरक्षण और सुरक्षा का उल्लेख करते हुए, अधिसूचना में निहित दिशा-निर्देशों के अनुसार राज्य/संघ राज्य क्षेत्र सरकारें, प्राधिकृत एजेंसियों के माध्यम से सीजेडएमपी तैयार करेगी।

(iii) इस अधिसूचना के तहत अनुज्ञेय कार्यकलापों को सीजेडएमपी में शामिल किया जाएगा।

प्रत्येक ईएसए के संरक्षण, सुरक्षा और प्रबंधन के लिए अपनाई गई विशिष्ट शर्तें निम्नलिखित हैं :-

1.1 कच्छ वनस्पति :

(i) कच्छ वनस्पति को वन संरक्षण अधिनियम, 1980 के तहत वन के रूप में घोषित किया गया है।

इस अधिसूचना में निहित किसी अन्य बात के होने पर भी, संबंधित संघ राज्य क्षेत्र प्रशासनों या केंद्र सरकार द्वारा ऐसी कच्छ वनस्पति को वन (संरक्षण) अधिनियम, 1980 के तहत वनभूमि के रूप में घोषित किया गया है जिन पर केवल वन (संरक्षण) अधिनियम, 1980 के उपबंध ही लागू होंगे।

(ii) वन संरक्षण अधिनियम, 1980 के तहत घोषित नहीं की गई कच्छ वनस्पति।

(क) सरकारी भूमि में कच्छ वनस्पति को संबंधित राज्य/संघ राज्य क्षेत्र की सरकारों द्वारा तैयार की जाने वाली विस्तृत योजना के आधार पर संरक्षित किया जाएगा। यदि कच्छ वनस्पति क्षेत्र 1000 वर्ग मीटर से अधिक है तो कच्छ वनस्पति क्षेत्र की परिधि के साथ-साथ 20 मीटर का बफर क्षेत्र उपलब्ध कराया जाएगा। 20 मीटर के इस बफर क्षेत्र का उपयोग, उद्यान विकसित करने, कच्छ वनस्पति जैव-विविधता से संबंधित अनुसंधान सुविधाओं, संरक्षण के लिए सुविधाओं और इसी प्रकार के अन्य कार्यों के लिए जन-सुविधाओं हेतु किया जा सकता है।

(ख) निजी भूमि में कच्छ वनस्पति के लिए बफर क्षेत्र की आवश्यकता नहीं होगी।

1.2 प्रवाल और प्रवाल भित्तियां और संबद्ध जैवविविधता:

(i) प्रवाल और प्रवाल भित्तियों और उनके आस-पास के क्षेत्रों को नष्ट करना प्रतिबंधित कार्यकलाप है।

(ii) केवल अनुसंधान प्रयोजनार्थ अपेक्षित कम मात्रा में प्रवाल और प्रवाल भित्तियों को छोड़कर सभी को सुरक्षित रखा जाएगा।

(iii) प्रवाल और प्रवाल भित्तियों का प्रत्यारोपण कार्यकलाप जब भी पुनरूद्भव हेतु आवश्यक हो, वन्यजीव (संरक्षण) अधिनियम 1972 के तहत आवश्यक अनुमोदन प्राप्त करने के पश्चात मान्यता प्राप्त अनुसंधान संस्थानों से किया जाएगा।

(iv) मृत और/अथवा विनष्ट किए गए प्रवाल क्षेत्रों का जीवोद्धार और पुनर्स्थापन किया जाएगा। प्रवाल और प्रवाल भित्तियों का संरक्षण और सुरक्षा निम्नवत की जाएगी:

(क) अभिज्ञात और निरूपित की गई सक्रिय और सजीव प्रवाल और प्रवाल भित्तियों को पर्यावरण (संरक्षण) अधिनियम, 1986 के तहत पारिस्थितिकीय रूप से संवेदनशील क्षेत्र के रूप में घोषित और अधिसूचित किया जाएगा।

(ख) यह सुनिश्चित किया जाएगा कि प्रवाल, प्रवाल भित्तियों और इसके संबद्ध जैवविविधता के स्वास्थ्य के लिए हानिकारक कोई भी कार्यकलाप जैसे खनन, बहिष्कार और मलजल का निस्सारण, निकर्षण, बैलास्ट जल का निस्सारण, पोत की धुलाई, अन्य पारम्परिक रूप से गैर विनाशकारी मत्स्यन से इतर

मत्स्यन, निर्माण कार्यकलाप और उसके अनुरूप कार्यकलाप प्रवाल क्षेत्रों के भीतर और उनके आसपास नहीं किए जाएंगे।

1.3 वन्यजीव (संरक्षण) अधिनियम, 1972 (1972 का 53), वन संरक्षण अधिनियम, 1980 (1980 का 69) अथवा पर्यावरण (संरक्षण) अधिनियम, 1986 (1986 का 29) के प्रावधानों के तहत घोषित किए गए **राष्ट्रीय उद्यान, समुद्रवर्ती उद्यानों, अभयारण्य**, आरक्षित वनों, वन्यजीव वास-स्थलों और अन्य सुरक्षित क्षेत्रों सहित बायोस्फेयर रिजर्वों को निम्नवत संरक्षित और सुरक्षित किया जाएगा;

- (i) उपरोक्त सूचीबद्ध किए गए क्षेत्रों का संरक्षण और सुरक्षा, संबंधित अधिनियमों/अधिसूचनाओं/ दिशानिर्देशों के उपबंधों के अनुसार किया जाएगा।
- (ii) बढ़ते हुए तूफानों, ज्वार-भाटों और बाढ़ों से जान और माल की क्षति के निवारण के लिए तटीय क्षेत्र में वन क्षेत्र में वृद्धि करने के लिए प्रयास किए जाएंगे।
- (iii) संबंधित राज्य सरकारें/संघ शासित प्रदेश शेल्टर बेल्ट पौध रोपण अथवा अवस्थान के लिए अनुकूल सामग्री रोपित करने के अथवा जैव-ढाल बनाने हेतु ऐसे उपाय करने के लिए पर्याप्त निधियां प्रदान करेंगे।

1.4 लवणीय दलदल :

लवणीय दलदल का संरक्षण और सुरक्षा निम्नवत की जाएगी:

- (i) लवणीय दलदल के क्षेत्रों को संरक्षित और सुरक्षित किया जाएगा और लवणीय दलदल में स्थानिक जैवविविधता का संवर्धन करने के लिए प्रयास किए जाएंगे।
- (ii) केवल ओवरहेड कन्वेंएग/ट्रॉंसमिशन केबल्स और ट्रॉंसमिशन लाईन केबल्स को भूमिगत विद्युत के लिए आवश्यक कार्यकलापों को ही अनुमत किया जाएगा।
- (iii) पारम्परिक रूप से मछली पकड़ना लवणीय दलदल क्षेत्र में अनुमेय है।
- (iv) लवणीय दलदल क्षेत्रों के आसपास अस्थायी पर्यटन सुविधाओं पर दिशानिर्देशों में निर्धारित किए गए कड़े मानदंडों के अनुपालन करने की शर्त के अध्येधीन विचार किया जा सकता है।
- (v) एनसीएससीएम द्वारा अभिज्ञात और सीजेडएमपी द्वारा सीमांकन किए गए कम जैवविविधता वाले कतिपय लवणीय दलदल क्षेत्रों पर साल्ट पैन कार्यकलापों के लिए विचार किया जा सकता है।

1.5 कछुओं द्वारा अंडा देने वाली भूमि को निम्नवत सुरक्षित और संरक्षित किया जाएगा।

- (i) संबंधित राज्यों/संघ शासित प्रदेशों द्वारा अभिज्ञात की गई कछुओं द्वारा अंडा देने वाली भूमि को 1972 के वन्यजीव (संरक्षण) अधिनियम के अनुसार सुरक्षित किया जाएगा।
- (ii) कछुओं द्वारा अंडा देने वाली भूमि में और उसके आस पास प्रकाश और ध्वनि प्रदूषण उत्पन्न करने वाले कार्यकलाप सहित कोई भी कार्यकलाप इन स्थलों के संरक्षण और सुरक्षा के लिए अपेक्षित कार्यकलाप को छोड़कर अनुमत नहीं किए जाएंगे।
- (iii) संबंधित राज्य/संघ शासित प्रदेशों के प्राधिकरणों द्वारा कछुओं द्वारा अंडा देने वाली भूमि को सुरक्षित रखने के लिए कड़ी प्रबंधन योजनाएं शुरू व कार्यान्वित की जाएगी।

1.6 नाल केकड़ा आवास-स्थलों को निम्नवत सुरक्षित और संरक्षित किया जाएगा:

- (i) अभिज्ञात वास-स्थलों पर संरक्षण और सुरक्षा हेतु कार्य किया जाएगा
- (ii) इन वास-स्थलों में और उनके आसपास ऐसा कोई कार्यकलाप नहीं किया जाएगा जो नाल केकड़ा की पारिप्रणाली को प्रभावित करे।

1.7 समुद्री घास क्यारियो को निम्नवत सुरक्षित और संरक्षित किया जाएगा।

- (i) अभिज्ञात समुद्री घास क्यारियो को सुरक्षित और संरक्षित किया जाएगा।
- (ii) ऐसा कोई विकासात्मक कार्यकलाप, जिसका समुद्री घास क्यारियों पर प्रतिकूल प्रभाव हो, शुरू नहीं किया जाएगा।
- (iii) राज्यों/संघ शासित प्रदेशों द्वारा जहां भी संभव हो, तटीय जल क्षेत्रों के साथ-साथ समुद्री घास क्यारियों का संवर्धन करने के लिए प्रयास किए जाएंगे क्योंकि यह कार्बन सिंक के रूप में कार्य करता है।

1.8 पक्षियों द्वारा घोंसला बनाने वाली भूमि को निम्नवत सुरक्षित और संरक्षित किया जाएगा:

- (i) पक्षियों द्वारा घोंसला बनाने वाली भूमि सहित उनके स्थानीय प्रवासी मार्ग की सुरक्षा की जाएगी। पवन चक्कियों का निर्माण, पारेषण लाइनों को बिछाने, विकासात्मक कार्यकलाप, सहित कोई भी जिनका स्थानीय क्षेत्रों में पक्षियों द्वारा घोंसला बनाने वाली भूमि और प्रवास के मार्गों पर प्रतिकूल प्रभाव हो सकता है, को शुरू नहीं किया जाएगा।
- (ii) वन आवरण और लवण दलदल भूमि और अन्य तटीय जल निकायों की जैवविविधता समृद्ध बनाने सहित वन आवरण और मैंग्रोव आवरण में वृद्धि करने के लिए प्रयास किए जाएंगे, ताकि पक्षियों के लिए उपयुक्त पर्यावास उपलब्ध हो सके।

1.9 भू-आकृति विज्ञान की दृष्टि से महत्वपूर्ण क्षेत्रों को निम्नवत सुरक्षित और प्रबंधित किया जाएगा:

- (i) अभिज्ञात रेत के टीलों को निम्नवत संरक्षित और सुरक्षित किया जाएगा।
 - (क) अभिज्ञात रेत के टीलों को पर्यावरण (संरक्षण) अधिनियम, 1986 के तहत अधिसूचित किया जाएगा;
 - (ख) पैदल मार्ग, तम्बुओं और अनुरूप का स्टिल्ट पर पारिस्थितिकीय-दृष्टि से अनुकूल अस्थायी पर्यटन सुविधाएं प्रदान करने को छोड़कर कोई विकासात्मक कार्यकलाप अनुमत नहीं किया जाएगा
 - (ग) रेत के टीलों से अवशेष अथवा अन्य अनुकूल रेत का प्रयोग करके उचित तरह से पुनःभरकर दुर्लभ धरती खनिजों को हटाने को छोड़कर रेत के टीलों से रेत का खनन प्रतिबंधित कार्यकलाप है।
 - (घ) रेत के टीलों पर ऐसा कोई कार्यकलाप नहीं किया जाएगा जिसके परिणामस्वरूप रेत के टीलों का अपरदन/विनाश हो।
 - (ङ) रेत की टीलों पर केवल देशज वनस्पति जात से बनीकरण किया जाएगा।
 - (च) राज्य/संघ शासित प्रदेश सीमांकित किए गए रेत के टीलों के लिए प्रबंधन योजनाएं तैयार करेंगे।
- (ii) **रेतीले समुद्र तट:**
 - (क) टेलिंग्स अथवा उपयुक्त रेत का प्रयोग करके उचित तरह से पुनःपूर्ति करके परमाणु खनिजों के हाथ से खनन को छोड़कर रेतीले समुद्र तटों पर खनन प्रतिबंधित है।

- (ख) जब अनुमेय विकासात्मक कार्यकलाप समुद्र तटों पर किए जाते हैं, तब यदि समीपवर्ती क्षेत्रों में समुद्र तट को क्षति अनुमानित होती है, तब क्षति के लिए प्रतिपूर्ति करने के लिए परियोजना प्राधिकरणों द्वारा समुद्र तटों पर आवश्यक समुद्र तटीय पुनर्भरण किया जाएगा और इसका दीर्घावधि अनुरक्षण उनके द्वारा सुनिश्चित किया जाएगा।
- (ग) राज्य/संघ शासित प्रदेश सीमांकित किए गए समुद्र तटों के लिए प्रबंधन योजनाएं तैयार करेंगे।

(iii) जैवीय रूप से सक्रिय पंकभूमि

- (क) राज्य/सरकार/संघ शासित प्रदेश प्रशासन के सहयोग से एनसीएसपीएम, चेन्नै द्वारा जैवीय रूप से सक्रिय पंकभूमि अभिज्ञात की जाएगी।
- (ख) राज्य/संघ शासित प्रदेश ऐसे सीमांकित किए गए जैवीय रूप से सक्रिय पंकभूमि के लिए प्रबंधन योजनाएं तैयार करेंगे।

1.10 पुरातत्व महत्व की संरचनाएं और धरोहर महत्व स्थल अथवा क्षेत्र :

- (i) पुरातत्व अभिकरण, संबंधित अधिनियमों/अधिसूचनाओं/दिशानिर्देशों के उपबंधों के अनुसार भारतीय पुरातत्व सर्वेक्षण द्वारा अभिज्ञात की गई सभी पुरातत्व संरचनाओं और धरोहर स्थलों के संरक्षण और सुरक्षा के लिए उत्तरदायी होंगे।
- (ii) ऐसा कोई कार्यकलाप, जो अभिज्ञात क्षेत्रों अथवा पुरातत्व और धरोहर महत्व की संरचनाओं के लिए हानिकर हो, को अनुमत नहीं किया जाएगा।
- (iii) यह सुनिश्चित किया जाएगा कि इन संरचनाओं अथवा क्षेत्रों को परिरक्षित किया जाए और ऐसी संरचनाओं के अग्रभाग/प्लिंथ को बिना परिवर्तित किए कार्यकलाप किए जाएं। ऐसी संरचनाओं को बाहरी वास्तु अभिकल्पना को परिवर्तित किए बिना आंतरिक भाग की सावधानीपूर्वक अभिकल्पना करने के पश्चात संगत मानकों के अनुसार उपयोग करने हेतु विचार किया जा सकता है।

अनुबंध-II

आईसीआरजेड-आईए को छोड़कर आईसीआरजेड में भंडारण के लिए अनुमत पेट्रोलियम व रसायन उत्पादों की सूची

- (i) कच्चा तेल;
- (ii) द्रवीकृत पेट्रोलियम गैस;
- (iii) मोटर स्प्रिट;
- (iv) कैरोसिन;
- (v) विमानन ईंधन;
- (vi) उच्च गति डीजल;
- (vii) लुब्रीकेटिंग ऑयल;
- (viii) ब्यूटेन;
- (ix) प्रोपेन;

- (x) संपीडित प्राकृतिक गैस;
- (xi) नाफथा;
- (xii) फर्नेस ऑयल;
- (xiii) लो सल्फर हैवी स्टॉक;
- (xiv) द्रवीकृत प्राकृतिक गैस;
- (xv) उर्वरक व उर्वरकों के उत्पादन हेतु कच्चा माल;
- (xvi) एसिटिक अम्ल;
- (xvii) मोनो इथायलीन ग्लाइकोल।
- (xviii) पैराज़ाइलीन
- (xix) इथेन
- (xx) बुटाडाइन
- (xxi) मेथनोल
- (xxii) कास्टिक
- (xxiii) बिटुमेन

अनुबंध-III

अभिहित आईसीआरजेड क्षेत्रों में बीच रिजार्टों या होटलों या पर्यटन विकास परियोजनाओं के विकास संबंधी दिशानिर्देश

1. आईसीआरजेड-II

पर्यटकों या यात्रियों के ठहरने के लिए आईसीआरजेड-II के निर्धारित क्षेत्रों में बीच रिजोर्टों/होटलों का निर्माण निम्नलिखित शर्तों के अन्वयधीन होगा, अर्थात:-

- (i) निर्माण की अनुज्ञा केवल विद्यमान सड़क या विद्यमान प्राधिकृत निर्धारित संरचनाओं की भूमि की तरफ के लिए दी जाएगी।
- (ii) निजी सम्पत्तियों के आस-पास वनस्पति क्षेत्र सहित तारबाड़ तथा कंटीली तार-बाड़ की अनुमति दी जाएगी बशर्ते कि तारबाड़ से किसी भी तरह बीच पर जनता के आने-जाने में बाधा न पड़े।
- (iii) रेत के टीलों को समतल नहीं किया जाएगा;
- (iv) खेल सुविधाओं के लिए गोल पोस्ट, नेट पोस्ट और लैम्प पोस्ट के अतिरिक्त किसी भी प्रकार के स्थाई निर्माण की अनुमति नहीं होगी।
- (v) तहखाने के निर्माण की अनुमति इस आधार पर दी जा सकती है कि संबंधित भूगर्भ जल प्राधिकरण से इस बात का अनापत्ति प्रमाण पत्र प्राप्त करेगा कि निर्माण उस क्षेत्र में भू-गर्भीय जल के मुक्त प्रवाह को प्रभावित नहीं करेगा।
- (vi) संबंधित भू-गर्भ जल प्राधिकरण इस प्रकार से अनापत्ति प्रमाण पत्र जारी करने से पहले केंद्र सरकार द्वारा जारी किए गए दिशा-निर्देशों को ध्यान में रखेगा।

- (vii) परियोजना क्षेत्र से उपचारित बहिस्त्रावों, ठोस अपशिष्टों, उत्सर्जनों की गुणवत्ता तथा ध्वनि स्तर केंद्रीय एवं राज्य प्रदूषण नियंत्रण बोर्ड तथा पर्यावरण (संरक्षण) अधिनियम, 1986 सहित सक्षम प्राधिकरणों द्वारा निर्धारित मानकों के अनुरूप होगी।
- (viii) बहिस्त्रावों और ठोस अपशिष्टों के उपचार के लिए आवश्यक प्रबंध किए जाएं और यह सुनिश्चित किया जाए कि अनुपचारित बहिस्त्रावों और ठोस अपशिष्ट का विसर्जन जल में अथवा बीच पर न किया जाए; और बहिस्त्राव अथवा ठोस अपशिष्ट का विसर्जन बीच पर न किया जाए।
- (ix) यदि परियोजना में वनेत्तर प्रयोजनों के लिए वन भूमि का उपयोग शामिल है, तो वन (संरक्षण) अधिनियम, 1980 के अंतर्गत अपेक्षित स्वीकृति प्राप्त की जाएगी और परियोजना के लिए लागू अन्य केंद्रीय तथा राज्य विधियों की अपेक्षाओं को पूरा किया जाएगा; तथा राज्य या संघ राज्य क्षेत्र के पर्यटन विभाग की अनुमति प्राप्त की जाएगी।

2. आईसीआरज़ेड-III

सैलानियों या यात्रियों के अस्थाई-निवास हेतु आईसीआरज़ेड-III के निर्धारित क्षेत्रों में बीच रिसोर्टों या होटलों के निर्माण, निम्नांकित परिस्थितियों के अध्यक्षीन होंगे, अर्थात्;

- (i) निजी सम्पत्तियों के आस-पास वनस्पति क्षेत्र सहित तारबाड़ तथा कंटीली तार-बाड़ की अनुमति दी जाएगी बशर्ते कि तारबाड़ से किसी भी तरह बीच पर जनता के आने-जाने में बाधा न पड़े;
- (ii) रेत के टीलों को समतल नहीं किया जाएगा;
- (iii) खेल सुविधाओं के लिए, गोल पोस्ट, नेट पोस्ट और लैम्प पोस्ट के अतिरिक्त किसी भी प्रकार के स्थायी निर्माण की अनुमति नहीं होगी;
- (iv) तहखाने के निर्माण की अनुमति इस आधार पर दी जा सकती है कि राज्य भूगर्भ जल प्राधिकरण से इस आशय का अनापत्ति प्रमाण-पत्र प्राप्त किया जाएगा कि ऐसा निर्माण-कार्य उस क्षेत्र में भू-गर्भीय जल के मुक्त प्रवाह को प्रतिकूल रूप से प्रभावित नहीं करेगा;
- (v) भू-गर्भ जल प्राधिकरण, इस प्रकार का अनापत्ति प्रमाण पत्र जारी करने से पहले केन्द्र सरकार द्वारा जारी किए गए दिशा-निर्देशों पर विचार करेगा;
- (vi) यद्यपि विकास प्रतिषिद्ध क्षेत्र में फ्लोर स्पेस इंडेक्स की संगणना के लिए किसी भी प्रकार के निर्माण की अनुमति नहीं है, तथापि सम्पूर्ण भू-खण्ड का क्षेत्रफल, जिसमें वह भाग भी शामिल होगा जो विकास प्रतिषिद्ध क्षेत्र के अंतर्गत आता है, को भी ध्यान में रखा जाएगा;
- (vii) सभी तलों (फ्लोर) का कुल ढका हुआ क्षेत्र, भू-खण्ड के कुल आकार के 33 प्रतिशत से अधिक नहीं होना चाहिए, अर्थात् फ्लोर स्पेस इंडेक्स 0.33 से अधिक नहीं होना चाहिए तथा खुला क्षेत्र समतल होगा और उचित वनस्पतियों से आच्छादित होगा;
- (viii) निर्माण-कार्य, आस-पास की स्थलाकृति एवं स्थानीय वास्तुकला शैली के अनुरूप होगा;

- (ix) निर्माण-कार्य में छत की कुल ऊंचाई 9 मीटर से ज्यादा नहीं होगी और दो तल से ज्यादा (नीचे का तल व उसके ऊपर का तल) का निर्माण नहीं होगा;
- (x) भूगर्भ-जल को उच्च ज्वार रेखा में 200 मीटर के नीचे से नहीं लिया जाएगा; 200-500 मीटर के ज़ोन में इसे केन्द्रीय या संघ राज्य क्षेत्र के भू-जल बोर्ड की सहमति से ही लिया जा सकता है;
- (xi) उच्च ज्वार रेखा के 500 मीटर की दूरी में बालू का खनन, समतल करना या बालू को खोदना, केवल भवन की बुनियाद या स्वीमिंग पुल को छोड़कर अनुज्ञात नहीं होगा;
- (xii) परियोजना क्षेत्र में उद्वारित बहिस्त्रावों, ठोस कचरे, उत्सर्जनों और ध्वनि के स्तर और इसी प्रकार के अन्य की गुणवत्ता, केन्द्रीय प्रदूषण नियंत्रण बोर्ड या संघ राज्य क्षेत्र प्रदूषण नियंत्रण समिति सहित सक्षम प्राधिकरणों द्वारा पर्यावरण (संरक्षण) अधिनियम, 1986 के अधीन बनाए गए मानकों के अनुसार होगी;
- (xiii) बहिस्त्रावों तथा ठोस कचरे के उपचार हेतु आवश्यक व्यवस्थायें की जानी चाहिए और इस बात को सुनिश्चित करना चाहिए कि अनुपचारित बहिस्त्राव तथा ठोस कचरे को पानी में या बीच पर फेंका न जाए; तथा कोई भी बहिस्त्राव या ठोस कचरा, बीच पर छोड़ा नहीं जाएगा;
- (xiv) बीच पर लोगों की पहुंच को अनुज्ञात करने हेतु किन्हीं दो होटलों या बीच रिज़ॉर्टों के मध्य कम से कम 20 मीटर की चौड़ाई का अन्तराल होना चाहिए; और किसी भी स्थिति में कुल अन्तराल 500 मीटर से कम नहीं होगा; तथा
- (xv) यदि परियोजना में बनेत्तर प्रयोजनों के लिए वन भूमि का उपयोग शामिल है, तो वन (संरक्षण) अधिनियम, 1980 के अंतर्गत अपेक्षित स्वीकृति प्राप्त की जाएगी और परियोजना के लिए लागू अन्य केन्द्रीय तथा राज्य विधियों की अपेक्षाओं को पूरा किया जाएगा; तथा राज्य या संघ राज्य क्षेत्र के पर्यटन विभाग की अनुमति प्राप्त की जाएगी।
- टिप्पणी :** पारिस्थितिकीय रूप से संवेदनशील क्षेत्रों (जैसेकि समुद्री पार्क, मैंग्रोव, प्रवालभित्ति, मछलियों का जनन व पालने का क्षेत्र, वन्यजीव पर्यावास तथा ऐसे अन्य क्षेत्र जिन्हें केन्द्र या संघ राज्य क्षेत्र प्रशासन द्वारा अधिसूचित किया गया हो) में बीच रिज़ॉर्ट या होटलों के निर्माण की अनुमति नहीं होगी।

अनुबंध-IV क

द्वीप तटीय विनियमन ज़ोन (आईसीआरजेड) योजनाएं तैयार करने हेतु दिशा-निर्देश

1. उच्च ज्वार रेखा और निम्न ज्वार रेखा का चिन्हांकन

एनसीएससीएम द्वारा उच्च ज्वार रेखा (एचटीएल) और निम्न ज्वार रेखा (एलटीएल) का किया गया सीमांकन ही इस अधिसूचना के अधीन सभी प्रयोजनों के लिए लागू होगा।

2. 'जोखिम रेखा':

सर्वे ऑफ इण्डिया (एसओआई) द्वारा किसी समयावधि में हुए जल स्तर घट-बढ़, समुद्र स्तर में वृद्धि और तट रेखा परिवर्तनों (अपक्षरण/संचयन) के कारण भू-क्षेत्र में बाढ़ के विस्तार को ध्यान में रखते हुए 'जोखिम रेखा' का सीमांकन किया जा रहा है। जोखिम रेखा का उपयोग अनुकूलक और उपशमन उपायों की योजना बनाने सहित तटीय पर्यावरण के लिए आपदा प्रबंधन योजना बनाने हेतु एक उपकरण के तौर पर किया जाएगा। तटीय समुदायों की असुरक्षा में कमी करने और सतत आजीविका सुनिश्चित करने के विचार से सीज़ेडएमपी को तैयार करते समय

जोखिम रेखा और एचटीएल के बीच के क्षेत्र के लिए भूमि उपयोग की योजना बनाते समय जलवायु परिवर्तन और तटरेखा परिवर्तनों के ऐसे प्रभावों को ध्यान में रखा जाएगा।

3. आईसीआरजेड मानचित्र का निर्माण

- (i) 1:25,000 पैमाने का आधार मानचित्र सर्वे ऑफ इण्डिया (एसओआई) से अर्जित किया जाएगा और जब कभी भी 1:25,000 पैमाने का मानचित्र उपलब्ध नहीं होगा तो ऐसी स्थिति में आधार मानचित्र तैयार करने के प्रयोजन के लिए 1:50,000 पैमाने के मानचित्र को 1:25,000 तक बड़ा करके प्रयोग किया जाएगा तथा ये मानचित्र निम्नांकित मानक विनिर्देशों के अनुरूप होंगे :-

इकाई	:	7.5 मिनट X 7.5 मिनट
अंकन	:	सर्वे ऑफ इण्डिया की शीट की साख्यांकन पद्धति के अनुसार
क्षैतिज आधार	:	एवरेस्ट या डब्ल्यूजीएस 84
ऊर्ध्वाधर आधार	:	औसत समुद्र स्तर (एमएसएल)
स्थालाकृति	:	एसओआई मानचित्र की स्थलाकृति को आधुनिक उपग्रह इमेजरी या एरियल फोटोग्राफ का उपयोग करते हुए अद्यतन बनाया जाएगा।

- (ii) पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय के कार्यालय आदेश संख्या जे-17011/8/92-आईए-III, तारीख 14 मार्च, 2014 के द्वारा अभिज्ञात किसी भी अभिकरण द्वारा उच्च ज्वार रेखा या एलटीएल के सीमांकन का उपयोग करते हुए 1:25,000 पैमाने का आईसीआरजेड मानचित्र तैयार किया जाएगा, जैसाकि एनसीएससीएम द्वारा किया जाता है।
- (iii) विभिन्न विनियामक रेखाएं अर्थात् एचटीएल से क्रमशः 20 मीटर, 50 मीटर, 200 मीटर और 500 मीटर की दूरी पर, जैसाकि विभिन्न आईसीआरजेड श्रेणियों में लागू है, का चिन्हांकन किया जाएगा और उन्हें आईसीआरजेड मानचित्रों में स्थानांतरित किया जाएगा।
- (iv) एचटीएल, एलटीएल और आईसीआरजेड सीमाओं, यथा लागू, को भी आईसीआरजेड मानचित्रों में ज्वार से प्रभावित होने वाले अंतर्देशीय जल निकायों के तटों के साथ चिन्हांकित किया जाएगा।
- (v) विभिन्न समुद्र तटीय क्षेत्रों का वर्गीकरण, आईसीआरजेड अधिसूचना के अनुसार किया जाएगा और मानक राष्ट्रीय अथवा अन्तरराष्ट्रीय रंग कोडों को प्रयोग किया जाएगा।

3. स्थानीय स्तर के आईसीआरजेड मानचित्र

- (i) स्थानीय स्तर के आईसीआरजेड मानचित्रों, आईसीआरजेड योजना के क्रियान्वयन को सुकर बनाने के लिए स्थानीय निकायों तथा अन्य अभिकरणों के प्रयोग हेतु हैं।
- (ii) कराधान हेतु बनाए गए भू-स्वामित्व (ग्रामीण) मानचित्र, जोकि 1:3960 या इसके निकटतम पैमाने पर हैं और जो राजस्व प्राधिकरणों के पास यथा उपलब्ध हैं, को आधार मानचित्रों के रूप में प्रयोग किया जाएगा।

- (iii) एचटीएल, एलटीएल और अन्य आईसीआरजेड विनियामक रेखाओं का चिन्हांकन, कराधान हेतु बनाए गए भू-स्वामित्व मानचित्रों में किया जाएगा और वर्गीकरणों को स्थानीय सीज़ेडएम मानचित्रों में स्थानांतरित किया जाएगा।

4. आईसीआरजेड क्षेत्रों का वर्गीकरण

- (i) आईसीआरजेड मानचित्रों में क्षेत्र की भू-उपयोग योजना स्पष्ट रूप से चिन्हित की जाएगी और एनसीएससीएम द्वारा तटीय राज्यों और संघ राज्य क्षेत्रों के प्रशासन को उपलब्ध कराए गए मानचित्रण के अनुसार पारिस्थितिकीय रूप से संवेदनशील क्षेत्रों (ईएसए) या आईसीआरजेड-क क्षेत्रों को चिन्हांकित किया जाएगा। ऐसे सभी ईएसए को रंग कोडो द्वारा समुचित ढंग से सीमांकित किया जाएगा।
- (ii) 1000 वर्ग मी. से अधिक के मैंग्रोव क्षेत्रों के चारों ओर बफर क्षेत्र को, मैंग्रोव क्षेत्र से भिन्न करते हुए अलग रंग से चिन्हांकित किया जाएगा। बफर क्षेत्र को भी आईसीआरजेड-क क्षेत्र के रूप में वर्गीकृत किया जाएगा।
- (iii) आईसीआरजेड क्षेत्रों में, मछुआरा समुदाय के गांव, उनकी साझा संपत्तियां, मछली पकड़ने के घाट, बर्फ संयंत्र, मछली सुखाने के प्लेटफार्म अथवा क्षेत्र, मछुआरा और स्थानीय समुदाय की ढांचागत सुविधाओं जैसे कि दवाखाना, सड़कें, विद्यालय इत्यादि को भू-कर पैमाने के मानचित्र पर उपदर्शित किया जाएगा। राज्य, विस्तार और अन्य ज़रूरतों, साफ-सफाई, सुरक्षा और आपदा तैयारी सहित मूल सेवाओं की व्यवस्थाओं को ध्यान में रखते हुए तटीय मछुआरा समुदायों की दीर्घकालीन आवासीय ज़रूरतों के लिए विस्तृत योजनाएं तैयार करेंगे।
- (iv) आईसीआरजेड-IV के जल क्षेत्रों को चिन्हांकित किया जाएगा और यदि जल क्षेत्रसमुद्र, लगून, बैकवॉटर, क्रीक, खाड़ी और मुहाना आदि हो तो उसे स्पष्ट रूप से चिन्हांकित किया जाएगा और जल क्षेत्रों के इस प्रकार के वर्गीकरण के लिए नैवल-हाइड्रोग्रैफिक कार्यालय द्वारा प्रयोग की जाने वाली शब्दावली का प्रयोग किया जाएगा।
- (v) जल क्षेत्रों में मछली पकड़ने के स्थानों तथा मछली प्रजनन क्षेत्र को स्पष्ट रूप से चिन्हित किया जाएगा।
- (vi) समुद्र की ओर विद्यमान प्राधिकृत विकास कार्यों को स्पष्ट रूप से चिन्हांकित किया जाएगा।
- (vii) चक्रवातों, तूफानों, सुनामियों तथा इस तरह की आपदा के दौरान बचाव तथा राहत कार्यों के उद्देश्य के लिए आईसीआरजेड योजनाओं में चक्रवात आश्रयों, वर्षा शालिकाओं, हेलिपैडों तथा अन्य आधारभूत संरचनाओं सहित सड़क नेटवर्क जैसी विशेषताओं को स्पष्ट रूप से उपदर्शित किया जाएगा।
- (viii) भवनों के निर्माण या अन्य कार्यकलापों को आईसीआरजेडपी के अधीन अनुज्ञात किया जाएगा बशर्ते कि ठोस तथा द्रव अपशिष्टों का उचित प्रबंधन तथा निपटान पर्यावरणीय मानकों, नियमों तथा कानूनों इत्यादि के अनुसार किया जाएगा। किसी भी परिस्थिति में अनुपचारित बहिस्त्रावों का तटीय जल में निस्सारण नहीं किया जाएगा।

5. आईसीआरजेड योजनाओं पर जनता से परामर्श

- (i) तैयार किए गए प्रारूप आईसीआरजेडपी का व्यापक रूप से प्रचार किया जाएगा तथा पर्यावरण (संरक्षण) अधिनियम, 1986 के अनुसार सुझाव और आक्षेप प्राप्त किए जाएंगे। जन-सुनवाई, संबंधित सीजेडएमए द्वारा जिला स्तर पर की जाएगी।

- (ii) प्राप्त सुझावों तथा आक्षेपों के आधार पर आईसीआरजेडपी में संशोधन किया जाएगा तथा इस पर पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय का अनुमोदन प्राप्त किया जाएगा।
- (iii) अनुमोदित आईसीआरजेडपी को पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय की वेबसाइट तथा संबंधित राज्य, संघ राज्य क्षेत्र सीजेडएमए की वेबसाइट पर रखा जाएगा तथा इसकी हार्डकॉपी पंचायत कार्यालय, जिला कलक्टर के कार्यालय तथा इसी तरह के कार्यालयों को उपलब्ध कराई जाएगी।

6. आईसीआरजेड योजनाओं का पुनरीक्षण

- (i) संदेह होने पर संबंधित राज्य या संघ राज्य क्षेत्र के तटीय क्षेत्र प्रबंधन प्राधिकरण, मामले को राष्ट्रीय संवहनीय तटीय प्रबंधन केन्द्र को निर्दिष्ट करेगा जो अद्यतन उपग्रह चित्र तथा वास्तविकता के आधार पर आईसीआरजेडपी का सत्यापन करेगा।
- (ii) अपेक्षित होने पर संशोधित मानचित्र को पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय के विचारार्थ प्रस्तुत किया जाएगा।

अनुबंध-IV ख

एकीकृत द्वीप प्रबंधन योजना (आईआईएमपी) तैयार करने हेतु दिशा-निर्देश

1. एकीकृत द्वीप प्रबंधन योजना वैज्ञानिक पद्धति तथा निर्माण की गई/निर्माण के लिए प्रस्तावित उपयुक्त तटीय संरक्षण संरचनाओं के आधार पर तैयार की जाएगी और क्षेत्र में योजनाबद्ध कार्यकलापों के अतिरिक्त उपदर्शित की जाएगी तथा संघ राज्य क्षेत्र प्रशासन में संबंधित प्राधिकरण द्वारा उसे अनुमोदित कराया जाएगा। तदुपरांत, अंतिम मंजूरी के लिए उसे एनसीजेडएमए के पास अग्रेषित किया जाएगा।
2. एकीकृत द्वीप प्रबंधन योजना (आईआईएमपी) तैयार करने हेतु जलीय क्षेत्र सहित संपूर्ण द्वीप के संबंध में विचार किया जाएगा।
3. एकीकृत द्वीप प्रबंधन योजनाएं 10 वर्षों की समय-सीमा के साथ सभी वर्तमान और भावी विकास कार्यों, संरक्षण एवं परिरक्षण योजनाओं को उसमें उपदर्शित करते हुए तैयार की जाएंगी।
4. एकीकृत द्वीप प्रबंधन योजना के अधीन समुद्र तल से ऊंचाई, भू-आकृति विज्ञान, समुद्र स्तर के रूझानों तथा क्षैतिज रेखा विस्थापन के आधार पर जान-माल की असुरक्षा की संभावना का समाधान किया जाएगा और एकीकृत द्वीप प्रबंधन योजना में उन क्षेत्रों को उपदर्शित किया जाएगा जो निवास करने की इकाइयों, आधारभूत ढांचे के विकास और इस प्रकार के अन्य कार्यों तथा स्थानीय समुदायों के जान-माल के उपयुक्त सुरक्षोपायों, प्राकृतिक जोखिमों से निपटने के लिए बुनियादी ढांचे के निर्माण आदि के लिए सुरक्षित हों।
5. आंतरिक सड़कों सहित सभी मौजूदा सड़कों को सुदृढ़ किया जाएगा क्योंकि ये सड़कें प्राकृतिक जोखिमों के दौरान आजीविका, संचार, बचाव कार्य, राहत कार्य और लोगों को बाहर निकालने के उपायों को कार्यान्वित करने में सहायक होंगी।
6. आबादी वाले क्षेत्रों के समीपवर्ती उत्थापित क्षेत्रों या ऊंचाई वाले स्थानों पर यथेष्ट रूप से चक्रवात शरण-स्थलों को चिन्हित और निर्मित किया जाएगा।

7. विद्यमान एवं नए विद्यालयों, बाज़ार क्षेत्रों तथा अन्य जन-सुविधाओं (सार्वजनिक शौचालयों को छोड़कर), जहां बड़ी संख्या में लोग एकत्रित होते हैं, को सामान्य रूप से सुरक्षित क्षेत्रों, वरीयता के आधार पर उत्थापित क्षेत्रों या संरक्षित क्षेत्रों, पर स्थापित करने का सुझाव दिया जाएगा।
8. समुद्र तट पर जल क्षेत्र की ओर मिट्टी को पर्याप्त जैव-संरक्षण प्रदान करने हेतु उसमें मेंग्रोव वनस्पतियों सहित स्थानीय वनस्पति और वृक्ष लगाए जाएंगे तथा अन्य हल्के सुरक्षोपाय किए जाएंगे।
9. रेत के टीले, जो बाढ़ की घटना में प्राकृतिक अवरोधक का काम करते हैं, का झाड़ियां लगाकर या उपयुक्त उपायों के माध्यम से संरक्षण और अनुरक्षण या पुनरूत्थान किया जाएगा।
10. द्वीप समूह के प्रशासनों द्वारा यथानुशंसित मछली पकड़ने के उपकरण की संस्थापना सहित स्थानीय समुदायों द्वारा पारंपरिक तरीके से मछली पकड़ने के संबंध में कोई प्रतिबंध नहीं लगाया जाएगा।
11. इस योजना में उचित वैज्ञानिक अध्ययन करने के उपरांत विशेष रूप से समुद्र तल से रेत (15 मीटर से अधिक की गहराई से) जैसी निर्माण सामग्री के खनन की अनुमति दी जा सकती है;
 - (i) बांस, स्थानीय वनत्पादों जैसी वैकल्पिक निर्माण सामग्री को अभिजात करके उनका प्रयोग किया जा सकता है;
 - (ii) धातु, खाली ईंट-ब्लॉकों और इस प्रकार की अन्य सामग्रियों को मुख्य भूमि से आयातित किया जाएगा।
12. गैर-पारंपरिक ऊर्जा संसाधनों, विशेष रूप से पवन ऊर्जा, सौर ऊर्जा और ज्वारीय ऊर्जा, विलवणीकरण, जल पुनःचक्रण के प्रयोग और स्थानीय उत्पादों के प्रयोग पर बल दिया जाएगा।
13. अधिमानतः एकीकृत द्वीप प्रबंधन योजना में, प्राकृतिक आपदाओं के मामले में चक्रवात, सूनामी और इस प्रकार की अन्य आपदा के लिए शीघ्र चेतावनी प्रणाली उपलब्ध कराई जाएगी और लोगों को आपदा से बाहर निकालने तथा राहत उपाय कार्यान्वित करने की योजना तैयार की जाएगी।
14. एकीकृत द्वीप प्रबंधन योजना में, प्राकृतिक आपदाओं के कारण विस्थापित हुए लोगों को अन्यत्र बसाने तथा उनके पुनर्वास हेतु आवश्यक उपबंध किए जाएंगे।
15. एकीकृत द्वीप प्रबंधन योजना में, मानव बस्ती वाले इलाकों को भी शामिल किया जाएगा और उनके भावी विकास के लिए योजना तैयार की जाएगी।
16. वन (संरक्षण) अधिनियम, 1980 (1980 का 69) या वन्यजीव (संरक्षण) अधिनियम, 1972 (1972 का 53) के अंतर्गत अधिसूचित आरक्षित वनों, संरक्षित वनों, राष्ट्रीय उद्यानों और अभयारण्यों के अधीन आने वाले क्षेत्रों तथा पर्यावरण (संरक्षण) अधिनियम, 1986 (1986 का 29) के अंतर्गत संरक्षित क्षेत्रों में किसी प्रकार के विकास कार्यकलापों की अनुमति नहीं दी जाएगी।
17. योजना तैयार करते समय जो मानव बस्तियां अथवा स्थानीय समुदायों की बुनियादी संरचनाएं मौजूद हैं उन्हें विस्थापित नहीं किया जाएगा।
18. पुनर्निर्माण कार्यकलापों सहित मौजूदा भवनों या बुनियादी ढांचे की मरम्मत की अनुमति प्रदान की जाएगी।

19. आईआईएमपी बृहत स्तर पर आयोजना के लिए 1:25,000 पैमाने के मानचित्र में और लघु स्तर पर आयोजना के लिए 1:10,000 पैमाने या कैडेस्ट्रल पैमाने के मानचित्र में तैयार की जाएगी।
20. योजना तैयार करते समय सभी प्रयोजनों के लिए एनसीएससीएम, चेन्नई द्वारा चिन्हांकित उच्च ज्वार-रेखा का प्रयोग किया जाएगा।

अनुबंध-V

परियोजना सूचना का विवरण

1. परियोजना विवरण

- क. परियोजना का नाम
- ख. सर्वे नं./गांव/कोर्डिनेट
- ग. जिला
- घ. राज्य
- ड. किसके लिए प्रस्ताव (संबंधित क्षेत्र का चयन करें) है :
- (i) आईसीआरजेड के तहत नयी मंजूरी
- (ii) पहले से जारी आईसीआरजेड की मंजूरी में संशोधन
- (iii) पहले से जारी आईसीआरजेड मंजूरी की वैधता को बढ़ाना
- च. आवेदक का नाम
- छ. आवेदक का पता
- ज. संपर्क का विवरण : (दूरभाष संख्या तथा ईमेल पता)
- झ. परियोजना की लागत (करोड़ रु. में)

2. परियोजना का लाभ

- क. परियोजना लाभ का विवरण
- ख. संभावित रोजगार का सृजन (हां/ना)
- (i) अपेक्षित कुल जनशक्ति
- (ii) स्थायी रोजगार (संख्या)
- (iii) अस्थायी रोजगार (संख्या)
- (iv) अस्थायी रोजगार - निर्माण के दौरान (संख्या)
- (v) अस्थायी रोजगार- प्रचालन के दौरान (संख्या)

3. विचाराधीन परियोजना का विवरण (परियोजना की श्रेणी का चयन करें) :**क. आश्रय/भवन/नागरिक सुविधाएं**

- (i) कुल क्षेत्र/निर्मित क्षेत्र (वर्ग मी. में)
- (ii) संरचना की ऊंचाई
- (iii) एफएसआई अनुपात
- (iv) संबंधित नगर योजना प्राधिकारी/पंचायत इत्यादि का नाम
- (v) कार पार्किंग क्षेत्र के प्रावधान का विवरण

ख. तटीय सड़कें/स्टील्ट पर सड़कें

- (i) भूमि सुधार का क्षेत्र
- (ii) उद्धार के लिए अनुमानित मलवा/मिट्टी की मात्रा
- (iii) परिवहन की क्षमता
- (iv) सड़क का परिमाण

ग. थर्मल पावर ब्लो डाऊन से पाइपलाइनें

- (i) पाइपलाइन की लंबाई
- (ii) आईसीआरजेड क्षेत्र की लंबाई अनुपात
- (iii) खुदाई की गहराई
- (iv) खुदाई की चौड़ाई
- (v) समुद्र के किनारे से समुद्र की गहराई तक पाइप लाइन की लंबाई
- (vi) समुद्र जल की सतह से आऊट प्वाइंट की गहराई
- (vii) निस्सारण बिंदु पर परिवेश के ऊपर बहिःस्राव का तापमान

घ. पाइपलाइन के माध्यम से शोधित बहिःस्राव का समुद्र तट में निपटान

- (i) प्रवेश/निकास का स्थान
- (ii) आउटफाल बिंदु की गहराई
- (iii) पाइपलाइन की लंबाई
- (iv) आईसीआरजेड क्षेत्र की अनुप्राय लंबाई
- (v) खुदाई की गहराई
- (vi) खुदाई की चौड़ाई
- (vii) किनारे से लेकर गहरे समुद्र संकरी खाड़ी तक पाइपलाइन की लंबाई

- (viii) जल के सतह से आउट फाल बिंदु की गहराई
- (ix) निस्सारण बिंदु पर जल की गहराई
- (x) बहिस्त्राव, बीओडी, सीओडी, टीएसएस, तेल एवं ग्रीस, भारी धातुएं

ड. सामानों/रसायनों के भण्डारण की सुविधा

- (i) रसायन का नाम
- (ii) रसायन का अंतिम उपयोग
- (iii) भण्डारण के लिए टैंकों की संख्या
- (iv) टैंकों की क्षमता

च. अपतटीय ढांचा

- (i) अन्वेषण या विकास
- (ii) समुद्रतल की गहराई
- (iii) रिग्स की संख्या
- (iv) प्लेटफार्म की संख्या
- (v) समूह जमाव स्टेशनों का विवरण

छ. विलवणीकरण संयंत्र

- (i) विलवणीकरण की क्षमता
- (ii) कुल लवण जल उत्पादन
- (iii) निस्सारण बिंदु पर परिवेश से ऊपर बहिस्त्राव का तापमान
- (iv) परिवेशी लवणता
- (v) निपटान बिंदु

ज. दुर्लभ भूमि/आणविक खनिजों का खनन

- (i) खनन की क्षमता
- (ii) निकाले जाने वाले खनिज के प्रकार
- (iii) खनिज का अंतिम उपयोग
- (iv) खनन पट्टा/जांच पड़ताल तथा अनुमोदित खनन योजना विवरण के लिए सरकारी आदेश
- (v) खनन पट्टा क्षेत्र की सीमा

झ. मलजल शोधन संयंत्र

- (i) क्षमता
- (ii) निर्माण का कुल क्षेत्र
- (iii) सीपीसीबी/एसपीसीबी/अन्य प्राधिकृत अभिकरणों द्वारा यथानिर्धारित बहिस्त्राव मापदंड का अनुपालन
- (iv) क्या निस्सारण समुद्र जल/संकरी खाड़ी में किया जा रहा है? यदि हां
 - समुद्र तट/ज्वारीय नदी के किनारे से समुद्री आऊट फाल बिंदु की दूरी
 - समुद्री जल/नदी जल के सतह से आऊट फाल बिंदु की गहराई
 - आऊट फाल बिंदु पर समुद्र तल/नदी तल की गहराई

ञ. लाइट हाऊस

- (i) संस्थापना/प्लेटफार्म का कुल भूमि क्षेत्र
- (ii) संरचना की ऊंचाई

ट. पवन चक्की

- (i) क्षमता (मेगावाट)
- (ii) पवन चक्की की ऊंचाई
- (iii) पवन चक्की का व्यास
- (iv) ब्लेड की लंबाई
- (v) घूर्णन की गति
- (vi) प्रसारण की दिशा, (ऊपरी या भूमिगत)

ठ. अन्य

- (i) कृपया महत्वपूर्ण विशेषताएं के साथ उल्लेख करें
- (ii) संगत कागजातों को दर्शाएं (केवल पीडीएफ में अपलोड करें)

4. सीआरजेड वर्गीकरण के अनुसार परियोजना की स्थिति (यदि परियोजना स्थल विभिन्न/भिन्न सीआरजेड श्रेणियों में पड़ता है तब भी उसका उल्लेख किया जाए)।

5. आईपीजेड अधिसूचना की धारा जिसके तहत यह परियोजना अनुमत/विनियमित कार्यकलाप है।

6. परियोजना निर्धारण के लिए आवश्यक कार्य क्षेत्र

क. एचटीएल, एलटीएल सीमांकन दर्शाते हुए 1:4000 परिमाण आईसीआरजेड मानचित्र और एचटीएल से समीपी परियोजना सीमा दीवार (मीटर में) की दूरी का उल्लेख किया जाएगा:

- (i) अपलोड मैप (किमी में फाइल)

ख. परियोजना की स्थिति के वर्गीकरण सहित अन्य तैयार अधिसूचित ईएसए के साथ आईसीआरजेड मानचित्र – 1:4000 परिमाण पर अध्यारोपित परियोजना का अभिविन्यास

(i) अपलोड मैप (किमी में फाइल)

ग. परियोजना स्थल के आस पास से 7 किमी व्यास को शामिल करते हुए 1:25000 परिमाण पर आईसीआरजेड मानचित्र :

(i) अपलोड मैप (फाइल किमी में)

7. परियोजना की स्थिति (चयन का प्रकार)

- (i) कटाव न होने वाले तट
- (ii) निम्न एवं मध्यम कटाव वाले तट
- (iii) अत्यधिक कटाव वाले तट

8. शामिल वन/कच्छ वनस्पति भूमि का विवरण (हां/ना) यदि हां तो

- (i) अपवर्तित भूमि का विवरण
- (ii) प्रस्तुत की जाने वाली पर्यावरण मंजूरी (दस्तावेज अपलोड करें)
- (iii) इस परियोजना में काटे जाने वाले पेड़ों की संख्या
- (iv) प्रस्तुत की जाने वाली प्रतिपूरक वनीकरण योजना (दस्तावेज अपलोड करें)

9. ईएसए/तटीय पार्क/वन्यजीव अभ्यारण्य से प्रस्तावित परियोजना की दूरी

- (i) परियोजना स्थल के 10 किमी के दायरे में (हां/ना) यदि हां
 - एनडब्ल्यूबीएल से अनुमति को प्रस्तुत करना (दस्तावेज अपलोड करें)

10. राज्य/संघ राज्य क्षेत्र के प्रदूषण नियंत्रण बोर्ड से प्राप्त अनापत्ति प्रमाण पत्र या स्थापना की सहमति (हां/ना) यदि हां

- (i) एनओसी की प्रति प्रस्तुत करें (दस्तावेज अपलोड करें)
- (ii) लागू शर्तों का उल्लेख करें (दस्तावेज अपलोड करें)

11. ईआईए अध्ययन (संबंधित विषय को भरें)

क. स्थलीय अध्ययन

- (i) ईआईए (स्थलीय) अध्ययन का संक्षिप्त ब्यौरा
- (ii) ईआईए में की गई संस्तुति को अपलोड करें (दस्तावेज अपलोड करें)
- (iii) अध्ययन की समयावधि का उल्लेख

ख. समुद्र तटीय अध्ययन

- (i) ईआईए (समुद्री) अध्ययन के सारांश का विवरण
- (ii) ईआईए में की गई संस्तुति को अपलोड करें (दस्तावेज अपलोड करें)
- (iii) अध्याय की समयावधि का उल्लेख

12. आपदा प्रबंधन योजना/राष्ट्रीय तेल पत्तन आपदा संभावना योजना (यदि लागू हो)**13. तरल बहिस्त्राव के निस्सारण में शामिल परियोजना :**

- (i) एसटीपी की क्षमता
- (ii) उत्पन्न बहिस्त्राव की मात्रा
- (iii) शोधित बहिस्त्राव की मात्रा
- (iv) शोधन और निपटान की पद्धति

14. ठोस अपशिष्ट के निस्सारण में शामिल परियोजना :

- (i) ठोस अपशिष्ट का प्रकार
- (ii) उत्पन्न ठोस अपशिष्ट की मात्रा
- (iii) निस्सारण की पद्धति
- (iv) परिवहन का स्वरूप

15. जल की आवश्यकता (केएलडी)

- (i) अपेक्षित जल की मात्रा
- (ii) जल का स्रोत
- (iii) यदि भूमिगत जल (सीजीडब्ल्यूए या प्राधिकृत निकाय से अनुमोदन की प्रति अपलोड करें)
- (iv) यदि कोई अन्य स्रोत हो (सक्षम प्राधिकारी से प्राप्त अनुमति की प्रति संलग्न करें)
- (v) परिवहन का ढंग
- (vi) जलापूर्ति की प्रतिबद्धता (दस्तावेज अपलोड करें)

16. जल शोधन तथा पुनश्चक्रण का विवरण (यदि कोई हो) (बहुविध प्रविष्टियों की अनुज्ञा है)

प्रकार/स्रोत	सृजित अपशिष्ट जल की मात्रा (किलो लीटर प्रति दिन)	शोधन क्षमता (किलो लीटर प्रति दिन)	शोधन क्षमता	निपटान की पद्धति	छोड़े गए जल की मात्रा (किलो लीटर प्रति दिन)	पुनश्चक्रण/पुनः उपयोग में प्रयुक्त शोधित जल की मात्रा

17. वर्षा जल संचय का विवरण

- (i) भण्डारण टैंकों की संख्या
- (ii) टैंक की कुल क्षमता
- (iii) रिचार्ज गड्डो की संख्या

- (iv) गड्डो की क्षमता
18. **अपेक्षित ऊर्जा और स्रोत**
- (i) कुल अपेक्षित ऊर्जा (किलोवाट एच)
- (ii) स्रोत
- (iii) समझौते की प्रति अपलोड करें (केवल पीडीएफ में अपलोड करें)
- (iv) एवजी प्रबंधन (विवरण)
19. **ऊर्जा दक्षता/बचत के उपाय**
- (i) स्रोत/स्वरूप
- (ii) बचत का विवरण
20. **राज्य तटीय क्षेत्र प्रबंधन प्राधिकरण की संस्तुति**
- (i) सीजेडएमए की संस्तुति की प्रति अपलोड करें (केवल पीडीएफ में अपलोड करें)
- (ii) लागू शर्तों के अनुपालन की स्थिति
21. **क्या प्रस्ताव पर ईआई अधिसूचना, 2006 लागू है (हां/ना)**
- (i) उसकी श्रेणी का ब्यौरा क्या है?
- (ii) ईसी के लिए प्रस्ताव का ब्यौरा (जैसा लागू हो)
22. **सामाजिक तथा पर्यावरणीय मामलों तथा सुझाए गए उपशमन के उपायों सहित लेकिन आर एंड आर, जल, वायु, खतरनाक अपशिष्ट, पारिस्थितिकीय पहलू इत्यादि तक सीमित नहीं। (संक्षिप्त विवरण दें)**
23. **न्यायालय के मामलों का विवरण** क्या परियोजना तथा या भूमि जहां परियोजना स्थापित करने का प्रस्ताव के विरुद्ध कोई मामला न्यायालय में लंबित है (हां/ना)
- यदि हां,**
- लंबित या समाप्त** (सुसंगत का चयन करें)
- (i) न्यायालय का नाम (उच्चतम न्यायालय, उच्च न्यायालय, एनजीटी)
- (ii) मामला संख्या
- (iii) मामले का विवरण
- (iv) न्यायालय का आदेश/निर्देश यदि कोई हो तथा प्रस्तावित परियोजना से इसकी संगतता (दस्तावेज अपलोड करें)
24. **अतिरिक्त सूचना, कोई हो**

वचनबद्धता : यह प्रमाणित किया जाता है कि उपर्युक्त दी गई जानकारी मेरी जानकारी और विश्वास के अनुसार पूर्णतया सत्य है तथा सीआरजेड अधिसूचना, 2011 के उपाबंधों के उल्लंघन संबंधी किसी भी तथ्य को छुपाया नहीं गया है।

आवेदक का नाम और हस्ताक्षर

तारीख :

MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

NOTIFICATION

New Delhi, the 8th March, 2019

S.O.1242(E).—Whereas by notification of the Government of India in the erstwhile Ministry of Environment and Forests number S.O.20 (E), dated the 6th January, 2011 (hereinafter referred to as the Island Protection Zone Notification, 2011), the Central Government declared certain coastal stretches of Andaman and Nicobar and Lakshadweep as the Island Protection Zone (hereinafter referred to as the IPZ); under Section 3 of Environment (Protection) Act, 1986;

And Whereas, the Ministry of Environment, Forest and Climate Change has received representations from Union territories (UTs) of Lakshadweep and Andaman and Nicobar, besides other stakeholders, regarding certain provisions in the IPZ Notification, 2011 related to management and conservation of marine and coastal ecosystems, development in coastal areas, eco-tourism, livelihood options and sustainable development of coastal communities etc;

And Whereas, various stakeholders have requested the Ministry of Environment, Forest and Climate Change to address the concerns related to coastal environment and sustainable development with respect to the IPZ Notification, 2011;

And Whereas, the Ministry of Environment, Forest and Climate Change had constituted a Committee under the Chairmanship of Dr. Shailesh Nayak to examine various issues and concerns of coastal states and Union territories and various stakeholders, relating to the IPZ Notification 2011 and to recommend appropriate changes in the said Notification;

And Whereas, the report submitted by Dr. Shailesh Nayak Committee has been examined in the Ministry and consultations have been held with various stakeholders in this regard;

Now, therefore in exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 and in supersession of Island Protection Zone Notification 2011, vide number S.O.20(E), dated the 6th January, 2011, except as respects things done or omitted to be done before such supersession, the Central Government, with a view to conserve and protect the unique environment of coastal stretches and marine areas, besides livelihood security to the fisher communities and other local communities in the coastal areas and to promote sustainable development based on scientific principles taking into account the dangers of natural hazards, sea level rise due to global warming, does hereby, declare the coastal stretches of the eight bigger oceanic islands in Andaman and Nicobar namely, Middle Andaman, North Andaman, South Andaman, Great Nicobar, Baratang, Havelock, Little Andaman, Car Nicobar Islands and the water area up to territorial water limits of the country, as the Island Coastal Regulation Zone (hereinafter referred to as the ICRZ) as under:

- (i) The land area from High Tide Line (hereinafter referred to as the HTL) to 200 meters on the landward side along the sea front for Group-I Islands and 100 meters on the landward side along the sea front for Group-II Islands.
- (ii) The eight bigger oceanic islands in Andaman and Nicobar (ICRZ Islands) shall be grouped as follows:

Group-I:	Islands with geographical areas >1000 sq.km such as South Andaman, Middle Andaman, North Andaman and Great Nicobar.
Group-II:	Islands with geographical areas >100 sq.km but < 1000 sq.km such as Baratang, Little Andaman, Havelock and Car Nicobar.

Explanation,- For the purposes of this Notification, the expression “High Tide Line” means the line on the land upto which the highest water line reaches during the spring tide, as demarcated by the National Centre for Sustainable Coastal Management (NCSCM), Chennai in accordance with the laid down procedures.

- (iii)(a) The ICRZ shall apply to the land area between HTL to 20 meters or width of the creek, whichever is less on the landward side along the tidal influenced water bodies that are connected to the sea and the distance upto which development along such tidal influenced water bodies is to be regulated shall be governed by the distance upto which the tidal effects are experienced which shall be determined based on salinity concentration of five parts per thousand (ppt) measured during the driest period of the year and distance up to which tidal effects are experienced shall be clearly identified and demarcated accordingly in the Island Coastal Regional Zone Plans (hereinafter referred to as the ICRZ Plans).
- (b) The distance of the ICRZ along the tidal influence water bodies, thus determined, shall be demarcated accordingly in the Island Coastal Zone Management Plan (hereinafter referred to as the ICRZP).

- (c) The ICRZ boundaries along the creeks etc. as above shall however be subject to revision and final approval of the respective ICRZ Plans as per this Notification, framed with due consultative process and public hearing etc. and environmental safeguards enlisted therein. Till such time the ICRZ Plans to this notification is approved, the limit of 100 meters or width of the creek whichever is less, shall continue to apply.
- Explanation: For the purposes of this sub-paragraph the expression tidal influenced water bodies means the water bodies influenced by tidal effects from sea in the bays, estuaries, rivers, creeks, backwaters, lagoons and ponds etc. that are connected to the sea.
- (iv) The intertidal zone means the land area between the HTL and the Low Tide Line (hereinafter referred to as the LTL).
- (v) The water and the bed area between the LTL to the territorial water limit (12 Nm) in case of sea and the water and the bed area between LTL at the bank to the LTL on the opposite side of the bank, of tidal influenced water bodies.
- 2. Classification of the ICRZ –** For the purpose of conserving and protecting the coastal areas and marine waters, the ICRZ area shall be classified as follows, namely:-
- (i) **ICRZ-I** areas are environmentally most critical and shall be further classified as under:
- (ii) **ICRZ-IA:**
- (a) The ICRZ-I A shall constitute the following ecologically sensitive areas and the geo- morphological features which play a role in the maintaining the integrity of the coast viz.:
- (i) Mangroves. In case mangrove area is more than 1000 square meters, a buffer of 20 meters along the mangroves shall be provided and such area shall also constitute CRZ –I A.
 - (ii) Corals and coral reefs;
 - (iii) Sand Dunes;
 - (iv) Biologically active Mudflats;
 - (v) National parks, marine parks, sanctuaries, reserve forests, wildlife habitats and other protected areas under the provisions of Wild Life (Protection) Act, the Forest (Conservation) Act or Environment (Protection) Act; including Biosphere Reserves;
 - (vi) Salt Marshes;
 - (vii) Turtle nesting grounds;
 - (viii) Horse shoe crab's habitat;
 - (ix) Sea grass beds;
 - (x) Seaweeds,
 - (xi) Nesting grounds of birds;
 - (xii) Areas or structures of archaeological importance and heritage sites.
- (b) A detailed environment management plan shall be formulated by the Union territories for such ecologically sensitive areas (ESAs) in respective territories, as mapped out by NCSCM, based on guidelines as contained in **Annexure-I** and integrated in the ICRZ Plans.
- (iii) **ICRZ-I B:** The CCRZ-IB shall consist of the intertidal zone i.e. the area between Low Tide Line and High Tide Line shall constitute the ICRZ-I B.
- (iv) **ICRZ-II:**
- (a) The ICRZ-II shall constitute the developed land areas up to or close to the shoreline, within the existing municipal limits or in other existing legally designated urban areas, which are substantially built-up with a ratio of built up plots to that of total plots being more than 50% and have been provided with drainage and approach roads and other infrastructural facilities, such as water supply and sewerage mains etc.
 - (b) The Land areas along the creeks or tidal influence water bodies, located in the ICRZ II shall also be earmarked as ICRZ II and the distance upto which the ICRZ is to be reckoned as the land area between HTL to 20 meters or width of the creek, whichever is less on the landward side along the tidal influenced water bodies that are connected to the sea and the distance upto which development along such tidal influenced water bodies is to be regulated shall be governed by the distance upto which the tidal effects are experienced which shall be determined based on salinity concentration of five parts per thousand (ppt)

measured during the driest period of the year and distance up to which tidal effects are experienced shall be clearly identified and demarcated accordingly in the Island Coastal Regional Zone Plans (hereinafter referred to as the ICRZ Plans).

- (v) **ICRZ-III:** The land areas that are relatively undisturbed (viz. rural areas etc.) and those do not fall under ICRZ-II, shall constitute ICRZ-III.

Explanation.- 1. For Group-I Islands, the area up to 100 meter from the HTL on the landward side shall be earmarked as the No Development Zone (NDZ).

Provided that the NDZ for development of eco-tourism activities shall be 50 m and the Andaman and Nicobar administration shall ensure that the concerns of the fishing community are fully protected.

2. For Group-II Islands, the area up to 50 mts from the HTL on the landward side shall be earmarked as the No Development Zone (NDZ).

Provided that the NDZ for development of eco-tourism activities shall be 20 m and the A&N administration shall ensure that the concerns of the fishing community are fully protected.

- (vi) Land area up to 20 m from the HTL, or width of the creek whichever is less, along the tidal influenced water bodies in the CRZ III, shall also be earmarked as the NDZ and the distance upto which the NDZ is to be reckoned as the land area between HTL to 20 meters or width of the creek, whichever is less on the landward side along the tidal influenced water bodies that are connected to the sea and the distance upto which development along such tidal influenced water bodies is to be regulated shall be governed by the distance upto which the tidal effects are experienced which shall be determined based on salinity concentration of five parts per thousand (ppt) measured during the driest period of the year and distance up to which tidal effects are experienced shall be clearly identified and demarcated accordingly in the Island Coastal Regional Zone Plans (hereinafter referred to as the ICRZ Plans).

Note: The NDZ shall not be applicable in such areas falling within notified Port limits.

- (vii) **ICRZ-IV.-** The ICRZ - IV shall constitute the water area and shall be further classified as under:
- (viii) **ICRZ- IVA.-** The water area and the sea bed area between the Low Tide Line up to twelve (12) nautical miles on the seaward side shall constitute ICRZ-IV A.
- (ix) **ICRZ- IVB.-** ICRZ-IV B areas shall include the water area and the bed area between LTL at the bank of the tidal influenced water body to the LTL on the opposite side of the bank, extending from the mouth of the water body at the sea up to the influence of tide, i.e., salinity of five parts per thousand (ppt) during the driest season of the year.
3. **Prohibited activities within ICRZ.-** The following activities shall be prohibited, in general, within the entire ICRZ. Exceptions to these and other permissible or regulated activities in specific ICRZ categories viz. ICRZ-I, II, III & IV, shall however be governed by the provisions under para 5 of this Notification:
- (i) destruction of corals.
 - (ii) mining of sand from in and around coral areas, nesting and breeding grounds of endemic and endangered species.
 - (iii) shore protection works (hard constructions) on the seaward side of the corals.
 - (iv) setting up of new industries and expansion of existing industries, operations or processes.
 - (v) manufacture or handling of oil, storage or disposal of hazardous substances as specified in the notification of Ministry of Environment, Forest & Climate Change.
 - (vi) setting up of new fish processing units.
 - (vii) land reclamation, bunding or disturbing the natural course of seawater.
 - (viii) discharge of untreated waste and effluents from industries, cities or towns and other human settlements.
 - (ix) dumping of city or town wastes including construction debris, industrial solid wastes, fly ash for the purpose of land filling.
 - (x) port and harbour projects in high eroding stretches of the coast.
 - (xi) mining of sand, rocks and other sub-strata materials.
 - (xii) dressing or altering active sand dunes.

- (xiii) in order to safeguard the aquatic system and marine life, disposal of plastic into the coastal waters shall be prohibited. Adequate measures for management and disposal of plastic materials shall be undertaken in the ICRZ.
- (xiv) drawal of ground water.

4. Regulation of permissible activities in the ICRZ

(I) ICRZ-I.-

(II) **ICRZ-IA.-** These areas are ecologically most sensitive and generally no activities shall be permitted to be carried out in the ICRZ-I A areas, with following exceptions:

- (a) Eco-tourism activities such as mangrove walks, tree huts, nature trails, etc., in identified stretches areas subject to such eco-tourism plan featuring in the approved ICRZ Plans as per this Notification, framed with due consultative process/ public hearing etc. and further subject to environmental safeguards and precautions related to the Ecologically Sensitive Areas, as enlisted in the ICRZ Plans.
- (b) In the mangrove buffer, only such activities shall be permitted like laying of pipelines, transmission lines, conveyance systems/mechanisms and construction of road on stilts etc. that are required for public utilities.
- (c) Construction of roads and roads on stilts, by way of reclamation in ICRZ-IA areas, shall be permitted only in exceptional cases for defence, strategic purposes and public utilities, subject to a detailed marine or terrestrial environment impact assessment or both, to be recommended by the Coastal Zone Management Authority (CZMA) and approved by the Ministry of Environment, Forest and Climate Change; and in case construction of such roads passes through mangrove areas or is likely to damage the mangroves, a minimum three times the mangrove area affected or destroyed or cut during the construction process shall be taken up for compensatory plantation of mangroves.

(III) ICRZ-IB.-

The activities shall be regulated or permissible in the ICRZ-I B areas as under:

- (i) Land reclamation and bunding etc. shall be permitted only for activities such as;
 - (a) Foreshore facilities like ports, harbours, Jetties, wharves, quays, slipway, bridges, hover ports for coast guard and sea links etc.
 - (b) Projects for Defence, strategic and security purpose;
 - (c) Road on stilts, provided that such roads shall not be authorized for permitting development on the landward side of such roads, till the existing High Tide Line:

Provided that the use of reclaimed land may be permitted only for public utilities such as mass rapid or multimodal transit system, construction and installation of all necessary associated public utilities and infrastructure to operate such transit or transport system including those for electrical or electronic signaling system, transit stopover of permitted designs; except for any industrial operation, repair and maintenance.
 - (d) Measures for control of erosion.
 - (e) Maintenance and clearing of waterways, channels, ports and hover ports for coast guard.
 - (f) Measures to prevent sand bars, installation of tidal regulators, laying of storm water drains or for structure for prevention of salinity ingress and freshwater recharge.
- (ii) Activities related to waterfront or directly needing foreshore facilities such as ports and harbours, jetties, quays, wharves, erosion control measures, breakwaters, pipelines, lighthouses, navigational safety facilities, coastal police stations, Indian coast guard stations and the like.
- (iii) Power by non-conventional energy sources and associated facilities.
- (iv) Transfer of hazardous substances from ships to Ports, terminals and refineries and vice versa.
- (v) Facilities for receipt and storage of petroleum products and liquefied natural gas as specified in **Annexure-II**, subject to implementation of safety regulations including guidelines issued by the Oil Industry Safety Directorate in the Ministry of Petroleum and Natural Gas, provided that such facilities are for receipt and storage of fertilizers and raw materials required for fertilizers, like ammonia, phosphoric acid, sulphur, sulphuric acid, nitric acid etc.

- (vi) Storage of non-hazardous cargo i.e. edible oil, fertilizers & food grains in notified Ports.
- (vii) Hatchery and natural fish drying.
- (viii) Existing fish processing units may utilize 25% additional plinth area for modernization purposes (only for additional equipments and pollution control measures) subject to the following:
 - (a) FSI of such reconstruction not exceeding the permissible FSI permissible as per prevalent town and country planning regulations.
 - (b) Additional plinth area is constructed only to the landward side.
 - (c) Approval of the concerned State Pollution Control Board or the Pollution Control Committee.
- (ix) Treatment facilities for waste and effluents and conveyance of treated effluents.
- (x) Storm water drains.
- (xi) Projects classified or identified as strategic, Defence related projects and Projects of Department of Atomic Energy.
- (xii) Manual mining of atomic mineral(s) notified under Part-B of First Schedule of Mines and Minerals (Development and Regulation) Act, 1957 occurring as such or in association with one or other minerals in the inter-tidal zone by such agencies as authorised by Department of Atomic Energy, as per mining plan approved by the Department of Atomic Energy.

Provided that the manual mining operations are carried out only by deploying persons using baskets and hand spades for collection of ore or mineral within the intertidal zone and as per approved mining plan, without deploying or using drilling and blasting or Heavy Earth Moving Machinery in the intertidal zone.
- (xiii) Exploration and extraction of oil and natural gas and all associated activities and facilities thereto;
- (xiv) Foreshore requiring facilities for transport of raw materials, facilities for intake of cooling water, intake water for desalination plants etc., and outfall for discharge of treated wastewater or cooling water from thermal power plants, in conformity with the environmental standards notified by Ministry of Environment, Forest and Climate Change and relevant directions of Central Pollution Control Board (CPCB) or the State Pollution Control Board (SPCB) or the Pollution Control Committee (PCC), as the case may be.
- (xv) Pipelines, conveying systems including transmission lines.
- (xvi) Weather radar for monitoring of cyclones prediction ocean observation platforms, movement and associated facilities.
- (xvii) Salt harvesting and associated facilities.
- (xviii) Desalination plants and associated facilities.
- (xix) Mining of sand for construction purposes:

Provided that the mining of sand shall be permitted by Andaman and Nicobar CZMA in identified non-eco sensitive and approved sites, as identified by Institute of Ocean Management (IOM), Chennai, subject to the following, namely:-

- (a) the mining plans shall stipulate sufficient safeguards to prevent damage to the sensitive coastal eco-system including corals, turtles, crocodiles, bird nesting sites and other protected areas.
- (b) total quality of sand to be mined shall be fixed taking into consideration the order of Hon'ble Supreme Court, dated 7th May, 2002 in Writ Petition (Civil No.2002 of 1995).
- (c) the sand mining shall be monitored by a constituted Committee by the Lieutenant Governor of Andaman and Nicobar comprising of (1) Chief Secretary, Andaman & Nicobar, (2) Secretary, Department of Environment, (3) Secretary, Department of Water Resources, (4) Secretary, Andaman and Nicobar Public Works Department, (5) Representative from the Regional Office of Ministry of Environment, Forest and Climate Change, Bhubaneshwar and (6) Representative of an NGO based at Andaman and Nicobar.

(IV) ICRZ-II

- (i) Activities as permitted in ICRZ-I B, shall also be permissible in ICRZ-II, as applicable.

- (ii) Construction of buildings for residential purposes, schools, hospitals, institutions, offices, public places etc. shall be permitted only on the landward side of the existing road, or on the landward side of existing authorized fixed structures; provided that no permission for construction of buildings shall be given on landward side of any new roads which are constructed on the seaward side of an existing road.
 - (iii) Buildings permitted as in (ii) above, shall be subject to the local town and country planning regulations as applicable from time to time, and the norms for the Floor Space Index or Floor Area Ratio prevailing as on the date of this notification in the official gazette, and in the event that there is a need for amendment of the FSI after the date of publication of this notification in the official Gazette, the Urban Local Body or the Union territory Administration shall approach the Ministry of Environment, Forest and Climate Change through the concerned Union territory Coastal Zone Management Authority (CZMA) and the concerned CZMA shall forward the proposal to the National Coastal Zone Management Authority (NCZMA) with its views in the matter, and the NCZMA shall thereafter examine various aspects like availability of public amenities, environment protection measures, etc. and take a suitable decision on the proposal and it shall be the responsibility of the concerned Town Planning Authority to ensure that the solid Wastes are handled as per respective Solid Waste Management Rules and no untreated sewage is discharged on the coast or coastal waters.
 - (iv) Reconstruction of authorized buildings shall be permitted, without change in present land use, subject to the local town and country planning regulations as applicable from time to time, and the norms for the Floor Space Index or Floor Area Ratio, prevailing as on the date of this Notification. and in the event that there is a need for amendment of the FSI after the date of publication of this notification in the official Gazette, the Urban Local Body or the Union territory Administration shall approach the Ministry of Environment, Forest and Climate Change through the concerned Union territory Coastal Zone Management Authority (CZMA) and the concerned CZMA shall forward the proposal to the National Coastal Zone Management Authority (NCZMA) with its views in the matter, and the NCZMA shall thereafter examine various aspects like availability of public amenities, environment protection measures, etc. and take a suitable decision on the proposal and it shall be the responsibility of the concerned Town Planning Authority to ensure that the solid Wastes are handled as per respective Solid Waste Management Rules and no untreated sewage is discharged on the coast or coastal waters.
 - (v) Development of vacant plots in designated areas for construction of beach resorts/hotels/tourism development projects subject to the conditions or guidelines at Annexure-III.
 - (vi) Temporary tourism facilities shall be permissible in the beaches which shall only include shacks, toilets or washrooms, change rooms, shower panels; walk ways constructed using interlocking paver blocks and the like, drinking water facilities, seating arrangements, facilities associated for water sports activities etc. and such facilities shall however be permitted only subject to the tourism plan featuring in the approved ICRZ Plan as per this Notification, framed with due consultative process and public hearing etc. and further subject to maintaining a minimum distance of 10 meters from HTL for setting up of such facilities and environmental safeguards enlisted in the ICRZ Plans.
 - (vii) Construction or repairs of infrastructure facilities for Marine Coastal Police Stations may be permitted on a case to case basis by CZMA.
 - (viii) Mining of atomic minerals notified under Part-B of the First Schedule to Mines and Minerals (Development and Regulation) Act, 1957 (67 of 1957) occurring as such or in association with one or other minerals by such agencies as authorised by the Department of Atomic Energy, Government of India, as per mining plan by the Atomic Mineral Directorate for Exploration and Research.
- (V) ICRZ-III:**
- (a) Activities as permitted in ICRZ-I B, shall also be permissible in ICRZ-III, as applicable.
 - (b) Regulation of activities in the NDZ: Following activities shall be permitted or regulated in the NDZ.-
 - (i) no construction shall be permitted within NDZ in ICRZ-III, except for repairs or reconstruction of existing authorized structure not exceeding existing Floor Space Index, existing plinth area and existing density; for permissible activities under the notification including facilities essential for activities and construction/reconstruction of dwelling units of traditional coastal communities including fisher folk, incorporating necessary disaster management provisions and proper sanitation arrangements.
 - (ii) agriculture, horticulture, gardens, pastures, parks, playfields and forestry.

- (iii) construction of dispensaries, schools, public rain shelter, community toilets, bridges, roads, provision of facilities for water supply, drainage, sewerage, crematoria, cemeteries and electric sub-station which are required for the local inhabitants may be permitted on a case to case basis by CZMA.
 - (iv) construction of units or auxiliary thereto for domestic sewage, treatment and disposal with the prior approval of the concerned Pollution Control Board or Committee.
 - (v) facilities required for local fishing communities such as fish drying yards, auction halls, net mending yards, traditional boat building yards, ice plant, ice crushing units, fish curing facilities and the like;
 - (vi) wherever there is a national or state highway passing through the NDZ of ICRZ-III areas, temporary tourism facilities such as toilets, change rooms, drinking water facility and temporary shacks can be taken up on the seaward side of the road.
 - (vii) on landward side of such roads in the NDZ, Resorts / hotels and associated tourism facilities shall be permitted. Such facilities shall, however, be permitted only subject to the incorporation of tourism plan in the approved ICRZ Plans as per this Notification and the conditions / guidelines at **Annexure-III**, as applicable.
 - (viii) temporary tourism facilities shall be permissible in the NDZ and beaches in the ICRZ-III areas and such temporary facilities shall only include shacks, toilets or washrooms, change rooms, shower panels; walk ways constructed using interlocking paver blocks and the like, drinking water facilities, seating arrangements, facilities associated for water sports activities etc. and such facilities shall however be permitted only subject to the tourism plan featuring in the approved ICRZ Plan as per this Notification framed with due consultative process and public hearing etc. and further subject to maintaining a minimum distance of 10 meters from HTL for setting up of such facilities and environmental safeguards enlisted in the ICRZ Plans.
 - (ix) mining of atomic minerals notified under Part-B of the First Schedule to Mines and Minerals (Development and Regulation) Act, 1957 (67 of 1957) occurring as such or in association with one or other minerals by such agencies as authorised by the Department of Atomic Energy, Government of India, as per mining plan by the Atomic Mineral Directorate for Exploration and Research.
- (c) For ICRZ-III Areas beyond the NDZ, activities shall be permissible and regulated as under:
- (i) development of vacant plots in designated areas for construction of beach resorts or hotels or tourism development projects subject to the conditions / guidelines at Annexure-III;
 - (ii) construction or reconstruction of dwelling units so long it is within the ambit of traditional rights and customary uses such as existing fishing villages etc. Building permission for such construction or reconstruction will be subject to local town and country planning rules with an overall height of construction not exceeding nine meters and with only two floors (ground + one floor);
 - (iii) the local communities including fishermen can be permitted to facilitate tourism through 'home stay' without changing the plinth area/ design or facade of the existing houses.
 - (iv) construction of public rain shelters, community toilets, water supply drainage, sewerage, roads and bridges etc.
 - (v) Construction or repairs of infrastructure facilities for Marine Coastal Police Stations may be permitted on a case to case basis by CZMA.
- (d) Drawing of groundwater and construction related thereto shall be prohibited within 200 meters of HTL except for the use of local communities in areas inhabited by them. In the areas between 200 meters - 500 meters of the HTL, groundwater withdrawal can be permitted only through manual means from ordinary wells for drinking, horticulture, agriculture and fisheries etc. where no other source of water is available. Restrictions for such drawal may be imposed by the designated Authority by UT administration in the areas affected by sea water intrusion.
- (e) Mining of atomic minerals notified under Part-B of the First Schedule to Mines and Minerals (Development and Regulation) Act, 1957 (67 of 1957) occurring as such or in association with one or other minerals by such agencies as authorised by the Department of Atomic Energy, Government of India, as per mining plan by the Atomic Mineral Directorate for Exploration and Research.
- (VI) ICRZ-IV.-** Activities shall be permitted and regulated in the CRZ IV areas as under:
- (i) Traditional fishing and allied activities undertaken by local communities.
 - (ii) Land reclamation and bunding etc. to be permitted only for activities such as;

- (a) Foreshore facilities like ports, harbours, Jetties, wharves, quays, slipway, bridges, sea links and hover ports for coast guard etc.
- (b) Projects for Defence, strategic and security purpose including Coast Guard.
- (c) Measures for control of erosion.
- (d) Maintenance and clearing of waterways, channels and ports.
- (e) Measures to prevent sand bars, installation of tidal regulators, laying of storm water drains or for structure for prevention of salinity ingress and freshwater recharge.
- (iii) Activities related to waterfront or directly needing foreshore facilities such as ports and harbours, jetties, quays, wharves, erosion control measures, breakwaters, pipelines, navigational safety facilities, and the like.
- (iv) Power by non-conventional energy sources and associated facilities.
- (v) Transfer of hazardous substances from ships to Ports.
- (vi) Storage of non-hazardous cargo like edible oil, fertilizers and food grains in notified Ports.
- (vii) Facilities for discharging treated effluents into the water course.
- (viii) Projects classified as Strategic and Defence related projects including coast guard coastal security network.
- (ix) Projects of Department of Atomic Energy.
- (x) Exploration and extraction of oil and natural gas and all associated activities and facilities thereto;
- (xi) Exploration and mining of atomic minerals notified under Part-B of the First Schedule of the Mines and Minerals (Development and Regulation) Act, 1957 (67 of 1957), occurring as such or in association with other mineral(s) and of such associated mineral(s).
- (xii) Foreshore requiring facilities for transport of raw materials, facilities for intake of cooling water and outfall for discharge of treated wastewater or cooling water from thermal power plants. Foreshore requiring facilities for transport of raw materials, facilities for intake of cooling water and outfall for discharge of treated wastewater or cooling water from thermal power plants, in conformity with the environmental standards notified by Ministry of Environment, Forest and Climate Change and relevant directions of Central Pollution Control Board (CPCB) or the State Pollution Control Board (SPCB) or the Pollution Control Committee (PCC), as the case may be.
- (xiii) Pipelines, conveying systems including transmission lines.
- (xiv) Weather radar for monitoring of cyclone prediction, ocean observation platforms, movement and associated facilities.

5. Island Coastal Regulation Zone Plan (ICRZP):

- (i) The Andaman and Nicobar administration shall revise or update their respective island coastal regulation zone plan (ICRZP) framed under IPZ Notification, 2011, as per provisions of this Notification and submit to the Ministry of Environment, Forest and Climate Change for approval at the earliest. All the project activities attracting the provisions of this Notification shall be required to be appraised as per the updated ICRZ Plans to this Notification. Until and unless the plans are so revised or updated, provisions of this Notification shall not come in force and the plans as per provisions of IPZ Notification, 2011 shall continue to be followed for appraisal and CRZ clearance to such projects;
- (ii) The ICRZ Plans may be prepared or updated by engaging reputed and experienced scientific institution(s) or the agencies including the National Centre for Sustainable Coastal Management (hereinafter referred to as the NCSCM) of Ministry of Environment, Forest and Climate Change and in consultation with the concerned stakeholders;
- (iii)(a) Draft plans shall be prepared in 1:25,000 scale map identifying and classifying the ICRZ areas within the respective territories in accordance with the guidelines given in Annexure-IV of the notification, which involve public consultation;
 - (b) All developmental activities listed in this notification shall be regulated by the Union Territory Administration, the local authority or the concerned CZMA within the framework of such approved ICRZ plans, as the case may be, in accordance with provisions of this notification;
- (iv) The draft plans shall be submitted to the A&N CZMA for appraisal, including appropriate consultations, and recommendations in accordance with the procedure(s) laid down in the Environment (Protection) Act, 1986;

- (v) The Ministry of Environment, Forest and Climate Change shall thereafter consider and approve the plans;
- (vi) The ICRZ Plans shall not normally be revised before a period of five years after which, the concerned Union territory administration may consider undertaking a revision.

6. Areas requiring special consideration: Small Islands of Andaman Islands and Nicobar and Lakshadweep:

- (i) All the smaller Islands in Andaman and Nicobar and Lakshadweep, other than those listed under the ICRZ categories, shall also be covered under this Notification.
- (ii) These smaller islands shall be managed through the respective Integrated Island Management Plans (hereinafter referred to as the IIMP). Integrated Island Management Plans (IIMPs) shall be formulated by respective Union territory administration for all such Islands as per guidelines contained in **Annexure-IV**, and submitted to Ministry of Environment, Forest and Climate Change for approval at the earliest. Until and unless the IIMPs are framed, provisions of this Notification shall not come in force and the IIMPs as per provisions of IPZ Notification 2011 shall continue to be followed.
- (iii) In view of the unique coastal systems and space limitations in these islands, a No Development Zone (NDZ) of 20 meters from the HTL on the landward side shall uniformly apply to such islands and activities shall be regulated as under:
 - (a) Existing dwelling units of local communities of these islands may be repaired or reconstructed within 20 meters from the HTL and however, no new construction shall be permitted.
 - (b) Foreshore facilities such as fishing jetty, fish drying yards, net mending yard, fishing processing by traditional methods, boat building yards, ice plant, boat repairs and the like, may be taken up in NDZ limits subject to due environmental safeguards.
 - (c) Activities in the Coastal Water areas, inter-tidal zone and ecologically sensitive areas shall be permitted or regulated as in the ICRZ-I and ICRZ-IV areas under Para 4 of this Notification.
 - (d) Development in these Islands beyond 20 meters of HTL shall be governed by the respective IIMPs and local regulations, as applicable.

7. ICRZ clearance for permissible or regulated activities- Delegations

- (i) All permitted or regulated project activities attracting the provisions of this notification shall be required to obtain ICRZ clearance prior to their commencement.
- (ii) All development activities or projects in ICRZ-I and ICRZ-IV areas, which are regulated and permissible as per this notification, shall be dealt with by the Ministry of Environment, Forest and Climate Change for clearance, based on the recommendation of the concerned CZMA.
- (iii) For all other permissible and regulated activities as per this Notification, which fall purely in ICRZ-II and ICRZ-III areas, the ICRZ clearance shall be considered by the concerned CZMAs. Such projects in ICRZ -II and III, which also happen to be traversing through ICRZ-I and/or ICRZ-IV areas, ICRZ clearance shall, however be considered only by the Ministry of Environment, Forest and Climate Change, based on recommendations of the CZMA.
- (iv) Projects or activities which attract the provisions of this Notification as also the provisions of EIA Notification 2006, shall be dealt with for a composite Environmental and ICRZ clearance under EIA Notification 2006 by the concerned approving Authority, based on recommendations of concerned CZMA, as per delegations i.e., State Environmental Impact Assessment Authority (hereinafter referred to as the SEIAA) for category 'B' projects and by the Ministry of Environment, Forest and Climate Change for category 'A' projects respectively.
- (v) In case of building and construction projects with built-up area less than the threshold limit stipulated for attracting the provisions of the EIA Notification, these shall be approved by the concerned local Union Territory Planning Authorities in accordance with this notification, after obtaining recommendations of the CZMA.
- (vi) Only for self-dwelling units up to a total built up area of 300 sq. meters, approval shall be accorded by the concerned local Authority, without the requirement of recommendations of the CZMA. Such authorities shall, however, examine the proposal from the perspective of this Notification, before according approval.

8. Procedure for ICRZ clearance for permissible and regulated activities:

- (i) The project proponents shall apply with the following documents to the concerned Union territory Coastal Zone Management Authority for seeking prior clearance under the ICRZ Notification:

- (a) Project summary details as per **Annexure-V** of the notification.
 - (b) Rapid EIA Report including marine and terrestrial component, as applicable, except for building construction projects or housing schemes.
 - (c) Comprehensive EIA with cumulative studies for projects, (except for building construction projects or housing schemes with built-up area less than the threshold limit stipulated for attracting the provisions of the EIA Notification) if located in low and medium eroding stretches, as per the ICRZP to this notification.
 - (d) Risk Assessment Report and Disaster Management Plan except for building construction projects or housing schemes with built-up area less than the threshold limit stipulated for attracting the provisions of the EIA Notification.
 - (e) ICRZ map in 1:4000 scale, drawn up by any of the agencies identified by the Ministry of Environment, Forest and Climate Change vide its Office order number J-17011/8/92-IA-III dated 14th March 2014 using the demarcation of the HTL or LTL, as carried out by NCSCM.
 - (f) Project layout superimposed on the above map duly indicating the project boundaries and the ICRZ category of the project location as per the approved ICZMP of this Notification.
 - (g) The ICRZ map normally covering 7km radius around the project site also indicating the ICRZ-I, II, III and IV areas including other notified ecologically sensitive areas.
 - (h) “Consent to establish” or NOC from the concerned State Pollution Control Boards or Union Territory Pollution Control Committees for the projects involving treated discharge of industrial effluents and sewage. In case prior consent of Pollution Control Board or Pollution Control Committee is not obtained, the same shall be ensured by the proponent before the start of the construction activity of the project, following the clearance under this Notification.
- (ii) The Andaman and Nicobar CZMA shall examine the documents as in (i) above, in accordance with the approved ICRZ Plan or IIMP, as the case may be, and in compliance with ICRZ notification and make recommendations within a period of sixty days from date of receipt of complete application as under:-
- (a) For the projects or activities also attracting the EIA Notification, 2006, the CZMA shall forward its recommendations to the Ministry of Environment, Forest and Climate Change or SEIAA for category ‘A’ and category ‘B’ projects respectively, to enable according a composite clearance under the EIA Notification:
 Provided that, even for such Category ‘B’ projects located in ICRZ-I or ICRZ-IV areas, final recommendation for ICRZ clearance shall be made only by Ministry of Environment, Forest and Climate Change to the concerned SEIAA to enable it accord a composite EC and ICRZ clearance to the proposal.
 - (b) ICZMAs shall forward their recommendations to the Ministry of Environment, Forest and Climate Change for the projects/activities not covered in the EIA notification, 2006, but attracting ICRZ Notification and located in ICRZ-I or ICRZ-IV areas.
 - (c) Projects or activities not covered in the EIA notification, 2006, but attracting ICRZ Notification and located in ICRZ-II or ICRZ-III areas shall be considered for clearance by the concerned ICZMA within sixty days of the receipt of the complete proposal from the proponent.
 - (d) In case of construction projects attracting CRZ Notification but with built-up area less than the threshold limit stipulated for attracting the provisions of the EIA Notification 2006, CZMAs shall forward their recommendations to the Union territory planning authorities, to facilitate granting approval by such authorities.
- (iii) The Ministry of Environment, Forest and Climate Change, shall consider complete project proposals for clearance under the ICRZ Notification, based on the recommendations of the ICZMA, within a period of sixty days.
- (iv) In case the ICZMAs are not in operation due to their reconstitution or any other reasons, then it shall be responsibility of the Department of Environment in the Union territory Administrations, who are the custodian of the ICRZ Plans or IIMPs, to provide comments and recommend the proposals in terms of the provisions of the said notification.
- (v) (a) The clearance accorded to the projects under this notification shall be valid for a period of seven years, provided that the construction activities are completed and the operations commence within seven years from the date of issue of such clearance.
- (b) The validity may be further extended for a maximum period of three years, provided an application is made to the concerned authority by the applicant within the validity period, along with recommendation

for extension of validity of the clearance by the concerned Union Territory Coastal Zone Management Authority.

- (vi) Post clearance monitoring:-
- (a) It shall be mandatory for the project proponent to submit half-yearly compliance reports in respect of the stipulated terms and conditions of the environmental clearance in hard and soft copies to the regulatory authority(s) concerned, on 1st June and 31st December of each calendar year and all such compliance reports submitted by the project proponent shall be published in public domain and its copies shall be given to any person on application to the concerned CZMA.
- (b) The compliance report shall also be displayed on the website of the concerned regulatory authority.
- (vii) To maintain transparency in the working of the CZMAs, it shall be the responsibility of the CZMA to create a dedicated website and post the agenda, minutes, decisions taken, clearance letters, violations, action taken on the violations and court matters including the Orders of the Hon'ble Court as also the approved ICRZ Plans or IIMPs of the respective Islands of the Union territory.

9. Enforcement of the ICRZ Notification:

- (i) For the purpose of implementation and enforcement of the provisions this notification and compliance with conditions stipulated there under, the powers either original or delegated are available under the Environment (Protection) Act, 1986 with the Ministry of Environment, Forest and Climate Change, and the Union territory Administration, NCZMA and SCZMAs;
- (ii) The composition, tenure and mandate of NCZMA and State Government or the Union territory CZMAs have already been notified by the Ministry of Environment, Forest and Climate Change in terms of Orders of Hon'ble Supreme Court in Writ Petition 664 of 1993;
- (iii) The Union territory CZMAs shall primarily be responsible for enforcing and monitoring of this notification and to assist in this task, the Union Territory shall constitute district level Committees under the Chairmanship of the District Magistrate concerned comprising at least three representatives of local traditional coastal communities including from fisherfolk;
- (iv) The Union territory administration may consider further delegation of the enforcement of this notification to the level of respective District Magistrates;
- (v) The dwelling units of the traditional coastal communities including fisher folk as were permissible under the provisions of the IPZ notification, 2011, but which have not obtained formal approval from concerned authorities under the aforesaid notification shall be considered by the respective Union territory CZMAs and the dwelling units shall be regularized subject to the following condition, namely:-
- (a) these are not used for any commercial activity.
- (b) these are not sold or transferred to non-traditional coastal community.

[F.No.12-14/2018-IA-III]

RITESH KUMAR SINGH, Jt. Secy .

Annexure-I

CONSERVATION, PROTECTION AND MANAGEMENT FRAMEWORK FOR ESAs

The coastal and marine Ecologically Sensitive Areas (ESAs) and the geo-morphological features play a vital role in maintaining the functions of the coast. Mangroves, beaches, coral reefs etc., aid in controlling coastal erosion, shoreline change, saltwater intrusion and also serve as natural defence against coastal hazards such as storm surges, cyclones and tsunamis. The ESAs maintain the biological integrity of the coast by providing direct and indirect ecosystem services to the coastal livelihood. In addition, several invaluable archaeological and heritage sites are also located along the coast. Hence conservation and protection of the above areas/ features/ sites become necessary.

1. General measures

- (i) All ESAs shall be identified and boundary delineated by NCSCM using satellite data.
- (ii) The State/UT Governments through the authorized agencies shall prepare CZMP as per the guidelines contained in the Notification highlighting the conservation and protection of the ESAs.
- (iii) Those activities permissible under this notification shall be included in the CZMPs.

Specific conditions shall be adopted for the conservation, protection and management of each of the ESAs as under:-

A. Mangroves:

- (i) Mangroves declared as forest under Forest Conservation Act, 1980:
Notwithstanding anything contained in this notification, such mangroves declared by the concerned UT Administrations or the Central Government as forest land under the Forest (Conservation) Act, 1980 shall attract the provisions of the Forest (Conservation) Act, 1980 only.
- (ii) Mangroves not declared under Forest (Conservation) Act, 1980.
 - (a) Mangroves in Government land shall be protected based on a detailed plan to be prepared by the concerned State/UT Governments. In case the mangrove area is more than 1000 sq m, a buffer of 20 m along the periphery of mangrove area shall be provided. This buffer zone of 20 m may be utilized for public facilities for developing parks, research facilities related to mangrove biodiversity, facilities for conservation and the like.
 - (b) Mangroves in private land will not require a buffer zone.

B. Corals and coral reefs and associated biodiversity:

- (i) Destruction of coral and coral reefs and the surroundings is a prohibited activity.
- (ii) All coral and coral reefs shall be protected except for those small quantities required for research purposes.
- (iii) Coral and coral reefs transplantation activities shall be through recognized research institutions wherever required for regeneration after obtaining necessary approvals under Wildlife (Protection) Act 1972.
- (iv) The dead and/or destroyed coral areas shall be taken up for rejuvenation and rehabilitation. The conservation and protection of corals and coral reefs shall be taken up as follows:
 - (a) Active and live coral and coral reefs identified and delineated shall be declared and notified as ESA under Environment (Protection) Act 1986.
 - (b) It shall be ensured that no activities that are detrimental to the health of corals, coral reefs and its associated biodiversity such as mining, effluent and sewage discharge, dredging, ballast water discharge, ship washings, fishing other than traditional non-destructive fisheries, construction activities and the like are taken up in and around the coral areas.

C. The National Parks, marine parks, Sanctuaries, reserve forests, wildlife habitats and other protected areas declared under the provisions of Wild Life (Protection) Act, 1972 (53 of 1972), the Forest (Conservation) Act 1980 (69 of 1980) or Environment (Protection) Act 1986 (29 of 1986); including Biosphere Reserves would be conserved and protected as follows:

- (i) Conservation and protection of the above listed areas shall be as per the provisions of the respective Acts/notifications/guidelines.
- (iii) Efforts shall be made to increase the forest area in the coastal region in order to prevent loss of life and property from increased storms, tides and floods.
- (iv) The concerned Union territory administration shall provide for adequate funds for such measures to undertake shelter belt plantation or bio-shields with planting material suitable to the location.

D. Salt marshes:

The conservation and protection of salt marshes shall be as follows:

- (i) The salt marsh areas shall be conserved and protected and efforts shall be made to promote the endemic biodiversity in the salt marshes.
- (ii) Only those activities required for overhead conveying or transmission of cables and underground laying of transmission line cables and so on, shall be permissible.
- (iii) Traditional fishing is permissible in salt marshes.
- (iv) Temporary tourism facilities around the salt marsh areas could be considered subject to adhering to strict norms laid down in the guidelines.
- (v) Certain salt marshes which have less biodiversity, identified by NCSCM, Chennai and demarcated in ICRZ Plan can be considered for salt pan activities.

E. Turtle nesting grounds shall be protected and conserved as follows:

- (i) Turtle nesting grounds identified by the concerned UT shall be protected as per Wildlife (Protection) Act , 1972.
- (ii) No activities shall be permitted in and around the turtle nesting ground including those causing light and sound pollution except for those required for conservation and protection of these sites.
- (iii) Strict management plans for protecting the turtle nesting grounds shall be undertaken and implemented by the concerned State/UT Authorities.

F. Horse shoe crab's habitat shall be protected and conserved as follows:

- (i) The habitat identified shall be taken up for conservation and protection.
- (ii) No activities shall be taken up in and around these habitats which affect the horse shoe crab ecosystem.

G. Sea grass beds shall be protected and conserved as follows:

- (i) Identified sea grass beds shall be conserved and protected.
- (ii) No developmental activities that have adverse effect on the sea grass bed shall be undertaken.
- (iii) Efforts shall be made to propagate sea grass beds along the coastal waters where ever possible by States/UTs as it acts as a carbon sink.

H. Nesting grounds of birds shall be protected and conserved as follows:

- (i) The nesting ground of birds including their local migratory route shall be protected. No developmental activities which have adverse impact on the nesting grounds and the migratory routes shall be undertaken including construction of wind mills, transmission lines and the like in the locality.
- (ii) Efforts shall be made to increase the forest cover and mangrove cover including enriching the biodiversity of salt marsh and other coastal water bodies so as to provide for suitable habitat for the avifauna.

I. Geo-morphologically Important Zones shall be protected and managed as follows:

- (i) **Sand dunes** identified shall be conserved and protected as follows:
 - (a) Sand dunes identified shall be notified under Environment (Protection) Act, 1986;
 - (b) No developmental activities be permissible except for providing eco-friendly temporary tourism facilities on stilts such as walkways, tents and the like;
 - (c) Mining of sand from sand dunes is a prohibited activity except for the removal of rare earth minerals with proper replenishment using the tailings or other suitable sand;
 - (d) No activities on the sand dunes shall be taken up that would lead to erosion/destruction of sand dunes;
 - (e) Afforestation, if any, on the sand dunes shall be done only with native flora;
 - (f) The States/UTs shall prepare management plans for the demarcated sand dunes.
- (ii) **Sandy beaches:**
 - (a) Mining of beach sand is prohibited except for manual mining of atomic minerals with proper replenishment using the tailings or other suitable sand.
 - (b) When the permissible developmental activities are taken up on the beaches if loss of beach in the neighbourhood is predicted, necessary beach nourishment to compensate for the losses shall be undertaken by the project authorities and its long term maintenance shall be ensured by them.
 - (c) The States/UTs shall prepare management plans for the demarcated beaches.
- (iii) **Biologically active Mudflats:**
 - (a) Biologically active mudflats will be identified by NCSCM, Chennai in association with the UT administration.
 - (b) The UT administration shall prepare management plans for such demarcated biologically active mudflats.

J. Areas or structures of archaeological importance and heritage value sites:

- (i) Union territory archaeological agencies shall be responsible for conservation and protection of all archaeological structures and heritage sites identified by Archaeological Survey of India, as per the provisions of the respective Acts/notifications/guidelines.
- (ii) No activities that are detrimental to the identified areas or structures of archaeological and heritage value shall be permitted.
- (iii) It shall be ensured that these structures or areas are preserved and activities undertaken without changing the façade/plinth of such structures. Such structures could be considered for use in accordance with the relevant norms after undertaking careful designing of the interiors without changing the exterior architectural design of the structure.

Annexure-II**List of petroleum and chemical products permitted for storage in ICRZ, except in ICRZ-IA**

- (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;
- (xv) Fertilizers and raw materials for manufacture of fertilizers;
- (xvi) Acetic acid;
- (xvii) Mono ethylene glycol;
- (xviii) Paraxylene;
- (xix) Ethane;
- (xx) Butadine;
- (xxi) Methanol;
- (xxii) Caustic;
- (xxiii) Bitumen.

Annexure-III**Guidelines for development of Beach Resorts or Hotels or Tourism Development Projects on the designated ICRZ areas****1. ICRZ-II**

Construction of beach resorts or hotels in designated areas of ICRZ-II for occupation of tourist or visitors shall be subject to the following conditions, namely:-

- (i) Construction shall be permitted only to the landward side of an existing road or existing authorized fixed structures.

- (ii) 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;
- (iii) No flattening of sand dunes shall be carried out;
- (iv) No permanent structures for sports facilities shall be permitted except the construction of goal posts, net posts and lamp posts;
- (v) Construction of basement may be allowed subject to the condition that no objection certification is obtained from the concerned Ground Water Authority to the effect that such construction will not adversely affect the flow of groundwater in that area;
- (vi) The concerned Ground Water Authority shall take into consideration the guidelines issued by Central Government before granting such no objection certificate;
- (vii) The quality of treated effluents, solid wastes, emissions and noise levels and the like, from the project area must conform to the standards laid down by the competent authorities including the Central or 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 and it must be ensured that the untreated effluents and solid wastes are not discharged into the water or on the beach; and no effluent or solid waste shall be discharged on the beach;
- (ix) If the project involves diversion of forestland for non-forest purposes, clearance as required under the Forest (Conservation) Act, 1980 shall be obtained and the requirements of other Central and State laws as applicable to the project shall be met with; and approval of the State or Union territory Tourism Department shall be obtained.

2. ICRZ-III

Construction of beach resorts or hotels in designated areas of ICRZ- III for occupation of tourists or visitors shall be subject to the following conditions, namely:-

- (i) 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;
- (ii) No flattening of sand dunes shall be carried out;
- (iii) No permanent structures for sports facilities shall be permitted except construction of goal posts, net posts and lamp posts;
- (iv) Construction of basement may be allowed subject to the condition that no objection certification is obtained from the Ground Water Authority to the effect that such construction will not adversely affect the flow of groundwater in that area;
- (v) The Ground Water Authority shall take into consideration the guidelines issued by Central Government before granting such no objection certificate;
- (vi) Though no construction is allowed in the no development zone for the purposes of calculation of Floor Space Index, the area of entire plot including the portion which falls within the no development zone shall be taken into account;
- (vii) The total covered area on all floors shall not exceed 33 percent of the plot size i.e., the Floor Space Index shall not exceed 0.33 and the open area shall be suitably landscaped with appropriate vegetal cover;
- (viii) The construction shall be consistent with the surrounding landscape and local architectural style;
- (ix) The overall height of construction up to the highest ridge of the roof, shall not exceed 9metres and the construction shall not be more than two floors (ground floor plus one upper floor);
- (x) Groundwater shall not be tapped within 200 meter of the High Tide Line; within the 200 meter 500 meter zone it can be tapped only with the concurrence of the Central or Union territory Ground Water Board;
- (xi) Extraction of sand, leveling or digging of sandy stretches, except for structural foundation of building or swimming pool, shall not be permitted within 500 metres of the High Tide Line;
- (xii) The quality of treated effluents, solid wastes, emissions and noise levels and the like, from the project area must conform to the standards laid down by the competent authorities including the Central Pollution Control Board or UT Pollution Control Committee and under the Environment (Protection) Act, 1986;
- (xiii) Necessary arrangements for the treatment of the effluents and solid wastes must be made and it must be ensured that the untreated effluents and solid wastes are not discharged into the water or on the beach; and no effluent or solid waste shall be discharged on the beach;

- (xiv) To allow public access to the beach, at least a gap of 20metres width shall be provided between any two hotels or beach resorts; and in no case shall gaps be less than 500metres apart; and
- (xv) If the project involves diversion of forestland for non-forest purposes, clearance as required under the Forest (Conservation) Act, 1980 shall be obtained and the requirements of other Central and Union territory laws as applicable to the project shall be met with; and approval of the State or Union territory Tourism Department shall be obtained.

Note: Construction of beach resorts or hotels shall not be permitted in ecologically sensitive areas (such as marine parks, mangroves, coral reefs, breeding and spawning grounds of fish, wildlife habitats and such other area as may be notified by the Central or Union territory administration.

Annexure -IVA

GUIDELINES FOR PREPARATION OF ISLAND COASTAL REGULATION ZONE (ICRZ) PLANS

1. Demarcation of High Tide Line and Low Tide Line

Demarcation of High Tide Line (HTL) and Low Tide Line (LTL) as carried out by NCSCM shall be applicable for all purposes under this Notification.

2. Hazard Line:

A 'Hazard line' being demarcated by the Survey of India (SOI) taking into account the extent of the flooding on the land area due to water level fluctuations, sea level rise and shoreline changes(erosion/accretion) occurring over a period of time. The hazard line shall be used as a tool for disaster management plan for the coastal environment, including planning of adaptive and mitigation measures. With a view to reduce the vulnerability of the coastal communities and ensuring sustainable livelihood, while drawing the CZMPs, the land use planning for the area between the Hazard line and HTL shall take into account such impacts of climate change and shoreline changes.

3. Preparation of ICRZ Maps

- (i) Base Maps of 1:25,000 scale shall be acquired from the Survey of India (SOI) and wherever 1:25,000 maps are not available, 1:50,000 maps shall be enlarged to 1:25,000 for the purpose of base map preparation and these maps will be of the standard specification given below:

Unit	: 7.5 minutes X 7.5minutes
Numbering	: Survey of India Sheet Numbering System
Horizontal Datum	: Everest or WGS 84
Vertical Datum	: Mean Sea Level (MSL)
Topography	: Topography in the SOI maps will be updated using latest satellite imageries or aerial photographs
- (ii) ICRZ Maps of scale 1:25,000 shall be got prepared by any of the agencies identified by the MoEF&CC vide its Office order number J-17011/8/92-IA-III dated 14th March 2014 using the demarcation of the High Tide Line or LTL, as carried out by NCSCM.
- (iii) Various regulatory lines viz. at a distance of 20 m, 50 m, 200 m and 500 m from HTL respectively, as applicable in various ICRZ categories, shall be demarcated and transferred to the ICRZ Maps
- (iv) HTL, LTL and ICRZ boundaries, as applicable, shall also be demarcated in the ICRZ maps along the banks of tidal influenced inland water bodies.
- (v) Classification of different coastal zones shall be done as per the ICRZ notification and Standard national or international colour codes shall be used.

3. Local level ICRZ Maps

- (i) Local level ICRZ Maps are for the use of local bodies and other agencies to facilitate implementation of the ICRZ Plans
- (ii) Cadastral (village) maps in 1:3960 or the nearest scale, as available with revenue authorities shall be used as the base maps.
- (iii) HTL, LTL, other ICRZ regulatory lines shall be demarcated in the cadastral maps and classifications shall be transferred into local level CZM maps.

4. Classification of ICRZ areas

- (i) The ICRZ Maps shall clearly demarcate the land use plan of the area and map out the Ecologically Sensitive Areas (ESAs) or the ICRZ-IA areas as per mapping made available by NCSCM to coastal State and Union territory administrations. All such ESAs shall be appropriately demarcated with colour codes.
- (ii) Buffer zone along mangrove areas of more than 1000sq mts. shall be stipulated with a different colour distinguishing from the mangrove area. The buffer zone shall also be classified as ICRZ-I area.
- (iii) In the ICRZ areas, the fishing villages, common properties of the fishermen communities, fishing jetties, ice plants, fish drying platforms or areas infrastructure facilities of fishing and local communities such as dispensaries, roads, schools, and the like, shall be indicated on the cadastral scale maps. States shall prepare detailed plans for long term housing needs of coastal fisher communities in view of expansion and other needs, provisions of basic services including sanitation, safety, and disaster preparedness.
- (iv) The water areas of ICRZ-IV shall be demarcated and clearly demarcated if the water body is sea, lagoon, backwater, creek, bay, and estuary and for such classification of the water bodies the terminology used by Naval Hydrographic Office shall be relied upon.
- (v) The fishing Zones in the water bodies and the fish breeding areas shall be clearly marked.
- (vi) The existing authorized developments on the seaward side shall be clearly demarcated.
- (vii) The features like cyclone shelters, rain shelters, helipads and other infrastructure including road network may be clearly indicated on the ICRZ Plans for the purpose of rescue and relief operations during cyclones, storms, tsunami and the like.
- (viii) Construction of buildings or other activities shall be permitted under the ICRZPs provided adequate arrangements are made for proper management and disposal of solid and liquid wastes in accordance with the environmental standards, rules and statutes etc. Under no circumstances, untreated effluents shall be disposed of in the coastal waters.

5. Public consultations on the ICRZ Plans

- (i) The draft ICRZPs prepared shall be given wide publicity and suggestions and objections received in accordance with the Environment (Protection) Act, 1986. Public hearing shall be held at district level by the concerned CZMAs.
- (ii) Based on the suggestions and objections received the ICRZPs shall be revised and approval of the Ministry of Environment, Forest and Climate Change shall be obtained.
- (iii) The approved ICRZP shall be put up on the website of the Ministry of Environment, Forest and Climate Change, concerned website of the State, Union territory CZMA and hard copy made available in the Panchayat Office, District Collector Office and the like.

6. Revision of ICRZ Plans

- (i) Whenever there is a doubt the concerned State or Union territory Coastal Zone Management Authority shall refer the matter to the National Centre for Sustainable Coastal Management who shall verify the ICRZP based on latest satellite imagery and ground truthing.
- (ii) If required the rectified map would be submitted to the Ministry of Environment, Forest and Climate Change for consideration.

Annexure -IVB**Guidelines for preparation of Integrated Island Management Plan (IIMP)**

1. The Integrated Island Management Plan shall be prepared based on scientific methodology and appropriate coastal protection structures constructed/proposed to be constructed shall be indicated in addition to activities planned in the area and got approved by the concerned authority in the UT administration. Thereafter it shall be forwarded to the NCZMA for final approval.
2. The entire island including the aquatic area shall be considered for framing of the Integrated Island Management Plan (IIMP).
3. Integrated Island Management Plans shall be prepared indicating therein all present and future developments, conservation and preservation schemes with frame of ten years.
4. The Integrated Island Management Plan shall address vulnerability to human life and property based on elevation, geomorphology, sea level trends and horizontal line displacement and indicate suitable areas that are safe for

- locating dwelling units, infrastructure, and the like, and appropriate safeguards measures to protect the life and property of the local communities, infrastructure from natural hazards shall be indicated in the Integrated Islands Management Plan.
5. All the existing roads including the internal roads shall be strengthened, as these roads shall serve for the purpose of livelihood, communication, rescue, relief and evacuation measures during natural hazards.
 6. Adequate cyclone shelters shall be earmarked and constructed on elevated areas or on stilts adjacent to populated areas.
 7. The existing and as well new schools, market areas and other public facilities (excluding public toilets) where large number of public congregate, shall normally be located on safe areas preferably in elevated areas or protected areas shall be suggested.
 8. Along the seaward side sufficient bio-shield with local vegetation, trees including mangroves shall be planted and other soft protection measures.
 9. Sand dunes, being natural barrier in the event of flooding, shall be conserved and maintained or regenerated by planting shrubs or through appropriate measures.
 10. There shall be no restriction with regard to traditional fishing by local communities including installation of fish aggregating device as recommended by the Islands Administrations.
 11. The mining of construction material, especially sand from deep sea bed (beyond fifteen meters depth), after undertaking proper scientific studies may be permitted in the Plan;
 - (i) The alternative construction material, such as, bamboo, local forest products may be identified and used;
 - (ii) the other materials, like, metal, hollow brick blocks, and the like, shall be imported from the mainland.
 12. Emphasis shall be given for use of non-conventional energy resources especially, wind, solar and tidal energy, desalination, water recycling, and use of local products.
 13. Early warning system shall be provided for cyclone, tsunami, and the like, and an evacuation and relief measure plan in case of disasters shall be built preferably into the Integrated Islands Management Plan.
 14. Necessary provision shall be made in the Integrated Islands Management Plan for relocation and rehabilitation of people displaced due to natural disasters.
 15. Integrated Islands Management Plan shall also include the areas under habitation and make plan for future development.
 16. No developmental activities shall be permitted in the area under reserve forests, protected forests, national parks and sanctuaries notified under the Forests (Conservation) Act, 1980 (69 of 1980) or the Wildlife (Protection) Act, 1972 (53 of 1972) and the areas protected under the Environment (Protection) Act, 1986 (29 of 1986).
 17. The dwelling units or infrastructure of local communities as are existing at the time of preparation of Plan shall not be displaced.
 18. Repair of existing buildings or infrastructure including reconstruction activities shall be allowed.
 19. IIMP shall be prepared in 1:25,000 scale map for macro level planning and 1:10000 scale or cadastral scale for micro level planning.
 20. The High Tide Line demarcated by NCSCM, Chennai shall be used for all purpose while preparation of the Plan.

Annexure-V**PROJECT INFORMATION DETAILS****1. PROJECT DETAILS**

- A. Project Name
- B. Survey No./ Village/ Co-ordinates
- C. District
- D. State
- E. Whether the proposal is for (Select relevant field)
 - (i) Fresh Clearance under ICRZ

- (ii) Amendment to an already issued ICRZ clearance
- (iii) Extension of validity of an already issued ICRZ clearance

- F. Name of the Applicant
- G. Address of the Applicant
- H. Contact details (Telephone nos. and e-mail address)
- I. Cost of the project (Rs in crores)

2. BENEFITS OF THE PROJECT

- A. Details of Project Benefits
- B. Employment Likely to be Generated (Yes/No)

If Yes

- (i) Total Manpower Requirement
- (ii) Permanent Employment (Numbers)
- (iii) Temporary Employment (Numbers)
- (iv) Temporary Employment- During Construction (Numbers)
- (v) Temporary Employment- During Operation (Numbers)

3. DESCRIPTION OF THE PROJECT UNDER CONSIDERATION (Select the Category of the project):

A. Resort / Buildings / civic amenities

- (i) Total area/Built-up area (in sqm.)
- (ii) Height of structure
- (iii) FSI ratio
- (iv) Name of concerned town planning authority/ Panchayat etc.
- (v) Details of provision of car parking area

B. Coastal Roads / Roads on Stilt

- (i) Area of land reclamation
- (ii) Estimated quantity of muck/earth for reclamation
- (iii) Traffic carrying capacity
- (iv) Dimensions of road

C. Pipelines from thermal power blow down

- (i) Length of pipeline
- (ii) Length traversing ICRZ area
- (iii) Depth of excavation
- (iv) Width of excavation
- (v) Length of pipeline from seashore to deep sea
- (vi) Depth of outfall point from surface of sea water
- (vii) Temperature of effluent above ambient at disposal point

D. Marine Disposal of Treated Effluent through pipelines

- (i) Location of intake/ outfall
- (ii) Depth of outfall point
- (iii) Length of pipeline
- (iv) Length traversing ICRZ area
- (v) Depth of excavation

- (vi) Width of excavation
- (vii) Length of pipeline from shore to deep sea/creek
- (viii) Depth of outfall point from surface of water
- (ix) Depth of water at disposal point
- (x) BOD, COD, TSS, oil & grease, heavy metals in the effluent

E. Facility for storage of goods/chemicals

- (i) Name of chemical
- (ii) End use of the chemical
- (iii) No. of tanks for storage
- (iv) Capacity of tanks

F. Offshore structures

- (i) Exploration or development
- (ii) Depth of sea bed
- (iii) No. of rigs
- (iv) No. of platform
- (v) Details of group gathering stations

G. Desalination Plant

- (i) Capacity of desalination
- (ii) Total brine generation
- (iii) Temperature of effluent above ambient at disposal point
- (iv) Ambient salinity
- (v) Disposal point

H. Mining of rare earth/atomic minerals

- (i) Capacity of mining
- (ii) Type of mineral to be extracted
- (iii) End use of the mineral
- (iv) Government order for mining lease/exploration and approved mining plan details
- (v) Extent of mining lease area.

I. Sewage Treatment Plants

- (i) Capacity
- (ii) Total area of construction
- (iii) Compliance of effluent parameters as laid down by cpcb/spcb/other authorised agency
- (iv) Whether discharge is in sea water/creek?
 - If yes
 - Distance of marine outfall point from shore/from the tidal river bank
 - Depth of outfall point from sea water/river water surface
 - Depth of seabed/riverbed at outfall point

J. Lighthouse

- (i) Total ground area of foundation/platform
- (ii) Height of the structure

K. Wind Mills

- (i) Capacity (MW)
- (ii) Height of the windmill
- (iii) Diameter of the windmill
- (iv) Length of blade
- (v) Speed of rotation
- (vi) Transmission lines (overhead or underground)

L. Others

- (i) Please specify with salient features
- (ii) Upload relevant Documents (upload PDF only)

4. PROJECT LOCATION AS PER ICRZ CLASSIFICATION (If project site falls in different/multiple CRZ categories the same may also be elaborated)

5. CLAUSE OF IPZ NOTIFICATION UNDER WHICH PROJECT IS A PERMISSIBLE /REGULATED ACTIVITY

6. MANDATORY FIELDS FOR PROJECT ASSESSMENT

A. ICRZ map in 1:4000 scale indicating HTL, LTL demarcation and distance of the nearest project boundary (in meters) from HTL to be stated

- (i) Upload Map (kml file)

B. Project layout superimposed on ICRZ Map 1:4000 scale with classification of project location including other notified ESAs prepared

- (i) Upload Map (kml file)

C. ICRZ map 1:25000 scale covering 7 km radius around Project site

- (i) Upload Map (kml file)

7. PROJECT LOCATED IN (Select Type)

- (i) Non eroding Coast
- (ii) Low and Medium eroding coast
- (iii) High eroding Coast

8. DETAILS OF FOREST/ MANGROVES LAND INVOLVED (YES/NO)**IF YES**

- (i) Detail of area diverted
- (ii) Forest clearance to be submitted (Upload document)
- (iii) No. of trees to be cut under the project
- (iv) Compensatory afforestation plan to be submitted (Upload document)

9. DISTANCE OF PROPOSED PROJECT FROM ESA/MARINE PARK/ WILD LIFE SANCTUARY

- (i) Within 10 km radius from the project site (Yes/No)

If YES

- Permission from NBWL to be submitted (Upload document)

10. NOC OR CONSENT TO ESTABLISH FROM STATE/UT POLLUTION CONTROL BOARDS OBTAINED (YES/NO)**If YES**

- (i) Copy of NOC to be provided (Upload document)
- (ii) Conditions imposed to be stated (Upload document)

11. EIA studies (relevant fields to be filled)**A. Terrestrial studies:**

- (i) Summary Details of EIA (Terrestrial) Studies
- (ii) Upload Recommendation made in EIAs (Upload document)
- (iii) State period of Study

B. Marine Studies

- (i) Summary Details of EIA (Marine) Studies
- (ii) Upload Recommendation made in EIAs (Upload document)
- (iii) State period of Study

12. DISASTER MANAGEMENT PLAN / NATIONAL OIL SPILL DISASTER CONTINGENCY PLAN (if applicable)**13. PROJECT INVOLVING DISCHARGE OF LIQUID EFFLUENTS:**

- (i) Capacity of STP
- (ii) Quantity of effluent generated
- (iii) Quantity of effluent treated
- (iv) Method of treatment & disposal

14. PROJECT INVOLVING DISCHARGE OF SOLID WASTE:

- (i) Type of solid waste
- (ii) Quantity of solid waste generated
- (iii) Method of disposal
- (iv) Mode of transport

15. WATER REQUIREMENT (KLD)

- (i) Quantity of water required
- (ii) Source of water
- (iii) If Ground water (Upload a copy of approval from CGWA or authorised body)
- (iv) If other Source (Upload a copy of permission from competent authority)
- (v) Mode of transport
- (vi) Commitment of water supply (Upload document)

16. DETAILS OF WATER TREATMENT AND RECYCLING (If any) (Multiple Entries Allowed)

Type/ Source	Quantity of Waste Water Generated (Kilos Litre per Day)	Treatment Capacity (Kilos Litre per Day)	Treatment Method	Mode of Disposal	Quantity of Discharged Water (Kilos Litre per Day)	Quantity of Treatment Water used in Recycling/Reuse (Kilo Litre per Day)

17. DETAILS OF RAINWATER HARVESTING

- (i) No. of Storage tanks
- (ii) Total capacity of tanks

- (iii) No. of Recharge Pits
- (iv) Capacity of pits

18. ENERGY REQUIREMENT AND SOURCES

- (i) Total Power Requirements (kW.h)
- (ii) Source
- (iii) Upload Copy of Agreement (upload pdf only)
- (iv) Stand By Arrangement (Details)

19. ENERGY EFFICIENCY/SAVING MEASURES

- (i) Source/Mode
- (ii) Details of savings

20. RECOMMENDATION OF STATE /UT COASTAL ZONE MANAGEMENT AUTHORITY

- (i) Upload Copy of CZMA recommendations (Upload pdf only)
- (ii) Compliance status of the Conditions Imposed

21. WHETHER PROPOSAL ATTRACTS EIA NOTIFICATION, 2006. (Yes/No)**If YES,**

- (i) the category thereof
- (ii) Status of proposal for EC (as applicable)

22. SOCIAL AND ENVIRONMENTAL ISSUES AND MITIGATIONS MEASURES SUGGESTED INCLUDING BUT NOT LIMITED TO R&R, WATER, AIR, HAZARDOUS WASTES, ECOLOGICAL ASPECTS, ETC. (Brief Details to be Provided)**23. DETAILS OF COURT CASES** Whether there is any Court Cases pending against the project and/or land in which the project is proposed to be set up? (Yes/No)**If Yes,****Pending or Disposed** (Select relevant)

- (i) Name of the Court (Supreme Court, High Court, NGT)
- (ii) Case No.
- (iii) Case Details
- (iv) Orders/Directions of the court, if any and its relevance with the proposed project (Upload document)

24. ADDITIONAL INFORMATION, If any

UNDERTAKING: It is certified that the information given above are true to the best of my knowledge and belief and nothing contravening the provisions of CRZ Notification, 2011 has been concealed therefore.

Name and Signature of the applicant:

Date:

SP
8068 65435

325

Annexure R1-3 **1461**

F.No.12/1/2019-IA.III (E-122245)
Government of India
Ministry of Environment, Forest and Climate Change
IA.III Section (CRZ)

Indira Paryavaran Bhawan,
Jor Bagh Road,
New Delhi-110003

Dated: 26th October, 2021



OFFICE MEMORANDUM

Subject: Amendment in guidelines for Updation of Coastal Zone Management Plan (CZMPs) prepared as per CRZ Notification, 2011 to align it with CRZ Notification, 2019 - regarding.

This is in continuation to this Ministry's Office Memorandum of even no., dated 26/06/2019, wherein the guidelines for updation of Coastal Zone Management Plan's (CZMPs) prepared as per CRZ Notification, 2011 to align it with CRZ Notification, 2019, was issued.

2. Based on recommendations of National Coastal Zone Management Authority (NCZMA) in its 43rd meeting held on 16/08/2021, the paragraph 5 of Annexure 1 shall include Eco-Sensitive Zone (ESZ) amongst other Ecologically sensitive areas to be demarcated in the CZMP, as per CRZ Notification, 2019 and read as under:

5. ECOLOGICALLY SENSITIVE AREAS / COASTAL LANDUSE

- 5.1. Mangroves
- 5.2. Coral Reefs
- 5.3. Reserve Forests
- 5.4. Sand Dunes
- 5.5. Salt marsh
- 5.6. Nesting Ground of Birds
- 5.7. Archaeologically important and Heritage Sites
- 5.8. Seagrass
- 5.9. Mud flats
- 5.10. Turtle Nesting Grounds
- 5.11. Inter-Tidal Zone

SRE - CRZ
Pl. send to mes cm.
S/n

SP
F. No.
m/s/111

ABE
of
P
S/11

5.12. *Salt pan / Aquaculture ponds*

5.13 *Eco-Sensitive Zone (ESZ)*

3. This issues with approval of the Competent Authority.



(Dr. H. Kharkwal)
Additional Director (CRZ)

To,

1. The Secretary (Environment & Forests) of Coastal States (Gujarat, Maharashtra, Goa, Karnataka, Kerala, Tamil Nadu, Andhra Pradesh, West Bengal, Odisha) & Administrators of Puducherry & Daman & Diu.
2. The Member Secretary of Coastal States (Gujarat, Maharashtra, Goa, Karnataka, Kerala, Tamil Nadu, Andhra Pradesh, West Bengal, Odisha) & Administrators of Puducherry & Daman & Diu.
3. The Director, National Centre for Sustainable Coastal Management (NCSCM), Chennai, Tamil Nadu.
4. The Director, Space Application Centre, Ahmedabad
5. The Director, Centre for Earth Sciences Studies, Thiruvananthapuram,
6. The Director, Institute for Remote Sensing, Anna University, Chennai, Tamil Nadu.
7. The Director, Institute for Wetland Management and Ecological Designs, Kolkata
8. The Director, National Institute of Oceanography (NIO), Panjim, Goa
9. The Director, National Institute of Ocean Technology (NIOT), Chennai, Tamil Nadu.
10. The Director, Naval Hydrographer's Office, Uttarakhand.

Copy for information to:

- a. PS to Minister for Environment, Forest and Climate Change.
- b. PS to MoS (EF&CC)
- c. PPS to Secretary (EF&CC)
- d. PPS to AS (RA)
- e. PPS to JS(SKB)
- f. Website of MoEFCC
- g. Guard file.



(Dr. H. Kharkwal)
Additional Director (CRZ)



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित

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पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय

आदेश

नई दिल्ली, 12 जुलाई, 2019

का.आ.2502(अ).—पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय ने पर्यावरण की गुणवत्ता के संरक्षण, सुरक्षा तथा सुधार और पर्यावरणीय प्रदूषण का उपशमन करने, नियंत्रण करने एवं उसे कम करने के प्रयोजन से ब्ल्यू फ्लैग प्रमाणन हेतु समुद्र तटों की पहचान करने का विनिश्चय किया है। समुद्र तट प्रबंधन, आयोजना और अवसंरचना के विकास, स्वच्छता, सुरक्षा और सुरक्षा सेवाओं से संबंधित परियोजनाओं के लिए अंतर्राष्ट्रीय दृष्टि से मान्य उच्चतम मानकों को प्राप्त करने हेतु विभिन्न राज्यों और संघ राज्य क्षेत्रों अर्थात्, शिवराजपुर (देवभूमि द्वारिका, गुजरात), भोगावे (सिंधुदुर्ग, महाराष्ट्र), घोगला (दीव, दमन और द्वीव), मीरामार (पणजी, गोवा) कासरकोड (करवड, कर्नाटक), पदुबिदरी (ऊपी, कर्नाटक), काप्पड (कोज़ीकोडे, केरल), ईडन (पुडुचेरी), महाबलीपुरम (कांचीपुरम, तमिलनाडु), रूथीकोंडा (विशाखापट्टनम, आंध्र प्रदेश), गोल्डन (पुरी, ओडिशा), और राधानगर (पोर्टब्लेयर, अंडमान और निकोबार) में ब्ल्यू-फ्लैग प्रमाणन के लिए इन समुद्र तटों की पहचान की गई है।

और, केंद्र सरकार पर्यावरण (संरक्षण) नियम, 1986 के नियम 5 के उपनियम (4) के अन्तर्गत उक्त नियमों के उपनियम (3) के खंड (क) के तहत सूचना की आवश्यकता को जनहित में अभिमुक्त करती है।

और, इसलिए पर्यावरण (संरक्षण) अधिनियम (1986 का 29) के भाग 3 के उपभाग (1) और उपभाग (2) के खंड (i) से (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केंद्र सरकार एतद्वारा यह घोषणा करती है कि उपरोक्त बारह समुद्र तटों में ब्ल्यू फ्लैग प्रमाणन के लिए एचटीएल से न्यूनतम 10 मीटर की दूरी बनाए रखने की शर्त के अध्यधीन समुद्र तटीय विनियमन क्षेत्र (सीआरजेड) वाले क्षेत्रों में निम्नलिखित स्ट्रक्चरों और सुविधाओं की अनुमति दी जाएगी, अर्थात्:

- (क) कंटेनर आधारित शौचालय ब्लॉक, कपड़े बदलने वाले कमरे, शॉवर पैनल;
- (ख) अस्थाई संरचनाओं में छोटे ग्रे वाटर ट्रीटमेंट प्लांट;

- (ग) अस्थाई संरचनाओं में छोटे ठोस अपशिष्ट रीसाइक्लिंग प्लांट;
- (घ) ऑफ ग्रीड सोलर पीवी पैनल;
- (ङ) शुद्ध किया हुआ पेयजल क्योस्क;
- (च) इंटरलिंगिंग पेवर ब्लॉक्स से निर्मित स्नान क्षेत्र से समुद्र तट तक पहुंच मार्ग;
- (छ) विधिवत ग्राउंटेड खंभों पर एलईडी लैंडस्केप लाइटिंग;
- (ज) बांस की बनी हुई पोर्टेबल सीटिंग बैंच और सिट-आउट छाते;
- (झ) बच्चों के लिए आउटडोर खेल उपकरण,
- (ञ) कंटेनर आधारित सीसीटीवी नियंत्रण कक्ष और प्राथमिक चिकित्सा स्टेशन,
- (ट) वॉच टावर; और
- (ठ) समुद्र तट सूचना होर्डिंग बोर्ड और समुद्र तट नक्शा होर्डिंग बोर्ड।

[फा.सं.19-27/2015-आईए-III (पार्ट)]

रितेश कुमार सिंह, संयुक्त सचिव

MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

ORDER

New Delhi, the 12th July, 2019

S.O.2502(E).—Whereas, the Ministry of Environment, Forest and Climate Change in order to conserve, protect and improve the quality of environment and preventing, controlling and abating environmental pollution has decided to identify beaches for the purpose of Blue Flag Certification. To achieve the internationally recognised highest standard for the purpose of beach management, planning and execution of projects for infrastructure development, cleanliness, safety and security services, these beaches have been identified for Blue Flag Certification in different States and Union territories such as Shivrajpur (Devbhumi Dwarka, Gujarat), Bhogave (Sindhudurg, Maharashtra), Ghoghla (Diu, Daman and Diu), Miramar (Panjim, Goa), Kasarkod (Karwar, Karnataka), Padubidri (Udipi, Karnataka), Kappad (Kozhikode, Kerala), Eden (Puducherry), Mahabalipuram (Kanchipuram, Tamil Nadu), Rushikonda (Vishakhapatnam, Andhra Pradesh), Golden (Puri, Odisha), and Radhanagar (Port Blair, Andaman & Nicobar).

And whereas, the Central Government, under sub-rule (4) of rule 5 of the Environment (Protection) Rules, 1986, in public interest dispense with the requirement of notice under clause (a) of sub-rule (3) of rule 5 of the said rules.

Now, therefore, in exercise of the powers conferred by sub-section (1) and clause (i) to (iv) of sub-section (2) of section 3 of the Environment (Protection) Act, (29 of 1986), the Central Government hereby declares that for the purpose of obtaining Blue Flag certification in the above mentioned twelve beaches, the following structures and facilities, shall be permitted in the Coastal Regulation Zone (CRZ) areas subject to maintaining a minimum distance of 10 meters from HTL viz:

- (a) Container based toilet blocks, change rooms, shower panels;
- (b) Mini grey water treatment plant enclosed in temporary structures;
- (c) Mini solid waste recycling plant enclosed in temporary structures;
- (d) Off grid solar PV panels;
- (e) Purified drinking water kiosk;

- (f) Beach access pathway to bathing zone made of interlinking paver blocks;
- (g) LED landscape lighting with poles duly grouted;
- (h) Portable bamboo made seating benches and sit-out umbrellas;
- (i) Outdoor children play equipment;
- (j) Container based CCTV control room and First aid station;
- (k) Watch towers; and
- (l) Beach Information hoarding boards and beach layout map hoarding boards.

[F. No. 19-27/2015-IA-III (Pt.)]

RITESH KUMAR SINGH, Jt. Secy.

F.No. IA3-12/15/2021-IA.III(E-157369)
Government of India
Ministry of Environment, Forest and Climate Change
IA.III Section (CRZ)

Indira Paryavaran Bhawan,
Jor Bagh Road,
New Delhi-110003
Dated: 12th October, 2023

To,

1. **All the Seven Authorized Agencies
(as per list)**
2. **Member Secretaries of all the 13 Coastal States/UT.
(as per list)**

Subject: Standard Operating Procedure (SOP) for Seven Authorized Agencies and related issues for uniformity in preparation of CRZ Maps -regarding.

Madam / Sir,

Please find attached herewith the Final SOP for Preparation of Site Specific CRZ Maps on 1:4000 Scale and 7 km Radius CRZ Map on 1:25,000 Scale as per CRZ Notification, 2011/2019 and IPZ/ICRZ Notification, 2011/2019 for compliance.

2. This issues with approval of the Competent Authority.

Encl: As above.

Yours faithfully,



(Dr. H. Kharkwal)
Scientist 'E' (CRZ)
Email: h.kharkwal@nic.in

Copy to:

1. Director, NCSCM Chennai.
2. Office Copy / Guard File.
3. NIC-Parivesh, MoEFCC
4. Website, MoEFCC for uploading



STANDARD OPERATING PROCEDURE

for Preparation of Site Specific CRZ Maps on 1:4000 Scale and
7 km Radius CRZ Map on 1:25,000 Scale as per CRZ Notification, 2011/2019
and IPZ/ICRZ Notification, 2011/2019

Ministry of Environment, Forest and Climate Change
Government of India

September 2022

Standard Operating Procedure

for Preparation of Site Specific CRZ Maps
on 1:4000 Scale and 7 km Radius CRZ Map
on 1:25,000 Scale as per CRZ Notification,
2011/2019 and IPZ/ICRZ Notification,
2011/2019

Ministry of Environment, Forest and Climate Change
Government of India

September 2022

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STANDARD OPERATING PROCEDURE for Preparation of Site Specific CRZ Maps on 1:4000 Scale and 7 km Radius CRZ Map on 1:25,000 Scale as per CRZ Notification, 2011/2019 and IPZ/ICRZ Notification, 2011/2019

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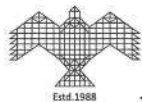
Government of India, 2022

Citation: MoEFCC, (2022), Standard Operating Procedure for Preparation of Site Specific CRZ Maps on 1:4000 Scale and 7 km Radius CRZ Map on 1:25,000 Scale as per CRZ Notification, 2011/2019 and IPZ/ICRZ Notification, 2011/2019. Ministry of Environment, Forest and Climate Change, New Delhi. 52 pp.

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FOREWORD



Dr. Shailesh Nayak
Director

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FOREWORD

Ministry of Environment, Forest and Climate Change (MoEF&CC), Government of India has taken several policy initiatives and enacted various laws for protecting the dynamic coastal zone of India while enabling developmental activities in a regulated manner. One such legislation is the Environment (Protection) Act, 1986. Under this Act, the Coastal Regulation Zone (CRZ) Notifications have been issued from time to time since 1991.

Two sets of regulations, one for the mainland (CRZ Notification 2011/2019) and the other for the islands (IPZ/ICRZ Notification, 2011/2019) have been issued. The Notifications regulate establishment and expansion of any industry, operations or processes and manufacture or handling or storage or disposal of hazardous substances in the CRZ, with a view to ensuring livelihood security to the fisher communities and other local communities living in the coastal areas, and to conserve and protect coastal stretches and its unique environment. These Notifications promote sustainable development based on scientific principles taking into account the likely impact of natural hazards in the coastal areas and sea level rise due to global warming.

In coastal regions of India, the project proponents need to obtain clearance for carrying out any proposed activities specifically for the project location with respect to the CRZ. To ensure clarity and uniformity in preparation of CRZ maps as per the approved Coastal Zone Management Plans (CZMPs) prepared under the Coastal Regulation Zone (CRZ) Notification, 2019, this manual containing Standard Operating Procedures (SOP) has been prepared.

This is a very important initiative of the Ministry to harmonize the methodology for the preparation of site specific CRZ Maps and 7 km Radius CRZ Map as per provisions under the CRZ Notification, 2011/2019 and IPZ/ICRZ Notification, 2011/2019. I complement the CZMP Technical Scrutiny Committee in bringing out this valuable publication. Thanks are due to Shri Tanmay Kumar, Additional Secretary and Dr. Sujit Bajpayee, Joint Secretary for their contribution and value addition to this SOP.

SR Nayak 15/6

Dr. Shailesh R Nayak,
Director, National Institute of Advanced Studies, Bengaluru &
Chairman, CZMP Technical Scrutiny Committee



ACKNOWLEDGEMENT

On behalf of the Committee for Preparation of the Standard Operating Procedure (SOP) for Preparation of Site Specific CRZ Maps on 1:4000 Scale and 7 km Radius CRZ Map on 1:25,000 Scale as per CRZ Notification, 2011/2019 and IPZ/ICRZ Notification, 2011/2019 (SOP on CRZ Mapping), the names of contributors listed below, are acknowledged for their technical expertise and contributions to the proceedings of the Committee, preparing the SOP Manual and for reviewing the draft SOP on CRZ Mapping.

CONTRIBUTORS TO THE SOP ON CRZ MAPPING

1. Dr. Shailesh R Nayak – Former Secretary, MoES, Govt. of India & Director, NIAS & Chairman, CZMP - Technical Scrutiny Committee
2. Dr. R Ramesh, Director, NCSCM, MoEF&CC
3. Shri. M Dharma Raj, Former Additional Surveyor General, Survey of India
4. Dr. K V Thomas, Former Scientist-G, NCESS, MoES
5. Dr. Anjali Bahuguna, Former Scientist-G, SAC, Ahmedabad, DoS
6. Dr. B R Subramanian, Former Director, ICMAM-PD, MoES
7. Dr. Badarees, K O Scientist 'D', NCSCM, MoEF&CC
8. Dr. Manik Mahapatra, Scientist 'B', NCSCM, MoEF&CC
9. Director, National Centre for Earth Sciences Studies (NCESS), MoES
10. Director, Institute of Environmental Studies & Wetland Management, Kolkata

We are thankful to the Technical Scrutiny Committee and the authorized agencies for providing their expert inputs in the preparation of the SOP.



Dr R. Ramesh
Director, NCSCM



Dr. Shailesh R Nayak
Chairman, TSC



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LIST OF ABBREVIATIONS

CRZ	Coastal Regulation Zone
CVCA	Critically Vulnerable Coastal Area
CZMP	Coastal Zone Management Plan
CZMA	Coastal Zone Management Authority
DEM	Digital Elevation Models
ESA	Ecologically Sensitive Areas
GIS	Geographic Information System
HTL	High Tide Line
IESWM	Institute of Environmental Studies & Wetland Management
IMP	Integrated Management Plan
IIMP	Integrated Island Management Plans
IPZ	Island Protection Zone
ICRZ	Island Coastal Regulation Zone
IRS	Institute of Remote Sensing
LTL	Low Tide Line
LWL	Low Water Level
MOEF&CC	Ministry of Environment, Forest and Climate Change
MOES	Ministry of Earth Sciences
NCESS	National Centre for Earth Science Studies
NCSCM	National Centre for Sustainable Coastal Management
NCZMA	National Coastal Zone Management Authority
NDZ	No Development Zone
NHO	National Hydrographic Office
NIO	National Institute of Oceanography
NIOT	National Institute of Ocean Technology
SAC	Space Applications Centre
SoI	Survey of India
SOP	Standard Operating Procedure





1

INTRODUCTION



Introduction

The Ministry of Environment, Forest & Climate Change (MoEF&CC), Government of India issued the Coastal Regulation Zone (CRZ) Notification, 2019 on 18th January 2019. The CRZ Notification 2019 defines the CRZ areas to include the land area from HTL to 500 m on the landward side along the seafront as well as the land area between HTL to 50 m or width of the creek, whichever is less, on the landward side along tidal influenced water bodies connected to the sea. The CRZ also includes the entire water and the bed area between the LTL to the territorial water limit (12 Nm) in case of sea and the water and the bed area between LTL at the bank and the LTL on the opposite side of the bank, of tidal influenced water bodies. The SOP contains guidelines for preparation of CRZ maps as per the approved Coastal Zone Management Plans (CZMPs) prepared under the Coastal Regulation Zone (CRZ) Notification, 2019.

The Ministry of Environment, Forest & Climate Change (MoEF&CC), Government of India had earlier issued the CRZ Notification, 2011 on the 6th of January 2011, the Island Protection Zone (IPZ) Notification, 2011 and the Island Coastal Zone Regulation (ICRZ) Notification, 2019, for the environmental management of Andaman and Nicobar and Lakshadweep Islands. Provisions of CRZ Notification, 2011, CRZ Notification,

2019, IPZ Notification, 2011 and ICRZ Notification, 2019 have been included separately in the Standard Operating Procedure (SOP), to help prepare the CRZ maps as per the CRZ Notification, 2011, IPZ Notification, 2011 and ICRZ Notification, 2019, as the case may be and as per the corresponding approved CZMPs/ICRZ plans/IIMPs. Thus, the SOP is equally applicable to CRZ Notification, 2011, IPZ Notification, 2011 and ICRZ Notification, 2019.

1.1. Objectives

The objectives set out in the CRZ notification, 2019 are as follows:

- To conserve and protect the unique environment of coastal stretches and marine areas.
- To ensure livelihood security to the fisher communities and other local communities in the coastal areas.
- To promote sustainable development based on scientific principles taking into account the dangers of natural hazards and sea level rise due to global warming.

The Objective of the SOP is to enable preparation of CRZ maps as per the approved Coastal Zone Management Plans (CZMP) prepared under the Coastal Regulation Zone (CRZ) Notification, 2019.

1.2. Background and Elements of the Standard Operating Procedures (SOP)

As per the CRZ notification 2019, the following, among others, are the requirements for CRZ clearance for permissible and regulated activities.

- CRZ map in 1:4000 scale, drawn up by any of the agencies identified by the Ministry of Environment, Forest and Climate Change vide its Office Order Number J-17011/8/92-IAIII, dated the 8th August 2019, using the demarcation of the HTL or LTL, as carried out by NCSCM.
- Project layout superimposed on the CRZ map indicating the project boundaries and the CRZ category of the project location as per the approved Coastal Zone Management Plan prepared under this notification.
- The CRZ map normally covering 7 km radius around the project site also indicating the CRZ-I, II, III and IV areas including other notified ecologically sensitive areas.

Thus, a need was felt to prepare a Standard Operating Procedure (SOP) to ensure uniformity in preparation of CRZ Maps for the purpose of CRZ clearance, being prepared by the above mentioned seven authorised agencies. These standard operating procedures focus on the methods, processes, and requirements for preparation of the following CRZ mapping products:

- CRZ map of project site on 1:4000 scale.
- CRZ map on 1:25,000 scale covering an area of 7 km radius from the project site.
- CRZ report.

The following are the agencies authorised by the Ministry of Environment, Forest and Climate Change (MoEF&CC), Government of India, for demarcation of the High Tide Line (HTL), Low Tide Line (LTL) and Coastal Regulation Zone (CRZ).

1. Space Applications Centre (SAC), Ahmedabad
2. National Centre for Earth Science Studies (NCESS), Trivandrum
3. Institute of Remote Sensing (IRS), Anna University, Chennai
4. Institute of Environmental Studies & Wetland Management (IESWM), Kolkata
5. National Institute of Oceanography (NIO), Goa/ Mumbai
6. National Institute of Ocean Technology (NIOT), Chennai
7. National Centre for Sustainable Coastal Management (NCSCM), Chennai

1.3. Coastal Zone Management Plan (CZMP):

As per CRZ Notification 2019, Coastal Zone Management Plans (CZMP) have to be prepared by the coastal States/ UTs on 1: 25,000 scale, identifying and classifying the CRZ areas within the respective territories in accordance with the guidelines for preparation of the CZMP given in the Annex of the notification, which involves public consultation. All developmental activities listed in the notification shall be regulated by the State Government, Union Territory Administration, the local authority or the concerned CZMA within the framework of such approved CZMPs as the case may be, in accordance with provisions of the notification.

1.4. CRZ for inland backwater islands and islands along mainland coast

As per provisions contained in para 10.2 of CRZ Notification, 2019, CRZ of 20 meters from the HTL on the landward side shall uniformly apply to the inland backwater islands and islands along mainland coast. Integrated Island Management Plans (IIMP), as applicable to smaller islands in Lakshadweep and Andaman & Nicobar Islands shall be formulated by respective States or Union Territory for all such islands and submitted to Ministry of Environment, Forest and Climate Change for approval and till the IIMPs are framed and approved, provisions of CRZ notification 2019 shall not apply and the CZMP as per provisions of CRZ Notification 2011 shall continue to apply.

Thus, CRZ of 500m/ 200m/ 100m/ 50m/ width of river and 20m from HTL and appropriate NDZ shall be marked in these Islands with a note that the NDZ of 20 m shall apply only after IIMPs are framed, and till then the provisions of CRZ Notification 2011 (500m/ 200 m/ 100m/ 50m / width of river) shall continue to apply.

1.5. CRZ Map as per Approved CZMPs

As per CRZ Notifications 2019, the site- specific CRZ maps on 1:4000 scale for CRZ clearance for permissible and regulated activities, have to be prepared based on the approved CZMPs. The HTL, LTL and CRZ categories of the project site and adjoining areas have to be maintained the same as per the approved CZMPs.

1.6. Present status of the site based on HTL/ LTL/ ESA

During the field survey and investigation carried out for CRZ mapping, if any change is noticed in the status of the project site in terms of the approved HTL, LTL & ESA, then these changes should be explained in the CRZ report with appropriate maps, for the CZMA/MoEFCC authorities to take decision regarding revision of the CZMP, if required. State CZMAs have to examine the reasons provided on changes in HTL/ LTL etc., observed in comparison to HTL/ LTL etc., and record their comments/ recommendations before forwarding to NCZMA for approval of changes in HTL/ LTL in the map. If reasons given by the agency which has drawn the map are unacceptable, SCZMA shall guide the concerned agency to redraw the HTL/ LTL appropriately/ to draw in accordance with approved CZMP.

However, as per the CRZ Notification 2019, the concerned Coastal Zone Management Authority shall examine the documents for CRZ clearance in accordance with the approved Coastal Zone Management Plans.







2

COMPONENTS AND CONTENTS OF A CRZ MAP

2

Components and Contents of a CRZ Map

The following are the cartographic components that are to be incorporated in a CRZ map layout.

- a. Data frame/body of map: The portion of the map that displays data.
- b. Legend: For decoding the symbology used in the data frame.
- c. Title: Description of the subject matter of the map such as "CRZ map of the ---- area for the ---- project" or "CRZ map covering 7 km radius around the project site of".
- d. North arrow: For proper orientation.
- e. Scale: Ratio of map distance to ground distance. Both scale bar and scale ratio are given.
- f. Citation: Metadata such as source, datum, projection, caveats, foot notes etc are given.
- g. Border: is the frame of lines which encloses the map.
- h. Margin: is the space outside the border of a map.
- i. Inset: A smaller locator map featured in the same page as the main map. Shows an area in the main map on a larger scale.
- j. Outtrigger: Small areas extending to adjoining sheets/maps can be depicted as extensions in the same map, for the sake of continuity.
- k. Index to adjoining sheets: Index showing the relative positions/ numbers of all sheets/maps covering the area of interest (state/district/ project site etc).
- l. Certification by the authorized agency: CRZ Map has to be signed and certified by the authority of the concerned authorized agency.

'Contents of a map' refers to the various kinds of data that are displayed in the data frame/body of the map. In a CRZ map, the contents will include, among others, HTL, LTL, ESAs, CRZ categories, CVCAs, Cadastral information, other coastal land use such as roads, settlements etc, project layout plans, grid, labels/names/ descriptive remarks, latitudes/ longitudes etc.

2.1. High Tide Line (HTL) and Low Tide Line (LTL)

The CRZ Notification 2019 defines the High Tide Line (HTL) as the line on the land upto which the highest water line reaches during the spring tide. Typical geomorphologic features which are discernible in aerial photographs and satellite images can be used for HTL demarcation; e.g. berms, cliffs, sand dunes, headlands, etc. Other features like

line of permanent terrestrial vegetation, upper limit of mangroves and flotsam are indicators of the reach of tide into land. Coastal protection structures such as seawall, embankment, bunds and revetments also limit the intrusion of tide and can be easily detected in images. Such features are time tested to withstand the onslaught of the highest of the high spring tides. Hence, HTL (line of maximum reach of tide into the land during spring tide) can be demarcated with respect to these features.

The detailed methodology for demarcation of HTL and LTL are given in Chapter 2 of the 'Manual on Demarcation of High Tide Line and Low Tide Line and Preparation of CZMP of the Coast of India' published in the NCSCM website at https://www.ncscm.res.in/cms/more/pdf/reports/htl_manual.pdf. The manual was commissioned by the Ministry of Environment, Forest and Climate Change and has been prepared by a Committee comprising all authorised agencies and chaired by Dr Shailesh R Nayak, Former Secretary, MoES, Government of India.

2.2. Ecologically Sensitive Areas (ESA)

The following are the Ecologically Sensitive Areas (ESAs) notified in the CRZ Notification 2019.

- Mangroves, in case mangrove area is more than 1000 sq mts, a buffer of 50 meters along the mangroves shall be provided.
- Mangroves in private land will not require a buffer zone.
- Corals and coral reefs and associated biodiversity;
- Sand Dunes;
- Mudflats which are biologically active;
- National parks, marine parks, sanctuaries, reserve forests, wildlife

habitats and other protected areas under the provisions of Wild Life (Protection) Act, 1972 (53 of 1972), the Forest (Conservation) Act, 1980 (69 of 1980) or Environment (Protection) Act, 1986 (29 of 1986).

- Salt Marshes;
- Turtle nesting grounds;
- Horseshoe crab habitats;
- Sea grass beds;
- Nesting grounds of birds;
- Areas or structures of archaeological importance and heritage sites.
- Eco-Sensitive Zones.

As per the CRZ Notification, 2019, a detailed Environment Management Plan (EMP) shall be formulated by the States and Union Territories for such ecologically sensitive areas in respective territories, as mapped by the National Centre for Sustainable Coastal Management (NCSCM), Chennai, based on guidelines as contained in Annex-I to the CRZ Notification, 2019 and integrated with the CZMP.

2.3. Critically Vulnerable Coastal Areas (CVCA)

As per the CRZ Notification, 2019, Sundarban region of West Bengal and other ecologically sensitive areas identified as under Environment (Protection) Act, 1986 such as Gulf of Khambat and Gulf of Kachchh in Gujarat, Malvan, Achra-Ratnagiri in Maharashtra, Karwar and Coondapur in Karnataka, Vembanad in Kerala, Gulf of Mannar in Tamil Nadu, Bhaitarkanika in Odisha, Coringa, East Godavari and Krishna in Andhra Pradesh shall be treated as Critical Vulnerable Coastal Areas (CVCA) and managed with the involvement of coastal communities including fisherfolk who depend on coastal resources for their sustainable livelihood. For all the CVCA mentioned above, Integrated Management Plans (IMPs)

shall be prepared, which shall, inter alia, keep in view the conservation and management of mangroves, needs of local communities, such as dispensaries, schools, public rain shelter, community toilets, bridges, roads, jetties, water supply, drainage, sewerage and the impact of sea level rise and other natural disasters and the IMPs will be prepared in line with the guidelines for preparation of Coastal Zone Management Plan. The IMPs shall be prepared using the demarcation of CVCA as carried out by NCSCM, MoEF&CC and incorporated in the approved CZMPs.

2.4. CRZ Categories

CRZ Notification 2019 contains details of classification of CRZ areas into CRZ-IA, CRZ-IB, CRZ-II, CRZ-III, CRZ-IIIA, CRZ-IIIB, CRZ-IVA, CRZ-IVB, including details about various No Development Zones (NDZ). A diagrammatic representation of the classification as per CRZ-2019 is given in Figure

It is to be noted that the 20 m CRZ/NDZ for Islands indicated in the Figure 2 for CRZ-2019 is applicable only after the IIMPs are framed for the Islands as per para 10.2 of CRZ notification, 2019. Until then the provisions of CRZ Notification 2011 (500m/200 m/100m/width of river/50m etc) shall continue to apply.

2.5. Other Coastal Features

In addition to HTL, LTL, ESA and CRZ, and other coastal features such as Roads, Railways, Port, Harbour, jetty, built-up areas, parks, beach, water bodies etc. also have to be incorporated in the CRZ maps for proper referencing of the project site with respect to these coastal features.

2.6. Cadastral Data/ Information

The Cadastral data certified by the Revenue departments should be used. The State Governments have digitized the cadastral maps and the same digital data can be used. NCSCM also has database of cadastral maps, except for Odisha and West Bengal. If there is no change in the status of the cadastral maps, the Cadastral maps/Survey plots data appearing in the approved CZMP may also be used. If the Cadastral maps are in hard copy format, then these need to be properly geo-referenced and digitised before incorporating in the CRZ maps.

2.7. Project layout plans

Project layout plans may be obtained from the project proponents as geo-referenced Shapefiles/kml files. If the layout plans are in hard copy format, these need to be properly geo-referenced and digitised before incorporating in the CRZ maps.

2.8. Map Design, Legend, Symbology and Layout

Map design is the process of creating the appearance of a map and applying the principles of cartography of how maps are used, to create a map that has both aesthetic appeal and practical utility. An optimum design of a map needs to be achieved to ensure consistency in the level of detail, accuracy and appearance. A prime goal is to help users read and interpret the maps quickly and easily. This concept applies equally to CRZ maps which play an important role in helping to maintain the integrity of the coast while promoting development at the same time.

A map symbol is a graphical device used to visually represent a real-world phenomenon on a map. Symbols are small pictures that stand for different features on a map. A symbol is often drawn to look like what it represents. Symbols are of different kinds, such as point symbols, line symbols, area symbols, planar symbols (e.g. a dot '.' representing a location), profile symbols (e.g. a tree symbol), conventional symbols and as-surveyed symbols.

A map legend is a visual explanation of the symbols used on the map. It typically includes a sample of each symbol (point, line, or area) and a short description of what the symbol means. The legend is a graphical representation of information.

A well designed CRZ map with appropriate level of detail, labels, symbology, legend, other mapping components and layout will help in taking decisions for CRZ clearance for permissible and regulated activities in CRZ areas. A sample legend showing the various symbols in a CRZ map is enclosed as Annex-2. A sample CRZ map is enclosed as Annex-3. The checklist of CRZ map features is at Annex-4.

NCSCM will provide a standard map document (. mxd)/GIS layout with standard set of legends to which the authorized agencies can incorporate additional features, as per site-specific requirements.









3

CRZ MAPPING PROCESS

3

CRZ Mapping Process

3.1. Collection of project layout plans and other project related data

- Proposed Project Site Boundary authenticated by authorities, proposed project layout, cadastral map/base map etc to be collected from the client
- Collection of approved CZMP/IIMP/ICRZ Maps including revised editions if any.
- Collection of SOI topographical map sheet, Hydrographic chart, Satellite imagery, etc.

3.2. Preparation of pre-field draft CRZ map on 1:4000 scale

- Geo rectification of raster images and processing
- Delineation/extracting of HTL, LTL, ESAs, etc as per approved CZMPs/IIMP/ICRZP.
- Demarcation of CRZ lines such as 500m, 200, 50m etc as applicable as per the CRZ/ ICRZ notification 2019 applicable for the project site.
- Classification of CRZ as per approved CZMPs/IIMP/ICRZP.
- Superimposition of HTL, LTL, ESAs, CRZ lines and CRZ classification etc on the cadastral map
- Preparation of pre-field draft CRZ

- map on 1:4000 scale using standard colour codes, symbols and legend.

3.3. Field investigation

- Field survey date/month to be noted.
- Equipment used for the field investigations such as GPS, DGPS, Optical instruments, salinometer, etc to be arranged.
- Collection of coordinates of HTL, ESAs, land use/geomorphological features, in case there are changes in the ground with respect to the approved CZMP.
- Survey of existing infrastructure, etc.
- Ground Control Point data collection for cadastral maps, proposed project boundary and project layout.
- Verifying the pre-draft CRZ Map in the field.
- Supporting photographs from CRZ point of view relevant to the field site and also to show changes in HTL/ESA/LTL etc.
- Additional information may be collected during the field investigations, to show the changes in the ground with respect to the approved CZMP.

3.4. Preparation of post-field revised draft CRZ map on 1:4000 scale

- Processing of the GPS/DGPS/Other instrument data and verifying/ comparing data/ features mapped in the pre-draft CRZ map in GIS software (ArcMap)
- Pre-draft CRZ map to be modified based on the field information
- Preparation of draft CRZ Map on 1:4000 scale using standard colour codes, symbols and legend.
- Place names, forest boundaries, roads etc may be taken from SOI topo sheets.
- Comparing the CRZ map with the approved CZMP/IIMP/ICRZ map.
- If major changes are observed on ground with respect to HTL/LTL/ESAs, these changes should be explained in the CRZ report with appropriate maps, tables and photographs, for the CZMA authorities to take a decision regarding revision of the CZMP, if required.
- However, as per the CRZ Notification 2019 the concerned Coastal Zone Management Authority shall examine the documents for CRZ clearance in accordance with the approved Coastal Zone Management Plans/ ICRZ plans/IIMPs, as the case may be.

3.5. Review by the Client

- The draft CRZ map is subsequently sent to the client for comments and acceptance. Acceptance by the Client is limited only to the project details such as project layout plans, boundaries etc and not for HTL/LTL/ ESA/CRZ.

3.6. Preparation of 7 km radius CRZ Map on 1:25000 scale

- The 7 km radius CRZ Map on

1:25000 scale will be prepared as per the approved CZMPs, superimposing the proposed project site boundary/ layout.

- For large project sites such as highways, a series of '7 km radius CRZ maps' has been prepared on 1: 25,000 scale, to cover the entire project site.
- The approved CZMP maps which are also on 1:25,000 scale can be used for this purpose.
- Care must be taken to ensure that the 7 km radius CRZ maps on 1:25,000 scale cover all areas of the project site as well as areas which are within 7 km from the boundary of the project site.
- The project layout plans also need to be superimposed on the 7 km radius CRZ maps on 1:25,000 scale.
- For large project sites, an index map also has to be prepared with proper numbering system, showing the entire project site and the incidence of the series of CRZ maps.

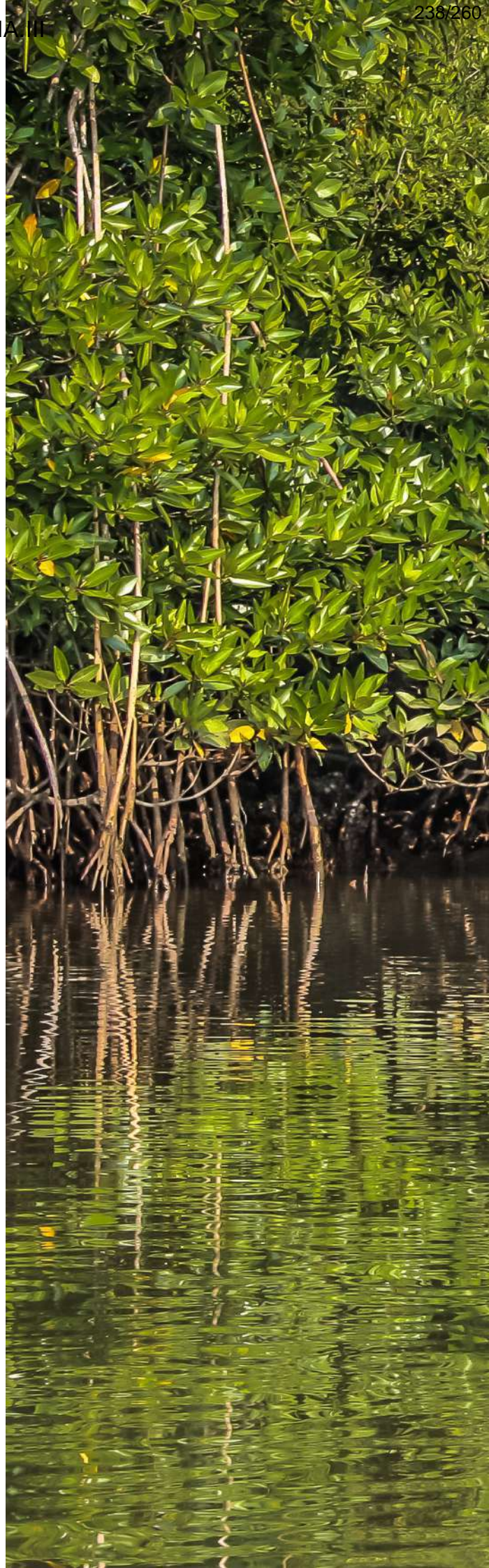
3.7. Finalisation of the site specific CRZ map on 1:4000 scale and 7 km radius CRZ map on 1: 25,000 scale

- The comments or the suggestions received from the client will be reviewed as per the provisions of the CRZ/IPZ/ICRZ Notification 2019 and the draft maps will be modified accordingly, if necessary.
- After acceptance draft CRZ map by the client, the final CRZ map on 1:4000 scale and 7 km radius CRZ map on 1:25000 scale will be finalized using standard colour codes, symbols, legends, etc. Acceptance by the Client is only with respect to the project details such as project layout plans, boundaries etc and not for HTL/LTL/ ESA/CRZ.
- The final CRZ Maps have to be signed and certified by the authority of the concerned authorized agency.

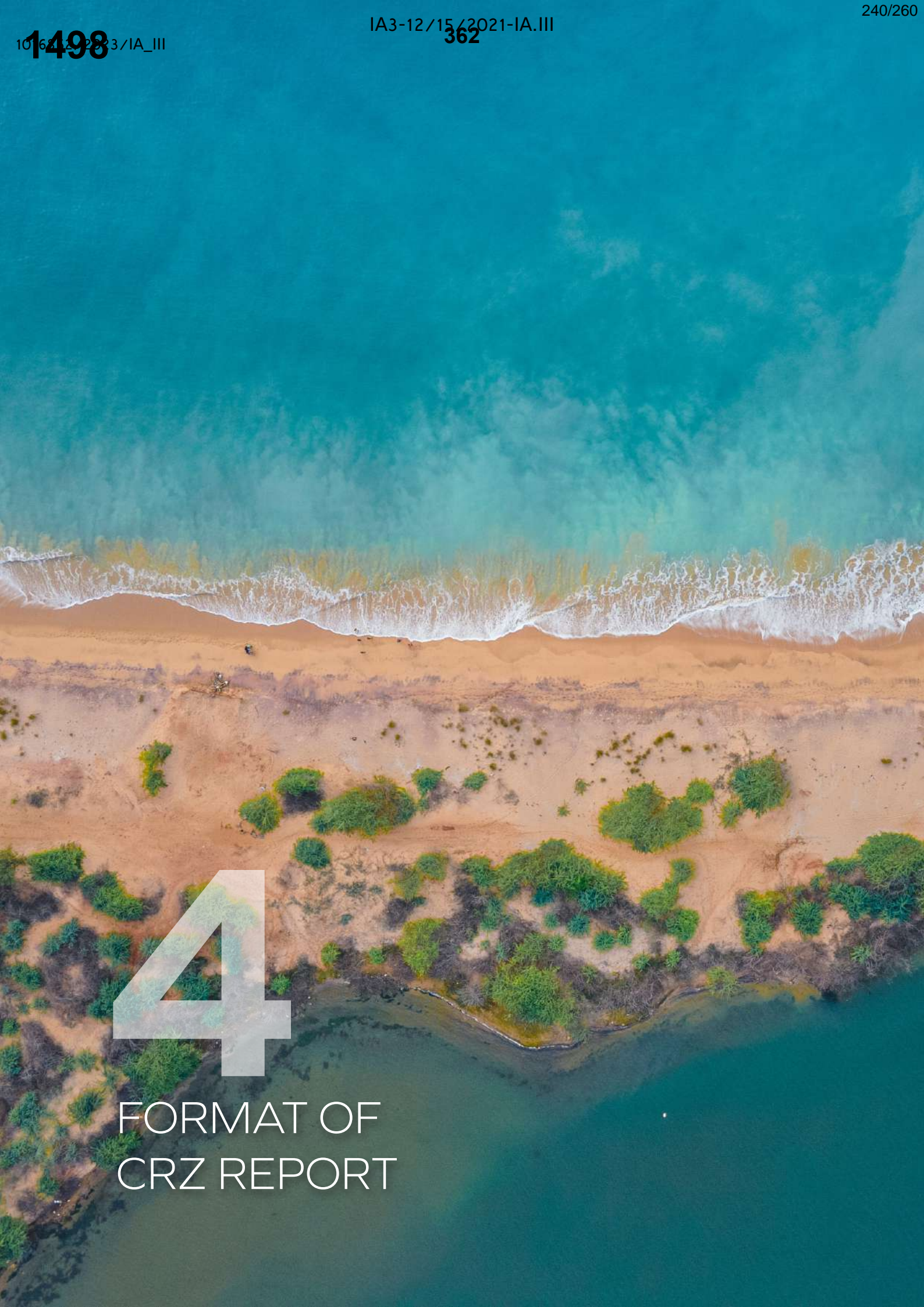
- Land use / land cover maps may be prepared along with the CRZ maps.

3.8. Preparation of CRZ report

- The draft CRZ report will be prepared based on the format given below and sent to the client for acceptance/comments/suggestions. Acceptance by the Client is only for the project details such as project layout plans, boundaries etc and not for HTL/LTL/ESA/CRZ.
- If major changes are observed on ground with respect to the approved HTL/LTL/ ESAs, these changes should be explained in the CRZ report with appropriate maps, tables and photographs, for the CZMA/MoEFCC authorities to take a decision regarding revision of the CZMP, if required.
- However, as per the CRZ notification 2019 the concerned Coastal Zone Management Authority shall examine the documents for CRZ clearance in accordance with the approved Coastal Zone Management Plans/ICRZ plans/IIMPs, as the case may be.
- After incorporating the acceptable comments/suggestions received from the client, the final report will be submitted to the client along with CRZ map on 1:4000 Scale and 7km radius CRZ map on 1:25000 scale.
- It should be mentioned in the CRZ report that the site specific CRZ map has been prepared using the demarcation of the HTL or LTL, as carried out by NCSCM (par 8.1 (e) of the CRZ Notification 2019) and the CRZ categories are as per the categorisation provided in the approved and published CZMP (par 8.1 (e) of the CRZ Notification 2019).







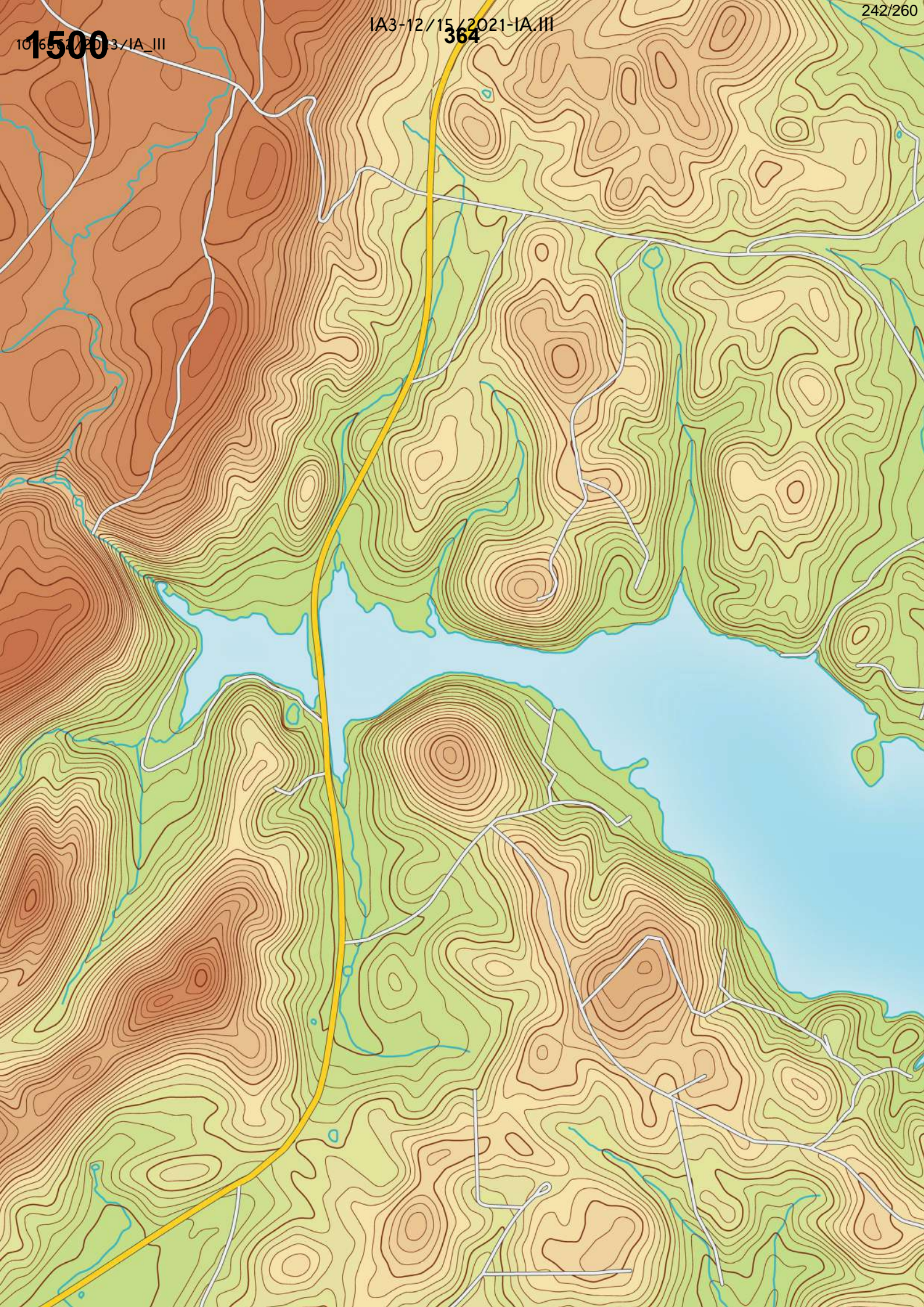
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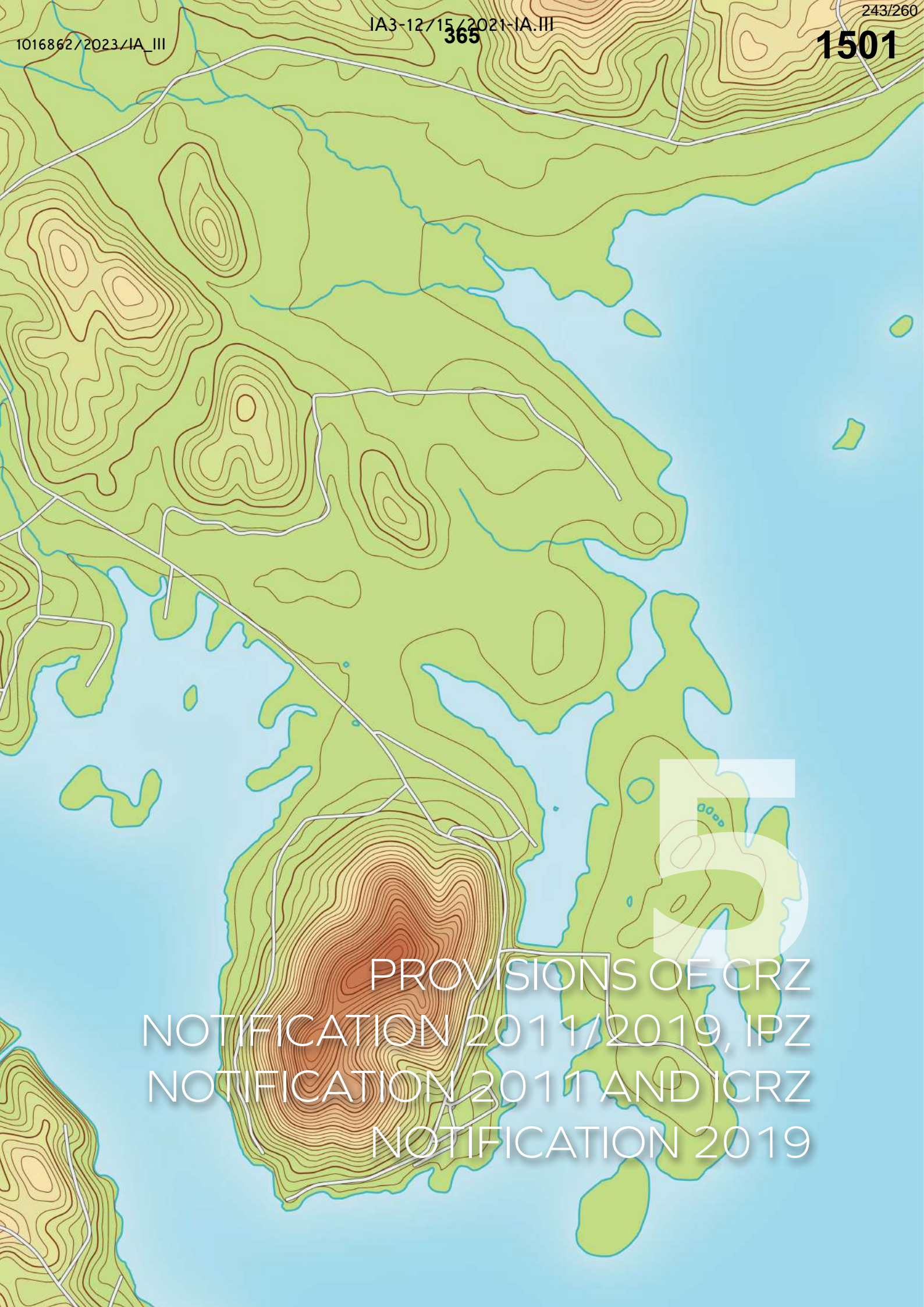
FORMAT OF CRZ REPORT



Format of CRZ Report

- Introduction (Brief Description of the project)
- Objective(s)
- Project Location (Map/Figure with Lat. Long of the project site)
- Approach & Methodology (About CRZ/ICRZ/ IIMP Notification 2019)
- Base map (Description about Cadastral maps used)
- Data Used
- Tide (Nearest Tide data/NHO tide chart)
- Field investigations
- Land use, land cover and geomorphology
- Approved HTL, LTL ESA with respect to the project site, with corresponding map
- Coastal Regulation Zone map of the project site
- Proposed Project Activities
- CRZ/IIMP/ICRZ Map with respect to the approved CZMP/IIMP/ICRZ Plans
- Present status of the site based on HTL/LTL/ESA
- Summary and Conclusions
- Plates/Field Photos, Figures/Maps and Appendix.
- References





PROVISIONS OF CRZ
NOTIFICATION 2011/2019, IPZ
NOTIFICATION 2011 AND ICRZ
NOTIFICATION 2019

5

Provisions of CRZ Notification 2011/2019, IPZ Notification 2011 and ICRZ Notification 2019

The Ministry of Environment, Forest & Climate Change (MoEF&CC), Government of India issued the Coastal Regulation Zone (CRZ) Notification, 2011 on the 6th of January 2011, the IPZ Notification 2011 on the 6th of January 2011, the CRZ Notification, 2019 on 18th January, 2019 and the ICRZ Notification 2019 on the 8th of March, 2019. Various provisions contained in CRZ Notification 2011, CRZ Notification, 2019, IPZ Notification 2011 and ICRZ Notification 2019 are given below, to help prepare the CRZ maps as per CRZ Notification, 2011, IPZ Notification, 2011, CRZ Notification, 2019, and ICRZ Notification, 2019, as the case may be and as per the corresponding approved CZMPs/ICRZ plans/IIMPs. Thus, the SOP is equally applicable to CRZ Notification, 2011, IPZ Notification, 2011, CRZ Notification, 2019, and ICRZ Notification, 2019.

5.1. Provisions of CRZ Notification 2011

The CRZ Notification 2011 defines the CRZ areas to include the land area from HTL to 500 m on the landward side along the seafront as well as the land area between HTL to 100 m or width of the

creek, whichever is less, on the landward side along tidal influenced water bodies connected to the sea. The CRZ also includes the entire water and the bed area from the LTL to the territorial water limit (12 Nm) in case of sea and the water and the bed area from LTL at the bank to the LTL on the opposite side of the bank, of tidally influenced water bodies.

CRZ-2011 also provides for a No Development Zone of 200m from the HTL along the seafront. CRZ - III areas along tidally influenced water bodies are also earmarked as "No Development Zone (NDZ). NDZ shall not be applicable in such area falling within any notified port limits. Construction/reconstruction of dwelling units of traditional coastal communities including fisherfolk may be permitted between 100 and 200 meters from the HTL along the seafront. A buffer zone of 50 m along mangrove areas of more than 1000 sq mts, stipulated with a different colour distinguishing from the mangrove area, are to be marked as CRZ-IA. CRZ Notification 2011 may be referred to for further details of CRZ classifications and corresponding regulations. A diagrammatic representation of the classifications in respect of CRZ-2011 is given in Figure 2.

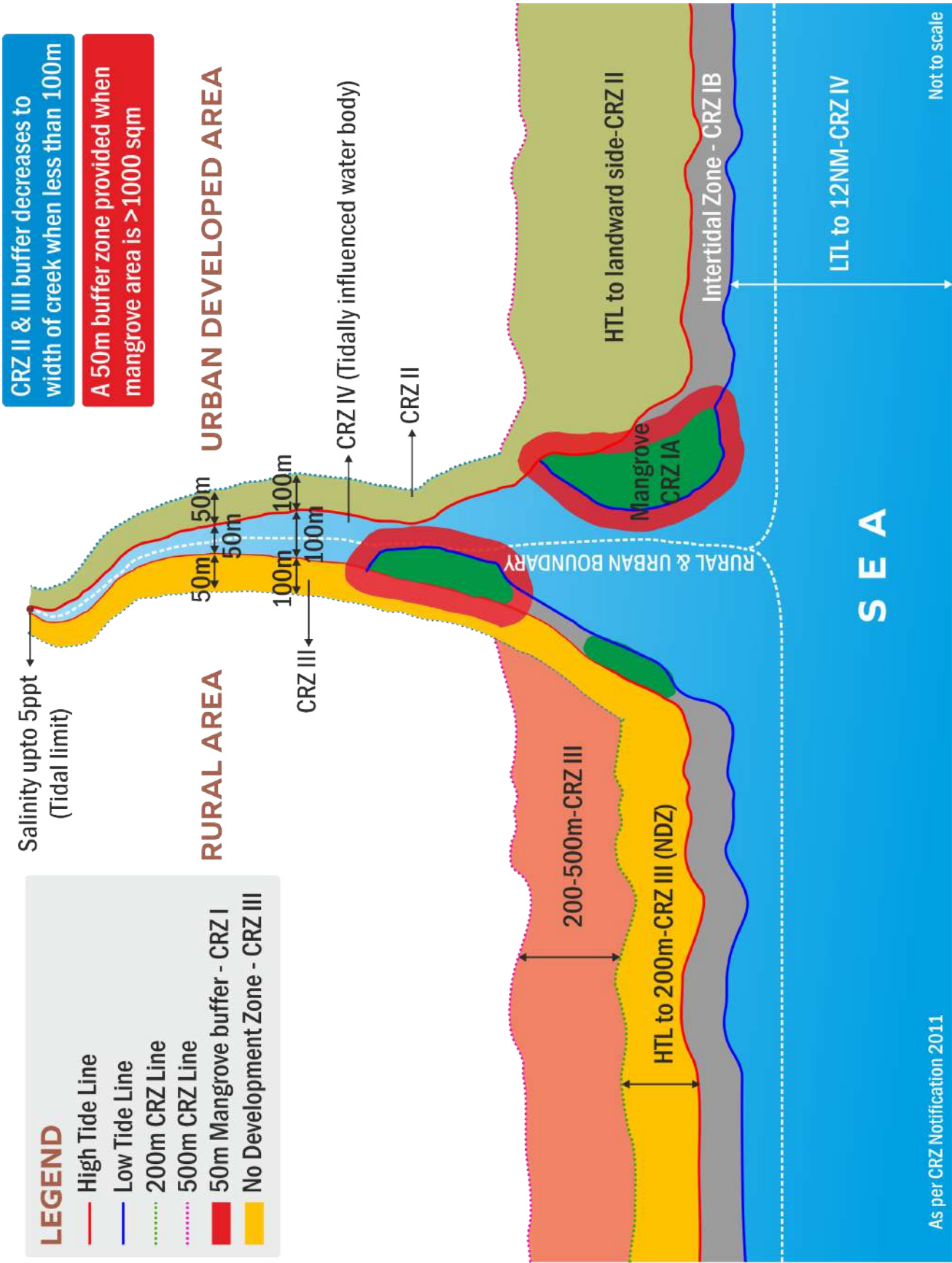


Figure 2: Schematic representation of regulatory features in CRZ Notification 2011

5.2. Comparison between CRZ Notifications 2011 and 2019 for CRZ mapping

Sl. No	Item	CRZ Notification 2011	CRZ Notification 2019
1	Authorised agency for demarcation of HTL, ESA & CVCA	-	NCSCM
2	CRZ (as NDZ) along the tidal-influenced water bodies	100 m or width of the water body, whichever is less	50 m or width of the water body, whichever is less
3	CRZ (as NDZ) for Islands in backwaters of Kerala)	50 m	20 m
4	CRZ for Offshore Islands of the mainland	500 m	20 m
5	Mangrove buffers for 1000 sq. m or more area	50 m	50 m only for Govt. land. No buffer for private Mangrove land
6	NDZ in CRZ-III	200 m	CRZ-IIIA (population density > 2161): 50 m CRZ-IIIB (population density < 2161): 200 m
7.	Tourism activities in CRZ I	No	Eco-tourism activities such as mangrove walks, tree huts, nature trails, etc. permitted in CRZ-IA in accordance with the ecotourism plan. <u>Eco Tourism plan will be part of CZMP.</u> Further subject to environmental safeguards and precautions related to the ESAs, as enlisted in the CZMP.
8.	Salt marshes	Doesn't make distinction between salt marshes based on the biodiversity they support. No mention of their conversion to salt pans.	Certain salt marshes which have less biodiversity, <u>identified by NCSCM and demarcated in Coastal Zone Management Plan</u> can be considered for salt pan activities.
9.	Construction of Temporary tourism facilities	NA	Allows temporary tourism facilities on beaches and NDZ subject to tourism plan. Tourism plan will be part of CZMP. Further subject to environmental safeguards enlisted in the CZMP. Minimum distance of 10 meter from HTL shall be maintained for setting up of such facilities. Allows construction of temporary tourism facilities on seaward side of a highway and resorts/hotels on landward side of a highway in NDZ as per conditions or guidelines at Annexure-III. Resort/hotels would be permitted subject to the incorporation of tourism plan in the CZMP.

Sl. No	Item	CRZ Notification 2011	CRZ Notification 2019
10.	Houses in CRZ III	Allows construction of dwelling units for coastal communities after first 100 meters from HTL.	Allows construction of houses for local communities in CRZ III areas beyond the NDZ (50 m in CRZ-IIIA/200 m in CRZ-IIIB)
11.	Koliwadadas in Mumbai	To be demarcated as CRZ - III	Not mentioned.
12.	Khazan land	Khazans shall be mapped. Mangroves along such as khazan land shall be protected. No developmental activities shall be permitted in the khazan land.	NA
13	Low and medium Eroding areas	Comprehensive EIA with cumulative studies for projects in the stretches classified as low and medium eroding by MoEF based on scientific studies and in consultation with the State Governments and Union territory Administration.	Comprehensive EIA with cumulative studies for projects if located in low and medium eroding stretches, <u>as per the CZMP</u> to this notification.
14	Biologically active mudflats	-	Biologically active mudflats shall be identified by NCSCM in association with State Governments or Union territory administrations.
15	Areas requiring special consideration	CRZ areas falling within municipal limits of Greater Mumbai, Kerala, Goa and CVCAs.	CVCAs, inland backwater islands and islands along mainland coast and CRZ areas falling within municipal limits of Greater Mumbai.
16	CRZ-IVB	Water area of the tidal influenced water body from the mouth of the water body at the sea upto the influence of tide.	Water area and the bed area from LTL at the bank of the tidal influenced water body to the LTL on the opposite side of the bank, extending from the mouth of the water body at the sea up to the influence of tide.

5.3. Provisions of Island Protection Zone (IPZ) Notification 2011 (IPZ-2011)

The IPZ Notification 2011 provides for preparation of Island Coastal Regulation Zone (ICRZ) plans for the bigger Islands of Andaman and Nicobar Islands namely, Middle Andaman, North Andaman, South Andaman, Greater Nicobar, Baratang, Car Nicobar, Long Island, Little Andaman, Neil Island (Shaheed Dweep) and Havelock Island (Swaraj Dweep). The remaining Islands of the Andaman and Nicobar Islands and all Islands of the Lakshadweep Islands shall be managed based on the IIMPs to be prepared as per the guidelines given in the IPZ Notification 2011.

Island Coastal Regulation Zone Plan (ICRZP):

ICRZ has been defined as the land area from the HTL to 500 meters on the landward side along the sea front for the bigger Islands of Andaman and Nicobar Islands namely, Middle Andaman, North Andaman, South Andaman, Greater Nicobar, Baratang, Car Nicobar, Long Island, Little Andaman, Neil Island (Shaheed Dweep) and Havelock Island (Swaraj Dweep). The ICRZ shall also apply to the land area between HTL and 100 meters or width of the creek, whichever is less on the landward side along the tidal influenced water bodies that are connected to the sea. The ICRZ also includes the water and the bed area between the LTL and the territorial water limit (12 Nm) in case of sea and the water and the bed area from LTL at the bank to the LTL on the opposite side of the bank, of tidal influenced water bodies such as bays, estuaries, rivers, creeks, backwaters and lagoons.

Integrated Island Management Plans (IIMP)

All the smaller Islands in the Andaman and Nicobar group other than those listed under the ICRZ categories and all Islands of the Lakshadweep, shall be managed through the respective Integrated Island Management Plans (IIMP), which shall be formulated by respective Union Territory administration for all such Islands as per guidelines contained in the notification. The IIMP shall be prepared indicating therein all present and future developments, conservation and preservation schemes with a time frame of ten years. The No Development Zone in the IIMP Islands will be demarcated based on vulnerability to human life and property based on elevation, geomorphology, sea level trends and horizontal line displacement. IPZ Notification 2011 may be referred to, for further details of preparation of ICRZ plans and IIMPs.

5.4. Provisions of ICRZ Notification 2019

The ICRZ Notification, 2019 declares the coastal stretches of the bigger Islands with geographical areas > 100 sq.km and the water and the bed area between the LTL and the territorial water limit (12 Nm) in case of sea and the water and the bed area between LTL at the bank and the LTL on the opposite side of the bank, of tidally influenced water bodies in such Islands, as the Island Coastal Regulation Zone (ICRZ). The ICRZ Notification, 2019 stipulates that Island Coastal Regulation Zone (ICRZ) plans are to be prepared for such ICRZ Islands on 1: 25,000 scale.

All the smaller Islands in Andaman and Nicobar and Lakshadweep, other than those listed under the ICRZ categories, shall be managed through the respective Integrated Island Management Plans (IIMPs). Integrated Island Management

Plans (IIMPs) shall be formulated by respective Union Territory administrations for all such Islands as per guidelines contained in Annexure-IV of the ICRZ Notification, 2019 and submitted to Ministry of Environment, Forest and Climate Change for approval.

Island Coastal Regulation Zone Plan (ICRZP):

As per the ICRZ Notification, 2019, amended from time to time, the ICRZ Plans will be prepared on 1:25, 000 scale, for the bigger oceanic islands in Andaman and Nicobar (ICRZ Islands), grouped as follows:

ICRZ Group-I: Islands with geographical areas >1000 sq.km such as South Andaman, Middle Andaman, North Andaman.

ICRZ Group-II: Islands with geographical areas >100 sq.km but < 1000 sq.km such as Baratang, Little Andaman, Havelock and Car Nicobar and Great Nicobar.

ICRZ has been defined as the land area from the HTL to 200 meters on the landward side along the sea front for Group-I Islands and 100 meters on the landward side along the sea front for Group-II Islands. The ICRZ shall apply to the land area between HTL and 20 meters or width of the creek, whichever is less on the landward side along the tidal influenced water bodies that are connected to the sea. The ICRZ also includes water and the bed area between the LTL and the territorial water limit (12 Nm) in case of sea and the water and the bed area between LTL at the bank and the LTL on the opposite side of the bank, of tidal influenced water bodies such as bays, estuaries, rivers, creeks, backwaters and lagoons.

ICRZ Notification 2019 may be referred to, for detailed guidelines for preparation of ICRZ plans.

Integrated Island Management Plans (IIMP)

All the smaller Islands in Andaman and Nicobar other than those listed under the ICRZ categories and all Islands of the Lakshadweep Islands, shall be managed through the respective Integrated Island Management Plans (IIMP), which shall be formulated by respective Union Territory administrations for all such Islands as per guidelines contained in the notification. The IIMP shall be prepared indicating therein all present and future developments, conservation and preservation schemes with a time frame of ten years. The No Development Zone in the IIMP Islands will be the land area from the HTL to 20m. IIMP maps shall be prepared on 1:25,000 scale for macro level planning and 1:10000 scale or cadastral scale for micro level planning.

ICRZ Notification 2019 may be referred to, for detailed guidelines for preparation of IIMPs.



6

COST CONSIDERATIONS

Cost Considerations

The following are the factors that are to be taken into consideration for estimation of the cost of CRZ Mapping of a project site.

S. No.	Tasks involved in producing CRZ Maps on 1: 4,000 & 1:25,000 scale	Cost
1	Travel for Field Investigation	Based on the location of the site
2	Per Diem for Field Investigation	Based on the number of field staff
3	Cost of Satellite images & other Material cost	Based on the area
4	Boat/Vehicle Hiring and other Contingent Expenditure for Field Investigation	As per field requirement
5	Man Days - Pre-processing	Based on the area
6	Man Days - Ground truth collection	Based on the area
7	Man Days - Post-processing	Based on the area
8	Total	
9	Institutional cost	15%
10	Total	
11	GST	18%
12	Total Cost (including GST)	

Annex-1 / Proforma

ISSUES RELATED TO PREPARATION OF CRZ MAPS




















Name of the Authorised Agency: National Centre for Sustainable Coastal Management (NCSCM), Anna University Campus, Chennai.

Sl. No.	Details of work	Issues	Remarks
1.	HTL/LTL	Which HTL/LTL needs to be incorporated in the CRZ map?	The HTL/LTL appearing in the approved CZMP of the area has to be incorporated. For any variance, please see para 1.6 of SoP.
2.	ESA/CVCA	Which ESA/ CVCA boundary needs to be incorporated in the CRZ map?	The ESA/CVCA appearing in the approved CZMP of the area has to be incorporated.
3.	CRZ categories	Which are the CRZ categories to be incorporated in the CRZ map?	The CRZ categories such as CRZ-IA, CRZ-IB, CRZ-II, CRZ-III, CRZ-IVA, CRZ-IVB appearing in the approved CZMP of the area have to be incorporated.
4.	Cadastral maps/Survey plots data	Which are the Cadastral maps/ Survey plots data to be incorporated in the CRZ map?	The latest Cadastral maps/Survey plots data to be obtained from the project proponent have to be incorporated. If there is no change in the status of the cadastral maps, then, the Cadastral maps/Survey plots data appearing in the approved CZMP may be used.
5.	Project layout plans	How to incorporate the project layout plans on the CRZ map?	Project layout plans may be obtained from the project proponents as geo-referenced Shapefiles/ kml files. If the layout plans are in hard copy formats, then these need to be properly geo-referenced and digitised before incorporating in the CRZ maps.
6.	CRZ map has to be prepared as per the approved CZMP.	How to incorporate the present status of the project site?	During the field survey and investigation carried out for CRZ mapping, if any change is noticed in the status of the project site in terms of the approved HTL, LTL & ESAs, then these changes should be explained in the CRZ report with appropriate maps, for the CZMA/MoEFCC authorities to take a decision regarding revision of the CZMP, if required. However, as per the CRZ notification 2019 the concerned Coastal Zone Management Authority shall examine the documents for CRZ clearance in accordance with the approved Coastal Zone Management Plans/ICRZ plans/IIMPs, as the case may be. The CRZ categories of the site such as CRZ-IA (including sub-categories/ESAs), CRZ-IB (including sub categories), CRZ-II, CRZ-III, CRZ-IVA, CRZ-IVB have to be as per the approved CZMP and cannot be changed without the approval of MoEF&CC.

Sl. No.	Details of work	Issues	Remarks
7.	As per para 4.2 (i) (g) of the CRZ Notification, 2011, the CRZ map should normally cover 7km radius around the project site.	What is the scale of this map? (1:4000 scale CRZ map covers only the actual project site)	For all project sites, CRZ map on 1:25000 scale covering 7 km radius around Project site to be prepared. For large project sites such as highways, a series of '7 km radius CRZ maps' has be prepared on 1: 25,000 scale, to cover the entire project site. For large project sites, an index map also has to be prepared with proper numbering system, showing the entire project site and the incidence of the series of CRZ maps.
Other issues			
8.	Superimposition of project layout	Delay by the client in providing re-quired data such as project layout, cadastral map etc.	This leads to overall delay
9.	Acceptance of CRZ map by client only for project details such as project layout plans, boundaries etc and not for HTL/ LTL/ ESA/ CRZ.	No response after receiving the draft CRZ, perhaps due to unfavourable project feasibility	This leads to the project being withheld indefinitely.
10.	Acceptance of proposal	Undue delay in accepting proposal, issue of work order and making payment(s)	This leads to delay in commencement of the project

Annex-2/Map Legend

Legend

	High Tide Line		Nesting Grounds of Birds
	Low Tide Line		Archeological and Heritage Site - CRZ IA
	20 m CRZ Line for Islands		Saltpan - CRZ IB
	100 m CRZ Line for Bays		Aquaculture Pond - CRZ IB
	200 m CRZ Line - NDZ		Intertidal Zone - CRZ IB
	500 m CRZ Line		Urban or Developed Area - CRZ II
	CRZ Line for Rive/Creek		20 m No Development Zone
	Mangrove - CRZ IA		No Development Zone - CRZ III
	50 m Mangrove Buffer Zone - CRZ IA		50 - 500 m from HTL - CRZ IIIA
	Corals and Coral Reefs - CRZ IA		200 - 500 m from HTL - CRZ III
	Sand Dune - CRZ IA		200 - 500 m from HTL - CRZ IIIB
	Mudflats - CRZ IA		Waterbody - CRZ IVA
	Reserve Forest - CRZ IA		Waterbody - CRZ IVB
	Marine Protected Area - CRZ IA		Seaweeds - ICRZ IA
	Salt Marsh - CRZ IA		Preservation Zone
	Turtle Nesting Grounds - CRZ IA		Conservation Zone
	Horse Shoe Crab Habitats - CRZ IA		Regulated Development Zone
	Seagrass - CRZ IA		

Annex-4 / Checklist

CRZ Map Checklist

Sl. No	Item to check	Check appropriate box		
		YES	NO	NA
1	Continuity of HTL.			
2	Continuity of LTL.			
3	ESAs/CRZ-IA: Mangroves			
4	Corals and coral reefs			
5	Sand Dunes			
6	Mudflats which are biologically active			
7	National parks, marine parks, sanctuaries, reserve forests, wild-life habitats and other protected areas			
8	Salt Marshes			
9	Turtle nesting grounds			
10	Horseshoe crabs habitat			
11	Seagrass beds			
12	Nesting grounds of birds			
13	Areas or structures of archaeological importance and heritage sites			
14	CRZ-IB			
15	CRZ-II			
16	CRZ-III			
17	CRZ-IIIA (CRZ-2019)			
18	CRZ-IIIB (CRZ-2019)			
19	CRZ-IVA			
20	CRZ-IVB			
21	50 m Mangrove buffer (CRZ-2011)			
22	No buffer for Mangrove in private land (CRZ-2019)			
23	Port Limits			
24	No NDZ within Port Limits			
25	10 m NDZ for Blue Flag beaches			
26	50 m NDZ for CRZ-IIIA (CRZ-2019)			
27	200 m NDZ for CRZ-IIIB (CRZ-2019)			
28	20 m, 100 m/Width of creek & 500 m NDZ for inland Backwater Islands and Islands along the coast			
29	50 m CRZ (as NDZ) for Islands in backwaters of Kerala (CRZ-2011)			
30	10 m NDZ for construction of Temporary tourism facilities on beaches (CRZ-2019)			
31	100 m CRZ line in CRZ-III in the sea front (CRZ-2011)			
32	CVCA			

Sl. No	Item to check	Check appropriate box		
		YES	NO	NA
33	ICRZ-IA			
34	ICRZ-IB			
35	ICRZ-II			
36	ICRZ-III			
37	ICRZ-IVA			
38	ICRZ-IVB			
39	Conservation zone as per IIMP			
40	Preservation zone as per IIMP			
41	Regulated development zone as per IIMP			
42	No Development Zone as per IIMP			
43	CRZ Map as per approved CZMPs/ICRZPs/IIMPs			
44	Field investigation carried out			
45	Is there any Change in the status of the site with respect to the approved HTL/LTL/ESA?			
46	Present status of the site incorporated in the CRZ report?			
47	CRZ of 500m, 200 m, 100m/width of river/50mas per CRZ-2011 and 20 m as per CRZ-2019 marked in inland backwater Islands and Islands along the mainland coast for taking decision along with the approved IIMP of the Island, if framed?			









भारत का राजपत्र The Gazette of India

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असाधारण
EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित
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पर्यावरण वन और जलवायु परिवर्तन मंत्रालय

अधिसूचना

नई दिल्ली, 26 नवम्बर, 2021

का.आ. 4886(अ).—केन्द्रीय सरकार ने भारत सरकार के पर्यावरण वन और जलवायु परिवर्तन मंत्रालय की अधिसूचना सं. सा.का.नि. 37(अ), तारीख 18 जनवरी, 2019 (जिसे इसमें इसके पश्चात् तटीय विनियमन जोन अधिसूचना, 2019 कहा गया है) द्वारा तटीय क्षेत्रों को कतिपय तटीय विनियमन क्षेत्र (जिसे इसमें इसके पश्चात् सीआरजेड कहा गया है) के रूप में घोषित किया था और उक्त जोन में उद्योगों की स्थापना और विस्तार, प्रचालन तथा प्रसंस्करण पर निर्बंधन अधिरोपित किए थे;

और केन्द्रीय सरकार को राज्य सरकारों से सीआरजेड अधिसूचना में उन उपबंधों को समावेशित करने के लिए अभ्यावेदन प्राप्त हुए हैं, जो सीआरजेड अधिसूचना, 2011 में पहले ही उपलब्ध हैं, लेकिन बांध/जलमार्ग की खजानी भूमि में उच्च ज्वार रेखा (एचटीएल) के सीमांकन को निर्बंधित करने, सीआरजेड क्षेत्रों में परंपरागत समुदायों द्वारा मृत सीप के एकत्रण और सुन्दरवन जैवमंडल रिजर्व में एचटीएल और सीआरजेड प्रवर्गों के रेखांकनों के संबंध में सीआरजेड अधिसूचना, 2019 में छूट गए हैं;

और सुन्दरवन जैवमंडल रिजर्व में बांध/जलमार्ग में खजानी भूमि पर उच्च ज्वार रेखा के सीमांकन तथा एचटीएल और सीआरजेड प्रवर्गों के रेखांकन से संबंधित उपबंध अधिसूचना सं. का.आ. 1422(अ), तारीख 1 मई, 2020 के संशोधन द्वारा सीआरजेड अधिसूचना, 2011 में सम्मिलित किए गए थे, तथापि, ये उपबंध सीआरजेड अधिसूचना, 2019 में सम्मिलित नहीं किए जा सके थे, चूंकि ये तारीख 18 जनवरी, 2019 को अर्थात् उपरोक्त तारीख 1 मई, 2020 के पहले अधिसूचित किए गए थे;

और सीआरजेड क्षेत्रों में परंपरागत समुदायों द्वारा मृत सीप के एकत्रण से संबंधित उपबंध अधिसूचना सं. का.आ. 19(अ), तारीख 6 जनवरी, 2019 के माध्यम से सीआरजेड अधिसूचना, 2011 में सम्मिलित किए गए थे, तथापि, ये सा.का.नि. सं. 1227(अ), तारीख 6 अक्टूबर, 2017 द्वारा पश्चातवर्ती संशोधन में गलती से छूट गए थे और इस प्रकार इन्हें सीआरजेड अधिसूचना, 2019 में सम्मिलित नहीं किया जा सका था ;

और राष्ट्रीय तटीय जोन प्रबंधन प्राधिकरण(एनसीजेडएमए) ने तारीख 23 मार्च, 2021 को आयोजित अपनी 42वीं बैठक में यह सिफारिश की है कि उपरोक्त उपबंध जो सीआरजेड अधिसूचना, 2011 में पहले से ही उपलब्ध थे और जो सीआरजेड अधिसूचना, 2019 में अनवधानता और गलती से छूट गए हैं, सीआरजेड अधिसूचना, 2019 में सम्मिलित किए जाएंगे;

और तथ्यों के मद्देनजर वे उपबंध जो सीआरजेड अधिसूचना, 2011 द्वारा पहले से ही लागू हों, सीआरजेड अधिसूचना, 2019 में सम्मिलित किए जाने के लिए प्रस्तावित किए जाते हैं और अधिसूचना के प्रस्तावित संशोधन द्वारा कोई नए निर्बंधन या प्रतिषेध अधिरोपित नहीं किए जा रहे हैं, इसलिए पर्यावरण(संरक्षण) नियम, 1986 के नियम 5 के उपनियम (3) के खंड (क) के अधीन सूचना की अपेक्षा से लोकहित में अभिमुक्ति दी जाती है;

अतः, अब, केन्द्रीय सरकार पर्यावरण (संरक्षण) नियम, 1986 के नियम 5 के उपनियम (4) के साथ पठित पर्यावरण (संरक्षण) अधिनियम, 1986 (1986 का 29) की धारा 3 की उपधारा (1) और उपधारा (2) के खंड (v) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए तटीय विनियमन जोन अधिसूचना, 2019 का निम्नलिखित संशोधन करती है, अर्थात्:-

1. उक्त अधिसूचना में,--

(i) पैरा 1 के खंड (i) में, स्पष्टीकरण के स्थान पर निम्नलिखित स्पष्टीकरण रखा जाएगा, अर्थात्:-

“स्पष्टीकरण.—इस अधिसूचना के प्रयोजनों के लिए, --

(क) एचटीएल से भूमि पर ऐसी रेखा अभिप्रेत है जहां तक उत्पन्न होने वाले ज्वार के दौरान उच्चतम जलरेखा पहुंचती है, जैसा कि निर्धारित प्रक्रियाओं के अनुसार राष्ट्रीय सतत तटीय प्रबंधन केन्द्र (एनसीएससीएम) द्वारा सीमांकित और विभिन्न तटीय राज्यों और संघ राज्यक्षेत्रों को उपलब्ध कराया गया है;

(ख) उस दशा में, जहां का.आ. 114(अ), तारीख 19 फरवरी, 1991 द्वारा जारी अधिसूचना की तारीख से पूर्व संनिर्मित बांध या जलमार्ग विद्यमान है, एचटीएल, बांध या जलमार्ग के समानांतर लंबी रेखा तक निर्बंधित होगी, तथापि ऐसी दशा में बांध या जलमार्ग से परे खारे पानी के प्रवेश के कारण उद्भूत कच्छ वनस्पति के अधीन क्षेत्र, बांध या जलमार्ग के परे क्षेत्र के विस्तार पर ध्यान दिए बिना सीआरजेड-आईए के रूप में वर्गीकृत किया जाएगा और कच्छ वनस्पति के अधीन ऐसा क्षेत्र संरक्षित होगा और किन्हीं विकासात्मक क्रियाकलापों के लिए विपथित नहीं किया जाएगा।”

2. पैरा 2 के उपपैरा 2.1.1 के खंड (क) के उपखंड (v) के स्थान पर निम्नलिखित रखा जाएगा, अर्थात्:-

“(v) सुन्दरवन जैव मंडल रिजर्व की दशा के सिवाय जहां इस अधिसूचना के उपबंधों के अनुरूप सीआरजेड वर्गीकरण और एचटीएल रेखांकन और सीआरजेड सीमांकन किया जाएगा, जैव मंडल रिजर्वों सहित वन्यजीव (संरक्षण) अधिनियम, 1972 (1972 का 53), वन (संरक्षण) अधिनियम, 1980 (1980 का 69) या पर्यावरण (संरक्षण) अधिनियम, 1972 (1972 का 53) के उपबंधों के अधीन राष्ट्रीय उद्यान, समुद्री पार्क, अभ्यारण्य, रिजर्व वन, वन्यजीव पर्यावास और अन्य संरक्षित क्षेत्र:

टिप्पण:- सुन्दरवन जैवमंडल रिजर्व के भीतर सीवीसीए रेखांकन, राज्य सरकार द्वारा तैयार किए गए और केन्द्रीय सरकार द्वारा अनुमोदित एकीकृत प्रबंधन योजना के माध्यम से प्रबंधित किया जाएगा;”

3. पैरा 5 के उपपैरा 5.1.2 में उपखंड (xviii) के पश्चात् निम्नलिखित उपखंड अंतःस्थापित किया जाएगा, अर्थात्:-

“(xix) कुक्कुट और पशु चारे के लिए परंपरागत समुदायों द्वारा मृत सीप के एकत्रण के लिए पूर्व सीआरजेड अनुमति अपेक्षित नहीं होगी।”

[फा.सं. 19-112/2013-आईए III(पीटी)]

डॉ. सुजीत कुमार बाजपेयी, संयुक्त सचिव

टिप्पण: मूल अधिसूचना भारत के राजपत्र, असाधारण, भाग II, खंड 3, उप-खंड (ii) में सा.का.नि. सं. 37(अ), तारीख 18 जनवरी, 2019 द्वारा प्रकाशित की गई थी।

MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

NOTIFICATION

New Delhi, the 26th November, 2021

S.O. 4886(E).—WHEREAS by notification of the Government of India in the Ministry of Environment, Forest and Climate Change, number G.S.R. 37(E), dated the 18th January, 2019 (hereinafter referred to as the Coastal Regulation Zone Notification, 2019), the Central Government declared certain coastal stretches as Coastal Regulation Zone (CRZ) and restrictions were imposed on the setting up and expansion of industries, operations and processes in the said zone;

AND WHEREAS, the Central Government have received representations from the State Governments for inclusion of those provisions in CRZ Notification 2019, which were already available in the CRZ Notification, 2011 but have been missed out in the CRZ Notification 2019, with regard to restricting demarcation of High Tide Line (HTL) in Khazan Land to the bund / sluice gate, collection of dead shells by traditional communities in CRZ areas and delineation of HTL and CRZ categories in the Sundarbans Biosphere Reserve;

AND WHEREAS, the provisions related to demarcation of High Tide Line (HTL) in Khazan Land to the bund / sluice gate and delineation of HTL and CRZ categories in the Sundarbans Biosphere Reserve were incorporated in the CRZ Notification 2011, through amendment *vide* notification number S.O. 1422 (E), dated the 1st May 2020, however, these provisions could not be incorporated in CRZ Notification 2019, as it was notified on 18th January, 2019 i.e. before the above-said amendment dated the 1st May 2020;

AND WHEREAS, the provisions related to collection of dead shells by traditional communities in CRZ areas was included in the CRZ Notification 2011 through notification number S.O. 19(E), dated the 6th January 2019, however, the same was erroneously left out in the subsequent amendment *vide* number G.S.R. 1227(E), dated the 6th October 2017, and as such, the same could not be incorporated in the CRZ Notification 2019;

AND WHEREAS, the National Coastal Zone Management Authority (NCZMA) in its 42nd meeting held on the 23rd March, 2021 has recommended that the above-said provisions which were already available in the CRZ Notification, 2011 and had been inadvertently or erroneously missed out in the CRZ Notification, 2019, shall be included in the CRZ Notification, 2019;

AND WHEREAS, in view of the fact that the provisions already applicable *vide* CRZ Notification, 2011, are proposed to be included in the CRZ Notification, 2019, and as there is no fresh restriction or prohibition being imposed *vide* proposed amendment notification, therefore, the requirement of notice under clause (a) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986 is hereby dispensed with in public interest;

NOW THEREFORE, in exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986) read with sub-rule (4) of rule 5 of the Environment (Protection) Rules, 1986, the Central Government hereby makes the following amendments in the Coastal Regulation Zone Notification, 2019, namely: -

1. In the said notification, -

(i) in paragraph 1, in clause (i), for the Explanation, the following Explanation shall be substituted, namely, -

“Explanation. - For the purposes of this notification,-

(a) *the HTL means the line on the land upto which the highest water line reaches during the spring tide as demarcated by the National Centre for Sustainable Coastal Management (NCSCM) in accordance with the laid down procedures and made available to various coastal States and Union territories;*

(b) *in case there exists a bund or a sluice gate constructed prior to the date of notification issued vide S.O. 114(E) dated 19th February, 1991, the HTL shall be restricted up to the line long along the bund or the sluice gate, however, in such a case, area under mangroves arising due to saline water ingress beyond the bund or sluice gate shall be classified as CRZ-IA irrespective of the extent of the area beyond the bund or sluice gate and such areas under mangroves shall be protected and shall not be diverted for any developmental activities.”*

2. In paragraph 2, in sub-para 2.1.1, in clause (a), in sub-clause (v), the following sub-clause shall be inserted after the words 'Biosphere Reserves', namely: -

“(v) ..except in the case of the Sundarbans Biosphere Reserve, wherein, the categorization of CRZ and delineation of the HTL and CRZ boundaries shall be done in consonance with the provisions of this Notification”.

Note: *The CVCA delineated within the Sundarbans Biosphere Reserve shall be managed through the Integrated Management Plan prepared by the State Government and approved by the Central Government.*”

3. In paragraph 5, in sub-para 5.1.2, after sub-clause (xviii), the following sub-clause shall be inserted, namely: -

“(xix) *Collection of dead shells by traditional communities for poultry and animal feed supplements and shall not require prior CRZ clearance;*”

[F.No.19-112/2013 -IA III (pt)]

Dr. SUJIT KUMAR BAJPAYEE, Jt. Secy.

Note: The principal notification was published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii), vide number G.S.R. 37(E), dated the 18th January, 2019.

F.No: 3-65-2017-IA-III
 Government of India
 Ministry of Environment, Forest and Climate Change
 IA-III Division (CRZ)



Indira Paryavaran Bhawan,
 Jor Bagh Road,
 New Delhi-110 003
 Dated: 11th October, 2022

OFFICE MEMORANDUM

Subject: Original Application Number 04 of 2013 with Appeal Number 18 of 2017 titled as C.H Balamohan Versus Union of India and Ors. in the Special Bench, National Green Tribunal, Southern Zone, Chennai-regarding.


This has reference to (attached) order dated 11/04/2022 in Original Application Number 04 of 2013 with Appeal Number 18 of 2017 titled as C.H Balamohan Versus Union of India and Ors. before the Special Bench, National Green Tribunal, Southern Zone, Chennai.

2. The above mentioned matters involve common issue of protection of stretches of coastal line affected by the human induced erosion caused by hard structures wherein it is noted by the Hon'ble Tribunal that in spite of the CRZ Notification being issued in Jan, 2019, the CZMPs have not been finalized and approved for 11 State / UT.

3. Hon'ble Tribunal has inter-alia noted that depiction of high, Medium and low erosion stretches along the coast line is mandatory in the CZMPs and directed, ...*Chief Secretaries of the Coastal State / UT to finalise the CZMP and get them approved by MoEF within 2 months. The approved CZMP shall contain the parameters as listed in the CRZ 2019 Notification including High, Medium and Low erosion stretches for such erosion prone areas.*...

4. That, in light of the above order, you are requested to take note of the above-said direction of Hon'ble Tribunal and ensure its compliance while preparing the CZMPs for different states.

5. This issues with the approval of Competent Authority.


 (Dr. H. Kharkwal)
 Scientist 'E'

Encl.: As above

To,

1. The Director, National Centre for Sustainable Coastal Management (NCSCM) Anna University Campus, Chennai - 600025, Tamil Nadu E-mail: director@ncscm.res.in
2. The Director, Space Applications Centre, Jodhpur Tekra, Ambawadi Vistar P.O. Ahmedabad - 380015 Email- srtd@sac.isro.gov.in

Spri: Dhanma Raj Sir and Dr. Badarces jcb

gp 17/10/2022

3. The Director, National Centre for Earth Science Studies, Post Box No.7250, Akkulam, Thiruvananthapuram – 695 011 Email : dircell@ncess.gov.in.
4. The Director, Institute of Remote Sensing, Anna University, Ranjith Rd, Kotturpuram Chennai – 600025, Tamil Nadu Email: elearning@iirs.gov.in
5. The Director, Institute of Environmental Studies and Wetland Management Department of Environment, Govt. Of West Bengal, DD-24, Sector-I, Salt Lake, Kolkata- 700 064 Email : director@ieswm.org / contact.ieswm@gmail.com.
6. The Director, CSIR - National Institute of Oceanography Dona Paula - 403 004, Goa E-mail: director@nio.org
7. The Director, Velacherry-Tambaram Main Road, Narayanapuram, Pallikaranai, Chennai - 600 100, Tamil Nadu Email Id : postmaster@niot.res.in
8. Office file / Guard file.

Item Nos. 3 & 4

(Court No. 1)

**BEFORE THE NATIONAL GREEN TRIBUNAL
SPECIAL BENCH**

(By Video Conferencing)

Original Application No. 04/2013(SZ)

WITH

Appeal No.18/2017(SZ)

C. H. Balamohan

Applicant

Versus

Union of India and Ors.

Respondent(s)

Date of hearing: 11.04.2022

CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
 HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER
 HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
 HON'BLE MS. JUSTICE PUSHPA SATHYANARAYANA, JUDICIAL MEMBER
 HON'BLE DR. SATYAGOPAL KORLAPATI, EXPERT MEMBER
 HON'BLE PROF. A SENTHIL VEL, EXPERT MEMBER

O.A. No. 04/2013(SZ)

For Applicant(s): Mr. A. Yogeshwaran, Advocate

For Respondent(s): Mr. G.M. Syed Nurullah Sheriff, Advocate for R1 & R5.
 Dr. D. Shanmuganathan, Advocate for R6 to R8.
 Mr. V. Balamurugan and Mr. Alex, Advocates for R9, R10, R12,
 R20.
 M/s. Suvitha, Advocate for R13.
 Mrs. Madhuri Donti Reddy, Advocate for R16.
 Mrs. V.K. Rema Smrithi, Advocate for R17.

Appeal No. 18/2017(SZ)

For Appellant(s): Mr. A. Yogeshwaran, Advocate

For Respondent(s): Mr. G.M. Syed Nurullah Sheriff, Advocate for R1 & R2.
 Dr. D. Shanmuganathan, Advocate for R3.

ORDER

1. This order will deal with O.A. No. 04/2013(SZ) and Appeal No. 18/2017(SZ) as the both matters involve common issue of protection of stretches of coastal line affected by the human induced erosion caused by hard structures.

Introductory

2. O.A. No. 04/2013(SZ) was filed on 17.01.2013 raising the grievance of destruction of Puducherry and Tamil Nadu Coastal Environment due to construction of hard structures causing continuous erosion of the coast. It is submitted that not only the stretch in question but most parts of Indian Coastline - both on the East and West Coasts are under the influence of the Littoral Drift.

3. Appeal No. 18/2017(SZ) has been preferred against CRZ Clearance dated 06.10.2016 granted by the SEIAA, Tamil Nadu for proposed construction of series of 19 Groynes from Ennore to Ernavoorkuppam in Madhavaram Taluk of Tiruvallur District, Tamil Nadu, by the Public Works Department (WRD). **The clearance has been granted subject to orders of this Tribunal in OA04/2013.** The said appeal was filed on 28.2.2017 and was admitted for consideration on 10.03.2017. To appreciate the issue involve, we may refer to some of the averments in the O.A.

Main contentions of the Applicant/Appellant

4. According to the applicant there is large scale human induced erosion and destruction. The Littoral Drift varies from one coastal compartment (or sediment cell) to another. Within each of these coastal compartments, the undisturbed coastal environment and habitat is usually in a state of equilibrium. For such a state of equilibrium to exist within a coastal compartment, the "sedimentary budget" within a compartment needs to be maintained. The sedimentary budget is something that has been arrived at and is determined by the prevailing natural phenomena along a particular coast. Just like the water level in

a river is maintained and determined by the "water budget" of its catchment area, similarly the "sediment budget" of the "river of sand" along the coast is determined by the related factors within its sediment cell.

5. When the "sedimentary budget" within a coastal compartment is disturbed and upset, i.e. when the natural movement of sand is disturbed and interrupted for example by man-made coastal structures, a cascading effect takes place along the shores of a given sediment cell. When a coastal structure is erected in the path of the freely moving sand along the coast, the structures prevent the natural flow of sand in the same manner as a dam across the path of river interrupts the flow of water. In such an instance one part of the coast gets an excess of sand and the other side on the down-drift is starved of sediment. The side that is starved of sediment starts and keeps eroding as long as fresh input of sand is not provided.

6. Because coastal compartments and sediment cells are large, often larger than artificial boundaries such as politically determined state boundaries, one sediment cell may overlap two neighboring states. This is particularly true along the East coast of India, where for instance stretches of coastline of the States of Tamil Nadu and Puducherry are part of the same coastal compartment and sediment cell. This is particularly relevant in the case of Puducherry as its territory is fragmented and surrounded by the territories of Tamil Nadu. Thus, if the sediment budget within a coastal compartment that is shared by two states is upset, the impact of such interference will be felt across states.

7. The environmental destruction caused by the construction of hard structures on the coastline which negatively affect the coastal

processes, the environment and the communities is a problem that is not confined to either the Union Territory of Puducherry, or to the State of Tamil Nadu. Rather, it is a situation in which the negligence and/or mismanagement of one government causes destruction both within its own jurisdiction and within the neighboring jurisdiction. Because **the damaging effects of these hard structures transcend state and union territory boundaries**, responsibility for preventing such damage rests equally with the Union Government of India, as well as with the governments of the Union Territory of Puducherry and Tamil Nadu.

8. The Puducherry Region of the Union Territory of Puducherry and large parts of the Tamil Nadu coastline, are situated on the east coast of India which has a sandy coastline and is therefore vulnerable to human-induced change and is thus ecologically sensitive and fragile. The coastal geomorphology and related ecosystems play a large and vital role in the economic development of the region, providing a large number of functions and services, from sustaining ecology, traditional fishing communities to attracting visitors to Puducherry's tourism industry. The severe and rapidly worsening coastal erosion is damaging the subsistence based, sustainable and lucrative sectors of the local economy making the affected region increasingly ecologically, socially and economically vulnerable.

9. Over the past two decades, Puducherry has suffered large scale coastal erosion induced by imprudent, ad hoc and unscientific construction of hard structures on the coast which have a constant, negative impact which is felt and aggravated with every single day that goes by. This problem of human-induced coastal erosion has not been addressed by the Government of Puducherry. Instead, the coastal

management measures adopted so far have only transferred and aggravated the problem of erosion down the coast to the neighbouring state of Tamil Nadu which has been facing the same ever-increasing problems of human-induced coastal erosion since over a decade.

10. The problem of large scale and rapid coastal erosion in Puducherry started in and around 1986 with the construction of an artificial harbour in Ariyankuppam estuary, situated 1.5 km to the south of the Puducherry town. The harbour was meant to provide an artificial channel from the open sea into the Ariyankuppam estuary to provide a safe entrance for barges and other sea-going crafts. The Harbour was finally commissioned in 1993.

11. To keep the mouth of the harbour open to the sea, two breakwaters were constructed to the south and north of the harbour mouth, at either side of the Ariyankuppam estuary. As a result, the northward flow of sediment along the coast was blocked at the southern breakwater, starving the coast to the north of the harbour of sand and causing severe erosion of the coast. The construction of breakwaters in the Puducherry harbour thus commenced the process of coastal erosion and, as a consequence, several kilometres of beach in Puducherry Town has been completely lost.

12. The process of massive erosion caused by the harbour construction was not unexpected. To the contrary, it was expressly anticipated by the studies and recommendations by Centre for Water, Power and Resource Studies ("CWPRS") and Consulting Engineering Services Private Limited ("CES"), which advised the Government of Puducherry while the project was still in the planning stage. Those studies accurately predicted that the breakwaters at the harbour

entrance could cause massive erosion to the north of the harbour, as the structure would block the natural, incessant migration of sand. The studies further predicted that sand would accumulate to the south of the breakwater and the harbour entrance would silt up due to littoral drift. The consultants warned that constant maintenance and dredging was required to clear the harbour mouth, to keep it open. The studies recommended that sand dredged from harbour mouth must be used for sand nourishment to the beaches north of the harbor in order to mitigate the negative impacts caused by the blockage of sand by the harbor breakwaters. The consultants further concluded that continuous sand by-passing -whereby sand blocked and accumulating at the southern breakwater would be mechanically transferred across the harbor mouth and allow it to resume its northward flow up the coast - was required to prevent and mitigate erosion of the coastline north of the harbour, where the town of Puducherry Town as well as several fishing hamlets are situated. An elaborate system of mechanical sand by-passing with dredgers to pump sand from the south side of the harbour to the north side, was therefore adopted when the port was constructed in order to mitigate the negative impacts of coastal erosion.

13. The planned process and system for mitigation which consisted of mechanical sand by-passing and beach nourishment was never efficiently operated by the Government of Puducherry as the system was never fully or properly implemented. Since 1993, when the Ariyankuppam harbour was formally commissioned and became fully operational, it is estimated that out of the total amount of maintenance dredging to be undertaken by the Government of Puducherry, less than about 25% of the total required volume of sand has been dredged till now. However, less than that (it is estimated about 50%) was used to

nourish the beaches as the dredged sand was instead wrongfully either used for land reclamation, disposed of into the deep sea or pilfered by illegal sand miners. As a consequence, the massive human-induced erosion predicted by CWPRS and CES occurred precisely as they said it would, completely wiping-out 10 kilometres of beautiful and important sandy beach along the historic promenade of Puducherry town, the fishing hamlets of Kuruchikuppam, Vaithikuppam, Solai Nagar in Puducherry and the fishing hamlets of Soudanikuppam, Nadu Kuppam, Thandirayan Kuppam and Chinnamudaliarchavadi Kuppam in Tamil Nadu. Other coastal communities further to the north are also witnessing the shrinking of their beaches as the human-induced erosion threateningly moves northwards.

14. In 2002, long after the beach in Puducherry town had disappeared, following several representations made by members of the civil society as well as by experts, the Government of Puducherry instituted a program of sand by-passing and artificial beach nourishment, using sediment dredged from the harbour to provide northward flowing sand. Within a short period of time, small areas of beach began to re-form adjacent to the town. However, unfortunately this program was not sustained and the new areas of beach quickly disappeared when artificial beach nourishment ended.

15. The massive erosion process unleashed by construction of the harbour did not stop with the evisceration of the sand beach. Without the presence of the beach and its corresponding off-shore sand bar, the waves which once formed some distance from shore and broke gently on the slope of the beach now crashed directly onto the once-dry land. Goubert Avenue, more commonly known in Puducherry as "Beach

Road", which runs for 1.5 kilometres along the shore where the sandy beach used to stretch, was threatened as the land beneath it was undermined by the ongoing erosion. Because of scouring of sand below the promenade, the road started to crack and crumble and had to be entirely re-laid.

16. With the natural flow of sand blocked at the harbour and the system of sand bypass neglected, the erosion which eliminated the beach now threatened the very heart of Puducherry town, including the very government offices, the Chief Secretariat, in which the decision to build the ill-considered harbour was originally taken. Instead of activating the sand by-passing system to mitigate the erosion and nourish the beaches as originally intended, the government of Puducherry chose to create a rip-rap seawall along Beach road, dumping crores of tonnes of massive rocks, trucked-in from quarries in Tamil Nadu to "defend" the town against further erosion.

17. In August 2001, a Preliminary Report Submitted by NOIT-IIT to the Govt. of Puducherry proposed the construction of groynes along the coast of the Puducherry Town. This proposal was opposed by members of civil society groups as it was deemed to be detrimental to the coastal environment. A second opinion on the proposed project was sought by the Government. This proposal was subsequently shelved and thankfully never saw the light of day.

18. A groyne is an impermeable wall extending perpendicularly from land into the sea. Along the Puducherry coast the objective of a groyne is to capture the northward-moving sand along the southern side of the groyne. Indeed, tiny scalloped beaches have formed along the massive groynes; but these small gains have come at an enormous cost. Just as

the breakwater at the harbour trapped sand to the south and caused massive erosion to the north, the groynes rapidly accelerated the northward process of coastal erosion.

19. Clearly, groynes were faulty as a solution as they would only succeed in moving erosion northwards and were no substitute for beach nourishment. Several groups were opposed to this wasteful and environmentally unsustainable exercise and sought scientific opinion to buttress what was clearly common sense. In October 2001 DELFT TECHNICAL UNIVERSITY in their expert opinion to INTACH, Pondicherry on NIOT's proposal stated that the NIOT's proposal did not prevent structural erosion in the area north of the groyne field nor did it take away the causes of siltation of the harbour entrance. The University further suggested that more studies were needed to be undertaken, an Integrated Coastal Zone Management Plan had to be prepared and alternative solutions such as sand bypassing and beach nourishment to mitigate the coastal problems was to be explored. Although all of this information and suggestions were shared with concerned Government authorities no suitable action was taken.

20. In April 2002, a civic group called Citizens Forum of Pondicherry also raised objections to this proposal. The construction of groynes was opposed as the groynes would merely transfer the erosion northwards and not solve the root cause of the problem, the disruption of the littoral drift by the harbour. They instead suggested that detailed studies should be undertaken which included the redesigning of the harbour entrance. They also objected to the NIOT/IIT's concept of conducting trials in the Ocean at the detriment of the environment. Heeding to all

this criticism, the Government of Pondicherry sought a second opinion from Danish Hydraulics Institute (hereinafter referred to as "DHI").

21. Subsequently on October 2002, a Coastal Erosion Study was conducted by Study Group CF01 of DHI and they concluded as follows:

- Sand by-passing is the best solution.
- Construction of groynes is not a favorable solution.

The Study Group also recommended that:

- Viability of the harbour project was to be investigated.
- Preparation of an ICZMP.
- Dredging and by-pass were to be monitored closely.

DHI proposed to:

- Conduct site visit and review data.
- Assess annual sediment balance.
- Conduct preliminary design of Port entrance.
- Optimize port entrance layout.
- Prepare design for shoreline management scheme.
- Prepare guidelines for dredging and re-nourishment.

22. However, no suitable action was taken. Between 2002 and 2003, the Government of Puducherry constructed 6 kilometres of seawall along the Puducherry coast, at a cost of several crores of rupees. The decision to abandon the planned and existing mitigating measures of sand by-passing and beach nourishment in favour of seawalls were undertaken without conducting any detailed, comprehensive studies and were therefore undertaken on a purely ad hoc, arbitrary and unscientific manner. The construction of seawalls was undertaken in total disregard of the observation and recommendations made by Dr. Z.S. Tarapore and Dr. Vaidyarannan both erstwhile Directors of the CWPRS which were fully familiar with the design of the Puducherry harbor and Ariaynkuppam.

23. On 21 February 2003, Mr. P.P. Vaidyaraman, retired director of CWPRS, who was part of the design team of the Puducherry harbor at Ariyankuppam wrote to the GoP following his visit to Puducherry shortly after sand by-passing and beach nourishment had been undertaken at the Puducherry harbor. Mr. Vaidyaraman was not only extremely pleased with the results of beach nourishment, but also made several suggestions for the continuation of sand by-passing and beach nourishment which he stated should be replicated at several of the other Indian ports as well. However, few of his suggestions were implemented.

24. While the "hard structure" of the seawall has had the limited superficial effect of keeping the erosion from penetrating onto Beach Road, it accelerated two other erosion processes. First, the surf which now crashed against the hard barrier of the seawall carved-out and scoured the sea floor that was once safely beneath the sand beach. This would come to have dire effects on the quality of the drinking water in Puducherry, creating a short path for saline intrusion into the town's aquifers. It would also prevent any future beach from forming along that stretch of coast because the sea floor was now too deep and unstable to retain migrating sand, even if it had been allowed to flow as nature had intended.

25. The second erosion process accelerated by the seawall was to the north of the construction. At the end of the hard structure, the long shore currents form a powerful eddy, scooping-out the "unprotected" land in deep pockets of erosion. Thus began a vicious cycle of erosion and defense, more-erosion and more defenses. As the seawall transferred and spread the problem of erosion northward up the coast,

more and more beach was lost, more village land fell into the sea, and the disaster migrated further-and-further. Puducherry's coastal erosion problem had now become Tamil Nadu's problem as well.

26. In 2003 Tamil Nadu PWD initiated its own "hard structure" protection measures, in response to the erosion to its fishing villages caused by the hard structures built by its southern neighbor. Seawalls were built in Nadukuppam, then in Sothanaikuppam during 2005-2006, as the coastal erosion was forced northward. Today, these seawalls extend all the way to Kottakuppam and Chinnamudalaiyar Chavadi and Tamil Nadu is passing the problem back to Puducherry, as the erosion now reaches the Union Territory enclave at Pillaichavadi and beyond.

27. The fishing villages along the coast to the north of Puducherry town lost more than just beach and village land as the erosional process crept northward. They also lost their industry. As the seawall lengthened, fishermen could no longer launch their traditional skiffs and catamarans. The beaches from which they launched their boats into the sea and landed their catch back on land were gone. It is impossible to launch from the steep seawall, which has waves crashing hard against it. The loss of the beach space has also affected the livelihoods of the fishing communities in several other ways as the beaches are also used to dry fish, repair nets and carry out several other related activities. Fishing communities complained to the Government of Puducherry that without beaches to fish from, their livelihoods were lost.

28. In 2004, Dr. Z.S. Tarapore, retired director of CWPRS, who was part of the design team of the Puducherry harbor at Ariyankuppam wrote to the GoP following his visit to Puducherry and warned the GoP against construction of groynes. He warned that the construction of groynes was a "dangerous proposition" since the groynes would only transfer the problem of erosion further down drift, where there were heavily populated areas. Among other things he suggested to undertake "a massive nourishment programme" to control the problem of erosion to the north of the harbor. During the same time, in his address to the 6th CPDAC (Coastal Protection & Development Advisory Committee of the Central Water Commission), in the year 2004, the problem of erosion was discussed and it suggested that groynes and seawalls were not the answer. The erstwhile Chief Secretary of Puducherry advocated that "cost-effective and environment friendly technologies" should be adopted to address the on-going problem of erosion. During the 10th CPDAC meeting it was once again emphasized that "coastal protection works and the coastal zone management should go together since one had impact on the other. Also, the States should not think only of the sea walls as a protection measure to protect the shoreline but also adopt other new technologies which preserve the beaches and ecology as well."

29. In 2004, the Tsunami struck the East coast of India. The coastal populations of the Puducherry region did not suffer much damage as most of the inhabited areas were located in areas that were in significantly elevated from the level of the sea. However, with an abundance of funds flowing into the Government's coffers, as a knee-jerk reaction and a populist measure, large amounts of money were

spent to enlarge the seawalls along the Puducherry coast instead of spending those funds on the much required and planned beach nourishment that would have restored the beaches and protected the Puducherry town and coastal villages more effectively against any future Tsunamis.

30. In spite of expert views on the dangers of constructing groynes and the necessity of conducting detailed studies off the coast, the PWD drew a fresh proposal to construct groynes along the Pondicherry coastline. In November 2006, a 50 m long groyne was constructed just adjacent and north of the New Pier. From enquiries it was learnt that this groyne was built without any environmental clearance and its construction was abruptly halted upon enquiries.

31. Notwithstanding the severe erosion along the coasts of Puducherry, the Government of Puducherry did not resume the dredging and sand bypass operations that might restore some portion of beach to its coastline. Instead, under pressure from fishing villages to artificially recreate sandy beaches from which to fish, both the Government of Puducherry and the Government of Tamil Nadu began building groynes at intervals along the coast in 2005.

32. In April 2007, the Government of Tamil Nadu constructed two large groynes at Thandirayankuppam. The southern groyne is 100 m long and the northern groyne is 170 m long. These groynes triggered severe erosion of the coastline to the north. About 70 m wide beach was lost in the same year to the north of the groyne. Since the construction of these groynes, about 2.5 acres of beach has been lost severely affecting the villages of Chinnamudaliarchavadikuppam and Bommayarpalayam.

The village of Chinnamudaliarchavadikuppam lost several homes as a result of the human-induced erosion. Several other private and public properties have also been damaged.

33. On 20th July 2007, members of civil society groups met the officials of PWD & Port Secretary, Mr. Anbarasu and discussed the urgency for the Pondicherry Government to resume dredging and sand nourishment activities at Pondicherry Harbour entrance. When queried about the status of the proposed construction of groynes, Mr. Anbarasu stated that there was no definite proposal and he was seriously considering dredging and sand nourishment.

34. In July and August of 2007, elected representatives from the seven fishing villages of Anchankuppam, Chinnamudalyarchavady, Koonimedu, Mudhaliarkuppam, Nadukuppam, Notchikuppam and Pudhukuppam, which are located in the Kottakupam and Marakanam Blocks of the Villupuram District wrote to the Hon'ble Chief Ministers of Puducherry and Tamil Nadu and also submitted resolutions to inform them about their plight caused by the human induced erosion of the coast and also demanded that the beaches in front of their villages be restored so that they may pursue their livelihoods. Being located to the north of Puducherry and seeing the human induced erosion spread towards their beaches they were understandably deeply concerned about the future of their coastal environment and their livelihoods that depended on it. However, no action was taken to fulfill their demands and needs.

35. Following public outcry by several environment groups the construction of other groynes that were also planned was stopped. On

Nov. 3rd 2007 a public consultation meet was held in Auroville between Government officials of Puducherry, Tamil Nadu in the presence of experts (Governmental and Nongovernmental) and civil society groups. The following solutions and measures were unanimously agreed upon and proposed:

Immediate —

- a. Activate sand by-passing system for nourishment and restoration of beach immediately north of Puducherry harbor.
- b. Undertake model studies urgently to arrive at the best method of restoring the eroding beaches of Puducherry and Tamil Nadu. Study the impact of groyne fields with and without artificial nourishment, before embarking on new measures
- c. Remodel the harbour entrance for maximizing natural sand by-passing:
 - i. Initially for the existing fishing harbour
 - ii. Later for proposed deep water commercial harbour

Long Term:

- d. Restoration to include artificial nourishment, as universally accepted
- e. Investigate off-shore sand deposits for nourishment
- f. Identify suitable sand nourishment equipment to operate in wave environment

Administrative:

- g. Coastal Zone Management Authorities (CZMA) of Tamil Nadu and Puducherry to coordinate and take up the issue of coastal erosion jointly

h. Initiate Puducherry component of Integrated Coastal Zone Management Plan (ICZMP), in conjunction with Tamil Nadu's ICZMP.

i. Funds to be provided for modeling and hydrographic survey

36. On 7th December 2007, Mr. C.V. Shankar, IAS, Officer on Special Duty (RR) & Project Director (ETRP & TEAP), GoTN who had attended the consultation meet on 3rd Nov. 2007 wrote to the GoP with regards to proposed construction of groyne field from Kuruchikuppam to Solai Nagar. He requests that this should be undertaken only after the preparation of a comprehensive plan for the coastline, that is sustainable, livelihood sensitive and eco-friendly.

37. On 26th December 2007, the Pondicherry Government inaugurated Capital Dredging, to be taken up at Harbour Entrance. However, when the capital dredging operations began it was shockingly and disappointingly learnt that the dredged sand was being disposed of in deep waters, off shore outside the littoral zone and not used for beach nourishment. Ironically, during the inauguration of capital dredging operations that was held with much fanfare at the New Pier premises, large banners publicizing Beach Nourishment were displayed in spite of the fact that no beach nourishment was being undertaken.

38. On 27th December 2007, members of civil society held meetings with the Port Director of Pondicherry and expressed disappointment that the sand dredged from the harbour entrance was being dumped into the deep waters instead of being used for beach nourishment. Members of civil society met the officials of Pondicherry port and the

Secretary, PWD on 28th December 2007 on the issue of sand nourishment not being undertaken. The officials promised to look into the issue but however on 1st January 2008 the construction of groyne at Kuruchikuppam was resumed without any environmental clearance.

39. In January 2008, representations were made to the Secretary, MoEF about the on-going problem of human-induced erosion along the Pondicherry-Tamil Nadu coastline. The Secretary wrote to the GoP asking them to discuss matters of erosion with GoTN in order to find a viable solution and save the beaches. In total disregard of the observations, recommendation and conclusions of the Nov. 2007 meet, the Govt. of Puducherry initiated a project of construction of groynes along the coast of Kuruchikuppam and Solai Nagar. With construction of groynes continuing to damage the coastline, Jesuratinam, convenor of Coastal Action Network from Nagapattinam filed a writ petition in the High Court at Chennai (W.P. No.1452 of 2008) seeking a Writ of Mandamus, directing the Government of Puducherry (a) to forbear from constructing groyne fields in the coastal region of Puducherry, (b) to conduct appropriate scientific studies for development of a sustainable and comprehensive coastal management plan for the restoration of the Puducherry/Tamil Nadu coastline, and (c) to frame a suitable scheme to ensure that the natural movement of sand is restored so that the coastal areas of Puducherry and Tamil Nadu are protected from erosion. The Government of Tamil Nadu was also a respondent to that petition.

40. This writ petition was disposed on 13 February 2008, after the learned pleader for Government of Puducherry declared in open court

that the activity of construction of groyne field would not be undertaken without the prior permission from the Ministry of Environment and Forestry, Government of India. On this representation by the Government of Puducherry, the High Court dismissed the petition and made no orders with respect to the incidental and ancillary prayers. However, contrary to the undertaking given in Court, construction has begun without obtaining environmental clearance, causing grave irreversible damage.

41. Following the above writ petition, the MoEF constituted a three member committee to visit the Puducherry site proposed for groyne construction. The Committee visited Puducherry on 11th and 12th June 2008 and subsequently reported that as a long-term measure, the GoP should seriously consider sand by-passing of the required amount of sand as this was likely to mitigate the problem of erosion. The committee also suggested that a study covering both Puducherry and adjacent Tamil Nadu coast should be undertaken by a reputed organization. Neither of these have been implemented so far.

42. At the national level, coastal erosion has also become an increasingly pressing issue with every coastal state facing some form of coastal erosion or the other.

43. In April 2009 the Asian Development Bank prepared a report for itself and the Government of India for India's sustainable coastal protection and management. In this report, the following significant points are made:

Change of philosophy:

"The change to sustainable and soft engineering measures for protection needs to be supported by an effective institutional framework including the Government at different levels, communities and also the private sector. To achieve the necessary levels of support requires a shift in Government policy with a clear mandate for the concerned organizations. A key technical issue is the diagnosis and identification of appropriate solutions for coastal protection works. The projects presently being implemented in the states are based almost entirely on the continued expansion and rehabilitation of rock protection works. This type of development is and will continue to have very serious environmental and social implications. There is a need to completely reshape the approach and philosophy to planning, design and implementation of coastal erosion works. Soft solutions for erosion control are now well developed and are already beginning to be implemented in India. There is need to help and guide a well-planned and programmed transition process as well as ensure the planning and designs for the proposed investment program meet the highest standard of environmentally and socially appropriate solutions. There is also a need to identify and address the causes of erosion, frequently these are manmade and the most appropriate solution is to address the cause rather than the effect. This requires an integrated and coordinated approach to the planning and development of all coastal infrastructure and shoreline uses."

Sector assessment:

"The coastal protection strategy in India is synonymous with a prime objective to protect the land; the concept of protecting the beach and the environment are relatively new concepts; coastal protection is not perceived within the wider context of the economic development of the coastline. The most frequently applied methods for coastal protection have been through the use of hard structures such as seawalls or groynes. Despite many failures and environmental damage seawalls and groynes have continued to be constructed which in many cases has simply shifted the problem to neighboring coastal areas or left the real problem to be solved by future generations. As the pressure on the coastal zone due to human-induced activities as well as relative sea level rise keeps expanding, there is an urgent need to find sustainable solutions for coastal protection."

"There is a general awareness of the impacts of hard structures. Rock wall comes easily and soft solutions are largely untried and the technologies are not well understood. The continued use of hard technologies for coastal protection are being questioned by decision makers and there is now a widespread interest and realization of a need to change to softer and appropriate solutions. The move to softer solutions although an easy and acceptable solution in principle but in practice requires significant behavioral changes by all those involved. The transition from hard to soft structures will require an integrated program of awareness, training, capacity building and other support initiatives."

"Presently measures to manage coastal erosion have generally been designed as a local emergency measure rather than sustainable and economically beneficial perspective. The most frequently applied protection methods are hard structures such as seawalls or groynes. Such interventions provide only land protection, and do not address the root cause of the problem; in many cases the protection structures actually accelerate erosion resulting in major losses of the beach."

Institutional arrangements:

"Central Water Commission (CWC), the technical arm of MoWR is the apex agency for shoreline protection / coastal erosion works in the country. CWC implements coastal protection works through two Directorates viz. the Coastal Erosion Directorate (CED) and the Beach Erosion Directorate (BED). The activities of the two directorates are not well coordinated and lateral communication between the two peer bodies is virtually non-existent. The apparent lack of an integrated approach to coastal erosion problems stems from this structural imbalance."

Policy:

"A major weakness in the current sector orientated sector development is the difficulty of addressing the processes and impacts of one sector on another. A prime cause of erosion is the interaction of coastal infrastructure on the natural coastal processes. To help this horizontal coordination is proposed to establish the CWC and the State Executing Agencies (SEA) as the lead group at National and State levels to coordinate coastal infrastructure activities. At National level the leading

organization should be the CWC. The CWC remit is presently restricted to erosion control but there is a key requirement for the coastal erosion directorate to take on a wider coordination role of all coastal infrastructure works including erosion control, ports and harbors, dredging etc. At the State Level it is proposed to establish a Coastal Infrastructure Management Unit (CIMU) within the State Executing Agencies. This unit would be given a mandate to coordinate all coastal infrastructure programs.

There is requirement for a policy document to support the process of shoreline management planning. The policy document for shoreline management planning should include:

- (i) Charging the Coastal District Authorities to prepare Shoreline Management Plans (in coordination with the State Executing Agencies and agencies) over an agreed period. The shoreline plans would be advisory and non-statutory. The plans would be participative involving the stakeholders and local level stakeholders in the primary planning, as well as lateral involvement of different government departments / sector agencies.
- (ii) Increasing the mandates of the SEA and the CWC to take on a lead coordination role in the overall coastal management specifically to coordinate and guide the development and management of all coastal infrastructure.
- (iii) Ensuring that all shoreline developments and interventions are properly studied and subject rigorous technical analysis including numerical modeling. Projects should be supported by environmental assessments."

44. In June 2009 an expert committee of the MoEF published the report "Final Frontier - Agenda to protect the ecosystem and habitat of India's coast for conservation and livelihood security." In this report the committee noted that currently, the shoreline of the country is undergoing a major change because of a large number of port and harbor projects. These projects involve large quantities of dredging, shore protection works, breakwaters, and reclamation. Experts are unanimous that each structure would impact the shoreline-particularly the beach formation. Already, many of these infrastructure projects have caused significant shoreline changes-like in Ennore, Puducherry, Alibag, Digha and Dahej. It is also observed that the shoreline is being impacted adversely by mining projects and by interventions like the building of shore-protection structures like groynes. The Committee was of the view that these developments have all led to serious threats to the coast, as especially beaches face severe erosion and shorelines are visibly changing. Given that the Central and state governments propose to construct several ports and harbours all along the shore in the coming years, these projects could have irreversible adverse impacts on the coast. The Committee recommended the following:

"The government must immediately study the cumulative impacts of the individual projects on the coastline, pending which there should be a moratorium on expansion of existing ports and initiation of new projects."

45. Subsequently, in 2009 the MoEF assigned to the Ministry of Earth Sciences (MoES) to conduct a study for identifying the coastal stretches with regard to human-induced erosion/accretion caused by construction of shore protection measures and breakwaters of ports. Based on the discussions held with MoES, the study was initiated in

two phases namely - (a) phase-I to submit a report based on existing data/information by 15 th October, 2009; (b) phase - II of the study involves micro level analysis that would be carried out for the entire country for the purpose of examining shoreline changes due to existing projects and identify suitable sites for development.

46. In October 2009, ICMAM and INCOIS, MoES, submitted a joint report to the MoEF in which they stated that:

"Coastal structures constructed for port operations and coastal protections works interfere with the littoral transport are found the most common cause of coastal erosion."

"A groyne just shifts the erosion problem to the downstream area. The more efficient the groyne field is in protecting the shoreline within the groyne field, the more lee side erosion will be experienced downstream."

"When a breakwater is built on the shoreline it interferes with the littoral drift budget and the results are sedimentation and shoreline impact. Like a groyne, the breakwater acts as a blockage of the littoral transport, whereby it causes trapping of sand on the upstream side in the form of an accumulating sand fillet, and the possible bypass causes sedimentation in the entrance. The sedimentation requires maintenance dredging and deposition of the dredged sand. The result is a deficit in the littoral drift budget which causes lee side erosion along the adjacent shoreline."

"The major interventions which lead to morphological impact are listed as:

Coastal structures of any kind, which by their occupation directly impact the transport processes and thereby the coastal morphology. Such structures are typically the Ports and marinas, active coastal protection structures (groynes, breakwaters and all other structures occupying part of the foreshore and/or the shoreface), passive coastal protection structures (revetments, seawalls etc. which fix the coastline), reclamations and dikes, inlet jetties at tidal inlets and sea works at river mouths, embankments for bridges /runways, intake / outlet structures crossing the littoral zone."

The report also stated that about 23% or as much as 1248 km of shoreline along the Indian main land is affected by various degree of erosion varying from minor, moderate to severe.

47. In May 2010, the Department of Science, Technology and Environment (DSTE) and the Puducherry Coastal Zone Management Authority (PCZMA) of the Government of Puducherry held a consultation meeting on "Restoration and Protection of Puducherry Coastline" which was attended by various Government Departments, experts from the National Institute of Ocean Technology (NIOT), Anna University, members of the Auroville Foundation and of civil society. As reported in the Minutes of the Meeting "There was a consensus among the participants on the need to protect and nourish the coast of Puducherry and the adjoining areas by adopting site specific coastal protection and restoration techniques after carrying out scientific studies and in consultation with all stakeholders including fishermen community." However, no concrete measures have been implemented to date.

48. A May 2010 document of the CWPRS states that of the various methods used for protection of the coast such as seawalls, revetments, bunds, groynes, offshore breakwaters, etc., the nourishment beach is the best method that should be used for shore protection. However, due to other considerations beach nourishment is still seldom used. Later in the same year, the Indian Journal of Geo-Marine Sciences publishes a paper on coastal erosion and mitigation methods. The author of that study concludes "The recent trends in coastal erosion mitigation is shifting towards soft, innovative, and pro-active methods, since the hard methods have their own repercussions on coastal land and beaches such as down-drift erosion, high cost, poor aesthetics etc. Hard structures such as seawalls and revetments, stop erosion of coastal lands, but refocus the erosion onto the beach. A number of soft methods are available now for erosion mitigation and are being used popularly all over the world. They are very eco-friendly, cheap and construction-friendly too. They may be necessarily adopted on a larger scale in the future erosion mitigation projects, and choice of the particular solution depending upon the local hydrodynamics and site conditions."

49. In October 2010, the PWD, GoP had commenced a Sea Wall project along the coast of Chinnakalpet Village, Puducherry without obtaining prior clearance under the Coastal Regulation Zone Notification, 1991. The site was inspected by members of the Puducherry Coastal Zone Management Authority and direction was issued on 13.10.2010 to the Chief Engineer, PWD under Section 5 of Environment Protection Act, 1986 to stop the sea wall construction immediately and submit necessary application to PCZMA for obtaining the Coastal Regulation

Zone Clearance. PWD has complied and stopped the work. No further work has taken place since then.

50. In the month of November 2010 an official of the MoEF from the Southern Regional Office at Bangalore assessed the state of the coast of Puducherry in relation to the development of fishing harbor at Murthykuppam as it was being opposed by civil society groups. In this report it was observed that "For the old fishing harbor, it was informed that even though, on some earlier occasions, some of the concerned authorities have attempted to address the problem of coastal erosion, the measures taken for the old harbour remains inadequate and not comprehensive since the attempts made were too small and were on piecemeal basis, thus the efforts are not successful in controlling the erosion problems. In the new fishing harbor also a similar situation is arising. Now it is high time for the Government of Puducherry to prepare and launch a detailed implementation plan after due consultations with experts and by integrating all the concerned departments & stake holders for properly managing the coastline and to solve the issues arising out of developments which are taking place in the coast line of Puducherry and adjoining Tamil Nadu."

51. In the month of December 2010, the Project Implementation Agency for the Emergency Tsunami Reconstruction Project (PIA, ETRP) of the GoP issued a Tender for "Maintenance Dredging Works at Ariyankuppam River and the Sea Mouth for Puducherry Fishing Harbour" as part of the reconstruction and modernization of fishing harbor at Puducherry. The related maintenance dredging operations began in 2011 and are still continuing to date. However, while the dredging contractor is required to dispose the dredged material in the

ocean, the dredged material was instead dumped on the land and within the harbor limits. The dredged sand, estimated to be amounting to about 1,50,000 cubic meters is still lying on the land instead of being returned to the littoral drift. This subtraction of coastal sediment from the sedimentary budget of the Puducherry-Tamil Nadu coastal compartment and sediment cell is resulting in erosion of the coastline. Several representations to put the sand back into the sea to nourish the beaches have been made but no action has been taken till date.

52. In January 2011 the Puducherry PWD issued an Expression of Interest (EOI) for erosion control and reclamation of Puducherry beach with "soft solutions" such as geo tubes, clearly stating that all conventional "hard" measures such as "boulders, tetrapods, etc.," were excluded from the chosen solutions, as deemed harmful for the coastal environment. Additionally, it is stated that the proposed solution should have a short-term and long term perspective plan to ensure better coastal environment. Moreover, the proposed solutions should involve the authorities of neighbouring state and stake holders. Most importantly the consultant should "ensure that there is no adverse impact to the coastline due to the implementation of the project." This point is emphasized in the EOI repeating that "there is need to ensure that this does not affect the adjoining features of the coast line both in the state of Tamil Nadu and Puducherry." Finally, during the post-construction stage, the project proponent is supposed to achieve the objectives of coastal protection and reclamation in a "holistic manner." By undertaking such a project, the Government of Puducherry should be able to address its coastal erosion problems while ensuring that the

neighbouring state and areas of Tamil Nadu not only do not get affected but also benefit from it.

53. On 18th August 2011 the Hon'ble Minister for Public Works Department, Govt. of Tamil Nadu writes to the Hon'ble Chief Minister of the Govt. of Puducherry to apprise him that the lack of sand by-passing and its effect on the littoral drift at the Ariyankuppam Harbour in Puducherry has caused severe erosion of the neighbouring Tamil Nadu coastline, as a result of which in the year 2006, 200 m of beach was eroded, several homes were destroyed and the life of a child was lost. The Hon'ble Minister draws the attention to an earlier letter from the Govt. of Tamil Nadu in which the GoP is requested not to continue construction of groynes without proper technical studies as it is likely to further affect the Tamil Nadu shoreline. He also informs that the proposed Deep Water Port would have a catastrophic effect on the shoreline of Villupuram District. He also requests the GoP to start sand by-passing and to desist going ahead with the proposed Deep-Water Port without obtaining the prior consent of the GoTN so that Tamil Nadu coastline is not further affected. On 29th November 2011, a second letter is sent to remind the GoP to start sand by-passing at the harbor and to stop further interruption of Littoral Drift that would take by construction of the proposed Deep Water Port which would further affect the Tamil Nadu coast and go against his Govt's interests.

54. On 29th Dec. 2011, the Secretary, Port Department, GoP held a stakeholder's meeting on restoration of Puducherry coastline as reported in the Minutes of the Meeting circulated on 23rd Feb 2012. During that the Secretary suggested that "all should work for a

sustainable solution to the problem of erosion." The Chief Engineer, PWD-cum Director of Ports responded that "the PWD was called by the MoEF and had suggested that Geotubes be put up along the Puducherry coast towards restoring the coastline." During the meeting "all agreed that the rejuvenation of the lost beaches is of vital importance since it would not only help the fishermen but also facilitate tourism." To conclude, the Secretary assured that "a long term sustainable solution to the restoration of the coastline of Puducherry [was] for the benefit of one and all."

55. On 2nd February 2012 the Government of Puducherry constituted the Evaluation Committee for Assessing the consultant for the coastal protection work in Puducherry using Geotextile tubes. This committee is yet to meet.

56. In March 2012 the MoEF wrote to the Government of Tamil Nadu to enquire about the construction of groynes along the Chinnamudalyar Chavadi Kuppam coast based on a complaint against the proposed groynes that was made by the NGO Pandy CAN. No action was taken.

57. In its September 2012 report, the National Institute of Ocean Technology (NIOT) stated the following with regard to the groynes constructed in Puducherry and Tamil Nadu: "It is recognised that groynes should be used only to maintain existing conditions, rather than enhancing beach volume or eliminating erosion... But this should be used only after exhausting all other available options for restoration." The report also stated:

"There is a need for a well-defined plan that seeks to treat the shoreline and the issue of erosion in a more integrated, sustainable and strategic manner."

"It is recommended to have a total and common shoreline management plan for the entire Puducherry and the adjacent Tamil Nadu coast so that short-term and long-term strategies can be drawn considering the coast in total. The short-term strategies required at specific sites can be designed and integrated in long-term strategies, if a shoreline management plan is prepared."

"As Puducherry is known for its tourism/recreation, it is advisable to restore the natural beach by implementing beach nourishment... The above option will not only help in gaining a natural beach but also help in controlling the erosion of the northern coast. The detailed design of beach nourishment scheme can be worked out based on discussions. Also, eco-friendly techniques and "soft engineering measures" to stabilize the coast could be implemented along with beach nourishment for retaining the sand and to restore the ecological functions and services that are provided by sandy beach ecosystems as well as enhance livelihood opportunities for the fishing communities and increase value to the coast." "A long term and permanent solution can be found if both the Tamil Nadu and Puducherry Governments jointly work towards a common, long-term and sustainable shore restoration strategy. Short-term solutions may need to be implemented, but these have to take into account the long-term solutions and should be "no-regret" solutions." "The general principle of "working with nature" would be a better

approach for cost-effective and sustainable coastal protection measures. Puducherry needs to consider modern protection practices which achieve a more effective and sustainable means of coastal protection while also addressing local amenity and economic development aspects. It is most important to ensure that the natural movement and flow of sediment along the shoreline is maintained."

"The beach restoration will primarily benefit the coastal dwellers living along the Puducherry and nearby Tamil Nadu coast including fishing households, the owners, operators and employees of fishing boats, hotels and other tourism related businesses and their employees. But mostly it will benefit all the residents of this peaceful coastline whose young children have never even seen its beautiful beaches."

58. The report "The Challenged Coast of India" published in October 2012 also points out with regard to the performance of the groynes that were built along the Soudanikuppam-Thandiriayankuppam coast that for every square meter of beach that has been artificially gained with the use of groynes, about 4 square meters of beach space is damaged and lost on the down drift side of the groynes. Therefore, it is unequivocally demonstrated that groynes are causing more damage to the coast and that they are exacerbating the problem of erosion.

59. Neither the Government of Puducherry, nor the Government of Tamil Nadu examined any available options for beach restoration. Mechanical sand bypass was not implemented. More importantly, there is no record that the Government of Puducherry ever considered the simplest, most effective way to restore the beaches, end the massive

erosion of village land into the sea, restore the livelihoods of the local fishing communities, and reverse the trend of increasing saline infiltration into the local aquifers: to remove the damaging harbour at Ariyankuppam and allow the natural flow of sand to resume. When one compares the insignificant economic benefit conferred by the harbour with the enormous economic, social, and environmental cost of the ravaged coastline for 18 kilometres to the north (and moving ever-northward as hard structures proliferate), it is astonishing that the Government of Puducherry never considered this obvious alternative.

60. A comprehensive plan for coastal protection has not yet been considered in spite of the fact that both the Governments of Puducherry and Tamil Nadu are fully aware that the erosion is spreading northwards. Instead of taking proactive measures to mitigate the erosion, the erosion is instead allowed to go on, increase and further degrade the coastal environment. Both the governments jump into action only when it is too late and the erosion of the coast has become a manmade disaster in which the homes and livelihoods of the coastal communities have been destroyed. It is only in such belated circumstances that the concerned Government authorities resort to the construction of seawalls as emergency measures. Under these disastrous circumstances, the concerned authorities justify the construction of seawalls as their only option available. Such tardy actions, ad hoc-ism and poor planning and negligence only results in the destruction of a greater extent of the coastal environment.

61. The destruction of sandy beaches represents a very significant economic loss to Puducherry's tourism industry and to the traditional

fishing industry all along the damaged coast. It is estimated that thousands of traditional fishermen have been unable to pursue their livelihoods since the beaches were lost and seawalls have come up; and thousands more are now forced to launch their boats from places outside their own villages. An estimated 300 acres of land mass has been taken by the sea, including numerous houses and other buildings in coastal villages. The governments of Puducherry and Tamil Nadu have spent hundreds of crores of rupees dumping boulders to create riprap seawalls and groynes. In addition to the environmental and aesthetic loss to the immediate coastline, this construction activity entails collateral environmental damage to the mountains from which the boulders are quarried and the energy used to transport them from mountain to seaside. The hard structures on the coastline have radically transformed the morphology and morphodynamics of the coast and intertidal marine zone. This has far-reaching consequences for the entire ecosystem.

62. The endangered Olive Ridley sea turtles which are listed under Schedule I of the Indian Wildlife Protection Act (1972) nest along the Puducherry-Tamil Nadu coastline. Olive Ridges are known to return to their natal beaches to lay their eggs. But when man-made structures have been built in the place of their nesting beaches, as is the case in Puducherry and Tamil Nadu, these structures prevent sea turtles from continuing their innate life cycles. Coastal structures therefore directly threaten and further endanger sea turtles by reducing suitable nesting habitat and displacing turtles into less-than-optimal nesting areas. The destruction of the natural beach space and habitat by human induced erosion followed by the armouring of the coast with seawalls

and groynes makes it impossible for sea turtles to make their nests on the beaches. The ad hoc and unscientific construction of seawalls and groynes along the coast is therefore directly endangering the existence of sea turtles.

63. The armouring of the coast with seawalls and groynes also results in the destruction of intertidal habitat that is required by marine flora and fauna such as planktons, crustaceans, bi-valves, mollusks, other invertebrates and even fishes. These flora and fauna also form part of the marine food chain which supports fish stocks. The destruction of inter-tidal habitat therefore impacts large numbers of marine species and ecosystems.

64. Without the beach providing the crucial sandy buffer between the sea and the land, erosion of the seabed at the coastal margin has resulted in salt water infiltration into the local aquifers. The Central Ground Water Board has reported that the ground water development in the Puducherry region is rather very high and no further groundwater development is to be encouraged. On the other hand, there is an urgent need for regulation of over-exploitation, protection and augmentation of ground water resources to recharge the depleted aquifer systems. An assessment of the vulnerability of seawater intrusion in Puducherry coastal region is indicating that both the northern and southern coasts of the Puducherry region are vulnerable to seawater intrusion. As the groundwater resources of the Puducherry region are already stressed, the increase of seawater intrusion due to human induced coastal erosion has to be avoided at all costs.

65. The increased salinity in Puducherry's fresh water has resulted in hundreds of hectares of farm land becoming fallow. In addition to ruining the taste of the local drinking water, increased salinity is well-known to cause kidney disease. Several of the shallow wells along the coast on which the local communities depend for their freshwater requirements have already turned saline. The loss of freshwater resources is causing severe hardship to the local communities as they have to find alternative sources of freshwater.

66. It is also important to note that at the national level the coastline also represent the boundary of the nation and its territories. The indiscriminate, uncontrolled, and unnatural alteration of the coastline is resulting in the uncontrolled alteration of the national boundary, both on land as well as offshore, of the international maritime border and that of the Exclusive Economic Zone (EEZ). This is something that has political and economic implications which are of national concern.

67. The seawalls and groynes are being built without any carrying capacity studies. The coastal environment of the Puducherry-Tamil Nadu region is already heavily and to a large extent impacted by the ongoing human induced erosion of the coast caused by the Puducherry harbor. Further armouring of the coast with seawalls and groynes will only result in reducing the carrying capacity of the coastal environment beyond the point of self-sustainability.

68. The coastal environment is a highly dynamic and therefore complex environment to manage. Experience has shown that the less one interferes with coastal processes, the lower is the likelihood of having coastal management problems. Across the world, increasingly

the scientific community is of the opinion that particularly on the coast it is preferable to "work with Nature" rather to try to "fight against Nature." This approach is also akin to the approach of the Precautionary Principle which advocates that if the coastline is eroding, particularly due to human induced causes, it is preferable to address the root causes of the problem and try to return to the original, natural, stable state of the coastline, rather than to attempt to re-engineer the coastal environment which results in perpetual alteration of the coastal environment with all its accompanying negative impacts.

69. Despite the recognition by the Union and State Governments, as well as that of related Government agencies such as the CWPRS and the NIOT, private and professional consultancy firms, local communities, civil society groups that "soft" engineering measures such as beach nourishment, which are environmentally and socially friendly and increasingly adopted world-wide, should be adopted tackle coastal erosion, especially to mitigate and reverse human induced coastal erosion, there is however a lack of well-defined scientific and technically sound processes and systems for sand nourishment of eroding beaches which the Government and their respective agencies can follow or implement. As a result of the lack of such well-defined processes and systems, Governments and their agencies fall back upon past experience, even though it is obsolete and go about "business as usual." In this regard, it is also important to note that the "business as usual" favours vested interests, such as the consultants who get to design more and more coastal structures as they cause more and more erosion, the quarry owners, the transporters and the contractors who keep on benefitting

as long as coastal structures need to be built even though it is at the cost of the coastal environment.

70. Seeing the unwillingness of concerned agencies to restore and nourish the beaches, very often the local communities that have at first lost their livelihoods when their beaches have eroded, eventually get desperate when nothing is done to control the erosion particularly when they start losing their habitations. As a last and desperate measure to save their homes, these communities start to demand that their homes be immediately protected in whichever way possible, even with the use of hard structures such as seawalls and even if it is at the cost of the coastal environment. The measures, particularly those that are environmentally destructive, that are demanded in a state of desperation by the local communities and followed out of popular demand are not necessarily the best for their livelihoods, the environment, the society at large and the future generations, especially in the long term.

71. Since the construction of the harbor, seawalls and groynes commenced in Puducherry and Tamil Nadu, numerous civic groups, including Coastal Action Network, have complained to the Government of Puducherry and Government of Tamil Nadu and warned of the worsening environmental and economic disaster. Both governments have ignored these warnings and continued to build hard structures, in the Cuddalore, Puducherry and Villupuram Districts, disrupting the natural flow of coastal sediment, damaging their own coast and their neighbor's, in complete disregard of the economic, social, and environmental consequences of this construction.

72. The Government of Tamil Nadu currently proposes to build a series of 12 more groynes from Chinnamudalaiyar Chavadi to Bommiyarpalayam, as well as additional seawalls and groynes to the south of Puducherry, as far south as Cuddalore. Some of the work has already commenced. The Government of Tamil Nadu has not sought or been given prior permission and approval by the Ministry of Environment and Forests, Government of India to construct these groynes.

73. On or about 18 November 2012, the Government of Tamil Nadu began dumping rocks on the coast at Chinnamudalaiyar Chavadi, thereby commencing construction of a planned 180m groyne. This activity will cause further damage to the coastline, and to the lives and livelihoods of those who live along the coastline, if it is allowed to proceed. The Government has, without considering the hazards of undertaking such activity has commenced and is continuing with the construction of the groyne, the fact that the detriment caused to the coastal environment is not limited only to that particular sector has not, even been considered. No proper environmental impact assessment has been done by the concerned authorities, in violation of governing laws and violating rights guaranteed under Article 21 of the Indian Constitution. The economic consequences of the damage caused by the construction of the groyne will be disastrous.

74. On 27th December 2012 the Puducherry Coastal Zone Management Authority (PCZMA) wrote to the MoEF requesting it to impress upon the Government of Tamil Nadu to refrain from undertaking ad hoc coastal protection measures such as seawalls and groynes without consulting and taking the consent of the Government

of Puducherry and required CRZ clearances. The PCZMA also expressed its apprehension that the proposed and on-going coastal protection measures erected in adjacent Tamil Nadu would cause erosion of the Puducherry coastline. Moreover, the PCZMA also expressed the need to follow the recommendations of the stated NIOT report which suggests that a common shoreline management plan for the entire Puducherry and adjacent Tamil Nadu coastline should be prepared so that short-term and long-term strategies can be drawn considering the coast in total.

75. According to the CRZ Notification 2011, Section 3, (iv), activities that disturb the natural course of seawater such as for erosion control are prohibited if constructed without an Environmental Impact Assessment study. Section 4.2, (i), (c) of the same notification also states that the procedure for clearance of such activities should be undertaken after comprehensive EIA with cumulative studies for projects in the stretches classified as low and medium eroding by MoEF based on scientific studies and in consultation with the State Governments and Union territory Administration. The seawalls and groynes being built by the GoTN at Chinnamudalaiyar Chavadi Kuppam and in Villupuram District and Devanampattinam in Cuddalore District are being undertaken without an EIA, neither with a comprehensive EIS with cumulative studies and without consultation with the State Governments and Union territory Administration and are therefore in violation of CRZ Notification 2011.

76. According to the Environmental Impact Assessment Notification 2006, the construction of seawalls and groynes being built by the GoTN at Chinnamudalaiyar Chavadi Kuppam and in Villupuram District and Devanampattinam in Cuddalore District are classified as "Category A"

projects as they fall within 10 km of the inter-state boundary and would therefore require an EIA. The natural flow of sediment and beach sand along the coast is an essential phenomenon and process which supports natural habitats, flora and fauna, human populations and their fundamental right to life and livelihood. Coastal sediment is a public good that forms the very foundation of the sandy coastal environment, without which none of the sandy coastal environments can be sustained. The human induced loss of sediment from the coast and the resulting erosion and destruction of coastal habitats therefore directly results in the violation of the fundamental right to life and livelihood of all that which is dependent on coastal sediment. Just as water, food, air, light, etc., are an essential part of the life and livelihood of every citizen of this country, similarly coastal sediment is equally an essential public good which is a part of the life and livelihood of all that which depends on the coastal environment. The human induced loss of coastal sediment within and even across state boundaries therefore results in the violation of the fundamental right to life and livelihood of all that which depends on the coastal environment. Numerous representations on the above issues described above, particularly such as the human induced coastal erosion, mitigation and restoration through sand nourishment, restoration of the sandy beach ecosystems and the livelihoods of the local communities, etc., spanning a period of more than a decade have been made by several citizen and civil society groups. However, not only is the human induced erosion of the coast increasing unabated, but it is even being aggravated by adhoc, unscientific and unsustainable coastal management measures which are arbitrary and illegal. The Respondents have not undertaken any scientific studies with regard to the exacerbation of erosion due to the

groynes already constructed, and erosion is rapidly progressing with no intervention to prevent the same on the part of the statutory authorities.

77. On 29th Sep 2012, a representation was submitted to the District Collector, Cuddalore, the 2nd applicant submitted representation to several authorities including the respondents herein.

On 06th Jan 2012, a representation was submitted to the Government of Tamil Nadu, requesting them to refrain from construction of groynes. On 20th Nov 2012 and 12th Dec 2012, further representations were made by the applicants to the authorities, requesting them to take appropriate action. However, no reply has been received from the authorities and the damage caused to the environment due to the indiscriminate construction of hard structures along the coast continues to this day.

Stand of Puducherry Coastal Zone Management Authority (PCZMA) and MoEF&CC

78. Replies have been filed by contesting respondents. It is not necessary to refer to all the replies. It will suffice to refer to the affidavit filed by Puducherry Coastal Zone Management Authority (PCZMA) on 06.10.2021 and the reply filed by the MoEF&CC. PCZMA refers to comprehensive Shoreline Management Plan (SMP) for Puducherry in May, 2015 by the National Institute of Ocean Technology (NIOT), Ministry of Earth Sciences, after monitoring the coastal processes responsible for the shoreline changes from 2012. The SMP was submitted to the MoEF&CC. NIOT designed a hybrid solution for the first time in the country with two reefs and sand nourishment for restoring the eroding beach along Puducherry town. The proposed hybrid solution involved the following:-

- i. Construction of one Nearshore Wedge Reef opposite to the Chief Secretariat on the north end of Puducherry town foreshore, with the crest at Chart Datum.
 - ii. Construction of one Offshore Reef placed at the south end, at 300 m north of the pier, with the crest at 1 m above Chart Datum.
 - iii. Sand nourishment using 4,50,000 m³ of sand between northern and southern reef along the Coastline of Pondicherry Town and Gandhi Statue
79. The above project has been adopted in Puducherry for which CRZ Clearance has been granted.
80. The executive summary in the report of the NIOT is as follows:-

Many beaches along East coast of India are subjected to erosion, which threatens habitat, property, public infrastructure, and the tourist industry. Loss of sand can be attributed natural changes (sea level rise, storms, and more recently persistent low pressures due to climate change) and man-made activities (harbors, jetties, seawalls, groins, dredging of tidal inlets and damming of rivers). Pondicherry coast is not exceptional and after construction of Pondicherry harbour, coast north of harbour is subjected to sea erosion. Initially, sand bypassing was carried out by harbour authorities to prevent down drift erosion and to maintain channel free from siltation. Later, discontinuing of sand bypassing due to various technical reasons, lead to erosion on Pondicherry city. UT Pondicherry and Tamil Nadu State Government resorted to short term measures to protect the coast from erosion. Seawall of length 6 Km was constructed by UT Pondicherry, which covers city of Pondicherry and the coastal stretch (2 km) from Sodhanaikuppam to Thanthriyankuppam was protected groin field combined with seawall by Tamil Nadu government. The erosion problem shifted further north, Chinnamudalaiyar Chavadi is experiencing increased erosion and many buildings were lost to sea. Highly eroding fishing hamlet, north of Chinnamudalaiyar Chavadi, and Chinnakalapettai village in UT Pondicherry were also protected by seawall. As on date, 8 km length of the coast was protected by seawall and groin field along Pondicherry coast by UT Pondicherry and Tamil Nadu Government. The above solutions could protect the coast under threat but the authorities and stake holders need an integrated long-term solution for protection of coast and restoration of natural beach.

Since, the available information on Pondicherry coast is not sufficient for working out suitable strategies; NIOT was consulted by both UT Pondicherry and Tamil Nadu government to work out long

term/ short term strategies for management of coast from erosion and impact of cyclones. NIOT has initiated studies to evolve strategies for protection of Pondicherry coast under the project "Demonstration of Shore Protection Measures through Pilot project", with financial support from Ministry of Earth Sciences. NIOT has taken p task of developing strategies for protection of Pondicherry coast with objectives: 1) Assessment of status of existing protection measures and its performance 2) To Understanding the processes responsible for shoreline changes through monitoring waves, tides, currents, sediment characteristics and coastal morphology 3) Analysis of long/short term trends of shoreline along Pondicherry coast and 4) Development of shore protection measures through numerical models. The first three activities were completed and documented in the present report. The final report with strategies for protection of coast will be arrived at based on the discussion with the governments of Tamil Nadu and UT Pondicherry and stake holders.

The study aims at understanding various dynamical aspects of coast (water level variations, currents & circulation, tides, waves, bathymetric variations, sediment transport, shoreline changes etc.) to develop hind cast, now cast and forecast models on shoreline changes in priority areas for identification of vulnerable areas of erosion/ accretion to arrive at remedial measures for protection of coastline from natural and human perturbations. The strategy proposed in the present study aims at obtaining a comprehensive picture on shoreline changes along Pondicherry coast and to take remedial measures for shoreline management along the stretch.

The study area with coastline length of 18 km was divided into four distinct zones, namely 1) Pondicherry harbour and adjoining areas, 2 km 2) Pondicherry city, protected by seawall, 6 km 3) Groin field, 2 km and 4) Open coast, 8 km. The shoreline changes in these four zones were analyzed using remote sensing data and field measurements. The result indicate that the average rate of erosion and accretion is 4m/yr and 5m/yr respectively and the coast needs immediate attention for its protection from natural causes or man-made activities. The estimated rate of net drift would be in the order of 0.28 -0.30 million cum, which needs to be confirmed by detailed shoreline monitoring.

Coastal processes responsible for shoreline changes were monitored during 2012, where data on winds, waves, tides, currents, sediments, bathymetry etc. were collected between Pondicherry Port and Kalapettai village, covering a coastline of 18 km. Seasonal variations on water levels, wave climate, currents and circulation sediment transport, shoreline changes etc. were studied. The measurements made indicated that the tide propagates from south to north. Currents measured upto a depth of 20 m were found to be seasonal, northerly during SW monsoon and southerly during NE monsoon. The average currents during SW and NE monsoon would be 0.3m/s and 0.5m/s. The near shore currents generated by waves follow pattern of coastal Currents In Tamil Nadu coast, which is added

advantage in developing shore protection measures. Wave climate indicate that 70% of the waves approach the coast from SE direction and the remaining 30% from NE direction.

Pondicherry, known for tourism/recreation, has lost its natural beach due to construction of seawall. **It is advisable to restore natural beach by implementing beach nourishment. Initial estimates indicate that sand to extent of 3.0 million cum need to be placed north of harbour for length of 600 m near the Gandhi statue. The above option not only helps in gaining natural beach but also helps in controlling the erosion of northern coast. The detailed design of beach nourishment scheme can be worked based on the discussions. Also, eco-friendly techniques and "soft engineering measures" could be implemented along with beach nourishment for retaining of sand and also to restore ecological functions of the coast.**

Short-term solutions may need to be implemented, but these solutions have to take into account the long-term solutions and should be "no-regret" solutions.

A long-term and permanent solution can be found if both the Tamil Nadu and Pondicherry governments jointly work towards a common, long-term and sustainable shore restoration strategy."

81. Summary and recommendations in the report are as follows:-

"Summary and Recommendations

The coast along Pondicherry and the adjacent areas of the Villupuram district has been experiencing severe erosion for the past 20 years. Natural causes interception of littoral drift by the harbour at Ariyankuppam village, Pondicherry constructed in 1990 and the subsequent construction of coastal defence structures such as seawalls and groins caused erosion in this and groins regions. Pondicherry and Tamil Nadu governments made several attempts to protect the coast under threat using options like seawalls and groins. Though these protection measures have offered some relief to the coast under threat, adjacent parts of coast areas are eroding, more unstable and are constantly under threat.

There is a need for a well-defined plan that seeks to treat the shoreline and the issue of erosion in a more integrated, sustainable and strategic manner. This can be achieved by a Shoreline Management Plan (SMP), which considers the issues at a reasonable scale and focuses on restoring the natural sandy beaches. Policy makers, engineers and stakeholders seek a long term solution to restore the sandy beaches of this entire affected region. The basic questions which need to be answered and understood before attempting any such coastal restoration scheme are following:

1. Present status of coast (geomorphic setting and functional performance of already implemented protection measures)
2. Coastal processes along this coast in relation to proposed coastal restoration schemes.
3. Priorities of policy makers and stakeholders
4. Requirements of stakeholders
5. Economical, environmental and social sustainability of proposed restoration measures.

Considering the above, the overall objective of the coastal restoration project should be to address the coastal restoration needs through the implementation of economically viable restoration works using environmental and socially appropriate solutions. This report describes the present status of the coast and the performance of existing coastal protection schemes. The data on sea bathymetry, land topography, hydrodynamics (tides, waves, currents and sediment characteristics) and shoreline changes was collected for analyzing the coastal processes. A joint meeting with Tamil Nadu and Pondicherry governments is required to draw strategies for coastal restoration measures where various technical alternatives can be analysed in relation to the priorities of the government keeping in view that the solution adopted should be sustainable, long term and permanent without affecting the coastline located further north.

The analysis of long-term shoreline change data indicate that the average rate of Shoreline recession and progression over a period of 30 years is in order of 4 m/yr and 5 7yr respectively. However, localized shoreline change rates. recession specifically, of 50 In in a season were observed. However, the rate of shoreline change and/or erosion is dependent on gradient of sediment transport along the coast, which is dependent on Configuration of the coast, near shore current and availability of the sediments.

The 18 km length of coastline of Pondicherry was divided into four zones for analysis. The first zone (Zone A) covering a length of 3.5 km represents the zone of direct influence of the Pondichery harbour. The sand has accumulated up to the tip of the south breakwater with maximum accretion of 180 m and the sediment started bypassing to the north. The northern side of the harbour is protected by a seawall and sediment deposition is noticed, during the NE monsoon due to the southerly drift. The maximum erosion is about 40 m at distance of 600 m from north breakwater from 1991 to 2000. The second zone (Zone B- 4 km), which is part of Pondicherry township is protected by a seawall. Securing at the foot of the seawall is noticed during active monsoon. The third zone (Zone C- 2.5 km) is protected by a series of disjointed groins. These groins were constructed during 2005-2007 and. accretion to an extent of 90 m is noticed at northern longest groin located at Thathiriyankuppam. The accretion at all groin compartments indicate availability of sediments along the Pondicherry coast during both monsoons.

The CWPRS (1978) has reported that the net drift was estimated to be about 500,000 cu.m. at the time of design of Pondicherry Harbour but the present estimated rate of net drift by us would be in the order of 2,00,000 - 2,80,000 cu m, which needs to be confirmed by detailed shoreline monitoring. The coast north of longest groin at Chinnamudalaiyar Chavadi village has experienced increased erosion and shoreline recession during 2008 to an extent of 70 m. South of this coast regained some lost material during 2012 due to southerly drift and bypassing of sediments from the groin with a net accretion of 20 m. The Zone D with a length of 8 km is not protected by major scheme and maximum erosion observed 1991-2010 is around 25m. A sea wall of length 165 m was constructed at village Chinnakalapettai to protect the coast from erosion.

The following are major observations for arriving at coastal restoration strategies for both the Pondicherry and adjacent Tamil Nadu coast.

- Pondicherry has been known as a beautiful beach town. The beaches here, particularly along the famous beach road were used for all kinds of activities by a large cross-section of people. Children chased crabs and looked for interesting shells. The famous Masi Magam festival of Pondicherry relied on the big beach where the chariots of all the gods from all the temples near and far would come. With the beach almost gone and the rocky sea wall, all these little everyday pleasures of each and every resident of Pondicherry and all those who throng to its shores, have been snatched away.
- The basic objective of shore restoration projects moderate the long-term average erosion rate and shoreline change from man-made causes, which can be achieved only if the natural dynamics of the coast is well understood.
- The medium term analysis of shoreline change data from 1991 -2012, indicate that this region needs immediate attention.
- Protection schemes till date have been implemented in isolation both in Pondicherry and Tamil Nadu, a common phenomenon even in developed countries. This has happened because of various constraints like scientific/engineering understanding of nature, economics of the scheme to be implemented, institutional issues, lack of interstate coordination and acceptance by stakeholders. It is recommended that short-term and long-term strategies can be drawn considering the coast in total by Pondicherry and Tamil Nadu Government. The short-term strategies required at specific sites can be designed and

integrated in long-term strategies, if a shoreline management plan is prepared.

- Pondicherry harbour is causing a deficit in sediment supply to the northern coast. Sand bypassing carried out by harbour authorities for certain period could maintain the beach north of the harbour. Later, discontinuing the sand bypassing resulted in loss of beaches in the northern coast. The recent analysis of satellite data suggests that parts of the littoral sediments are bypassed naturally to northern coast. While designing the shore restoration scheme for Pondicherry coast, the configuration of harbour and its relation to natural bypassing of sand at harbour should be studied.
- Pondicherry wave climate is influenced by both the SE and NE waves. With occasional cyclonic storms crossing the coast. The maximum surge level observed above tide is 0.7m with a tidal range of 1.2 m. The waves approaches from SE direction from April to September with mean direction 135 deg, while during NE monsoon, the direction is 90 deg. The coastal currents are seasonal, directed to north during SW monsoon and south during NE monsoon. The average currents during SW and NE monsoon would be 0.3m/s and 0.5 m/s. The near shore currents generated by waves follow similar pattern like coastal currents in Tamil Nadu coast, which is an added advantage in developing common shore restoration measures. A detailed study conducted at Vellar estuary and Ennore shows shoreline change governed by wave climate and tidal influence is insignificant. Low pressure systems like events of 2007 can cause significant damage to coast and some of its changes could be permanent. The coastal protection scheme seawall built along the Pondicherry town for length of 6 km need to be assessed carefully to avoid further damage during cyclone or low pressure periods.
- Pondicherry is known for its tourism/recreation, it is advisable to restore the natural beach by implementing beach nourishment. At Ennore, sand dredged from harbour to an extent of 3.5 million cum was placed, north of harbour to prevent down drift erosion. The performance of beach nourishment was assessed based on long-term data at Ennore which shows nourishment has supplied sand to northern coast for period of 5 years and coastline was stable even after the construction of harbour. Initial estimates indicate that sand to the extent of 3.0 million cum needs to be placed north of the harbor for length of 600m near the Gandhi statue. The above option will not only help in gaining a natural beach but also help in controlling the erosion of the northern coast. The detailed design of beach nourishment scheme can be worked out based on discussions. Also, eco-friendly techniques and "soft

engineering measures" to stabilize the coast could be implemented along with beach nourishment for retaining the sand and to restore the ecological functions and services that are provided by sandy beach ecosystems as well as enhance livelihood opportunities for the fishing communities and increase value to the coast.

- *A long term and permanent solution can be found if both the Tamil Nadu and Pondicherry Governments jointly work towards a common; long-term and sustainable shore restoration strategy.*
- *Short-term solutions may need to be implemented, but these have to take into account the long-term solutions and should be "no-regret" solutions.*
- *Worldwide there is now increasing examples of replacement of hard structures like seawalls with softer options Such as beach nouishment, Sand bypassing, dune planting and offshore submerged reefs. Thus, the general principle of "working with nature" Would be a better approach for cost-effective and sustainable coastal protection measures. Pondicherry needs to consider modern protection practices which achieve more effective and sustainable means of coastal protection while also addressing local amenity and economic development aspects. It is most important to ensure that the natural movement and flow of sediment along the shoreline is maintained.*
- *All Shore protection schemes should be monitored scientifically under technical guidance of expert institutes by Tamil Nadu and Pondicherry governments for improvement in its performance. The crest of berm data collected by Tamil Nadu PWD do not cover any location along Pondicherry coast. The closest locations considered for analyzing the data along this coast are Devanampattinam and Oyyalikuppam at south and north of Pondicherry respectively.*
- *Given the social and economical importance of the Pondicherry beaches, the coastal restoration option should consider the protection of land, buildings, groundwater, ecology, livelihoods and public and private infrastructure against future loss and damage caused by erosion and storms.*
- *The beach restoration will primarily benefit the coastal dwellers living along the Pondicherry and nearby Tamil Nadu coast including fishing households, the owners, operators and employees of fishing boats, hotels and other tourism related businesses and their employees. But mostly it will benefit all the residents of this peaceful coastline whose young children have never even seen its beautiful beaches. No One expected that waves due to monsoon or cyclone take away the natural beach."*

Reply of MoEF&CC

82. Reply of the MoEF&CC dated 02.02.2021 deals with the status of updation/revision of CZMPs as follows:-

2. That in exercise of the powers conferred by the sub-section (1) and Clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 read with clause (d) of the sub-rule 5 of the Environment (Protection) Rules, 1986, Ministry of Environment and Forest had notified the Coastal Regulation Zone Notification, 1991 on 19th February, 1991, which, inter-alia, provided classification of Coastal Regulation Zone (hereinafter referred to as CRZ) areas and norms for regulating developmental activities therein. This Notification was subsequently amended from time to time.

3. That it is submitted that in supersession of the **CRZ Notification, 1991, the Coastal Regulation Zone Notification, 2011 was notified on 6 January, 2011 for regulation of developmental activities along the coastal stretches and to ensure the livelihood security to the fisher communities and other local communities, living in the coastal areas, to conserve and protect coastal stretches.**

4. The validity of the Coastal Zone Management Plans (hereinafter referred to as CZMPs) approved under CRZ Notification, 1991 was extended from time to time, the last such extension being upto 31.07.2018, pending preparation and subsequent approval of fresh CZMPs under the CRZ Notification, 2011. All the developmental activities in the CRZ areas of coastal States were required to be regulated as per the above mentioned notifications and within the framework of approved CZMPs.

5. It is humbly submitted that the CZMPs of all coastal States except State of Goa has been approved under the provisions of the CRZ Notification, 2011.

6. That it is submitted that in supersession of the CRZ Notification, 2011, the Coastal Regulation Zone Notification, 2019 was notified on 18th January, 2019 for regulation of developmental activities along the coastal stretches and to ensure the livelihood security to the fisher communities and other local communities, living in the coastal areas, to conserve and protect coastal stretches, specifically focused on conservation and management plans of Ecologically Sensitive Areas (ESAs) which did not feature in the CRZ Notification, 2011.

7. It is humbly submitted that the High Tide Line (HTL) has been mapped out and standardized for the entire coast of the country unlike the HTL earlier allowed to be demarcated by one of the seven authorized agencies, that too only for identified stretches/sites, and

thereby bringing in standardization and authenticity and removing arbitrariness.

8. It is submitted that the Hazard Line for the entire coast of the country has also been mapped and is required to be incorporated in CZMPs of the coastal States or Union territories.

9. It is humbly submitted that the CRZ Notification, 2019 shall, however, come in force only after the respective CZMP framed to the CRZ Notification, 2011 have been revised/updated by the States/UTs, as per the provisions of the new CRZ Notification and approved by the Ministry of Environment, Forest & Climate Change. Para 6 (f) of CRZ Notification, 2019 inter alia states as under:

"All coastal States and Union territory administrations shall revise or update their respective coastal zone management plan (CZMP) framed under CRZ Notification, 2011 number S.O 19(E), dated 6th January, 2011, as per provisions of this notification and submit to the Ministry of Environment, Forest and Climate Change for approval at the earliest and all the project activities attracting the provisions of this notification shall be required to be appraised as per the updated CZMP under this notification and until and unless the CZMPs is so revised or updated, provisions of this notification shall not apply and the CZMP as per provisions of CRZ Notification, 2011 shall continue to be followed for appraisal and CRZ clearance to such projects."

Before finalizing the CZMP concerned State/ Union Territories/ Coastal Zone Management Authorities are required to adopt due procedure in preparation of CZMPs as stipulated in Para 6 (ii) of CRZ Notification, 2019 which includes public consultation. Para 6 (iii) of said notification inter alia states as under:

"The coastal States and Union territories shall prepare draft CZMP in 1:25,000 scale map identifying and classifying the CRZ areas within the respective territories in accordance with the guidelines given in Annexure-IV to this notification, which involve public consultation."

A true copy of CRZ Notification, 2019 is annexed herewith and marked as ANNEXURE-R/1.

10. It is humbly submitted that the National Centre for Sustainable Coastal Management (hereinafter referred to as NCSCM) made a presentation on the status of the updation/revision of CZMPs prepared based on provisions of CRZ Notification, 2019, in the 40 meeting of National Coastal Zone Management Authority (NCZMA) held on 28.08.2020, as under:

S.No.	State/UT	Status of Approved CZMP2011	Status of Draft CZMP 2019	Agency preparing CZMP-2019	Time Required to Complete
1.	Maharashtra	Approved	COMPLETED <i>Public hearing completed in all districts other than Palghar and Sindhudurg districts</i>	NCSCM	COMPLETED
2.	Odisha	Approved	COMPLETED <i>Public hearing completed</i>	ORSAC/SAC	COMPLETED
3.	Andhra Pradesh	Approved	80% work Completed including Buffering of CRZ boundaries	NCSCM	4 MONTHS-DEC 2020
4.	Karnataka	Approved	50% work Completed including Buffering of CRZ boundaries	NCSCM	4 MONTHS-DEC 2020
5.	Puducherry	Approved	30% work Completed including Buffering of CRZ boundaries	NCSCM	3 MONTHS-NOV 2020
6.	Daman&Diu	Approved	50% work Completed including Buffering of CRZ boundaries	NCSCM	3 MONTHS-NOV 2020
7.	Tamil Nadu	Approved	20% work completed	NCSCM	5 MONTHS-JAN 2021
8.	Gujarat	Approved	20% work completed	NCSCM	6 MONTHS-FEB 2021
9.	Kerala	Approved	In progress Being monitored by Kerala High Court	NCSCM	Status to be obtained from NCESS
10.	West Bengal	Approved	Pending. Status not known	IESWM	Status to be obtained from IESWM
11.	Goa	Draft published in website for public hearing. Revision based on amendments in	Pending	Not Known	Amendments to CRZ Notification 2011 notified on 1 st May 2020

		progress (NCSCM)			
12	Andaman & Nicobar Islands	ICRZ plans:9 Islands IM Plans:5 Islands Approved	ICRZ Plans of Great Nicobar & Little Andaman Islands completed and submitted to ANZMA for public hearing	NCSCM	6 MONTHS-FEB 2021
13	Lakshadweep Islands	Approved	Revision of IIMPs of Suheli, Kadamat & Marcoy Islands in progress	NCSCM	6 MONTHS-FEB 2021

11. It is humbly submitted that the answering Ministry is yet to receive the draft CZMPs updated/ revised as per the provisions of the CRZ Notification, 2019 from all the coastal State Governments for further consideration and approval.

12. It is further humbly submitted that the CRZ Regulations are to be implemented and monitored including violations thereof by the concerned State Coastal Zone Management Authority in accordance with the proved CZMPs of the respective region of the coastal state."

Consideration of the Issue, finding and Directions

83. We have given due consideration to the issue of protection of the beaches from human induced erosion caused by hard structures. It is a fact that these hard structures may prevent erosion at the said stretch temporarily but the adverse impact of such measures are felt upstream or downstream where erosion surts. Thereby such hard measures only transfer the problem of shoreline change until and unless a holistic study is undertaken keeping in view that sediment cells and appropriate scientific measures taking into consideration both soft and hard. The problem exhaustively highlighted by the applicant, noted above raises substantial question of environment. We are satisfied that the same needs to be addressed by all coastal States/UTs for protection of beaches from human induced erosion caused by hard structures. We find that

Puducherry model of SMP based on report of NIOT submitted in March 2015 addresses the issue comprehensively and can be adopted subject to any suitable change based on further study in terms of the recommendations in the said report. As suggested in the report, there is need to replace hard structures like seawalls, Groynes etc. with softer options such as beach nourishment, sand bypassing, dune planting, offshore submerged reefs, etc. Thus, the general principle of "working with nature" would be a better approach for cost-effective and sustainable coastal protection measures. There is no objection to the said model by any of the appearing parties. Further, the Tribunal also notes that depiction of high, Medium and low erosion stretches along the coast line is mandatory in the CZMPs. The CRZ Notification, 2019 regulates foreshore developmental activities based on these parameters as well. Like ports and harbours are prohibited in high erosion stretches. We also note that inspite of the CRZ Notification being issued in Jan, 2019, the CZMPs have not been finalized and approved for 11 State/UT. This is gross violation of Hon'ble Supreme Court judgment in *Indian Council For Enviro Legal ... vs Union of India & Ors.*, (1996) 5 SSC 281. Accordingly, we direct Chief Secretaries of the Coastal State/UT to finalise the CZMP and get them approved by MoEF within 2 months. The approved CZMP shall contain the parameters as listed in the CRZ 2019 Notification including High, Medium and Low erosion stretches for such erosion prone areas. SMP shall be prepared as illustrated by NIOT for such erosion prone areas. We further direct preparation/updation of their SMPs for such identified eroding stretches shown in the CZMPs within six months. Pending preparation/updation of such SMPs by the Coastal States/UTs, no further hard structures for erosion control be raised or constructed.

The application is disposed of.

A copy of this order be forwarded to all the Coastal States/UTs and MoEF&CC for compliance by e-mail.

Appeal No. 18/2017 (SZ)

84. As noted earlier challenge in the appeal is to the proposed construction of series of 19 Groynes from Ennore to Ernavoorkuppam in Madhavaram Tuluk of Tiruvallur District, Tamil Nadu by the Public Works Department (WRD). The main ground challenge of the CRZ Clearance is that construction of groynes in coastal area has adverse impact by obstructing littoral drift. The impugned clearance ignores this aspect. The impugned CRZ clearance itself mentions that the same is subject to further orders in O.A. 04/2013 which was pending on the date when CRZ Clearance was granted.

85. While dealing with the O.A. No. 4/2013 (SZ), we have approved the report of the NIOT recommending preparation of SMP which should be environmentally compatible, in the manner suggested and discussed above. We have also directed all the Coastal States/UTs in the Country to prepare their respective SMPs accordingly. The impugned CRZ Clearance is not sustainable in view of above discussion. The same is accordingly set aside without prejudice to fresh clearance being granted in accordance with the approved SMP.

The appeal is allowed in above terms.

Adarsh Kumar Goel, CP

K. Ramakrishnan, JM

Sudhir Agarwal, JM

Pushpa Sathyanarayana, JM

Dr. Satyagopal Korlapati, EM

Prof. A. Senthil Vel, EM

April 11, 2022
O.A. No. 04/2013(SZ)
With Appeal No.18/2017(SZ)
A =

F-NO 3-15/1012-24-112

Speed Post



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का अधिकार

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भारत सरकार सेवार्थ

ON INDIA GOVERNMENT SERVICE

The Director,
National Centre for Sustainable Coastal
Management (NCSCM),
Anna University Campus,
Chennai-600025,
Tamil Nadu.



पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय

इंदिरा पर्यावरण भवन, जोर बाग रोड, अलिगंज, नई दिल्ली-110003

Ministry of Environment, Forest and Climate Change

Indira Paryavaran Bhawan, Jor Bagh Road, Aliganj, New Delhi-110003



Item Nos. 3 & 4

(Court No. 1)

**BEFORE THE NATIONAL GREEN TRIBUNAL
SPECIAL BENCH**

(By Video Conferencing)

Original Application No. 04/2013(SZ)

WITH

Appeal No.18/2017(SZ)

C. H. Balamohan

Applicant

Versus

Union of India and Ors.

Respondent(s)

Date of hearing: 11.04.2022

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE MS. JUSTICE PUSHPA SATHYANARAYANA, JUDICIAL MEMBER
HON'BLE DR. SATYAGOPAL KORLAPATI, EXPERT MEMBER
HON'BLE PROF. A SENTHIL VEL, EXPERT MEMBER**

O.A. No. 04/2013(SZ)

For Applicant(s): Mr. A. Yogeshwaran, Advocate

For Respondent(s): Mr. G.M. Syed Nurullah Sheriff, Advocate for R1 & R5.
Dr. D. Shanmuganathan, Advocate for R6 to R8.
Mr. V. Balamurugan and Mr. Alex, Advocates for R9, R10, R12,
R20.
M/s. Suvitha, Advocate for R13.
Mrs. Madhuri Donti Reddy, Advocate for R16.
Mrs. V.K. Rema Smrithi, Advocate for R17.

Appeal No. 18/2017(SZ)

For Appellant(s): Mr. A. Yogeshwaran, Advocate

For Respondent(s): Mr. G.M. Syed Nurullah Sheriff, Advocate for R1 & R2.
Dr. D. Shanmuganathan, Advocate for R3.

ORDER

1. This order will deal with O.A. No. 04/2013(SZ) and Appeal No. 18/2017(SZ) as the both matters involve common issue of protection of stretches of coastal line affected by the human induced erosion caused by hard structures.

Introductory

2. O.A. No. 04/2013(SZ) was filed on 17.01.2013 raising the grievance of destruction of Puducherry and Tamil Nadu Coastal Environment due to construction of hard structures causing continuous erosion of the coast. It is submitted that not only the stretch in question but most parts of Indian Coastline - both on the East and West Coasts are under the influence of the Littoral Drift.

3. Appeal No. 18/2017(SZ) has been preferred against CRZ Clearance dated 06.10.2016 granted by the SEIAA, Tamil Nadu for proposed construction of series of 19 Groynes from Ennore to Ernavoorkuppam in Madhavaram Tuluk of Tiruvallur District, Tamil Nadu, by the Public Works Department (WRD). **The clearance has been granted subject to orders of this Tribunal in OA04/2013.** The said appeal was filed on 28.2.2017 and was admitted for consideration on 10.03.2017. To appreciate the issue involve, we may refer to some of the averments in the O.A.

Main contentions of the Applicant/Appellant

4. According to the applicant there is large scale human induced erosion and destruction. The Littoral Drift varies from one coastal compartment (or sediment cell) to another. Within each of these coastal compartments, the undisturbed coastal environment and habitat is usually in a state of equilibrium. For such a state of equilibrium to exist within a coastal compartment, the "sedimentary budget" within a compartment needs to be maintained. The sedimentary budget is something that has been arrived at and is determined by the prevailing natural phenomena along a particular coast. Just like the water level in

a river is maintained and determined by the "water budget" of its catchment area, similarly the "sediment budget" of the "river of sand" along the coast is determined by the related factors within its sediment cell.

5. When the "sedimentary budget" within a coastal compartment is disturbed and upset, i.e. when the natural movement of sand is disturbed and interrupted for example by man-made coastal structures, a cascading effect takes place along the shores of a given sediment cell. When a coastal structure is erected in the path of the freely moving sand along the coast, the structures prevent the natural flow of sand in the same manner as a dam across the path of river interrupts the flow of water. In such an instance one part of the coast gets an excess of sand and the other side on the down-drift is starved of sediment. The side that is starved of sediment starts and keeps eroding as long as fresh input of sand is not provided.

6. Because coastal compartments and sediment cells are large, often larger than artificial boundaries such as politically determined state boundaries, one sediment cell may overlap two neighboring states. This is particularly true along the East coast of India, where for instance stretches of coastline of the States of Tamil Nadu and Puducherry are part of the same coastal compartment and sediment cell. This is particularly relevant in the case of Puducherry as its territory is fragmented and surrounded by the territories of Tamil Nadu. Thus, if the sediment budget within a coastal compartment that is shared by two states is upset, the impact of such interference will be felt across states.

7. The environmental destruction caused by the construction of hard structures on the coastline which negatively affect the coastal

processes, the environment and the communities is a problem that is not confined to either the Union Territory of Puducherry, or to the State of Tamil Nadu. Rather, it is a situation in which the negligence and/or mismanagement of one government causes destruction both within its own jurisdiction and within the neighboring jurisdiction. Because **the damaging effects of these hard structures transcend state and union territory boundaries**, responsibility for preventing such damage rests equally with the Union Government of India, as well as with the governments of the Union Territory of Puducherry and Tamil Nadu.

8. The Puducherry Region of the Union Territory of Puducherry and large parts of the Tamil Nadu coastline, are situated on the east coast of India which has a sandy coastline and is therefore vulnerable to human-induced change and is thus ecologically sensitive and fragile. The coastal geomorphology and related ecosystems play a large and vital role in the economic development of the region, providing a large number of functions and services, from sustaining ecology, traditional fishing communities to attracting visitors to Puducherry's tourism industry. The severe and rapidly worsening coastal erosion is damaging the subsistence based, sustainable and lucrative sectors of the local economy making the affected region increasingly ecologically, socially and economically vulnerable.

9. Over the past two decades, Puducherry has suffered large scale coastal erosion induced by imprudent, ad hoc and unscientific construction of hard structures on the coast which have a constant, negative impact which is felt and aggravated with every single day that goes by. This problem of human-induced coastal erosion has not been addressed by the Government of Puducherry. Instead, the coastal

management measures adopted so far have only transferred and aggravated the problem of erosion down the coast to the neighbouring state of Tamil Nadu which has been facing the same ever-increasing problems of human-induced coastal erosion since over a decade.

10. The problem of large scale and rapid coastal erosion in Puducherry started in and around 1986 with the construction of an artificial harbour in Ariyankuppam estuary, situated 1.5 km to the south of the Puducherry town. The harbour was meant to provide an artificial channel from the open sea into the Ariyankuppam estuary to provide a safe entrance for barges and other sea-going crafts. The Harbour was finally commissioned in 1993.

11. To keep the mouth of the harbour open to the sea, two breakwaters were constructed to the south and north of the harbour mouth, at either side of the Ariyankuppam estuary. As a result, the northward flow of sediment along the coast was blocked at the southern breakwater, starving the coast to the north of the harbour of sand and causing severe erosion of the coast. The construction of breakwaters in the Puducherry harbour thus commenced the process of coastal erosion and, as a consequence, several kilometres of beach in Puducherry Town has been completely lost.

12. The process of massive erosion caused by the harbour construction was not unexpected. To the contrary, it was expressly anticipated by the studies and recommendations by Centre for Water, Power and Resource Studies ("CWPRS") and Consulting Engineering Services Private Limited ("CES"), which advised the Government of Puducherry while the project was still in the planning stage. Those studies accurately predicted that the breakwaters at the harbour

entrance could cause massive erosion to the north of the harbour, as the structure would block the natural, incessant migration of sand. The studies further predicted that sand would accumulate to the south of the breakwater and the harbour entrance would silt up due to littoral drift. The consultants warned that constant maintenance and dredging was required to clear the harbour mouth, to keep it open. The studies recommended that sand dredged from harbour mouth must be used for sand nourishment to the beaches north of the harbor in order to mitigate the negative impacts caused by the blockage of sand by the harbor breakwaters. The consultants further concluded that continuous sand by-passing -whereby sand blocked and accumulating at the southern breakwater would be mechanically transferred across the harbor mouth and allow it to resume its northward flow up the coast - was required to prevent and mitigate erosion of the coastline north of the harbour, where the town of Puducherry Town as well as several fishing hamlets are situated. An elaborate system of mechanical sand by-passing with dredgers to pump sand from the south side of the harbour to the north side, was therefore adopted when the port was constructed in order to mitigate the negative impacts of coastal erosion.

13. The planned process and system for mitigation which consisted of mechanical sand by-passing and beach nourishment was never efficiently operated by the Government of Puducherry as the system was never fully or properly implemented. Since 1993, when the Ariyankuppam harbour was formally commissioned and became fully operational, it is estimated that out of the total amount of maintenance dredging to be undertaken by the Government of Puducherry, less than about 25% of the total required volume of sand has been dredged till now. However, less than that (it is estimated about 50%) was used to

nourish the beaches as the dredged sand was instead wrongfully either used for land reclamation, disposed of into the deep sea or pilfered by illegal sand miners. As a consequence, the massive human-induced erosion predicted by CWPRS and CES occurred precisely as they said it would, completely wiping-out 10 kilometres of beautiful and important sandy beach along the historic promenade of Puducherry town, the fishing hamlets of Kuruchikuppam, Vaithikuppam, Solai Nagar in Puducherry and the fishing hamlets of Soudanikuppam, Nadu Kuppam, Thandirayan Kuppam and Chinnamudaliarchavadi Kuppam in Tamil Nadu. Other coastal communities further to the north are also witnessing the shrinking of their beaches as the human-induced erosion threateningly moves northwards.

14. In 2002, long after the beach in Puducherry town had disappeared, following several representations made by members of the civil society as well as by experts, the Government of Puducherry instituted a program of sand by-passing and artificial beach nourishment, using sediment dredged from the harbour to provide northward flowing sand. Within a short period of time, small areas of beach began to re-form adjacent to the town. However, unfortunately this program was not sustained and the new areas of beach quickly disappeared when artificial beach nourishment ended.

15. The massive erosion process unleashed by construction of the harbour did not stop with the evisceration of the sand beach. Without the presence of the beach and its corresponding off-shore sand bar, the waves which once formed some distance from shore and broke gently on the slope of the beach now crashed directly onto the once-dry land. Goubert Avenue, more commonly known in Puducherry as "Beach

Road", which runs for 1.5 kilometres along the shore where the sandy beach used to stretch, was threatened as the land beneath it was undermined by the ongoing erosion. Because of scouring of sand below the promenade, the road started to crack and crumble and had to be entirely re-laid.

16. With the natural flow of sand blocked at the harbour and the system of sand bypass neglected, the erosion which eliminated the beach now threatened the very heart of Puducherry town, including the very government offices, the Chief Secretariat, in which the decision to build the ill-considered harbour was originally taken. Instead of activating the sand by-passing system to mitigate the erosion and nourish the beaches as originally intended, the government of Puducherry chose to create a rip-rap seawall along Beach road, dumping crores of tonnes of massive rocks, trucked-in from quarries in Tamil Nadu to "defend" the town against further erosion.

17. In August 2001, a Preliminary Report Submitted by NOIT-IIT to the Govt. of Puducherry proposed the construction of groynes along the coast of the Puducherry Town. This proposal was opposed by members of civil society groups as it was deemed to be detrimental to the coastal environment. A second opinion on the proposed project was sought by the Government. This proposal was subsequently shelved and thankfully never saw the light of day.

18. A groyne is an impermeable wall extending perpendicularly from land into the sea. Along the Puducherry coast the objective of a groyne is to capture the northward-moving sand along the southern side of the groyne. Indeed, tiny scalloped beaches have formed along the massive groynes; but these small gains have come at an enormous cost. Just as

the breakwater at the harbour trapped sand to the south and caused massive erosion to the north, the groynes rapidly accelerated the northward process of coastal erosion.

19. Clearly, groynes were faulty as a solution as they would only succeed in moving erosion northwards and were no substitute for beach nourishment. Several groups were opposed to this wasteful and environmentally unsustainable exercise and sought scientific opinion to buttress what was clearly common sense. In October 2001 DELFT TECHNICAL UNIVERSITY in their expert opinion to INTACH, Pondicherry on NIOT's proposal stated that the NIOT's proposal did not prevent structural erosion in the area north of the groyne field nor did it take away the causes of siltation of the harbour entrance. The University further suggested that more studies were needed to be undertaken, an Integrated Coastal Zone Management Plan had to be prepared and alternative solutions such as sand bypassing and beach nourishment to mitigate the coastal problems was to be explored. Although all of this information and suggestions were shared with concerned Government authorities no suitable action was taken.

20. In April 2002, a civic group called Citizens Forum of Pondicherry also raised objections to this proposal. The construction of groynes was opposed as the groynes would merely transfer the erosion northwards and not solve the root cause of the problem, the disruption of the littoral drift by the harbour. They instead suggested that detailed studies should be undertaken which included the redesigning of the harbour entrance. They also objected to the NIOT/IIT's concept of conducting trials in the Ocean at the detriment of the environment. Heeding to all

this criticism, the Government of Pondicherry sought a second opinion from Danish Hydraulics Institute (hereinafter referred to as "DHI").

21. Subsequently on October 2002, a Coastal Erosion Study was conducted by Study Group CF01 of DHI and they concluded as follows:

- Sand by-passing is the best solution.
- Construction of groynes is not a favorable solution.

The Study Group also recommended that:

- Viability of the harbour project was to be investigated.
- Preparation of an ICZMP.
- Dredging and by-pass were to be monitored closely.

DHI proposed to:

- Conduct site visit and review data.
- Assess annual sediment balance.
- Conduct preliminary design of Port entrance.
- Optimize port entrance layout.
- Prepare design for shoreline management scheme.
- Prepare guidelines for dredging and re-nourishment.

22. However, no suitable action was taken. Between 2002 and 2003, the Government of Puducherry constructed 6 kilometres of seawall along the Puducherry coast, at a cost of several crores of rupees. The decision to abandon the planned and existing mitigating measures of sand by-passing and beach nourishment in favour of seawalls were undertaken without conducting any detailed, comprehensive studies and were therefore undertaken on a purely ad hoc, arbitrary and unscientific manner. The construction of seawalls was undertaken in total disregard of the observation and recommendations made by Dr. Z.S. Tarapore and Dr. Vaidyarannan both erstwhile Directors of the CWPRS which were fully familiar with the design of the Puducherry harbor and Ariaynkuppam.

23. On 21 February 2003, Mr. P.P. Vaidyaraman, retired director of CWPRS, who was part of the design team of the Puducherry harbor at Ariyankuppam wrote to the GoP following his visit to Puducherry shortly after sand by-passing and beach nourishment had been undertaken at the Puducherry harbor. Mr. Vaidyaraman was not only extremely pleased with the results of beach nourishment, but also made several suggestions for the continuation of sand by-passing and beach nourishment which he stated should be replicated at several of the other Indian ports as well. However, few of his suggestions were implemented.

24. While the "hard structure" of the seawall has had the limited superficial effect of keeping the erosion from penetrating onto Beach Road, it accelerated two other erosion processes. First, the surf which now crashed against the hard barrier of the seawall carved-out and scoured the sea floor that was once safely beneath the sand beach. This would come to have dire effects on the quality of the drinking water in Puducherry, creating a short path for saline intrusion into the town's aquifers. It would also prevent any future beach from forming along that stretch of coast because the sea floor was now too deep and unstable to retain migrating sand, even if it had been allowed to flow as nature had intended.

25. The second erosion process accelerated by the seawall was to the north of the construction. At the end of the hard structure, the long shore currents form a powerful eddy, scooping-out the "unprotected" land in deep pockets of erosion. Thus began a vicious cycle of erosion and defense, more-erosion and more defenses. As the seawall transferred and spread the problem of erosion northward up the coast,

more and more beach was lost, more village land fell into the sea, and the disaster migrated further-and-further. Puducherry's coastal erosion problem had now become Tamil Nadu's problem as well.

26. In 2003 Tamil Nadu PWD initiated its own "hard structure" protection measures, in response to the erosion to its fishing villages caused by the hard structures built by its southern neighbor. Seawalls were built in Nadukuppam, then in Sothanaikuppam during 2005-2006, as the coastal erosion was forced northward. Today, these seawalls extend all the way to Kottakuppam and Chinnamudalaiyar Chavadi and Tamil Nadu is passing the problem back to Puducherry, as the erosion now reaches the Union Territory enclave at Pillaichavadi and beyond.

27. The fishing villages along the coast to the north of Puducherry town lost more than just beach and village land as the erosional process crept northward. They also lost their industry. As the seawall lengthened, fishermen could no longer launch their traditional skiffs and catamarans. The beaches from which they launched their boats into the sea and landed their catch back on land were gone. It is impossible to launch from the steep seawall, which has waves crashing hard against it. The loss of the beach space has also affected the livelihoods of the fishing communities in several other ways as the beaches are also used to dry fish, repair nets and carry out several other related activities. Fishing communities complained to the Government of Puducherry that without beaches to fish from, their livelihoods were lost.

28. In 2004, Dr. Z.S. Tarapore, retired director of CWPRS, who was part of the design team of the Puducherry harbor at Ariyankuppam wrote to the GoP following his visit to Puducherry and warned the GoP against construction of groynes. He warned that the construction of groynes was a "dangerous proposition" since the groynes would only transfer the problem of erosion further down drift, where there were heavily populated areas. Among other things he suggested to undertake "a massive nourishment programme" to control the problem of erosion to the north of the harbor. During the same time, in his address to the 6th CPDAC (Coastal Protection & Development Advisory Committee of the Central Water Commission), in the year 2004, the problem of erosion was discussed and it suggested that groynes and seawalls were not the answer. The erstwhile Chief Secretary of Puducherry advocated that "cost-effective and environment friendly technologies" should be adopted to address the on-going problem of erosion. During the 10th CPDAC meeting it was once again emphasized that "coastal protection works and the coastal zone management should go together since one had impact on the other. Also, the States should not think only of the sea walls as a protection measure to protect the shoreline but also adopt other new technologies which preserve the beaches and ecology as well."

29. In 2004, the Tsunami struck the East coast of India. The coastal populations of the Puducherry region did not suffer much damage as most of the inhabited areas were located in areas that were in significantly elevated from the level of the sea. However, with an abundance of funds flowing into the Government's coffers, as a knee-jerk reaction and a populist measure, large amounts of money were

spent to enlarge the seawalls along the Puducherry coast instead of spending those funds on the much required and planned beach nourishment that would have restored the beaches and protected the Puducherry town and coastal villages more effectively against any future Tsunamis.

30. In spite of expert views on the dangers of constructing groynes and the necessity of conducting detailed studies off the coast, the PWD drew a fresh proposal to construct groynes along the Pondicherry coastline. In November 2006, a 50 m long groyne was constructed just adjacent and north of the New Pier. From enquiries it was learnt that this groyne was built without any environmental clearance and its construction was abruptly halted upon enquiries.

31. Notwithstanding the severe erosion along the coasts of Puducherry, the Government of Puducherry did not resume the dredging and sand bypass operations that might restore some portion of beach to its coastline. Instead, under pressure from fishing villages to artificially recreate sandy beaches from which to fish, both the Government of Puducherry and the Government of Tamil Nadu began building groynes at intervals along the coast in 2005.

32. In April 2007, the Government of Tamil Nadu constructed two large groynes at Thandirayankuppam. The southern groyne is 100 m long and the northern groyne is 170 m long. These groynes triggered severe erosion of the coastline to the north. About 70 m wide beach was lost in the same year to the north of the groyne. Since the construction of these groynes, about 2.5 acres of beach has been lost severely affecting the villages of Chinnamudaliarchavadikuppam and Bommayarpalayam.

The village of Chinnamudaliarchavadikuppam lost several homes as a result of the human-induced erosion. Several other private and public properties have also been damaged.

33. On 20th July 2007, members of civil society groups met the officials of PWD & Port Secretary, Mr. Anbarasu and discussed the urgency for the Pondicherry Government to resume dredging and sand nourishment activities at Pondicherry Harbour entrance. When queried about the status of the proposed construction of groynes, Mr. Anbarasu stated that there was no definite proposal and he was seriously considering dredging and sand nourishment.

34. In July and August of 2007, elected representatives from the seven fishing villages of Anichankuppam, Chinnamudalyarchavady, Koonimedu, Mudhaliarkuppam, Nadukuppam, Notchikuppam and Pudhukuppam, which are located in the Kottakupam and Marakanam Blocks of the Villupuram District wrote to the Hon'ble Chief Ministers of Puducherry and Tamil Nadu and also submitted resolutions to inform them about their plight caused by the human induced erosion of the coast and also demanded that the beaches in front of their villages be restored so that they may pursue their livelihoods. Being located to the north of Puducherry and seeing the human induced erosion spread towards their beaches they were understandably deeply concerned about the future of their coastal environment and their livelihoods that depended on it. However, no action was taken to fulfill their demands and needs.

35. Following public outcry by several environment groups the construction of other groynes that were also planned was stopped. On

Nov. 3rd 2007 a public consultation meet was held in Auroville between Government officials of Puducherry, Tamil Nadu in the presence of experts (Governmental and Nongovernmental) and civil society groups. The following solutions and measures were unanimously agreed upon and proposed:

Immediate —

- a. Activate sand by-passing system for nourishment and restoration of beach immediately north of Puducherry harbor.
- b. Undertake model studies urgently to arrive at the best method of restoring the eroding beaches of Puducherry and Tamil Nadu. Study the impact of groyne fields with and without artificial nourishment, before embarking on new measures
- c. Remodel the harbour entrance for maximizing natural sand by-passing:
 - i. Initially for the existing fishing harbour
 - ii. Later for proposed deep water commercial harbour

Long Term:

- d. Restoration to include artificial nourishment, as universally accepted
- e. Investigate off-shore sand deposits for nourishment
- f. Identify suitable sand nourishment equipment to operate in wave environment

Administrative:

- g. Coastal Zone Management Authorities (CZMA) of Tamil Nadu and Puducherry to coordinate and take up the issue of coastal erosion jointly

h. Initiate Puducherry component of Integrated Coastal Zone Management Plan (ICZMP), in conjunction with Tamil Nadu's ICZMP.

i. Funds to be provided for modeling and hydrographic survey

36. On 7th December 2007, Mr. C.V. Shankar, IAS, Officer on Special Duty (RR) & Project Director (ETRP & TEAP), GoTN who had attended the consultation meet on 3rd Nov. 2007 wrote to the GoP with regards to proposed construction of groyne filed from Kuruchikuppam to Solai Nagar. He requests that this should be undertaken only after the preparation of a comprehensive plan for the coastline, that is sustainable, livelihood sensitive and eco-friendly.

37. On 26th December 2007, the Pondicherry Government inaugurated Capital Dredging, to be taken up at Harbour Entrance. However, when the capital dredging operations began it was shockingly and disappointingly learnt that the dredged sand was being disposed of in deep waters, off shore outside the littoral zone and not used for beach nourishment. Ironically, during the inauguration of capital dredging operations that was held with much fanfare at the New Pier premises, large banners publicizing Beach Nourishment were displayed in spite of the fact that no beach nourishment was being undertaken.

38. On 27th December 2007, members of civil society held meetings with the Port Director of Pondicherry and expressed disappointment that the sand dredged from the harbour entrance was being dumped into the deep waters instead of being used for beach nourishment. Members of civil society met the officials of Pondicherry port and the

Secretary, PWD on 28th December 2007 on the issue of sand nourishment not being undertaken. The officials promised to look into the issue but however on 1st January 2008 the construction of groyne at Kuruchikuppam was resumed without any environmental clearance.

39. In January 2008, representations were made to the Secretary, MoEF about the on-going problem of human-induced erosion along the Pondicherry-Tamil Nadu coastline. The Secretary wrote to the GoP asking them to discuss matters of erosion with GoTN in order to find a viable solution and save the beaches. In total disregard of the observations, recommendation and conclusions of the Nov. 2007 meet, the Govt. of Puducherry initiated a project of construction of groynes along the coast of Kuruchikuppam and Solai Nagar. With construction of groynes continuing to damage the coastline, Jesuratinam, convenor of Coastal Action Network from Nagapattinam filed a writ petition in the High Court at Chennai (W.P. No.1452 of 2008) seeking a Writ of Mandamus, directing the Government of Puducherry (a) to forbear from constructing groyne fields in the coastal region of Puducherry, (b) to conduct appropriate scientific studies for development of a sustainable and comprehensive coastal management plan for the restoration of the Puducherry/Tamil Nadu coastline, and (c) to frame a suitable scheme to ensure that the natural movement of sand is restored so that the coastal areas of Puducherry and Tamil Nadu are protected from erosion. The Government of Tamil Nadu was also a respondent to that petition.

40. This writ petition was disposed on 13 February 2008, after the learned pleader for Government of Puducherry declared in open court

that the activity of construction of groyne field would not be undertaken without the prior permission from the Ministry of Environment and Forestry, Government of India. On this representation by the Government of Puducherry, the High Court dismissed the petition and made no orders with respect to the incidental and ancillary prayers. However, contrary to the undertaking given in Court, construction has begun without obtaining environmental clearance, causing grave irreversible damage.

41. Following the above writ petition, the MoEF constituted a three member committee to visit the Puducherry site proposed for groyne construction. The Committee visited Puducherry on 11th and 12th June 2008 and subsequently reported that as a long-term measure, the GoP should seriously consider sand by-passing of the required amount of sand as this was likely to mitigate the problem of erosion. The committee also suggested that a study covering both Puducherry and adjacent Tamil Nadu coast should be undertaken by a reputed organization. Neither of these have been implemented so far.

42. At the national level, coastal erosion has also been become an increasingly pressing issue with every coastal state facing some form of coastal erosion or the other.

43. In April 2009 the Asian Development Bank prepared a report for itself and the Government of India for India's sustainable coastal protection and management. In this report, the following significant points are made:

Change of philosophy:

"The change to sustainable and soft engineering measures for protection needs to be supported by an effective institutional framework including the Government at different levels, communities and also the private sector. To achieve the necessary levels of support requires a shift in Government policy with a clear mandate for the concerned organizations. A key technical issue is the diagnosis and identification of appropriate solutions for coastal protection works. The projects presently being implemented in the states are based almost entirely on the continued expansion and rehabilitation of rock protection works. This type of development is and will continue to have very serious environmental and social implications. There is a need to completely reshape the approach and philosophy to planning, design and implementation of coastal erosion works. Soft solutions for erosion control are now well developed and are already beginning to be implemented in India. There is need to help and guide a well-planned and programmed transition process as well as ensure the planning and designs for the proposed investment program meet the highest standard of environmentally and socially appropriate solutions. There is also a need to identify and address the causes of erosion, frequently these are manmade and the most appropriate solution is to address the cause rather than the effect. This requires an integrated and coordinated approach to the planning and development of all coastal infrastructure and shoreline uses."

Sector assessment:

"The coastal protection strategy in India is synonymous with a prime objective to protect the land; the concept of protecting the beach and the environment are relatively new concepts; coastal protection is not perceived within the wider context of the economic development of the coastline. The most frequently applied methods for coastal protection have been through the use of hard structures such as seawalls or groynes. Despite many failures and environmental damage seawalls and groynes have continued to be constructed which in many cases has simply shifted the problem to neighboring coastal areas or left the real problem to be solved by future generations. As the pressure on the coastal zone due to human-induced activities as well as relative sea level rise keeps expanding, there is an urgent need to find sustainable solutions for coastal protection."

"There is a general awareness of the impacts of hard structures. Rock wall comes easily and soft solutions are largely untried and the technologies are not well understood. The continued use of hard technologies for coastal protection are being questioned by decision makers and there is now a widespread interest and realization of a need to change to softer and appropriate solutions. The move to softer solutions although an easy and acceptable solution in principle but in practice requires significant behavioral changes by all those involved. The transition from hard to soft structures will require an integrated program of awareness, training, capacity building and other support initiatives."

"Presently measures to manage coastal erosion have generally been designed as a local emergency measure rather than sustainable and economically beneficial perspective. The most frequently applied protection methods are hard structures such as seawalls or groynes. Such interventions provide only land protection, and do not address the root cause of the problem; in many cases the protection structures actually accelerate erosion resulting in major losses of the beach."

Institutional arrangements:

"Central Water Commission (CWC), the technical arm of MoWR is the apex agency for shoreline protection / coastal erosion works in the country. CWC implements coastal protection works through two Directorates viz. the Coastal Erosion Directorate (CED) and the Beach Erosion Directorate (BED). The activities of the two directorates are not well coordinated and lateral communication between the two peer bodies is virtually non-existent. The apparent lack of an integrated approach to coastal erosion problems stems from this structural imbalance."

Policy:

"A major weakness in the current sector orientated sector development is the difficulty of addressing the processes and impacts of one sector on another. A prime cause of erosion is the interaction of coastal infrastructure on the natural coastal processes. To help this horizontal coordination is proposed to establish the CWC and the State Executing Agencies (SEA) as the lead group at National and State levels to coordinate coastal infrastructure activities. At National level the leading

organization should be the CWC. The CWC remit is presently restricted to erosion control but there is a key requirement for the coastal erosion directorate to take on a wider coordination role of all coastal infrastructure works including erosion control, ports and harbors, dredging etc. At the State Level it is proposed to establish a Coastal Infrastructure Management Unit (CIMU) within the State Executing Agencies. This unit would be given a mandate to coordinate all coastal infrastructure programs.

"There is requirement for a policy document to support the process of shoreline management planning. The policy document for shoreline management planning should include:

- (i) Charging the Coastal District Authorities to prepare Shoreline Management Plans (in coordination with the State Executing Agencies and agencies) over an agreed period. The shoreline plans would be advisory and non-statutory. The plans would be participative involving the stakeholders and local level stakeholders in the primary planning, as well as lateral involvement of different government departments / sector agencies.
- (ii) Increasing the mandates of the SEA and the CWC to take on a lead coordination role in the overall coastal management specifically to coordinate and guide the development and management of all coastal infrastructure.
- (iii) Ensuring that all shoreline developments and interventions are properly studied and subject rigorous technical analysis including numerical modeling. Projects should be supported by environmental assessments."

44. In June 2009 an expert committee of the MoEF published the report "Final Frontier - Agenda to protect the ecosystem and habitat of India's coast for conservation and livelihood security." In this report the committee noted that currently, the shoreline of the country is undergoing a major change because of a large number of port and harbor projects. These projects involve large quantities of dredging, shore protection works, breakwaters, and reclamation. Experts are unanimous that each structure would impact the shoreline-particularly the beach formation. Already, many of these infrastructure projects have caused significant shoreline changes-like in Ennore, Puducherry, Alibag, Digha and Dahej. It is also observed that the shoreline is being impacted adversely by mining projects and by interventions like the building of shore-protection structures like groynes. The Committee was of the view that these developments have all led to serious threats to the coast, as especially beaches face severe erosion and shorelines are visibly changing. Given that the Central and state governments propose to construct several ports and harbours all along the shore in the coming years, these projects could have irreversible adverse impacts on the coast. The Committee recommended the following:

“The government must immediately study the cumulative impacts of the individual projects on the coastline, pending which there should be a moratorium on expansion of existing ports and initiation of new projects.”

45. Subsequently, in 2009 the MoEF assigned to the Ministry of Earth Sciences (MoES) to conduct a study for identifying the coastal stretches with regard to human-induced erosion/accretion caused by construction of shore protection measures and breakwaters of ports. Based on the discussions held with MoES, the study was initiated in

two phases namely - (a) phase-I to submit a report based on existing data/information by 15 th October, 2009; (b) phase - II of the study involves micro level analysis that would be carried out for the entire country for the purpose of examining shoreline changes due to existing projects and identify suitable sites for development.

46. In October 2009, ICMAM and INCOIS, MoES, submitted a joint report to the MoEF in which they stated that:

"Coastal structures constructed for port operations and coastal protections works interfere with the littoral transport are found the most common cause of coastal erosion."

"A groyne just shifts the erosion problem to the downstream area...: The more efficient the groyne field is in protecting the shoreline within the groyne field, the more lee side erosion will be experienced downstream."

"When a breakwater is built on the shoreline it interferes with the littoral drift budget and the results are sedimentation and shoreline impact. Like a groyne, the breakwater acts as a blockage of the littoral transport, whereby it causes trapping of sand on the upstream side in the form of an accumulating sand file, and the possible bypass causes sedimentation in the entrance. The sedimentation requires maintenance dredging and deposition of the dredged sand. The result is a deficit in the littoral drift budget which causes lee side erosion along the adjacent shoreline."

"The major interventions which lead to morphological impact are listed as:

Coastal structures of any kind, which by their occupation directly impact the transport processes and thereby the coastal morphology. Such structures are typically the Ports and marinas, active coastal protection structures (groynes, breakwaters and all other structures occupying part of the foreshore and/or the shoreface), passive coastal protection structures (revetments, seawalls etc. which fix the coastline), reclamations and dikes, inlet jetties at tidal inlets and sea works at river mouths, embankments for bridges /runways, intake / outlet structures crossing the littoral zone."

The report also stated that about 23% or as much as 1248 km of shoreline along the Indian main land is affected by various degree of erosion varying from minor, moderate to severe.

47. In May 2010, the Department of Science, Technology and Environment (DSTE) and the Puducherry Coastal Zone Management Authority (PCZMA) of the Government of Puducherry held a consultation meeting on "Restoration and Protection of Puducherry Coastline" which was attended by various Government Departments, experts from the National Institute of Ocean Technology (NIOT), Anna University, members of the Auroville Foundation and of civil society. As reported in the Minutes of the Meeting "There was a consensus among the participants on the need to protect and nourish the coast of Puducherry and the adjoining areas by adopting site specific coastal protection and restoration techniques after carrying out scientific studies and in consultation with all stakeholders including fishermen community." However, no concrete measures have been implemented to date.

48. A May 2010 document of the CWPRS states that of the various methods used for protection of the coast such as seawalls, revetments, bunds, groynes, offshore breakwaters, etc., the nourishment beach is the best method that should be used for shore protection. However, due to other considerations beach nourishment is still seldom used. Later in the same year, the Indian Journal of Geo-Marine Sciences publishes a paper on coastal erosion and mitigation methods. The author of that study concludes "The recent trends in coastal erosion mitigation is shifting towards soft, innovative, and pro-active methods, since the hard methods have their own repercussions on coastal land and beaches such as down-drift erosion, high cost, poor aesthetics etc. Hard structures such as seawalls and revetments, stop erosion of coastal lands, but refocus the erosion onto the beach. A number of soft methods are available now for erosion mitigation and are being used popularly all over the world. They are very eco-friendly, cheap and construction-friendly too. They may be necessarily adopted on a larger scale in the future erosion mitigation projects, and choice of the particular solution depending upon the local hydrodynamics and site conditions."

49. In October 2010, the PWD, GoP had commenced a Sea Wall project along the coast of Chinnakalpet Village, Puducherry without obtaining prior clearance under the Coastal Regulation Zone Notification, 1991. The site was inspected by members of the Puducherry Coastal Zone Management Authority and direction was issued on 13.10.2010 to the Chief Engineer, PWD under Section 5 of Environment Protection Act, 1986 to stop the sea wall construction immediately and submit necessary application to PCZMA for obtaining the Coastal Regulation

Zone Clearance. PWD has complied and stopped the work. No further work has taken place since then.

50. In the month of November 2010 an official of the MoEF from the Southern Regional Office at Bangalore assessed the state of the coast of Puducherry in relation to the development of fishing harbor at Murthykuppam as it was being opposed by civil society groups. In this report it was observed that "For the old fishing harbor, it was informed that even though, on some earlier occasions, some of the concerned authorities have attempted to address the problem of coastal erosion, the measures taken for the old harbour remains inadequate and not comprehensive since the attempts made were too small and were on piecemeal basis, thus the efforts are not successful in controlling the erosion problems. In the new fishing harbor also a similar situation is arising. Now it is high time for the Government of Puducherry to prepare and launch a detailed implementation plan after due consultations with experts and by integrating all the concerned departments & stake holders for properly managing the coastline and to solve the issues arising out of developments which are taking place in the coast line of Puducherry and adjoining Tamil Nadu."

51. In the month of December 2010, the Project Implementation Agency for the Emergency Tsunami Reconstruction Project (PIA, ETRP) of the GoP issued a Tender for "Maintenance Dredging Works at Ariyankuppam River and the Sea Mouth for Puducherry Fishing Harbour" as part of the reconstruction and modernization of fishing harbor at Puducherry. The related maintenance dredging operations began in 2011 and are still continuing to date. However, while the dredging contractor is required to dispose the dredged material in the

ocean, the dredged material was instead dumped on the land and within the harbor limits. The dredged sand, estimated to be amounting to about 1,50,000 cubic meters is still lying on the land instead of being returned to the littoral drift. This subtraction of coastal sediment from the sedimentary budget of the Puducherry-Tamil Nadu coastal compartment and sediment cell is resulting in erosion of the coastline. Several representations to put the sand back into the sea to nourish the beaches have been made but no action has been taken till date.

52. In January 2011 the Puducherry PWD issued an Expression of Interest (EOI) for erosion control and reclamation of Puducherry beach with "soft solutions" such as geo tubes, clearly stating that all conventional "hard" measures such as "boulders, tetrapods, etc.," were excluded from the chosen solutions, as deemed harmful for the coastal environment. Additionally, it is stated that the proposed solution should have a short-term and long term perspective plan to ensure better coastal environment. Moreover, the proposed solutions should involve the authorities of neighbouring state and stake holders. Most importantly the consultant should "ensure that there is no adverse impact to the coastline due to the implementation of the project." This point is emphasized in the EOI repeating that "there is need to ensure that this does not affect the adjoining features of the coast line both in the state of Tamil Nadu and Puducherry." Finally, during the post-construction stage, the project proponent is supposed to achieve the objectives of coastal protection and reclamation in a "holistic manner." By undertaking such a project, the Government of Puducherry should be able to address its coastal erosion problems while ensuring that the

neighbouring state and areas of Tamil Nadu not only do not get affected but also benefit from it.

53. On 18th August 2011 the Hon'ble Minister for Public Works Department, Govt. of Tamil Nadu writes to the Hon'ble Chief Minister of the Govt. of Puducherry to apprise him that the lack of sand by-passing and its effect on the littoral drift at the Ariyankuppam Harbour in Puducherry has caused severe erosion of the neighbouring Tamil Nadu coastline, as a result of which in the year 2006, 200 m of beach was eroded, several homes were destroyed and the life of a child was lost. The Hon'ble Minister draws the attention to an earlier letter from the Govt. of Tamil Nadu in which the GoP is requested not to continue construction of groynes without proper technical studies as it is likely to further affect the Tamil Nadu shoreline. He also informs that the proposed Deep Water Port would have a catastrophic effect on the shoreline of Villupuram District. He also requests the GoP to start sand by-passing and to desist going ahead with the proposed Deep-Water Port without obtaining the prior consent of the GoTN so that Tamil Nadu coastline is not further affected. On 29th November 2011, a second letter is sent to remind the GoP to start sand by-passing at the harbor and to stop further interruption of Littoral Drift that would take by construction of the proposed Deep Water Port which would further affect the Tamil Nadu coast and go against his Govt's interests.

54. On 29th Dec. 2011, the Secretary, Port Department, GoP held a stakeholder's meeting on restoration of Puducherry coastline as reported in the Minutes of the Meeting circulated on 23rd Feb 2012. During that the Secretary suggested that "all should work for a

sustainable solution to the problem of erosion." The Chief Engineer, PWD-cum Director of Ports-responded that "the PWD was called by the MoEF and had suggested that Geotubes be put up along the Puducherry coast towards restoring the coastline." During the meeting "all agreed that the rejuvenation of the lost beaches is of vital importance since it would not only help the fishermen but also facilitate tourism." To conclude, the Secretary assured that "a long term sustainable solution to the restoration of the coastline of Puducherry [was] for the benefit of one and all."

55. On 2nd February 2012 the Government of Puducherry constituted the Evaluation Committee for Assessing the consultant for the coastal protection work in Puducherry using Geotextile tubes. This committee is yet to meet.

56. In March 2012 the MoEF wrote to the Government of Tamil Nadu to enquire about the construction of groynes along the Chinnamudalyar Chavadi Kuppam coast based on a complaint against the proposed groynes that was made by the NGO Pondy CAN. No action was taken.

57. In its September 2012 report, the National Institute of Ocean Technology (NIOT) stated the following with regard to the groynes constructed in Puducherry and Tamil Nadu: "It is recognised that groynes should be used only to maintain existing conditions, rather than enhancing beach volume or eliminating erosion... But this should be used only after exhausting all other available options for restoration." The report also stated:

"There is a need for a well-defined plan that seeks to treat the shoreline and the issue of erosion in a more integrated, sustainable and strategic manner."

"It is recommended to have a total and common shoreline management plan for the entire Puducherry and the adjacent Tamil Nadu coast so that short-term and long-term strategies can be drawn considering the coast in total. The short-term strategies required at specific sites can be designed and integrated in long-term strategies, if a shoreline management plan is prepared."

"As Puducherry is known for its tourism/recreation, it is advisable to restore the natural beach by implementing beach nourishment... The above option will not only help in gaining a natural beach but also help in controlling the erosion of the northern coast. The detailed design of beach nourishment scheme can be worked out based on discussions. Also, eco-friendly techniques and "soft engineering measures" to stabilize the coast could be implemented along with beach nourishment for retaining the sand and to restore the ecological functions and services that are provided by sandy beach ecosystems as well as enhance livelihood opportunities for the fishing communities and increase value to the coast." "A long term and permanent solution can be found if both the Tamil Nadu and Puducherry Governments jointly work towards a common, long-term and sustainable shore restoration strategy. Short-term solutions may need to be implemented, but these have to take into account the long-term solutions and should be "no-regret" solutions." "The general principle of "working with nature" would be a better

approach for cost-effective and sustainable coastal protection measures. Puducherry needs to consider modern protection practices which achieve a more effective and sustainable means of coastal protection while also addressing local amenity and economic development aspects. It is most important to ensure that the natural movement and flow of sediment along the shoreline is maintained."

"The beach restoration will primarily benefit the coastal dwellers living along the Puducherry and nearby Tamil Nadu coast including fishing households, the owners, operators and employees of fishing boats, hotels and other tourism related businesses and their employees. But mostly it will benefit all the residents of this peaceful coastline whose young children have never even seen its beautiful beaches."

58. The report "The Challenged Coast of India" published in October 2012 also points out with regard to the performance of the groynes that were built along the Soudanikuppam-Thandiriayankuppam coast that for every square meter of beach that has been artificially gained with the use of groynes, about 4 square meters of beach space is damaged and lost on the down drift side of the groynes. Therefore, it is unequivocally demonstrated that groynes are causing more damage to the coast and that they are exacerbating the problem of erosion.

59. Neither the Government of Puducherry, nor the Government of Tamil Nadu examined any available options for beach restoration. Mechanical sand bypass was not implemented. More importantly, there is no record that the Government of Puducherry ever considered the simplest, most effective way to 'restore the beaches, end the massive

erosion of village land into the sea, restore the livelihoods of the local fishing communities, and reverse the trend of increasing saline infiltration into the local aquifers: to remove the damaging harbour at Ariyankuppam and allow the natural flow of sand to resume. When one compares the insignificant economic benefit conferred by the harbour with the enormous economic, social, and environmental cost of the ravaged coastline for 18 kilometres to the north (and moving ever-northward as hard structures proliferate), it is astonishing that the Government of Puducherry never considered this obvious alternative.

60. A comprehensive plan for coastal protection has not yet been considered in spite of the fact that both the Governments of Puducherry and Tamil Nadu are fully aware that the erosion is spreading northwards. Instead of taking proactive measures to mitigate the erosion, the erosion is instead allowed to go on, increase and further degrade the coastal environment. Both the governments jump into action only when it is too late and the erosion of the coast has become a manmade disaster in which the homes and livelihoods of the coastal communities have been destroyed. It is only in such belated circumstances that the concerned Government authorities resort to the construction of seawalls as emergency measures. Under these disastrous circumstances, the concerned authorities justify the construction of seawalls as their only option available. Such tardy actions, ad hoc-ism and poor planning and negligence only results in the destruction of a greater extent of the coastal environment.

61. The destruction of sandy beaches represents a very significant economic loss to Puducherry's tourism industry and to the traditional

fishing industry all along the damaged coast. It is estimated that thousands of traditional fishermen have been unable to pursue their livelihoods since the beaches were lost and seawalls have come up; and thousands more are now forced to launch their boats from places outside their own villages. An estimated 300 acres of land mass has been taken by the sea, including numerous houses and other buildings in coastal villages. The governments of Puducherry and Tamil Nadu have spent hundreds of crores of rupees dumping boulders to create riprap seawalls and groynes. In addition to the environmental and aesthetic loss to the immediate coastline, this construction activity entails collateral environmental damage to the mountains from which the boulders are quarried and the energy used to transport them from mountain to seaside. The hard structures on the coastline have radically transformed the morphology and morphodynamics of the coast and intertidal marine zone. This has far-reaching consequences for the entire ecosystem.

62. The endangered Olive Ridley sea turtles which are listed under Schedule I of the Indian Wildlife Protection Act (1972) nest along the Puducherry-Tamil Nadu coastline. Olive Ridleys are known to return to their natal beaches to lay their eggs. But when man-made structures have been built in the place of their nesting beaches, as is the case in Puducherry and Tamil Nadu, these structures prevent sea turtles from continuing their innate life cycles. Coastal structures therefore directly threaten and further endanger sea turtles by reducing suitable nesting habitat and displacing turtles into less-than-optimal nesting areas. The destruction of the natural beach space and habitat by human induced erosion followed by the armoring of the coast with seawalls

and groynes makes it impossible for sea turtles to make their nests on the beaches. The ad hoc and unscientific construction of seawalls and groynes along the coast is therefore directly endangering the existence of sea turtles.

63. The armouring of the coast with seawalls and groynes also results in the destruction of intertidal habitat that is required by marine flora and fauna such as planktons, crustaceans, bi-valves, mollusks, other invertebrates and even fishes. These flora and fauna also form part of the marine food chain which supports fish stocks. The destruction of inter-tidal habitat therefore impacts large numbers of marine species and ecosystems.

64. Without the beach providing the crucial sandy buffer between the sea and the land, erosion of the seabed at the coastal margin has resulted in salt water infiltration into the local aquifers. The Central Ground Water Board has reported that the ground water development in the Puducherry region is rather very high and no further groundwater development is to be encouraged. On the other hand, there is an urgent need for regulation of over-exploitation, protection and augmentation of ground water resources to recharge the depleted aquifer systems. An assessment of the vulnerability of seawater intrusion in Puducherry coastal region is indicating that both the northern and southern coasts of the Puducherry region are vulnerable to seawater intrusion. As the groundwater resources of the Puducherry region are already stressed, the increase of seawater intrusion due to human induced coastal erosion has to be avoided at all costs.

65. The increased salinity in Puducherry's fresh water has resulted in hundreds of hectares of farm land becoming fallow. In addition to ruining the taste of the local drinking water, increased salinity is well-known to cause kidney disease. Several of the shallow wells along the coast on which the local communities depend for their freshwater requirements have already turned saline. The loss of freshwater resources is causing severe hardship to the local communities as they have to find alternative sources of freshwater.

66. It is also important to note that at the national level the coastline also represent the boundary of the nation and its territories. The indiscriminate, uncontrolled, and unnatural alteration of the coastline is resulting in the uncontrolled alteration of the national boundary, both on land as well as offshore, of the international maritime border and that of the Exclusive Economic Zone (EEZ). This is something that has political and economic implications which are of national concern.

67. The seawalls and groynes are being built without any carrying capacity studies. The coastal environment of the Puducherry-Tamil Nadu region is already heavily and to a large extent impacted by the ongoing human induced erosion of the coast caused by the Puducherry harbor. Further armouring of the coast with seawalls and groynes will only result in reducing the carrying capacity of the coastal environment beyond the point of self-sustainability.

68. The coastal environment is a highly dynamic and therefore complex environment to manage. Experience has shown that the less one interferes with coastal processes, the lower is the likelihood of having coastal management problems. Across the world, increasingly

the scientific community is of the opinion that particularly on the coast it is preferable to "work with Nature" rather to try to "fight against Nature." This approach is also akin to the approach of the Precautionary Principle which advocates that if the coastline is eroding, particularly due to human induced causes, it is preferable to address the root causes of the problem and try to return to the original, natural, stable state of the coastline, rather than to attempt to re-engineer the coastal environment which results in perpetual alteration of the coastal environment with all its accompanying negative impacts.

69. Despite the recognition by the Union and State Governments, as well as that of related Government agencies such as the CWPRS and the NIOT, private and professional consultancy firms, local communities, civil society groups that "soft" engineering measures such as beach nourishment, which are environmentally and socially friendly and increasingly adopted world-wide, should be adopted tackle coastal erosion, especially to mitigate and reverse human induced coastal erosion, there is however a lack of well-defined scientific and technically sound processes and systems for sand nourishment of eroding beaches which the Government and their respective agencies can follow or implement. As a result of the lack of such well-defined processes and systems, Governments and their agencies fall back upon past experience, even though it is obsolete and go about "business as usual." In this regard, it is also important to note that the "business as usual" favours vested interests, such as the consultants who get to design more and more coastal structures as they cause more and more erosion, the quarry owners, the transporters and the contractors who keep on benefitting

as long as coastal structures need to be built even though it is at the cost of the coastal environment.

70. Seeing the unwillingness of concerned agencies to restore and nourish the beaches, very often the local communities that have at first lost their livelihoods when their beaches have eroded, eventually get desperate when nothing is done to control the erosion particularly when they start losing their habitations. As a last and desperate measure to save their homes, these communities start to demand that their homes be immediately protected in whichever way possible, even with the use of hard structures such as seawalls and even if it is at the cost of the coastal environment. The measures, particularly those that are environmentally destructive, that are demanded in a state of desperation by the local communities and followed out of popular demand are not necessarily the best for their livelihoods, the environment, the society at large and the future generations, especially in the long term.

71. Since the construction of the harbor, seawalls and groynes commenced in Puducherry and Tamil Nadu, numerous civic groups, including Coastal Action Network, have complained to the Government of Puducherry and Government of Tamil Nadu and warned of the worsening environmental and economic disaster. Both governments have ignored these warnings and continued to build hard structures, in the Cuddalore, Puducherry and Villupuram Districts, disrupting the natural flow of coastal sediment, damaging their own coast and their neighbor's, in complete disregard of the economic, social, and environmental consequences of this construction.

72. The Government of Tamil Nadu currently proposes to build a series of 12 more groynes from Chinnamudalaiyar Chavadi to Bommiyarpalayam, as well as additional seawalls and groynes to the south of Puducherry, as far south as Cuddalore. Some of the work has already commenced. The Government of Tamil Nadu has not sought or been given prior permission and approval by the Ministry of Environment and Forests, Government of India to construct these groynes.

73. On or about 18 November 2012, the Government of Tamil Nadu began dumping rocks on the coast at Chinnamudalaiyar Chavadi, thereby commencing construction of a planned 180m groyne. This activity will cause further damage to the coastline, and to the lives and livelihoods of those who live along the coastline, if it is allowed to proceed. The Government has, without considering the hazards of undertaking such activity has commenced and is continuing with the construction of the groyne, the fact that the detriment caused to the coastal environment is not limited only to that particular sector has not, even been considered. No proper environmental impact assessment has been done by the concerned authorities, in violation of governing laws and violating rights guaranteed under Article 21 of the Indian Constitution. The economic consequences of the damage caused by the construction of the groyne will be disastrous.

74. On 27th December 2012 the Puducherry Coastal Zone Management Authority (PCZMA) wrote to the MoEF requesting it to impress upon the Government of Tamil Nadu to refrain from undertaking ad hoc coastal protection measures such as seawalls and groynes without consulting and taking the consent of the Government

of Puducherry and required CRZ clearances. The PCZMA also expressed its apprehension that the proposed and on-going coastal protection measures erected in adjacent Tamil Nadu would cause erosion of the Puducherry coastline. Moreover, the PCZMA also expressed the need to follow the recommendations of the stated NIOT report which suggests that a common shoreline management plan for the entire Puducherry and adjacent Tamil Nadu coastline should be prepared so that short-term and long-term strategies can be drawn considering the coast in total.

75. According to the CRZ Notification 2011, Section 3, (iv), activities that disturb the natural course of seawater such as for erosion control are prohibited if constructed without an Environmental Impact Assessment study. Section 4.2, (i), (c) of the same notification also states that the procedure for clearance of such activities should be undertaken after comprehensive EIA with cumulative studies for projects in the stretches classified as low and medium eroding by MoEF based on scientific studies and in consultation with the State Governments and Union territory Administration. The seawalls and groynes being built by the GoTN at Chinnamudalaiyar Chavadi Kuppam and in Villupuram District and Devanampattinam in Cuddalore District are being undertaken without an EIA, neither with a comprehensive EIS with cumulative studies and without consultation with the State Governments and Union territory Administration and are therefore in violation of CRZ Notification 2011.

76. According to the Environmental Impact Assessment Notification 2006, the construction of seawalls and groynes being built by the GoTN at Chinnamudalaiyar Chavadi Kuppam and in Villupuram District and Devanampattinam in Cuddalore District are classified as "Category A"

projects as they fall within 10 km of the inter-state boundary and would therefore require an EIA. The natural flow of sediment and beach sand along the coast is an essential phenomenon and process which supports natural habitats, flora and fauna, human populations and their fundamental right to life and livelihood. Coastal sediment is a public good that forms the very foundation of the sandy coastal environment, without which none of the sandy coastal environments can be sustained. The human induced loss of sediment from the coast and the resulting erosion and destruction of coastal habitats therefore directly results in the violation of the fundamental right to life and livelihood of all that which is dependent on coastal sediment. Just as water, food, air, light, etc., are an essential part of the life and livelihood of every citizen of this country, similarly coastal sediment is equally an essential public good which is a part of the life and livelihood of all that which depends on the coastal environment. The human induced loss of coastal sediment within and even across state boundaries therefore results in the violation of the fundamental right to life and livelihood of all that which depends on the coastal environment. Numerous representations on the above issues described above, particularly such as the human induced coastal erosion, mitigation and restoration through sand nourishment, restoration of the sandy beach ecosystems and the livelihoods of the local communities, etc., spanning a period of more than a decade have been made by several citizen and civil society groups. However, not only is the human induced erosion of the coast increasing unabated, but it is even being aggravated by adhoc, unscientific and unsustainable coastal management measures which are arbitrary and illegal. The Respondents have not undertaken any scientific studies with regard to the exacerbation of erosion due to the

groynes already constructed, and erosion is rapidly progressing with no intervention to prevent the same on the part of the statutory authorities.

77. On 29th Sep 2012, a representation was submitted to the District Collector, Cuddalore, the 2nd applicant submitted representation to several authorities including the respondents herein. On 06th Jan 2012, a representation was submitted to the Government of Tamil Nadu, requesting them to refrain from construction of groynes. On 20th Nov 2012 and 12th Dec 2012, further representations were made by the applicants to the authorities, requesting them to take appropriate action. However, no reply has been received from the authorities and the damage caused to the environment due to the indiscriminate construction of hard structures along the coast continues to this day.

Stand of Puducherry Coastal Zone Management Authority (PCZMA) and MoEF&CC

78. Replies have been filed by contesting respondents. It is not necessary to refer to all the replies. It will suffice to refer to the affidavit filed by Puducherry Coastal Zone Management Authority (PCZMA) on 06.10.2021 and the reply filed by the MoEF&CC. PCZMA refers to comprehensive Shoreline Management Plan (SMP) for Puducherry in May, 2015 by the National Institute of Ocean Technology (NIOT), Ministry of Earth Sciences, after monitoring the coastal processes responsible for the shoreline changes from 2012. The SMP was submitted to the MoEF&CC. NIOT designed a hybrid solution for the first time in the country with two reefs and sand nourishment for restoring the eroding beach along Puducherry town. The proposed hybrid solution involved the following:-

- i. Construction of one Nearshore Wedge Reef opposite to the Chief Secretariat on the north end of Puducherry town foreshore, with the crest at Chart Datum.
 - ii. Construction of one Offshore Reef placed at the south end, at 300 m north of the pier, with the crest at 1 m above Chart Datum.
 - iii. Sand nourishment using 4,50,000 m³ of sand between northern and southern reef along the Coastline of Pondichery Town and Gandhi Statue
79. The above project has been adopted in Puducherry for which CRZ Clearance has been granted.
80. The executive summary in the report of the NIOT is as follows:-

“Many beaches along East coast of India are subjected to erosion, which threatens habitat, property, public infrastructure, and the tourist industry. Loss of sand can be attributed natural changes (sea level rise, storms, and more recently persistent low pressures due to climate change) and man-made activities (harbors, jetties, seawalls, groins, dredging of tidal inlets and damming of rivers). Pondicherry coast is not exceptional and after construction of Pondicherry harbour, coast north of harbour is subjected to sea erosion. Initially, sand bypassing was carried out by harbour authorities to prevent down drift erosion and to maintain channel free from siltation. Later, discontinuing of sand bypassing due to various technical reasons, lead to erosion on Pondicherry city. UT Pondicherry and Tamil Nadu State Government resorted to short term measures to protect the coast from erosion. Seawall of length 6 Km was constructed by UT Pondicherry, which covers city of Pondicherry and the coastal stretch (2 km) from Sodhanaikuppam to Thanthriyankuppam was protected groin field combined with seawall by Tamil Nadu government. The erosion problem shifted further north, Chinnamudalaiyar Chavadi is experiencing increased erosion and many buildings were lost to sea. Highly eroding fishing hamlet, north of Chinnamudalaiyar Chavadi, and Chinnakalapettai village in UT Pondicherry were also protected by seawall. As on date, 8 km length of the coast was protected by seawall and groin field along Pondicherry coast by UT Pondicherry and Tamil Nadu Government. The above solutions could protect the coast under threat but the authorities and stake holders need an integrated long-term solution for protection of coast and restoration of natural beach.

Since, the available information on Pondicherry coast is not sufficient for working out suitable strategies; NIOT was consulted by both UT Pondicherry and Tamil Nadu government to work out long

term/ short term strategies for management of coast from erosion and impact of cyclones. NIOI has initiated studies to evolve strategies for protection of Pondicherry coast under the project "Demonstration of Shore Protection Measures through Pilot project", with financial support from Ministry of Earth Sciences. NIOI has taken p task of developing strategies for protection of Pondicherry coast with objectives: 1) Assessment of status of existing protection measures and its performance 2) To Understanding the processes responsible for shoreline changes through monitoring waves, tides, currents, sediment characteristics and coastal morphology 3) Analysis of long/short term trends of shoreline along Pondicherry coast and 4) Development of shore protection measures through numerical models. The first three activities were completed and documented in the present report. The final report with strategies for protection of coast will be arrived at based on the discussion with the governments of Tamil Nadu and UT Pondicherry and stake holders.

The study aims at understanding various dynamical aspects of coast (water level variations, currents & circulation, tides, waves, bathymetric variations, sediment transport, shoreline changes etc.) to develop hind cast, now cast and forecast models on shoreline changes in priority areas for identification of vulnerable areas of erosion/ accretion to arrive at remedial measures for protection of coastline from natural and human perturbations. The strategy proposed in the present study aims at obtaining a comprehensive picture on shoreline changes along Pondicherry coast and to take remedial measures for shoreline management along the stretch.

The study area with coastline length of 18 km was divided into four distinct zones, namely 1) Pondicherry harbour and adjoining areas, 2 km 2) Pondicherry city, protected by seawall, 6 km 3) Groin field, 2 km and 4) Open coast, 8 km. The shoreline changes in these four zones were analyzed using remote sensing data and field measurements. The result indicate that the average rate of erosion and accretion is 4m/yr and 5m/yr respectively and the coast needs immediate attention for its protection from natural causes or man-made activities. The estimated rate of net drift would be in the order of 0.28 -0.30 million cum, which needs to be confirmed by detailed shoreline monitoring.

Coastal processes responsible for shoreline changes were monitored during 2012, where data on winds, waves, tides, currents, sediments, bathymetry etc. were collected between Pondicherry Port and Kalapettai village, covering a coastline of 18 km. Seasonal variations on water levels, wave climate, currents and circulation sediment transport, shoreline changes etc. were studied. The measurements made indicated that the tide propagates from south to north. Currents measured upto a depth of 20 m were found to be seasonal, northerly during SW monsoon and southerly during NE monsoon. The average currents during SW and NE monsoon would be 0.3m/s and 0.5m/s. The near shore currents generated by waves follow pattern of coastal Currents In Tamil Nadu coast, which is added

advantage in developing shore protection measures. Wave climate indicate that 70% of the waves approach the coast from SE direction and the remaining 30% from NE direction.

Pondicherry, known for tourism/recreation, has lost its natural beach due to construction of seawall. **It is advisable to restore natural beach by implementing beach nourishment. Initial estimates indicate that sand to extent of 3.0 million cum need to be placed north of harbour for length of 600 m near the Gandhi statue. The above option not only helps in gaining natural beach but also helps in controlling the erosion of northern coast. The detailed design of beach nourishment scheme can be worked based on the discussions. Also, eco-friendly techniques and "soft engineering measures" could be implemented along with beach nourishment for retaining of sand and also to restore ecological functions of the coast.**

Short-term solutions may need to be implemented, but these solutions have to take into account the long-term solutions and should be "no-regret" solutions.

A long-term and permanent solution can be found if both the Tamil Nadu and Pondicherry governments jointly work towards a common, long-term and sustainable shore restoration strategy.”

81. Summary and recommendations in the report are as follows:-

“Summary and Recommendations

The coast along Pondicherry and the adjacent areas of the Villupuram district has been experiencing severe erosion for the past 20 years. Natural causes interception of littoral drift by the harbour at Ariyankuppam village, Pondicherry constructed in 1990 and the subsequent construction of coastal defence structures such as seawalls and groins caused erosion in this and groins regions. Pondicherry and Tamil Nadu governments made several attempts to protect the coast under threat using options like seawalls and groins. Though these protection measures have offered some relief to the coast under threat, adjacent parts of coast areas are eroding, more unstable and are constantly under threat.

There is a need for a well-defined plan that seeks to treat the shoreline and the issue of erosion in a more integrated, sustainable and strategic manner. This can be achieved by a Shoreline Management Plan (SMP), which considers the issues at a reasonable scale and focuses on restoring the natural sandy beaches. Policy makers, engineers and stakeholders seek a long term solution to restore the sandy beaches of this entire affected region. The basic questions which need to be answered and understood before attempting any such coastal restoration scheme are following:

1. *Present status of coast (geomorphic setting and functional performance of already implemented protection measures)*
2. *Coastal processes along this coast in relation to proposed coastal restoration schemes.*
3. *Priorities of policy makers and stakeholders*
4. *Requirements of stakeholders*
5. *Economical, environmental and social sustainability of proposed restoration measures.*

Considering the above, the overall objective of the coastal restoration project should be to address the coastal restoration needs through the implementation of economically viable restoration works using environmental and socially appropriate solutions. This report describes the present status of the coast and the performance of existing coastal protection schemes. The data on sea bathymetry, land topography, hydrodynamics (tides, waves, currents and sediment characteristics) and shoreline changes was collected for analyzing the coastal processes. A joint meeting with Tamil Nadu and Pondicherry governments is required to draw strategies for coastal restoration measures where various technical alternatives can be analysed in relation to the priorities of the government keeping in view that the solution adopted should be sustainable, long term and permanent without affecting the coastline located further north.

The analysis of long-term shoreline change data indicate that the average rate of Shoreline recession and progression over a period of 30 years is in order of 4 m/yr and 5 7yr respectively. However, localized shoreline change rates. recession specifically, of 50 1n in a season were observed. However, the rate of shoreline change and/or erosion is dependent on gradient of sediment transport along the coast, which is dependent on Configuration of the coast, near shore current and availability of the sediments.

The 18 km length of coastline of Pondicherry was divided into four zones for analysis. The first zone (Zone A) covering a length of 3.5 km represents the zone of direct influence of the Pondichery harbour. The sand has accumulated up to the tip of the south breakwater with maximum accretion of 180 m and the sediment started bypassing to the north. The northern side of the harbour is protected by a seawall and sediment deposition is noticed, during the NE monsoon due to the southerly drift. The maximum erosion is about 40 m at distance of 600 m from north breakwater from 1991 to 2000. The second zone (Zone B- 4 km), which is part of Pondicherry township is protected by a seawall. Securing at the foot of the seawall is noticed during active monsoon. The third zone (Zone C- 2.5 km) is protected by a series of disjointed groins. These groins were constructed during 2005-2007 and. accretion to an extent of 90 m is noticed at northern longest groin located at Thathiriyankuppam. The accretion at all groin compartments indicate availability of sediments along the Pondicherry coast during both monsoons.

The CWPRS (1978) has reported that the net drift was estimated to be about 500,000 cu.m. at the time of design of Pondicherry Harbour but the present estimated rate of net drift by us would be in the order of 2,00,000 - 2,80,000 cu m, which needs to be confirmed by detailed shoreline monitoring. The coast north of longest groin at Chinnamudalaiyar Chavadi village has experienced increased erosion and shoreline recession during 2008 to an extent of 70 m. South of this coast regained some lost material during 2012 due to southerly drift and bypassing of sediments from the groin with a net accretion of 20 m. The Zone D with a length of 8 km is not protected by major scheme and maximum erosion observed 1991-2010 is around 25m. A sea wall of length 165 m was constructed at village Chinnakalapettai to protect the coast from erosion.

The following are major observations for arriving at coastal restoration strategies for both the Pondicherry and adjacent Tamil Nadu coast.

- *Pondicherry has been known as a beautiful beach town. The beaches here, particularly along the famous beach road were used for all kinds of activities by a large cross-section of people. Children chased crabs and looked for interesting shells. The famous Masi Magam festival of Pondicherry relied on the big beach where the chariots of all the gods from all the temples near and far would come. With the beach almost gone and the rocky sea wall, all these little everyday pleasures of each and every resident of Pondicherry and all those who throng to its shores, have been snatched away.*
- *The basic objective of shore restoration projects moderate the long-term average erosion rate and shoreline change from man-made causes, which can be achieved only if the natural dynamics of the coast is well understood.*
- *The medium term analysis of shoreline change data from 1991 -2012, indicate that this region needs immediate attention.*
- *Protection schemes till date have been implemented in isolation both in Pondicherry and Tamil Nadu, a common phenomenon even in developed countries. This has happened because of various constraints like scientific/engineering understanding of nature, economics of the scheme to be implemented, institutional issues, lack of interstate coordination and acceptance by stakeholders. It is recommended that short-term and long-term strategies can be drawn. considering the coast in total by Pondicherry and Tamil Nadu Government. The short-term strategies required at specific sites can be designed and*

integrated in long-term strategies, if a shoreline management plan is prepared.

- *Pondicherry harbour is causing a deficit in sediment supply to the northern coast. Sand bypassing carried out by harbour authorities for certain period could maintain the beach north of the harbour. Later, discontinuing the sand bypassing resulted in loss of beaches in the northern coast. The recent analysis of satellite data suggests that parts of the littoral sediments are bypassed naturally to northern coast. While designing the shore restoration scheme for Pondicherry coast, the configuration of harbour and its relation to natural bypassing of sand at harbour should be studied.*
- *Pondicherry wave climate is influenced by both the SE and NE waves With occasional cyclonic storms crossing the coast. The maximum surge level observed above tide is 0.7m with a tidal range of 1.2 m. The waves approaches from SE direction from April September with mean direction 135 deg, while during NE monsoon. the direction is 90 deg. The coastal currents are seasonal, directed to north during SW monsoon and south during NE monsoon. The average currents during SW and NE monsoon would be 0.3m/s and 0.5 m/s. The near shore currents generated by waves follow similar pattern like coastal currents in Tamil Nadu coast, which is an added advantage in developing Common shore restoration measures. A detailed study conducted at Vellar estuary and Ennore shows shoreline change governed by wave climate and tidal influence is insignificant. Low pressure systems like events of 2007 can cause significant damage to coast and some of its changes could be permanent. The coastal protection scheme seawall built along the Pondicherry town for length of 6 km need to be assed carefully to avoid further damage during cyclone or low pressure periods.*
- *Pondicherry is known for its tourism/recreation, it is advisable to restore the natural beach by implementing beach nourishment. At Ennore, sand dredged from harbour to an extent of 3.5 million cum was placed. on, north of harbour to prevent down drift erosion. The performance of beach nourishment was assessed based on long-term data at Ennore which shows nourishment has supplied sand to northern coast for period of 5 years and coastline was stable even after the construction of harbour. Initial estimates indicate that sand to the extent: of 3.0 million cum needs to be placed north of the harbor for length of 600m near the Gandhi statue. The above option will not only help in gaining a natural beach but also help in controlling the erosion of the northern coast. The detailed design of beach nourishment scheme can be worked out based on discussions. Also, eco-friendly techniques and "soft*

engineering measures" to stabilize the coast could be implemented along with beach nourishment for retaining the sand and to restore the ecological functions and services that are provided by sandy beach ecosystems as well as enhance livelihood opportunities for the fishing communities and increase value to the coast.

- *A long term and permanent solution can be found if both the Tamil Nadu and Pondicherry Governments jointly work towards a common; long-term and sustainable shore restoration strategy.*
- *Short-term solutions may need to be implemented, but these have to take into account the long-term solutions and should be "no-regret" solutions.*
- *Worldwide there is now increasing examples of replacement of hard structures like seawalls with softer options Such as beach nouishment, Sand bypassing, dune planting and offshore submerged reefs. Thus, the general principle of "working with nature" Would be a better approach for cost-effective and sustainable coastal protection measures. Pondicherry needs to consider modern protection practices which achieve more effective and sustainable means of coastal protection while also addressing local amenity and economic development aspects. It is most important to ensure that the natural movement and flow of sediment along the shoreline is maintained.*
- *All Shore protection schemes should be monitored scientifically under technical guidance of expert institutes by Tamil Nadu and Pondicherry governments for improvement in its performance. The crest of berm data collected by Tamil Nadu PWD do not cover any location along Pondicherry coast. The closest locations considered for analyzing the data along this coast are Devanampattinam and Oyyalikuppam at south and north of Pondicherry respectively.*
- *Given the social and economical importance of the Pondicherry beaches, the coastal restoration option should consider the protection of land, buildings, groundwater, ecology, livelihoods and public and private infrastructure against future loss and damage caused by erosion and storms.*
- *The beach restoration will primarily benefit the coastal dwellers living along the Pondicherry and nearby Tamil Nadu coast including fishing households, the owners, operators and employees of fishing boats, hotels and other tourism related businesses and their employees. But mostly it will benefit all the residents of this peaceful coastline whose young children have never even seen its beautiful beaches. No One expected that waves due to monsoon or cyclone take away the natural beach."*

Reply of MoEF&CC

82. Reply of the MoEF&CC dated 02.02.2021 deals with the status of updation/revision of CZMPs as follows:-

“2. That in exercise of the powers conferred by the sub-section (1) and Clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 read with clause (d) of the sub-rule 5 of the Environment (Protection) Rules, 1986, Ministry of Environment and Forest had notified the Coastal Regulation Zone Notification, 1991 on 19th February, 1991, which, inter-alia, provided classification of Coastal Regulation Zone (hereinafter referred to as CRZ) areas and norms for regulating developmental activities therein. This Notification was subsequently amended from time to time.

3. That it is submitted that in supersession of the **CRZ Notification, 1991, the Coastal Regulation Zone Notification, 2011 was notified on 6 January, 2011 for regulation of developmental activities along the coastal stretches and to ensure the livelihood security to the fisher communities and other local communities, living in the coastal areas, to conserve and protect coastal stretches.**

4. The validity of the Coastal Zone Management Plans (hereinafter referred to as CZMPs) approved under CRZ Notification, 1991 was extended from time to time, the last such extension being upto 31.07.2018, pending preparation and subsequent approval of fresh CZMPs under the CRZ Notification, 2011. All the developmental activities in the CRZ areas of coastal States were required to be regulated as per the above mentioned notifications and within the framework of approved CZMPs.

5. It is humbly submitted that the CZMPs of all coastal States except State of Goa has been approved under the provisions of the CRZ Notification, 2011.

6. That it is submitted that in supersession of the CRZ Notification, 2011, the Coastal Regulation Zone Notification, 2019 was notified on 18th January, 2019 for regulation of developmental activities along the coastal stretches and to ensure the livelihood security to the fisher communities and other local communities, living in the coastal areas, to conserve and protect coastal stretches, specifically focused on conservation and management plans of Ecologically Sensitive Areas (ESAs) which did not feature in the CRZ Notification, 2011.

7. It is humbly submitted that the High Tide Line (HTL) has been mapped out and standardized for the entire coast of the country unlike the HTL earlier allowed to be demarcated by one of the seven authorized agencies, that too only for identified stretches/sites, and

thereby bringing in standardization and authenticity and removing arbitrariness.

8. It is submitted that the Hazard Line for the entire coast of the country has also been mapped and is required to be incorporated in CZMPs of the coastal States or Union territories.

9. It is humbly submitted that the CRZ Notification, 2019 shall, however, come in force only after the respective CZMP framed to the CRZ Notification, 2011 have been revised/updated by the States/UTs, as per the provisions of the new CRZ Notification and approved by the Ministry of Environment, Forest & Climate Change. Para 6 (i) of CRZ Notification, 2019 inter alia states as under:

"All coastal States and Union territory administrations shall revise or update their respective coastal zone management plan (CZMP) framed under CRZ Notification, 2011 number S.O 19(E), dated 6th January, 2011, as per provisions of this notification and submit to the Ministry of Environment, Forest and Climate Change for approval at the earliest and all the project activities attracting the provisions of this notification shall be required to be appraised as per the updated CZMP under this notification and until and unless the CZMPs is so revised or updated, provisions of this notification shall not apply and the CZMP as per provisions of CRZ Notification, 2011 shall continue to be followed for appraisal and CRZ clearance to such projects."

Before finalizing the CZMP concerned State/ Union Territories/ Coastal Zone Management Authorities are required to adopt due procedure in preparation of CZMPs as stipulated in Para 6 (ii) of CRZ Notification, 2019 which includes public consultation. Para 6 (iii) of said notification inter alia states as under:

"The coastal States and Union territories shall prepare draft CZMP in 1:25,000 scale map identifying and classifying the CRZ areas within the respective territories in accordance with the guidelines given in Annexure-IV to this notification, which involve public consultation."

A true copy of CRZ Notification, 2019 is annexed herewith and marked as ANNEXURE-R/1.

10. It is humbly submitted that the National Centre for Sustainable Coastal Management (hereinafter referred to as NCSCM) made a presentation on the status of the updation/revision of CZMPs prepared based on provisions of CRZ Notification, 2019, in the 40 meeting of National Coastal Zone Management Authority (NCZMA) held on 28.08.2020, as under:

S.No.	State/UT	Status of Approved CZMP2011	Status of Draft CZMP 2019	Agency preparing CZMP-2019	Time Required to Complete
1.	Maharashtra	Approved	COMPLETED <u>Public hearing completed</u> in all districts other than Palghar and Sindhudurg districts	NCSCM	COMPLETED
2.	Odisha	Approved	COMPLETED <u>Public hearing completed</u>	ORSAC/SAC	COMPLETED
3.	Andhra Pradesh	Approved	80% work Completed including Buffering of CRZ boundaries	NCSCM	4 MONTHS-DEC 2020
4.	Karnataka	Approved	50% work Completed including Buffering of CRZ boundaries	NCSCM	4 MONTHS-DEC 2020
5.	Puducherry	Approved	30% work Completed including Buffering of CRZ boundaries	NCSCM	3 MONTHS-NOV 2020
6.	Daman&Diu	Approved	50% work Completed including Buffering of CRZ boundaries	NCSCM	3 MONTHS-NOV 2020
7.	Tamil Nadu	Approved	20% work completed	NCSCM	5 MONTHS-JAN 2021
8.	Gujarat	Approved	20% work completed	NCSCM	6 MONTHS-FEB 2021
9.	Kerala	Approved	In progress Being monitored by Kerala High Court	NCSCM	Status to be obtained from NCESS
10.	West Bengal	Approved	Pending. Status not known	IESWM	Status to be obtained from IESWM
11.	Goa	Draft published in website for public hearing. Revision based on amendments, in	Pending	Not Known	Amendments to CRZ Notification 2011 notified on 1 st May 2020

		<i>progress (NCSCM)</i>			
12.	Andaman & Nicobar Islands	<i>ICRZ plans:9 Islands IIM Plans:5 Islands Approved</i>	<i>ICRZ Plans of Great Nicobar & Little Andaman Islands completed and submitted to ANCZMA for public hearing</i>	NCSCM	6 MONTHS-FEB 2021
13.	Lakshadweep Islands	<i>Approved</i>	<i>Revision of IIMPs of Suheli, Kadamat & Minicoy Islands in progress</i>	NCSCM	6 MONTHS-FEB 2021

11. It is humbly submitted that the answering Ministry is yet to receive the draft CZMPs updated/revised as per the provisions of the CRZ Notification, 2019 from all the coastal State Governments for further consideration and approval.

12. It is further humbly submitted that the CRZ Regulations are to be implemented and monitored including violations thereof by the concerned State Coastal Zone Management Authority in accordance with the proved CZMPs of the respective region of the coastal state.”

Consideration of the Issue, finding and Directions

83. We have given due consideration to the issue of protection of the beaches from human induced erosion caused by hard structures. It is a fact that these hard structures may prevent erosion at the said stretch temporarily but the adverse impact of such measures are felt upstream or downstream where erosion starts. Thereby such hard measures only transfer the problem of shoreline change until and unless a holistic study is undertaken keeping in view that sediment cells and appropriate scientific measures taking into consideration both soft and hard. The problem exhaustively highlighted by the applicant, noted above raises substantial question of environment. We are satisfied that the same needs to be addressed by all coastal States/UTs for protection of beaches from human induced erosion caused by hard structures. We find that

Puducherry model of SMP based on report of NIOT submitted in March 2015 addresses the issue comprehensively and can be adopted subject to any suitable change based on further study in terms of the recommendations in the said report. As suggested in the report, there is need to replace hard structures like seawalls, Groynes etc. with softer options such as beach nourishment, sand bypassing, dune planting, offshore submerged reefs, etc. Thus, the general principle of “working with nature” would be a better approach for cost-effective and sustainable coastal protection measures. There is no objection to the said model by any of the appearing parties. Further, the Tribunal also notes that depiction of high, Medium and low erosion stretches along the coast line is mandatory in the CZMPs. The CRZ Notification, 2019 regulates foreshore developmental activities based on these parameters as well. Like ports and harbours are prohibited in high erosion stretches. We also note that inspite of the CRZ Notification being issued in Jan, 2019, the CZMPs have not been finalized and approved for 11 State/UT. This is gross violation of Hon’ble Supreme Court judgment in *Indian Council For Enviro Legal ... vs Union of India & Ors.*, (1996) 5 SSC 281. Accordingly, we direct Chief Secretaries of the Coastal State/UT to finalise the CZMP and get them approved by MoEF within 2 months. The approved CZMP shall contain the parameters as listed in the CRZ 2019 Notification including High, Medium and Low erosion stretches for such erosion prone areas. SMP shall be prepared as illustrated by NIOT for such erosion prone areas. We further direct preparation/updation of their SMPs for such identified eroding stretches shown in the CZMPs within six months. Pending preparation/updation of such SMPs by the Coastal States/UTs, no further hard structures for erosion control be raised or constructed.

The application is disposed of.

A copy of this order be forwarded to all the Coastal States/UTs and MoEF&CC for compliance by e-mail.

Appeal No. 18/2017 (SZ)

84. As noted earlier challenge in the appeal is to the proposed construction of series of 19 Groynes from Ennore to Ernavoorkuppam in Madhavaram Tuluk of Tiruvallur District, Tamil Nadu by the Public Works Department (WRD). The main ground challenge of the CRZ Clearance is that construction of groynes in coastal area has adverse impact by obstructing littoral drift. The impugned clearance ignores this aspect. The impugned CRZ clearance itself mentions that the same is subject to further orders in O.A. 04/2013 which was pending on the date when CRZ Clearance was granted.

85. While dealing with the O.A. No. 4/2013 (SZ), we have approved the report of the NIOT recommending preparation of SMP which should be environmentally compatible, in the manner suggested and discussed above. We have also directed all the Coastal States/UTs in the Country to prepare their respective SMPs accordingly. The impugned CRZ Clearance is not sustainable in view of above discussion. The same is accordingly set aside without prejudice to fresh clearance being granted in accordance with the approved SMP.

The appeal is allowed in above terms.

Adarsh Kumar Goel, CP

K. Ramakrishnan, JM

Sudhir Agarwal, JM

Pushpa Sathyanarayana, JM

Dr. Satyagopal Korlapati, EM

Prof. A. Senthil Vel, EM

April 11, 2022
O.A. No. 04/2013(SZ)
With Appeal No.18/2017(SZ)
A

Item No. 08

Court No. 1

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Original Application No. 249/2023

In re: News item published in Newspaper The Hindu dated 19.03.2023
titled **“India’s Sinking Island”**

Date of hearing: 08.01.2024

**CORAM: HON’BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON’BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON’BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Respondent: Mr. Gigi. C. George, Adv. for Ministry of Earth Sciences
Dr. Swati Jindal Garg, Mr. Soumya China, Mr. Kunal Kakumanu, Ms.
Nidhi Kumar, Mr. Abhimanyu Kumar & Ms. Anjali Kaushik, Advs. for
MoEF & CC
Mr. Maulik Nanavati, Adv. for R - 1 (Through VC)
Mr. Abhimanu Garg, Adv. for R - 12 (Through VC)

ORDER

1. The issue involved in this Original Application relates to the dangers of sea level rise and submergence of low lying islands. The Tribunal in the previous proceeding had considered the Notification dated 18.01.2019 issued by the MoEF&CC providing for formulation of Integrated Island Management Plans (IIMPs) by the respective States/Union Territories for the concerned islands. The Tribunal had also directed impleadment of State Coastal Zone Management Authorities and Union Territory Coastal Zone Management Authorities. Accordingly, notices were directed to be issued. The memo of parties prepared by the office in terms of the direction of the Tribunal reveals that, as many as, 16 respondents have been impleaded.

2. The reply on behalf of the respondent no. 14, Secretary, Ministry of Environment, Forest and Climate Changes has been filed which reveals that the CZMPs as per 2019 Notification have been approved only for the

State of Odisha, Karnataka and Maharashtra and ICRZP as per ICRZ 2019 Notification has been approved only for Great Nicobar Island and Little Andaman Island. The reply further reveals that the National Coastal Zonal Management Authority (NCZMA) in its 46th meeting dated 01.08.2023 had directed that all Coastal States/Union Territories, whose CZMPs/ICRZP are yet to be finalized as per 2019 Notification, must complete the same within two months by 31.10.2023. It has been pointed out by the learned Counsel for respondent no. 14 that apart from the three States and two islands of Union Territories noted above, no other State or Union Territory has formulated the plan till now. The stand of the respondent no. 14 is that by the Notification dated 30.09.2022, the Central Government has delegated its power under Section 23 of the Environment (Protection) Act, 1986 to issue direction under Section 5 of the Act to the State Coastal Zone Management Authorities and Union Territory Coastal Zone Management Authorities within their respective jurisdictions with the conditions and limitations which have been provided in the said Notification. Since, inspite of the direction of NCZMA, the CZMP/ICRZP have not formulated the plan. Hence respondent no. 14 is required to ensure that the plan is prepared by each Coastal Management Authority and Union Territory Coastal Management Authority expeditiously within a time bound period.

3. Learned Counsel for respondent no. 14 has prayed for time to obtain instructions in this regard and place the stand of respondent no. 14 by way of the report at least one week before the next date of hearing.

4. All the States and Union Territory Coastal Zone Authorities, who have been impleaded as respondents in this OA and issued notice in terms of the previous order, are directed to file their response, at least one week before the next date of hearing.

5. List on 06.03.2024.

Prakash Shrivastava, CP

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

January 08, 2024
Original Application No. 249/2023
SN.